

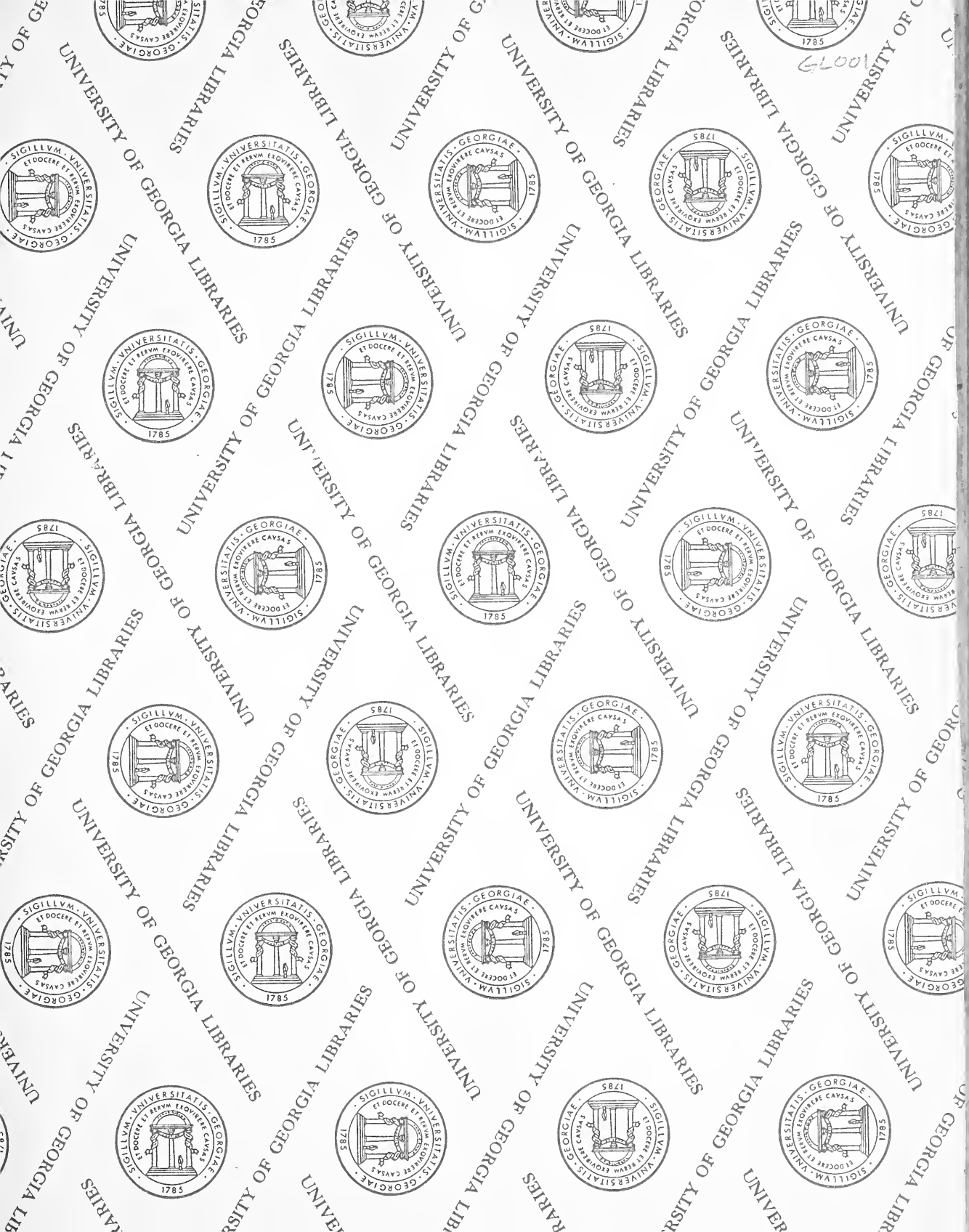
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DIGEST

OF THE

L A W S

OF THE

State of Georgia,

FROM ITS SETTLEMENT AS A BRITISH PROVINCE, IN 1755, TO THE  
SESSION OF THE GENERAL ASSEMBLY IN 1800, INCLUSIVE.

Comprehending

All the Laws passed within the above periods, and now in force, alphabetically arranged  
under their respective Titles: Also the State Constitutions of 1777 and 1789, with  
the additions and amendments in 1795, and the Constitution of 1798.

TO WHICH IS ADDED,

AN APPENDIX:

Comprising

The Declaration of American Independence; the Articles of Confederation and perpetual Union; the Federal  
Constitution, with the amendments thereto: all the Treaties between the United States and foreign  
Nations; the Treaties between the United States and the different tribes of Indians; and  
those between the State of Georgia and the Southern and Western Indians.

WITH

A COPIOUS INDEX TO THE WHOLE.

Compiled, arranged and digested from the original Records, and under the special Authority of the State.

BY HORATIO MARBURY & WILLIAM H. CRAWFORD, Esqrs.

Savannah:

UNIVERSITY OF GEORGIA  
PRINTED BY SEYMOUR, WOOLHOPPER & STEPHENS

1802.

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TO  
HIS EXCELLENCY  
**James Jackson,**

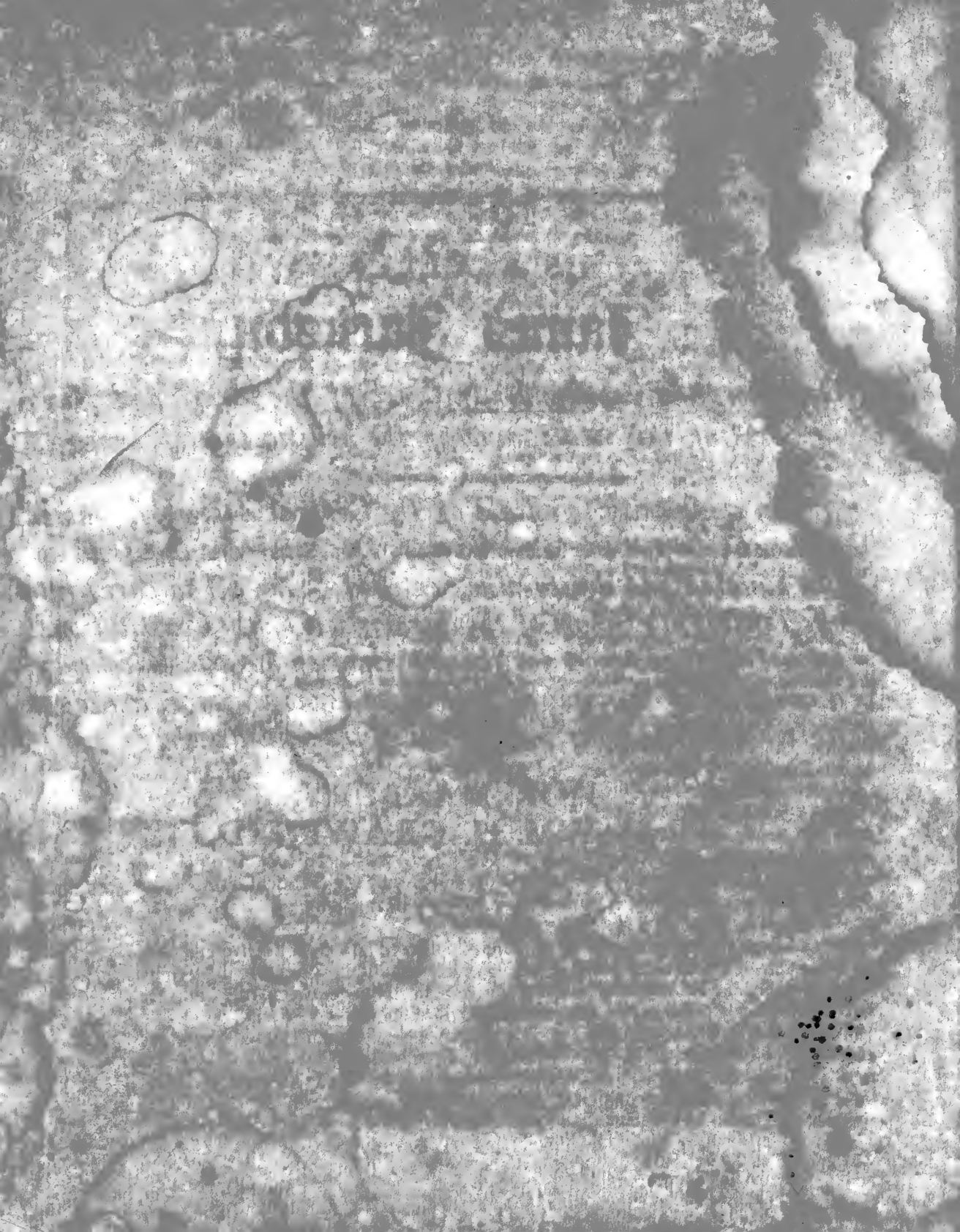
*Governor and Commander in Chief of the Army and Navy  
of this State, and of the Militia thereof.*

*In conformity to an act of the General Assembly, passed  
at Louisville, on the sixth day of December one thousand se-  
ven hundred and ninety-nine, entitled "An act to carry into  
effect the eighth section of the third article of the Constitution,"  
we present and report for the examination of your Excellency,  
a collection of the laws of this State, now in force, arranged  
agreeably to the order pointed out in the said article.*

HOR. MARBURY,  
WM. H. CRAWFORD, } *Commissioners.*

Louisville, 2d }  
March, 1801. }





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# THE CONSTITUTION

OF THE

State of Georgia.

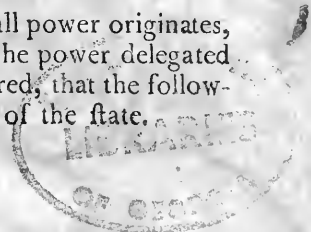
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WHEREAS the conduct of the legislature of Great-Britain, for many years past, has been so oppressive on the people of America, that of late years they have plainly declared, and asserted a right to raise taxes upon the people of America, and to make 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 entitled 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 the 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 energies 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.

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 the state.



Departments  
of government  
to be distinct.

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

Election of Re-  
presentatives.

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 *Honorable*; 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 to business.

Of the Govern-  
ment.

Assembly to be  
annual.

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 preceding the day of election mentioned in the foregoing rule.

Ten members  
from each  
county except  
Liberty--it has  
fourteen.

IV. The representatives shall be divided in the following manner; ten members from each county, as is herein after directed, except the county of Liberty, which contains three parishes, and that shall be allowed fourteen. The ceded lands north of Ogechee shall be one county, and known by the name of Wilkes.

Wilkes.

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

Richmond.

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

Burke.

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

Effingham.

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

Chatham.

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

Liberty.

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

Glynn.

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

Camden.

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

Four members  
for the port &  
town of Sa-  
vannah.  
Two for Sun-  
bury.

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

Representa-  
tives of new  
counties ap-  
portioned.

V. The two counties of Glynn 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 councillors 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 Glynn 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 residence 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.

Qualifications of representatives.

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.

Assembly to make all laws, &c.

The House of Assembly shall also have power to repeal all laws and ordinances they find injurious to the people : And the house shall choose 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.

May repeal laws—Choose its speaker and other officers, and direct writs of election.

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.

Method of passing laws, &c.

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.

Qualification of electors.

Election by ballot.

X. No officer whatever shall serve any process, or give any other hinderance to any person entitled 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 foldier, appear at any election in a military character, to the intent that all elections may be free and open.

To 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 honor, profit or trust in this state, whilst such person claims his title of nobility ; but if the person shall give up such distinction, in

Electors to vote where they reside.

Nobility disqualified.

the manner as may be directed by any future legislature, then, and in such case, he shall be entitled to vote, and represent, as before directed, and enjoy all the other benefits of a free citizen.

Time for neglecting to vote.

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.

Election of representatives to be by ballot.

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 the poll, the ballots shall be compared in public, with the list of votes 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.

Elector's oath.

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.'

Representatives, how sworn,

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.

their oath.

'I, *A. B.* do solemnly swear, that I will bear true allegiance to the state of Georgia, and will truly perform the trusts 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.'

Continental delegates appointed annually. A part of the Assembly.

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.

Who are incapable of a seat.

XVII. No person bearing any post of 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.

No person shall hold more than one office 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 remission of fines, which he shall in no instance grant; but he may reprieve a criminal, suspend a fine, until the meeting of the Assembly, who may determine therein as they shall judge fit.

Governor's & executive council's power.

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.

May convene the Assembly.

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.

Fill up vacancies and issue commissions.

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.

When the governor shall preside in council.

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 election & eligibility.

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

His residence.

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 judgment, execute the said office faithfully and conscientiously, according to law, without favor, 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 endeavors 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.'

and oath.

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.

President's oath.

No person shall be eligible to the office of governor who has not resided three years in this state.

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.

Election of president & officers of the council. Council to vote by counties.

Protest, how entered.

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 in three days.

Council to examine all laws & ordinances.

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.

Manner of proposing amendments.

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.

When the president shall act as governor.

XXIX. The president of the executive council, in the absence or sickness of the governor, shall exercise all the powers of the governor.

Governor may administer an oath of secrecy to the council.

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.

The oath.

‘ 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.’

Also to the secretary.

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

Continuation of the executive power.

XXXI. The executive power shall exist till renewed as pointed out by the rules of this constitution.

Transactions between the legislature, executive council, and governor, how regulated.

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.

Military title of governor.

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.

Militia commissions, their duration.

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

Battalions formed.

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 Superior Court, to be held twice in each year. On the first Tuesday in March in the county of Chatham;

Establishment of superior courts.

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 Glynn;

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.

Causes.

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 estates lies.

Where to be tried.

XXXIX. All matters of breach of the peace, felony, murder and treason against the state, to be tried in the county where the same 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.

Trial of criminals, where.

XL. All causes of what nature soever, shall be tried in the supreme 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 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 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 choose 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.

Organization & jurisdiction of the superior court.

Right of appeal.

Manner of trial.

XLI. 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.

Jury judges of law and fact.

XLII. 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.

Their oath.

Special jury's oath.

XLIII. 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.

Trial of captures by sea and land.

XLIV. 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 superior 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.

Grand jury.

XLV. No grand jury shall consist of less than eighteen, and twelve may find a bill.

Court of conscience, its jurisdiction.

XLVI. 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.

Stay of execution.

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 debt and costs.

Costs, and continuation of causes in the superior courts.

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.

Officers accountable to the Assembly.

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

Records to be kept in their proper counties.

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.

Estates not to be entailed, Distribution.

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 intestates' estates to 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.

Appointment of register of probates.

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

Of county officers.

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.

Erection of public schools.

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

LV. A court-house and jail to be erected at the public expence in each county, where the present convention or the future legislature shall point out and direct. Of court-houses and jails.

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. Religious toleration.

LVII. The great seal of this state shall have the following device: on one side a scroll, 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, with a ship under full sail; and the motto, "*Deus nobis hæc otia fecit*." Great seal, its device.

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 mal-practice 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. Admission of attorneys.

LIX. Excessive fines shall not be levied, nor excessive bail demanded. Fines and bail not to be excessive.

LX. The principles of the habeas corpus act shall be a part of this constitution. Habeas corpus.

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

LXII. No clergyman of any denomination shall be allowed a seat in the legislature. Clergy ineligible.

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. Constitution, how to be altered.

Done at Savannah, in Convention, the fifth day of February, in the year of our Lord one thousand seven hundred and seventy-seven, and in the first year of the independence of the United States of America.

---

Georgia.

1789.

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

## THE CONSTITUTION OF THE STATE OF GEORGIA.

## ARTICLE I.

Division and style of the legislature.

1. The legislative power shall be vested in two separate and distinct branches, to wit, a Senate and House of Representatives, to be styled, "The General Assembly."

Election and continuance of the Senate.

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

Their qualifications.

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

Election of president of Senate.

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

Senate to try all impeachments.

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

Election and number of representatives.

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

Their qualifications.

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

Election of speaker and other officers.

8. The House of Representatives shall choose their speaker and other officers.

The power of impeachment.

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

Disqualification.

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

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

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

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

14. No senator or representative, shall be liable to be arrested, during his attendance on the General Assembly, or for a reasonable time in going thereto, or returning home, except it be for treason, felony, or breach of the peace. Nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place, elsewhere. Free from arrest. Freedom of debate.

15. The members of the Senate, and House of Representatives shall take the following oath, or affirmation: Senator's & representative's oath.

'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 a 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.'

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

17. They shall have power to alter the boundaries of the present counties, and to lay off new ones, as well out of the counties already laid off, as out of the other territory belonging to this 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 of representatives not exceeding three, to be regulated and determined by the General Assembly. And no money shall be drawn out of the treasury, or from the public funds of this state, except by appropriations made by law. To alter the boundaries of counties and lay out new ones.

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

ARTICLE II.

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

2. The House of Representatives shall, on the second day of their making a house, in the first, and in every second year thereafter, vote by ballot for three persons, His election.

and shall make a list containing the names of the persons voted for, and of the number of votes for each person; which list the speaker shall sign in the presence of the house, and deliver it in person to the Senate; and the Senate shall, on the same day, proceed by ballot to elect one of the three persons having the highest number of votes, and the person having a majority of the votes of the senators present shall be the governor.

His qualifica-  
tions.

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

President to be  
governor in  
case of vacan-  
cy.

4. In case of the death, resignation, or disability of the governor, the president of the Senate shall exercise the executive powers of government, until such disability be removed, or until the next meeting of the General Assembly.

Compensation  
of the govern-  
or.

5. 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 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."

His oath.

His title.

6. He shall be commander in chief, in and over the state of Georgia, and of the militia thereof.

Has power to  
grant pardons,  
&c.

7. 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.

Shall issue  
writs of elec-  
tion and con-  
vene the As-  
sembly.

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

Shall adjourn  
the Assembly  
in case of dis-  
agreement be-  
tween the two  
houses.

9. 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.

His legislative  
powers.

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

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

ARTICLE III.

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

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

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

4. All causes shall be tried in the county where the defendant resides, except in cases of real estate, which shall be tried in the county where such estate lies; and in criminal cases, which shall be tried in the county where the crime shall be committed. Causes where to be tried.

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

ARTICLE IV.

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

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

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

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

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

Estates not to  
be entailed.  
How distrib-  
uted.

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

Constitution,  
how to be al-  
tered.

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

Time of opera-  
tion.

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

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

WILLIAM GIBBONS, *President, and delegate from Chatham.*

*Chatham.* } ASA EMANUEL,  
JUSTUS H. SCHEUBER.

*Liberty.* } LACHLAN M'INTOSH.

*Effingham.* } BENJAMIN LANIER,  
JOHN GREEN,  
NATHAN BROWNSON.

*Glynn.* } ALEXANDER BISSETT.

*Burke.* } DAVID EMANUEL,  
HUGH LAWSON,  
WILLIAM LITTLE.

*Washington.* } JARED IRWIN,  
JOHN WATTS,  
JOSHUA WILLIAMS.

*Richmond.* } ABRAHAM MARSHALL,  
WILLIAM F. BOOKER,  
LEONARD MARBURY.

*Franklin.* } M. WOODS.

*Wilkes.* } JOHN TALBOT,  
JEREMIAH WALKER.

*Greene.* } JOSEPH CARMICHAL,  
HENRY CARR.

*Attest,* D. LONGSTREET, *Secretary.*



Georgia.

WE, the representatives of the people of the state of Georgia, in convention met, do ordain and establish the following articles as additions and amendments to the present constitution, to take effect and be in full force on the first Monday in October next.

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

II. All elections to be made by the General Assembly shall be by joint ballot of the Senate and House of Representatives. Election to be by joint ballot of the Assembly.

III. The election of members for the House of Representatives shall be annual, on the first Monday in November, and shall be composed of members from each county in the following proportions: Camden, two; Glynn, two; Liberty, four; McIntosh, two; Bryan, two; Chatham, four; Effingham, two; Scriven, two; Montgomery, two; Burke, three; Richmond, two; Columbia, two; Wilkes, three; Elbert, two; Franklin two; Oglethorpe, three; Green, three; Hancock, three; Washington, three; Warren, three. Election of Representatives.

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

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

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

Done at Louisville, in Convention, the sixteenth day of May, in the year of our Lord one thousand seven hundred and ninety-five, and in the year of the sovereignty and independence of the United States the nineteenth.

Article of constituted rights annexed to the constitution as amended.

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

N. W. JONES, *President, and delegate from Chatham.*

*Chatham.* } JOSIAH TATNALL, Jun.  
THOMAS GIBBONS.

*Columbia.* } JOHN FOSTER,  
PERRY WILSON,  
JOHN APPLING.

Camden. } JOSEPH CLAY, Jun.  
JOHN WEREAT.

M'Intosh. } FERDINAND ONEAL,  
LACHLAN M'INTOSH,  
HENRY D. STONE.

Bryan. } JESSE M'CALL,  
JOHN DAVIES.

Montgomery. } HENRY GASTER,  
SOLOMON WOOD,  
WILLIAM NEIL.

Burke. } BENJAMIN DAVIES,  
DAVID EMANUEL,  
THOMAS KING.

Oglethorpe. } MATTHEW TALBOT,  
EDMUND DANIEL,  
GEORGE SWAIN.

Elbert. } SAMUEL HIGGINBOTHAM,  
STEPHEN HEARD,  
WILLIAM BARNETT.

Richmond. } JOHN MILTON,  
GEORGE WALKER,  
PHILIP CLAYTON.

Franklin. } ABNER FRANKLIN,  
OBADIAH HOOPER,  
THOMAS GILBERT.

Scriven. } BENJAMIN LANIER,  
WILLIAM SKINNER,  
P. R. SMITH.

Glynn. } JOHN B. JIRARDEAU.

Greene. } DAVIS GRESHAM,  
PHILIP HUNTER,  
WILLIAM FITZPATRICK.

Warren. } LEVY PRECITT,  
JOHN COBBS,  
PETER GOODWIN.

Hancock. } PETER BOYLE,  
ANDREW BAXTER,  
HARMAN RUNNELS.

Washington. } JOHN RUTHERFORD,  
GEORGE FRANKLYN,  
REUBEN WILKINSON.

Liberty. } JAMES POWELL,  
JACOB WOOD,  
DANIEL STEWART.

Wilkes. } BENJAMIN CATCHING,  
SILAS MERCER,  
DAVID CRESWELL.

Attest, THOMAS JOHNSON, *Secretary.*

1798.

THE CONSTITUTION OF THE STATE OF GEORGIA.

ARTICLE I.

Departments of  
government  
distinct.

1. THE legislative, executive, and judiciary departments of government shall be distinct, and each department shall be confided to a separate body of magistracy; and no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted,

2. The legislative power shall be vested in two separate and distinct branches, to wit, a Senate and House of Representatives, to be styled the General Assembly.

Senate and House of Representatives their style.

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

Senate elected annually.

4. No person shall be a senator who shall not have attained to the age of twenty-five years; and have been nine years a citizen of the United States, and three years an inhabitant of this state, and shall have usually resided within the county for which he shall be returned at least one year immediately preceding his election, (except persons who may have been absent on public business of this state, or of the United States;) and is and shall have been possessed in his own right of a settled freehold estate of the value of five hundred dollars, or of taxable property to the amount of one thousand dollars, within the county, for one year preceding his election; and whose estate shall on a reasonable estimation, be fully competent to the discharge of his just debts over and above that sum.

Their qualifications.

5. The Senate shall elect by ballot a president out of their own body.

Election of president.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation; 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 removal from office and disqualification to hold and enjoy any office of honor, trust or profit, within this state; but the party convicted, shall nevertheless be subject to indictment, trial, judgment, and punishment according to law.

Senate to try all impeachments.

7. The House of Representatives shall be composed of members from all the counties which now are, or hereafter may be included within this state, according to their respective numbers of free white persons, and including three fifths of all the people of colour: the actual enumeration shall be made within two years, and within every subsequent term of seven years thereafter, at such time, and in such manner, as this convention may direct; each county containing three thousand persons, agreeably to the foregoing plan of enumeration, shall be entitled to two members; seven thousand, to three members, and twelve thousand to four members; but each county shall have at least one, and not more than four, members. The representatives shall be chosen annually, on the first Monday in November, until such day of election be altered by law—until the aforesaid enumeration shall be made, the several counties shall be entitled to the following number of representatives, respectively: Camden, two; Glynn, two; Liberty, three; McIntosh, two; Bryan, one; Chatham, four; Effingham, two; Scriven, two, Montgomery, two; Burke, three; Bullock, one; Jefferson, three; Lincoln, two; Elbert, three; Jackson, two; Richmond, three; Wilkes, four; Columbia, three; Warren, three; Washington, three; Hancock, four; Greene, three; Oglethorpe, three; and Franklin, two.

House of Representatives to be in proportion to the enumeration.

Time of election.

8. No person shall be a representative who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, three years an inhabitant of this state, and have usually resided in the county in which he

Their qualifications.

shall be chosen, one year immediately preceding his election (unless he shall have been absent on public business of this state, or of the United States;) and shall be possessed, in his own right of a settled freehold estate of the value of two hundred and fifty dollars, or of taxable property to the amount of five hundred dollars, within the county, for one year preceding his election; and whose estate shall on a reasonable estimation, be competent to the discharge of his just debts, over and above that sum.

Election of speaker.

9. The House of Representatives shall choose their speaker and other officers.

Shall impeach.

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

What shall disqualify a member of either house.

11. No person holding any military commission or other appointment having any emolument or compensation annexed thereto, under this state, or the United States, or either of them (except justices of the inferior court, justices of the peace, and officers of the militia) nor any person who has had charge of public monies belonging to the state, unaccounted for and unpaid, or who has not paid all legal taxes or contributions to the government, required of him, shall have a seat in either branch of the General Assembly; nor shall any senator or representative be elected to any office or appointment by the legislature, having any emoluments or compensation annexed thereto, during the time for which he shall have been elected, with the above exceptions, unless he shall decline accepting his seat, by notice to the executive, within twenty days after he shall have been elected; nor shall any member, after having taken his seat, be eligible to any of the aforesaid offices or appointments during the time for which he shall have been elected.

Members incapable of election to office, &c.

General Assembly shall meet annually.

12. The meeting of the General Assembly shall be annual on the second Tuesday in January, until such day of meeting be altered by law; a majority of each branch shall be authorized 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.

Each house to judge of the elections, &c. of its members.

13. Each house shall be judges of the elections, returns, and qualifications of its own members with powers to expel or punish by censuring, fining, and imprisoning, or either for disorderly behaviour, and may expel any person convicted of any felonious or infamous offence; each house may punish by imprisonment, during session, any person not a member, who shall be guilty of disrespect, by any disorderly or contemptuous behaviour in its presence, or who during session shall threaten harm to the body or estate of any member, for any thing said or done in either house, or who shall assault any of them therefor; or who shall assault or arrest any witness in going to, or returning therefrom, or who shall rescue any person arrested by order of either house.

Members free from arrest in civil cases.

14. No senator or representative shall be liable to be arrested during his attendance on the General Assembly, or for ten days previous to its sitting, or for ten days after the rising thereof, except for 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; but shall nevertheless be bound to answer for perjury, bribery or corruption.

Freedom of debate.

15. Each house shall keep a journal of its proceedings, and publish them immediately after their adjournment; and the yeas and nays of the members on any question shall, at the desire of any two members, be entered on the journals.

Each house to keep a journal.

16. All bills for raising revenue or appropriating monies shall originate in the House of Representatives; but the Senate shall propose or concur with amendments as in other bills.

Revenue bills

17. Every bill shall be read three times and on three separate days, in each branch of the General Assembly, before it shall pass, unless in cases of actual invasion or insurrection; nor shall any law or ordinance pass, containing any matter different from what is expressed in the title thereof; and all acts shall be signed by the president in the Senate, and speaker in the House of Representatives: no bill or ordinance which shall have been rejected by either house, shall be brought in again during the session, under the same or any other title, without the consent of two thirds of each branch.

Rules for passing bills.

18. Each senator and representative, before he be permitted to take his seat, shall take an oath or make affirmation that he hath not practised any unlawful means, either directly or indirectly, to procure his election, and every person shall be disqualified from serving as a senator or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, or canvassed for such election, and every candidate employing like means and not elected, shall on conviction, be ineligible to hold a seat in either house or to hold any office of honor or profit for the term of one year, and to such other disabilities or penalties as may be prescribed by law.

Members to be sworn.

Canvassing of candidates punished.

19. Every member of the Senate or House of Representatives, shall, before he takes his seat, take the following oath or affirmation, to wit, "I, A. B. do solemnly swear or affirm, (as the case may be) that I have not obtained my election by bribery, treats, canvassing, or other undue or unlawful means, used by myself, or others by my desire or approbation, for that purpose; that I consider myself constitutionally qualified as a senator or representative; and that on all questions and measures which may come before me, I will give my vote, and so conduct myself, as may, in my judgment, appear most conducive to the interest and prosperity of this state; and that I will bear true faith and allegiance to the same; and to the utmost of my power and ability observe, conform to, support and defend the constitution thereof."

The oath of members.

20. No person who hath been, or may be convicted of felony, before any court of this state, or any of the United States, shall be eligible to any office or appointment of honor, profit, or trust, within this state.

General disqualification

21. Neither house, during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that at which the two branches shall be sitting; and in case of disagreement between the Senate and House of Representatives with respect to their adjournment, the governor may adjourn them.

Adjournment of the legislature.

Powers of the  
General Assembly.

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

To alter present  
counties and lay  
off new ones.

23. 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; but the property of the soil, in a free government, being one of the essential rights of a free people, it is necessary, in order to avoid disputes, that the limits of this state should be ascertained with precision and exactness; and this convention composed of the immediate representatives of the people, chosen by them to assert their rights, and to revise the powers given by them to the government, and from whose will, all ruling authority of right flows, DOth assert and declare the boundaries of this state to be as follow: That is to say, the limits, boundaries, jurisdictions and authority, of the state of Georgia, do, and did, and of right ought to extend from the sea, or the mouth of the river Savannah, along the northern branch, or stream thereof, to the fork or confluence of the rivers now called Tugalo and Keowee, and from thence along the most northern branch or stream of the said river Tugalo, till it intersects the northern boundary line of South Carolina: If the said branch or stream of Tugalo extends so far north, reserving all the islands in the said rivers Savannah and Tugalo to Georgia; but if the head spring or source of any branch or stream of the said river Tugalo, does not extend to the north boundary line of South Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo river, which extends to the highest northern latitude; thence down the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line drawn due east, from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Chatahoochee; thence along the middle thereof, to its junction with Flint river, thence straight to the head of St. Mary's river, and thence along the middle of St. Mary's river to the Atlantic ocean; and from thence to the mouth or inlet of Savannah river, the place of beginning. Including and comprehending all the lands and waters within the said limits, boundaries and jurisdictional rights; and also, all the islands within twenty leagues of the sea coast. And this convention doth further declare and assert, that all the territory without the present temporary line and within the limits aforesaid, is now, of right the property of the free citizens of this state, and held by them in sovereignty, inalienable but by their consent: *Provided nevertheless*, That nothing herein contained shall be construed, so as to prevent a sale to, or contract with the United States, by the legislature of this state, of and for all or any part of the western territory of this state, laying westward of the river Chatahoochee, on such terms as may be beneficial to both parties; and may procure an extension of settlement, and an extinguishment of Indian claims, in and to the vacant territory of this state, to the east and north of the said river Chatahoochee, to which territory such power or contract or sale, by the legislature, shall not extend: *And provided also*, The legislature may give its consent to the establishment of one or more governments westward thereof; but monopolies of land by individuals, being contrary to the spirit of our free government, no sale of territory of this state, or any part thereof, shall take place to individuals, or private companies, unless a county or counties shall have been first laid off, including such territory, and the Indian rights shall have been extinguished thereto.

Declaration of  
the boundary of  
the state.

Proviso.  
The legislature  
authorized to  
sell a certain  
part to the U-  
nited States.

Proviso.

No monopolies  
permitted.

24. The foregoing section of this article having declared the common rights of the free citizens of this state, in and to all the territory without the present temporary boundary line, and within the limits of this state, thereby defined, by which the contemplated purchases of certain companies of a considerable portion thereof are become constitutionally void, and justice and good faith require, that the state should not detain a consideration for a contract, which has failed; the legislature at their next session, shall make provision by law, for returning to any person or persons, who has or have *bona fide* deposited monies for such purchases in the treasury of this state: *Provided*, That the same shall not have been drawn therefrom in terms of the act passed the thirteenth of February, one thousand seven hundred and ninety-six, commonly called the rescinding act, or the appropriation laws of the years one thousand seven hundred and ninety-six, and one thousand seven hundred and ninety-seven: nor shall the monies, paid for such purchases, ever be deemed a part of the funds of this state, or be liable to appropriation as such; but until such monies be drawn from the treasury, they shall be considered altogether at the risque of the persons who have deposited the same. No money shall be drawn out of the treasury, or from the public funds of this state, except by appropriation made by law, and a regular statement and account of the receipts and expenditures of all public monies, shall be published from time to time. No vote, resolution, law, or order, shall pass the General Assembly, granting a donation or gratuity in favor of any person whatever, but by the concurrence of two thirds of the General Assembly.

Certain purchases constitutionally void.

Consideration money to be returned.

and never to be deemed a part of the public funds.

Donations, how to be granted.

25. It shall be the duty of the justices of the inferior court, or any three of them, in each county respectively, within sixty days after the adjournment of this convention, to appoint one or more fit persons in each county, not exceeding one for each battalion district, whose duty it shall be to take a full and accurate census or enumeration of all free white persons, and people of color, residing therein, distinguishing, in separate columns, the free white persons from persons of color; and return the same to the clerks of the superior courts of the several counties, certified under their hands, on or before the first day of December next—the persons so appointed, being first severally sworn before the said justices, or either of them, duly and faithfully to perform the trust reposed in them, and it shall be the duty of the said clerks, to transmit all such returns, under the seal, directed to the speaker of the House of Representatives, at the first session of the legislature thereafter: and it shall be the duty of the General Assembly, at their said first session, to apportion the members of the House of Representatives among the several counties, agreeably to the plan prescribed by this constitution, and to provide an adequate compensation for the taking of the said census. Every person, whose usual place of abode shall be in any family on the first Monday in July next, shall be returned as of such family, and every person, occasionally absent at the time of taking the enumeration, as belonging to that place in which he usually resides. The General Assembly shall, by law, direct the manner of taking such census or enumeration, within every subsequent term of seven years, in conformity to this constitution. And it is declared to be the duty of all officers, civil and military, throughout this state, to be aiding and assisting in the true and faithful execution thereof. In case the justices of the inferior courts should fail to make such appointments, or if there should not be a sufficient number of such justices in any county, then the justices of the peace, or any three of them, shall have and exercise like powers and authority respecting the said census; and if the census or

The census to be taken

every seven years.

enumeration of any county shall not be so taken and returned, then, and in that case, the General Assembly shall apportion the representation of such county, according to the best evidence in their power, relative to its population.

## ARTICLE II.

Governor chosen for two years.

1. The executive power shall be vested in a governor, who shall hold his office during the term of two years, and until such time as a successor shall be chosen and qualified; he shall have a competent salary established by law, which shall not be increased or diminished during the period for which he shall have been elected, neither shall he receive, within that period, any other emolument from the United States, or either of them, or from any foreign power.

By the General Assembly.

2. The governor shall be elected by the General Assembly, at their second annual session after the rising of this convention, and at every second annual session thereafter, on the second day after the two houses shall be organized and competent to proceed to business.

His qualifications.

3. No person shall be eligible to the office of governor, who shall not have been a citizen of the United States twelve years, and an inhabitant of this state six years, and who hath not attained to the age of thirty years, and who does not possess five hundred acres of land, in his own right, within this state, and other property to the amount of four thousand dollars, and whose estate shall not on a reasonable estimation, be competent to the discharge of his debts, over and above that sum.

Vacancy, how filled.

4. In case of the death or 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.

Governor's oath.

5. The governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear or affirm (as the case may be) that I will faithfully execute the office of governor of the state of Georgia; and will to the best of my abilities, preserve, protect and defend the said state, and cause justice to be executed in mercy therein, according to the constitution and laws thereof."

His style.

6. He shall be commander in chief of the army and navy of this state, and of the militia thereof.

His power to grant pardons, &c.

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

To issue writs of election, &c.

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



9. When any office shall become vacant by death, resignation or otherwise, the governor shall have the power to fill such vacancy; and persons so appointed, shall continue in office until a successor is appointed agreeably to the mode pointed out by this constitution, or by the legislature.

and fill vacancies in office.

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

His power in making laws,

11. Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor; and before it shall take effect, be approved by him, or being disapproved, may be repassed by two thirds of both houses, according to the rules and limitations prescribed in case of a bill.

and passing resolutions.

12. There shall be a secretary of the state, a treasurer and a surveyor general, appointed in the same manner, and at the same session of the legislature, and they shall hold their offices for the like period as the governor, and shall have a competent salary, including such emoluments as may be established by law, which shall not be increased or diminished during the period for which they shall have been elected.

Secretary of state, treasurer and surveyor general.

13. The great seal of the state shall be deposited in the office of secretary of state, and shall not be affixed to any instrument of writing, but by order of the governor or General Assembly; and the General Assembly shall, at their first session after the rising of this Convention, cause the great seal to be altered by law.

Great seal of the state.

to be altered.

14. The governor shall have power to appoint his own secretaries.

Governor to appoint his secretaries.

ARTICLE III.

1. The judicial powers of this state shall be vested in a superior court, and in such inferior jurisdictions as the legislature shall from time to time, ordain and establish. The judges of the superior courts shall be elected for the term of three years, removable by the governor on the address of two thirds of both houses for that purpose, or by impeachment and conviction thereon. The superior court shall have exclusive and final jurisdiction in all criminal cases, which shall be tried in the county wherein the crime was committed, and in all cases respecting titles to land, which shall be tried in the county where the land lies; and shall have power to correct errors in inferior judicatories by writs of *certiorari*, as well as errors in the superior courts, and to order new trials on proper and legal grounds: *Provided*, that such new trials shall be determined, and such errors corrected, in the superior court of the county in which such action originated. And the said court shall also have appellate jurisdiction in such other cases, as the legislature may by law direct, which shall in no case tend to remove the cause from the county in which the action originated; and the judges thereof, in all cases of application for new trials, or correction of errors, shall enter their opinions on the minutes of the court. The inferior courts shall have cognizance of all other civil cases, which shall be tried in the county wherein the defendant resides, except in cases of joint obligors, residing in different counties, which may be commenced in either county; and a copy of the petition

Judicial power.

Judges of the superior court elected for three years, how removable. Their jurisdiction and powers.

Provide.

Jurisdiction and power of inferior courts.

and process, served on the party or parties residing out of the county in which the suit may be commenced, shall be deemed sufficient service, under such rules and regulations as the legislature may direct: but the legislature may, by law, to which two thirds of each branch may concur, give concurrent jurisdiction to the superior courts. The superior and inferior courts shall sit in each county twice in every year, at such stated times as the legislature shall appoint.

Concurrent jurisdiction may be given to the superior courts.

Courts to sit twice a year.

Judges to have salaries.

2. The judges shall have salaries, adequate to their services, established by law, which shall not be increased or diminished during their continuance in office; but shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.

State's attorney and solicitors.

3. There shall be a state's attorney and solicitors appointed by the legislature, and commissioned by the governor, who shall hold their offices for the term of three years, unless removed by sentence on impeachment, or by the governor, on the address of two thirds of each branch of the General Assembly. They shall have salaries adequate to their services, established by law, which shall not be increased or diminished during their continuance in office.

To have salaries.

Appointment of justices of the inferior courts.

4. Justices of the inferior courts shall be appointed by the General Assembly, and be commissioned by the governor, and shall hold their commissions during good behaviour, or as long as they respectively reside in the county for which they shall be appointed, unless removed by sentence on impeachment, or by the governor, on the address of two thirds of each branch of the General Assembly. They may be compensated for their services, in such manner as the legislature may by law direct.

May be compensated.

Justices of the peace.

5. The justices of the peace shall be nominated by the inferior courts of the several counties, and commissioned by the governor, and there shall be two justices of the peace in each captain's district, either or both of whom, shall have power to try all cases of a civil nature, within their district, where the debt or liquidated demand does not exceed thirty dollars, in such manner as the legislature may by law direct. They shall hold their appointments during good behaviour, or until they shall be removed by conviction on indictment in the superior court, for mal-practice in office, or for any felonious or infamous crime, or by the governor, on the address of two thirds of each branch of the legislature.

Their jurisdiction.

Court of ordinary.

Appeal to the superior court.

6. The powers of a court of ordinary or register of probates, shall be vested in the inferior courts of each county, from whose decision there may be an appeal to the superior court, under such restrictions and regulations as the General Assembly may by law direct; but the inferior court shall have power to vest the care of the records and other proceedings therein, in the clerk, or such other person as they may appoint, and any one or more justices of the said court, with such clerk or other person, may issue citations, and grant temporary letters, in time of vacation, to hold until the next meeting of the said court; and such clerk or other person may grant marriage licenses.

Marriage licenses.

Mandamus prohibition, &c.

7. The judges of the superior courts, or any one of them, shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs which may be necessary for carrying their powers fully into effect.

8. Within five years after the adoption of this constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged, under proper heads, and promulgated in such manner as the legislature may direct; and no person shall be debarred from advocating or defending his cause before any court or tribunal, either by himself or counsel, or both.

Revision of the laws, civil and criminal.

Causes managed with or without counsel.

9. Divorces shall not be granted by the legislature, until the parties shall have had a fair trial before the superior court, and a verdict shall have been obtained, authorizing a divorce upon legal principles. And in such cases, two thirds of each branch of the legislature may pass acts of divorce accordingly.

Divorces.

10. The clerks of the superior and inferior courts shall be appointed in such manner as the legislature may by law direct, shall be commissioned by the governor, and shall continue in office during good behaviour.

Clerks.

11. Sheriffs shall be appointed in such manner as the General Assembly may by law direct, and shall hold their appointments for the term of two years unless sooner removed by sentence on impeachment, or by the governor, on the address of two thirds of the justices of the inferior court and of the peace in the county; but no person shall be twice elected sheriff within any term of four years; and no county officer after the next election shall be chosen at the time of electing a senator or representative.

Sheriffs.

ARTICLE IV.

1. The electors of members of the General Assembly, shall be citizens and inhabitants of this state, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they have had an opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided six months within the county: *Provided*, that in case of invasion, and the inhabitants shall be driven from any county, so as to prevent an election therein, such refugee inhabitants, being a majority of the voters of such county, may meet under the direction of any three justices of the peace thereof, in the nearest county, not in a state of alarm, and proceed to an election, without having paid such tax so required of electors, and the persons elected thereat, shall be entitled to their seats.

Qualification of electors.

2. All elections, by the General Assembly, shall be by joint ballot of both branches of the legislature; and when the Senate and House of Representatives unite for the purpose of electing, they shall meet in the representative chamber, and the president of the Senate shall in such cases preside, receive the ballots, and declare the person or persons elected. In all elections by the people, the electors shall vote viva voce, until the legislature shall otherwise direct.

Elections by the General Assembly to be by joint ballot.

By the people to be viva voce.

3. The general officers of the militia shall be elected by the General Assembly, and shall be commissioned by the governor. All other officers of the militia shall be elected in such manner as the legislature may direct, and shall be commissioned by the governor; and all militia officers now in commission, and those which may be hereafter commissioned, shall hold their commissions during their usual residence within the division, brigade, regiment, battalion, or company, to which they belong, unless remo-

Militia officers, how elected & commissioned.

ved by sentence of a court martial, or by the governor, on the address of two thirds of each branch of the General Assembly.

Persons appointed to fill vacancies.

4. All persons appointed by the legislature to fill vacancies, shall continue in office only so long as to complete the time for which their predecessors were appointed.

Freedom of the press and trial by jury. Ex post facto.

5. Freedom of the press and trial by jury, as heretofore used in this state, shall remain inviolate; and no *ex post facto* law shall be passed.

Further disqualifications to office.

6. No person, who heretofore hath been, or hereafter may be a collector, or holder of public monies, shall be eligible to any office in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

Debtors insolvent.

7. The person of a debtor, where there is not a strong presumption of fraud, shall not be detained in prison, after delivering, *bona fide*, all his estate real and personal for the use of his creditors, in such manner as shall be hereafter regulated by law.

Former convictions on impeachments annulled.

8. Convictions on impeachments, which have heretofore taken place, are hereby released, and persons lying under such convictions, restored to citizenship.

Habeas corpus.

9. The writ of habeas corpus shall not be suspended unless when in case of rebellion, or invasion, the public safety may require it.

Free exercise of religion.

10. No person within this state, shall upon any pretence, be deprived of the inestimable privilege of worshipping God, in a manner agreeable to his own conscience, nor be compelled to attend any place of worship, contrary to his own faith and judgment, nor shall he ever be obliged to pay tithes, taxes, or any other rate, for the building or repairing any place of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or hath voluntarily engaged to do. No one religious society shall ever be established in this state in preference to another, nor shall any person be denied the enjoyment of any civil right merely on account of his religious principles.

Slaves not to be imported, nor to be emancipated, without consent of owners.

11. There shall be no future importation of slaves into this state from Africa, or any foreign place, after the first day of October next. The legislature shall have no power to pass laws for the emancipation of slaves, without the consent of each of their respective owners previous to such emancipation. They shall have no power to prevent emigrants, from either of the United States to this state, from bringing with them such persons as may be deemed slaves, by the laws of any one of the United States.

Punishment for murdering a slave.

12. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection by such slave, and unless such death should happen by accident, in giving such slave moderate correction.

13. The arts and sciences shall be promoted in one or more seminaries of learning, and the legislature shall, as soon as conveniently may be, give such further donations and privileges, to those already established, as may be necessary to secure the objects of their institution; and it shall be the duty of the General Assembly at their next session, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions.

Promotion of arts and sciences.

14. All civil officers shall continue in the exercise of the duties of their several offices, during the periods for which they were appointed, or until they shall be superceded, by appointments made in conformity to this constitution: And all laws now in force, shall continue to operate, so far as they are compatible with this constitution, until repealed; and it shall be the duty of the General Assembly to pass all necessary laws and regulations, for carrying this constitution into full effect.

Continuance of persons in office.

15. No part of this constitution shall be altered, unless a bill for that purpose, specifying the alterations intended to be made, shall have been read three times in the House of Representatives, and three times in the Senate, on three several days in each house, and agreed to by two thirds of each house respectively; and when any such bill shall be passed in manner aforesaid, the same shall be published at least six months previous to the next ensuing annual election for members of the General Assembly; and if such alterations, or any of them so proposed, shall be agreed to in their first session thereafter, by two thirds of each branch of the General Assembly, after the same shall have been read three times, on three separate days in each respective house, then, and not otherwise, the same shall become a part of this constitution.

This constitution to be carried into effect by the legislature.

How to be altered.

WE, the underwritten delegates of the people of the state of Georgia, chosen and authorized by them to revise, alter or amend the powers and principles of their government, DO declare, ordain and ratify the several articles and sections contained in the six pages hereunto prefixed, as the constitution of this state; and the same shall be in operation from the date hereof.

In Testimony whereof, WE, and each of us respectively, have hereunto set our hands, at Louisville, the seat of government, this thirtieth day of May, in the year of our Lord one thousand seven hundred and ninety-eight, and in the twenty-second year of the independence of the United States of America; and have caused the great seal of the state to be affixed thereto.

Article 4th, section 11th, and first line, the following words being interlined, to wit, "After the first day of October next."

JARED IRWIN, *President, and delegate from Washington.*

*Bryan.*  
JOSEPH CLAY,  
J. B. MAXWELL,  
JNO. PRAY.

JOHN MORRISON,  
JNO. MILTON.

*Burke.*  
BENJAMIN DAVIS,

*Bullock.*  
JAMES BIRD,  
ANDREW E. WELLS,  
CHARLES M'CALL, Jun.

## CONSTITUTION.

*Camden.*

JAMES SEAGROVE,  
THOMAS STAFFORD.

*Chatham.*

JAMES JACKSON,  
JAMES JONES,  
GEORGE JONES.

*Columbia.*

JAMES SIMMS,  
WA. DRANE,  
JAMES M'NEAL.

*Effingham.*

JOHN KING,  
JOHN LONDON,  
THOMAS POLHILL.

*Elbert.*

WILLIAM BARNETT,  
R. HUNT,  
BENJAMIN MOSELY.

*Franklin.*

A. FRANKLIN,  
ROBERT WALTERS,  
THOMAS GILBERT.

*Glynn.*

JOHN BURNETT.  
JOHN COUPER,  
THOMAS SPALDING.

*Greene.*

G. W. FOSTER,  
JONAS FAUCHE,  
JAMES NISBET.

*Hancock.*

CHARLES ABERCROMBIE,  
THOMAS LAMAR,  
MAT. RABUN.

*Jefferson.*

PETER I. CARNES,  
WILLIAM FLEMING,  
R. D. GRAY.

*Jackson.*

GEORGE WILSON,  
JAMES PITTMAN,  
JOSEPH HUMPHRIES.

*Liberty.*

JAMES COCHRAN,  
JAMES POWELL,  
JAMES DUNWODY.

*Lincoln.*

HENRY WARE,  
GIBSON WOOLDRIDGE,  
JARED GROCE.

*M'Intosh.*

JOHN H. M'INTOSH,  
JAMES GIGNILLIAT.

*Montgomery.*

BENJAMIN HARRISON,  
JOHN WATTS,  
JOHN JONES.

*Oglethorpe.*

JNO. LUMPKIN,  
THOMAS DUKE,  
BURWELL POPE.

*Richmond.*

ROBERT WATKINS,  
ABRAHAM JONES.

*Scriven.*

LEWIS LANIER,  
JAMES H. RUTHERFORD,  
JAMES OLIVER.

*Washington.*

JOHN WATTS,  
GEORGE FRANKLIN.

*Warren.*

JOHN LAWSON,  
ARTHUR FORT,  
W. STITH, Jun.

*Wilkes.*

MAT. FALBERT,  
JESSE MERCER,  
BENJ. TALIAFERRO.

*Attest,* JAMES M. SIMMONS, *Secretary.*

*An act to regulate the manner of keeping public accounts within this state.*

1. **BE IT ENACTED**, by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That, from and after the first day of March, one thousand seven hundred and ninety-six, all accounts in the public offices, and all the accounts of the tax collectors of this state, shall be expressed in dollars, or units, dimes, or tenths, cents or hundredths, and mills or thousands; a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar.

Public accounts to be kept in dollars

2. *And be it further enacted*, That the verdict of all juries, on all contracts which shall be made after the first day of March next shall be expressed conformable to this regulation.

Verdict of juries to be expressed in dollars.

THOMAS STEVENS, *Speaker of the House of Representatives.*  
 BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 22, 1796.  
 JARED IRWIN, *Governor.*

• • • • •

*An act for limitation of actions, and for avoiding of suits in law.*

**FOR** quieting of mens' estates, and for avoiding of suits, *Be it enacted*, That all writs of formedon in defender, formedon in remainder, and formedon in reverter, of any lands, tenements, or hereditaments, or any other writ, suit or action whatsoever, at any time hereafter to be sued or brought, by occasion or means of any title or cause heretofore accrued, happened or fallen, or which may hereafter descend, happen or fall, shall be sued and taken within seven years next after the passing of this act, or after the title and cause of action shall or may descend or accrue to the same, and at no time after the said seven years; and that no person or persons that now hath or have, or which hereafter may have, any right or title of entry into any lands, tenements or hereditaments, shall at any time hereafter make any entry, but within seven years next after the passing of this act, or after his or their right or title shall or may descent or accrue to the same; and in default thereof, such person so not entering, and their heirs, shall be utterly excluded and disabled from such entry after to be made: *Provided nevertheless*, That if any person or persons that is or shall be entitled to such writ or writs, or that hath or shall have such right or title of entry, be, or shall be, at the time of such right or title first descended, accrued, come or fallen, within the age of one and twenty years, feme-coverts, *non compos mentis*, imprisoned, or beyond seas, that then such person and persons, and his and their heir and heirs, shall and may, notwithstanding the said seven years are expired, bring his, her or their action, or make his, her or their entry, as he, she or they might have done before this act, so as such person and persons, or his, her or their heir and heirs, shall, within three years next after his, her or their full age, discoverture coming of sound mind, enlargement out of prison, or returning from beyond seas, take benefit of and sue for the same, and at no time after the said three years.

Writs of formedon, &c. limited to seven years.

Proviso.

2. *And for the better and more perfect quieting of mens' possessions and estates, and avoiding of suits, Be it further enacted*, That all and every person and persons whatsoever, now in possession of any lots, lands, tenements or hereditaments what-

Quiet possession for twenty years a good title.

foever, within this province, derived from any grant, allotment or other power or authority whatsoever, by, from or under the late trustees for establishing this colony, or their president and assistants, or from any other person or persons whatsoever under their authority, or by or from any grant from his late majesty (of blessed memory), or from his present majesty, or by or under any last will and testament, purchase or purchases, whether by deed of gift, bill of sale or other conveyance whatsoever, for lawful or valuable consideration, and where the person or persons now in possession of the said lands, tenements or hereditaments, do possess, hold and claim the same, as of his, her or their own proper right in fee simple, and the person or persons so in possession, or the person or persons under whom they claim, have severally or successively been quietly possessed of the same under any of the titles, ways or means aforesaid, and without lawful interruption by suit or action at law actually commenced, enjoyed the same for the space of twenty years before the passing of this act, that then such person and persons as so in possession as aforesaid, shall have good right and title to the same, and shall have, hold and enjoy the said lands, tenements and hereditaments, unto him, her or them, his, her or their heirs or assigns for ever in fee simple, against all and every other person and persons whatsoever, any thing herein before contained to the contrary notwithstanding.

Under claimants barred in like manner.

3. *And be it further enacted, by the authority aforesaid,* That not only the person or persons who are or shall be hereafter barred, by not suing or prosecuting his or their claims to any lands, tenements or hereditaments in this province within the time limited by this act, but also all manner of persons whatsoever, that shall at any time claim under such person or persons who have lost or may hereafter lose their right, by neglecting to sue and prosecute his or their claim as aforesaid, shall be in like manner barred by this act as his, her or their ancestor or ancestors, or those under whom they claim, were or would have hereby been, and that this act, and such clause or clauses herein as relate to the matters aforesaid may be given in evidence to any jury upon trial of any claim, matter or right to any lands or tenements in question between party and party, and that the chief justice and judges upon all such trials shall allow the same to be given in evidence, so far as the same concerns the said matter in difference.

Claims to lands to be by suit only.

4. And to prevent any disputes how claims are to be made to lands, and what claims shall be allowed to be good and effectual in this province, and that the possessors of lands may know how and in what manner other persons having or laying claim to any lands or tenements in their possession must claim the same, and also that persons having right or title to lands or tenements possessed by others may the better know how to claim or demand their right in such case, *Be it enacted,* That all and every person and persons whatsoever, making claim to any lands or tenements in this province, in order to make such claim effectual, shall and are to make the same by action at law, duly entered in the general court of pleas in this province, and that the chief justice and judges of the said court do allow of no claim to any lands or tenements, for or by any person or persons, in any suit or suits that may be brought, sued or prosecuted in the said court, other than what is or has been made by action or suit on record as aforesaid, any law, custom, usage or practice to the contrary notwithstanding.

Limitation of personal actions.

5. *And be it further enacted,* That all actions of trespass, *quare clausum fregit*, all actions of trespass, detinue, actions of trover, and replevin for taking away goods and cattle, all actions upon account and upon the case, (other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants, all actions of debt grounded upon any lending or contract without special-



ty, all actions of debt for arrearages of rent) and all actions of assault, menace, and battery, wounding and imprisonment, or any of them, which shall be sued or brought at any time after the passing of this act, shall be commenced and sued within the time and limitation herein after expressed, and not afterwards, that is to say, the said actions upon the case (other than for slander) and the said actions for account, and the said actions for trespass, debt, detinue, and replevin for goods and cattle, and the said actions of trespass, *quare clausum fregit*, within three years next after the passing of this act, or within four years next after the cause of such actions or suits and not after; and the said actions of trespass, assault, battery, wounding, imprisonment, or any of them, within one year after passing this act, or within two years next after the cause of such action or suit, and not after; and the said actions upon the case for words, within six months after passing of this act, or within six months next after the words spoken, and not after.

6. *And nevertheless be it enacted*, That if in any of the said actions or suits, judgment shall be given for the plaintiff, and the same be reversed by error, or a verdict pass for the plaintiff, and upon matter alledged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his plaint, writ or any the said actions shall be brought by original, and the defendants therein be outlawed, and shall after revise the outlawry, that in all such cases the party plaintiff, his heirs, executors, or administrators, as the case shall require, may commence a new action or suit from time to time, within a year after such judgment revised, or such judgment given against the plaintiff, or outlawry reversed, and not after.

In case of reversal of judgment, &c. party renew his suit within one year.

7. *And be it further enacted by the authority aforesaid*, That in all actions of trespass, *quare clausum fregit* hereafter brought, wherein the defendants shall disclaim in his or their plea, to make any title or claim to the land in which the trespass is by the declaration supposed to be done, and the trespass be by negligence, or involuntary, the defendant or defendants shall be admitted to plead a disclaimer, and that the trespass was by negligence or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought, whereupon, or upon some of them, the plaintiff or plaintiffs shall be enforced to join issue, and if the said issue be found for the defendant or defendants, or the plaintiff or plaintiffs shall be non-suited, the plaintiff or plaintiffs shall be clearly barred from the said actions, and all other suit concerning the same.

In trespass disclaimer and tender of amends when a bar to actions.

8. *And be it further enacted*, That in all actions upon the case for slanderous words, to be sued or prosecuted by any person or persons in the general court in this province, or in any other court having power to hold plea of the same, after the passing of this act, if the jury upon the trial of the issue in such action, or the jury that shall enquire, of the damages, do find or assess the damage under forty shillings, then the plaintiff or plaintiffs in such action shall have and recover only so much costs as the damages so given or assessed amount unto, without any further increase of the same, any law, statute, custom, or usage to the contrary in any wise notwithstanding.

In slander, damages under forty shillings no more costs than damages.

9. *Provided nevertheless, and be it further enacted*, That if any person or persons, that is or shall be entitled to any such action of trespass, detinue, action of trover, replevin actions, actions of accounts, actions of debt, actions of trespass for assault, menace, battery, wounding, or imprisonment, actions upon the case for words, be or shall be, at the time of any such cause of action given or accrued, fallen or come within the age of twenty-one years, feme-covert, *non compos mentis*, imprisoned or beyond seas, that then such person or persons shall be at liberty to bring the same actions, so as they take the same within such times as before is limited, after their

Exceptions to the general limitation.

coming to, or being of full age, discover of sane memory, at large, or returned from beyond the seas as by other persons having no such impediment, should be done.

Limitation for the recovery of fines and forfeitures not specially provided for.

10. *And be it further enacted*, That in all and every case where any penalty, fine, or forfeiture, whatsoever, hath been, or shall hereafter be inflicted or imposed by any act or acts of the General Assembly of this province already passed, or hereafter to be passed, and the time of suing or prosecuting the offender or offenders, against such acts not thereby provided, no information, action, suit or prosecution, shall be had, brought, issued or commenced against the offender or offenders, against any such act or acts, for, or in respect of any such penalty, fine, or forfeiture, unless the same be done within six months after the passing of this act, if the offence hath been already committed, and within the like space of time after the offence committed, for the future; and all and every offender and offenders against any such act or acts, shall not from thenceforth be subject or liable to any penalty, fine or forfeiture which may hereby be inflicted or imposed, any law, usage, or custom to the contrary in any wise notwithstanding.

Nothing in this act to prejudice Sir William Baker.

11. *Provided also, and be it further enacted*, That nothing in this act contained shall extend, or be construed to extend, to take away or prejudice the claim of Sir William Baker, of the city of London, knight, or his heirs or assigns, in and to a certain barony or tract of land within the parish of Christ Church, in the province aforesaid.

ALEXANDER WYLLY, *Speaker*.  
JAMES HABERSHAM, *President*.

JAMES WRIGHT.  
March 26, 1767.



*An act for opening the courts of law and justice within this state, under certain restrictions therein mentioned.*

From the 1st July 1775 to the 12th July 1782 taken out of the statute of limitation

9. *And whereas* the courts of justice in this state have been greatly interrupted in their proceedings since the first day of July in the year of our Lord one thousand seven hundred and seventy-five, and it may happen that the statute of limitation will bar the recovery of many just debts, which could not be sued for since that time; *Be it therefore enacted*, That the space of time intervening between the said first day of July, one thousand seven hundred and seventy-five, and the twelfth day of July last past, shall not in any case or upon any bond, contract, book debt, or other agreement be counted on or allowed to reckon as a part of the time allowed for the recovery of debts within the said statute of limitations but in all cases the time intervening between the said two periods shall be rejected, and taken out of the computation in respect to such debts, contracts, book debts, and other agreements.

Signed by order of the House of Assembly at Savannah, the fifth day of August, 1782.

JAMES HABERSHAM, *Speaker*.



*An act to extend the limitations of actions, and for other purposes therein mentioned.*

Verbal

1. **W**HEREAS it will be found highly inconvenient from the embarrassing circumstances under which this country has been lately placed, that the acts

for the limitation of actions should operate so as to bar any person or persons of their just rights and claims: *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same,* That nothing in the said act of limitations contained, shall in any wise be construed to prevent any person or persons from instituting their actions and recovering their just rights and claims, who was or were entitled to the same at or upon the twelfth day of July, in the year one thousand seven hundred and eighty-two, but that all that period of time between the twelfth day of July, in the year one thousand seven hundred and eighty-two, and the first day of January, one thousand seven hundred and eighty-seven, shall be taken out of the computation of time, so as not to affect the rights of action of those who have been entitled to the same on the twelfth day of July, in the year first aforesaid.

Limitation of actions extended.

From the 12th July 1782 to the 1st of January 1787 taken out of the statute of limitations.

2. *And whereas* the time limited in an act entitled, "An act to render easy the mode of conveying lands, and for making valid all deeds and conveyances heretofore that may be deficient in point of form," and for other purposes therein mentioned, has not allowed sufficient time for some of the purposes for which it was intended; *Be it therefore enacted, by the authority aforesaid,* That no deed of feoffment, bargain and sale, lease and release, or other conveyance of lands and tenements bona fide, executed as directed by the said recited act, shall in any wise be affected by reason of the same not being registered or recorded in the respective offices where the lands lie, agreeably to the said act; but that every person or persons shall, and he or they hereby have full liberty and power to register or record his or her deed or deeds of conveyance of lands and tenements aforesaid, at any time within the term of two years from the date hereof; and the said deeds so registered or recorded as last aforesaid, are hereby declared to be good and valid in law and equity, according to the true intent and meaning thereof, any thing in the before mentioned act notwithstanding.

Time for recording deeds extended

to two years after the passing of this act.

By order of the House,

NATHAN BROWNSON, *Speaker.*

Augusta, February 1st, 1788.

.....

*An act to amend, explain and continue the "Act for regulating the judiciary department of this state."*

14. \* *And be it further enacted by the authority aforesaid,* That the "Act to extend the limitation of actions, and for other purposes therein mentioned," passed at Augusta the first day of February, one thousand seven hundred and eighty-eight, be and the same is hereby revived and continued until the first day of February, one thousand seven hundred and ninety-three and no longer.

Act of 1788 revived and continued till the 1st day of February 1793.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*  
NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 9, 1790.

\* All the remainder of this act repealed by act of 1792.

*An act for ascertaining the rights of aliens, and pointing out a mode for the admission of citizens.*

Preamble.

1. **W**HEREAS the many advantages and peculiar blessings which this state enjoys may induce foreigners to apply for a participation thereof: *And whereas* it is the intention of the legislature to confer those benefits on all such as may apply and do, merit the same: *Be it enacted by the representatives of the freemen of the state of Georgia, in General Assembly met, and by the authority of the same,* That all free white persons, being aliens, or subjects of any foreign state or kingdom at peace with the United States of America, who shall register or enrol their names in the office of the clerk of the superior court of the county where such aliens purpose to reside, may be, and they are hereby vested with the rights and privileges of acquiring, possessing or holding, and selling, devising or otherwise disposing of all kinds of personal property, and renting houses or lands from year to year, and shall have the right of suing for all such debts, demands or damages, other than for real estate, as may arise or have arisen since the twelfth day of July, one thousand seven hundred and eighty-two, either personally, or by attorney or otherwise, and, in case of death, by his, her or their executors or administrators.

Aliens, rights of, how secured.

May enjoy personal property.

And sue for debts, arisen since 12th July 1782.

May become citizens.

2. *And be it enacted, by the authority aforesaid,* That any alien, or subject of any foreign state or power, being desirous of becoming a citizen of this state, who hath resided at least twelve months in the same, and after the expiration thereof doth obtain from the grand jury of the county where he resides a certificate, purporting that he hath demeaned himself as an honest man, and friend to the government of the state (which certificate shall be recorded in the superior court of the said county): the said alien or person so applying shall, before the judges of the said court, take and subscribe the following oath: "I, *A. B.* do solemnly swear, that I will bear true allegiance to the state of Georgia, and will support the laws and constitution thereof to the utmost of my power. So help me God." Then and in that case, such person shall be entitled to all the rights, liberties and immunities of a free citizen.

Oath to be taken.

Proviso.

3. *Provided always, and be it enacted by the authority aforesaid,* That no such person shall be a member of the General Assembly, or of the executive council, or hold any office of trust or profit, or vote for members of the General Assembly for the term of seven years, and until the legislature shall, by special act for that purpose, enable such persons so to do: *And provided also,* That all such aliens or persons aforesaid, shall be subject and liable to pay such alien duties as have been heretofore or may hereafter be imposed by the legislature.

Persons on the bill of confiscation and banishment, not to avail themselves of the rights granted to aliens.

4. *And be it further enacted,* That no person on any act of confiscation and banishment in this or either of the states, nor any persons who have borne arms against this or the United States, that were citizens of this or either of the said states, during the war, shall avail him or themselves of any of the rights, privileges or immunities intended to be given or conferred by this act, except such persons as may have availed themselves of coming in during the late war, under certain proclamations issued, and that may have been adopted and sanctioned by the legislature: *Provided likewise,* That this act shall in no wise extend, or be construed to extend to oblige such persons who may have applied to become citizens of this state, to undergo the probation herein set down or contained.

Disabilities of persons educated in foreign countries.

5. *And be it enacted by the authority aforesaid,* That if any person or persons under the age of sixteen years shall, after the passing of this act, be sent abroad without the limits of the United States, and reside there three years, for the purpose of receiving

an education under any foreign power, such person or persons, after their return to this state, shall for three years be considered and treated as aliens, in so far as not to be eligible to a seat in the legislature or executive authority, or to hold any office, civil or military, in the state for that term, and so in proportion for any greater number of years as he or they shall be absent as aforesaid, but shall not be injured or disqualified in any other respect.

Signed by order of the House,  
JOSEPH HABERSHAM, *Speaker*.

Savannah, February 7, 1785.

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*An act to ascertain and establish a certain and uniform mode of calculating the prices of specific articles in contracts between individual and individual in this state.*

**W**HEREAS it doth frequently happen, that the ordinary transactions between individuals of this state, contracted or entered into for the payment of specific articles, which contracts may have been either verbal or written; and whereas great difficulty and uncertainty has occurred in the trial of such cases in courts of justice, in ascertaining the time when the prices of such specific articles should be calculated; for remedy thereof, and for the establishment of some precise mode of estimation in future.

*Be it enacted by the Senate and House of Representatives, in General Assembly met,* Value to be estimated when due,

That on every bond, note, or other instrument in writing, or verbal contract for the payment of negroes, produce, stock, goods or other specific articles, of any nature or kind whatsoever; the price of such specific article at the time it became due, upon such bond, note, or other instrument in writing, or verbal contract as aforesaid, and having respect to the place, made payable according to contract if any, shall be the sole and established rule of valuation: and all and every such bond, note, or other instrument in writing or verbal contract, for specific articles as aforesaid, shall bear interest at eight per cent. from the time they become due, in like manner as if given for the payment of money simply; any law to the contrary notwithstanding. and bear 8 per cent. interest.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
DAVID EMANUEL, *President of the Senate.*

Assented to December 1, 1800.

JAMES JACKSON, *Governor.*

.....

*An act to regulate attachments in this state.*

**W**HEREAS it is just and proper that provision should be made for the recovery of debts, where the same cannot be done by the ordinary process of law, wherefore, Preamble.

1. *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That in case of non-residence, or where both debtor and creditor shall reside without the limits of this state, it shall and may be lawful for such creditor by himself, his agent or In what cases attachments may be granted.

attorney, to attach the property both real and personal, which may be found in the state, of such debtor, in the same manner and under the like restrictions, as are or shall be usual in case of absconding debtors, or where the debtor alone resides out of the state.

2. *And be it further enacted*, That it shall and may be lawful for the judges of the superior, or justices of the inferior court, or any one of them, and also for any justice of the peace, upon complaint made on oath, that his debtor resides out of this state, or is actually removing without the limits of this state, or any county, or absconds or conceals himself, or stands in defiance of a peace officer, so that the ordinary process of law cannot be served on him, to grant an attachment against the estate of such debtor, or so much thereof, as shall be of sufficient value to satisfy the plaintiff's demand, and costs, which attachment shall be directed to and served by the sheriff of the county where the property may be found, or his deputy, or any constable; and it shall be the duty of such sheriff, his deputy or any constable, to serve and levy the same, upon the estate, both real and personal, of such debtor, wherever the same may be found, either in the hands of such debtor, or having effects of such debtor, and summon such person or persons indebted to, or having effects of such debtor, and to which the said attachment may be returnable, there to answer on oath what he is indebted to, or what effects of such party he hath in hand, or had at the time of leaving such attachment, which being returned and executed, the court may by order compel such person to appear and answer as aforesaid. And where any person in whose hands any debt or effects may be attached, shall deny owing any money to, or reverse such denial, and thereupon an issue shall be made up, and the law shall be tried by a jury—and if found against such garnishee, he, she or they shall be bound to pay the plaintiff's such sum as shall be so found, and the court shall order judgment to be entered thereof against such garnishee as in other cases; *Provided* that the said judge, justice of the inferior court, or justice of the peace before granting such attachment, shall take bond and security of the party for whom the same may be granted, in double the sum to be attached, payable to the defendant, for satisfying and paying all costs which may be incurred by the defendant in case the plaintiff suing out such attachment shall discontinue or be cast in his suit, and also all damages which may be recovered against the said plaintiff for suing out the same; which bond shall be returned to the court to which such attachment may be made returnable on or before the last day of the term; and the party entitled to such cost and damages may bring suit and recover thereon; and every attachment issued without such bond taken, or where no bond shall be returned as aforesaid, is hereby declared to be illegal, and shall be dismissed with costs: *Provided always*, That every attachment which may be issued, as aforesaid, shall be attested by the judge of the superior, or justice of the inferior court, or justice of the peace, issuing the same, and be by the sheriff or person authorized to serve the same publicly advertised at the court-house of the said county at least thirty days before the sitting of the court; and if any attachment shall be issued within thirty days of the next court, such attachment shall be made returnable to the court next after the expiration of the said thirty days, and not otherwise; and all attachments issued and returned in any other manner than is herein before directed, shall be and the same are declared to be null and void; and all goods, chattles, lands and tenements subject to such attachments, shall be repleviable by appearance and putting in special bail, or by the defendant's giving bond with good and sufficient security to the sheriff or other officer serving the same, which bond he is hereby

Under what restrictions, and by whom to be issued.

To be served by the sheriff

Garnishee

Persons granting to take bond and security, &c.

Attachment to be attested by the person issuing it.

To be advertised thirty days.

Defendant may replevy.

empowered to take, compelling the defendants to appear at the court to which attachments shall be returnable, and to abide by and perform the order and judgment of such court: *Provided always*, That all goods and effects attached and not replevied as aforesaid, where the same shall appear to be of a perishable nature, on motion of the plaintiff or his attorney, the court, or if not in term time, the judge of the superior, or any two or more of the justices of the inferior court, may and are hereby authorized and required to order a sale of such perishable property, and the monies arising from such sales shall be deposited in the clerk's office by the sheriff or other officer selling the same, to answer the demands of the plaintiff, if established, and the balance, if any, after satisfying such demands and costs, shall, by order of the said court, be returned to the defendant or his attorney.

Perishable property may be sold by order of court.

3. *And be it further enacted*, That if any attachment shall be returned executed, and the property attached shall not be replevied as aforesaid, the subsequent proceedings thereon shall be the same as an original process against the body of the defendant, where there is a default of appearance; and all such goods and chattels, lands and tenements not replevied, shall, after the plaintiff has established his demand, be by order of the court sold and disposed of for and towards the satisfaction of the plaintiff's judgment in like manner as if the same had been taken under execution; and where any attachments be returned, served in the hands of a third person, it shall be lawful, upon his appearance and examination in the manner heretofore directed, to enter up judgment as against the original debtor, and award execution against such third person for the monies due by him to the absent debtor, and against such property or effects as may be in his hands or keeping, belonging to such debtor, or so much thereof as will be of value sufficient to satisfy the judgment and costs thereon.

Property, not replevied to be sold.

4. *And be it further enacted*, That where an absent debtor, hath property lying in different counties, the same shall be liable to attachment, and on original and copies shall issue for each county where the property may be found, the whole to be returnable to the court from whence the first original issued.

Property of absent debtors in different counties.

5. *And be it further enacted*, That when the third persons as garnishees return debts due to the absent debtor, the court shall order the same sued for, and when recovered paid into the clerk's office subject to the order of the court.

Garnishees.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
ROBERT WALTON, *President of the Senate.*

Assented to, February 18, 1799.

JAMES JACKSON, *Governor.*

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## ATTORNIERS.

*An act regulating the admission of Attorniers to the practice of the law in this state, who may have been practitioners or residents in other states, or inhabitants of this state.*

**W**HEREAS many inconveniences attend the present mode of admitting attorniers at law, who come from other states to the practice in this state, on account of the previous residence of two years being required, before such attorniers can be admitted although they may have been regularly admitted in those states, and are men of fair character, which practice may tend to the depression of merit:

Preamble.

Rules for ad-  
mission of at-  
tornies from  
other states

*Be it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That, immediately from and after the passing of this act, any attorney, or attornies at law, who are citizens of, and have been regularly admitted to the practice of the superior courts of law and equity in any other state in the union, shall on complying with all the other regulations required by the laws of this state for the admiffion of attornies, be admiffible to the practice in all the courts of law and equity in this state; without being required to have refided two years within the limits thereof previous to fuch admiffion : and the feveral judges of the faid fuperior courts are hereby required to admit them accordingly, any law, ufage, practice or custom to the contrary thereof notwithstanding: *Provided always nevertheless,* That no attorney or attornies shall be allowed to practice in the courts of this state, as aforefaid, unlefs he or they do actually refide within the limits of the fame. *Provided alfo,* That fuch applicants from other ftates, fhall previous to their admiffion in this ftate, produce to the judge or judges of the fuperior courts of this ftate, a certificate of his regular admiffion to the fuperior courts in the ftate from which fuch applicants may come, together with a certificate of his fair moral and professional character, duly certified under the feal of the ftate where he fhall have been admitted, and fhall alfo undergo a ftrict examination as to his professional abilities, before a judge or judges of the fuperior court.

Two years resi-  
dence dispenc-  
ed with.

Must produce a  
certificate of  
admission and  
moral charac-  
ter, &c.

And be exam-  
ined before a  
judge.

THOMAS NAPIER, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, January 7, 1795.  
GEORGE MATHEWS, *Governor.*

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BASTARDY.

*An act refpecting baftardy and other immoralities.*

White women  
having bast-  
ards, liable to  
become charge-  
able to the  
county, how to  
be treated.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the fame, That any juftice of the peace in any county within this ftate, who of his own knowledge, or on information to him on oath made of any free white woman having a baftard child or being pregnant with one, which it is probable will become chargeable to the county, he may thereupon caufe a warrant under his hand and feal directed to the fheriff or any conftable of faid county where the cafe may arife, and oblige the offender to be brought before him to give fecurity to the inferior court of the county, in the fum of one hundred and fifty pounds for the fupport and education of fuch child or children till the age of fourteen years, or to difcover on oath the father of fuch baftard child, which being done the faid juftice fhall iffue his warrant in like manner to bring before him the perfon fworn to be the father of fuch child or children, fo born or to be born, who on refufing to give fecurity to the maintenance and education of fuch child or children, until they arrive at the age of fourteen years and alfo the expence of lying in with fuch child or children, boarding, nurfing and maintenance while the mother of fuch child is confined by reafon thereof, that then it may and fhall be lawful for the faid juftice to bind over fuch delinquent in a fufficient recognizance to be and appear before the next fuperior court which may be held in faid county; and it fhall be the duty of the attorney or folicitor general to prefer a bill of endictment to be laid before the grand jury, to answer to fuch complaint as may be then and there alledged againft him touching the premifes.

Father of fuch  
baftard chil-  
dren, how treat-  
ed



2. *And be it further enacted*, That in case the woman who shall have been delivered, or is likely to be delivered, when brought before a justice refuses to discover on oath the father of such child or children so born, or to be born, or give such security to appear before the next superior court to be held in and for the said county, and to give such security as may be then and there required of her by the said court, for the maintenance and education as aforesaid of the said child or children, that then it shall be lawful for the justice to commit her in manner and form aforesaid as pointed out by this act; and in case of her refusing to make known to the said court the father of such child, or give security as aforesaid, that then it may and shall be lawful for the said court to imprison her not exceeding three months.

The women to be committed who fail to comply with this act.

3. *And whereas* it is highly injurious in civilized society, that men or women should live in adultery or fornication together: *Be it further enacted by the authority aforesaid*, That from and after the passing of this act, that any man or woman who shall live together in like manner, it shall be the duty of any of the neighboring justices if within their knowledge, or upon information to them on oath that such man and woman do live in adultery or fornication, he shall thereupon cause the said man and woman to be brought before them, or either of them, whose duty it shall be to bind them over to appear at the next superior court, and the attorney or solicitor general shall then and there prefer a bill of indictment against both the man and woman, and on conviction thereof they shall pay for the first offence, a sum not exceeding twenty pounds, and for the second offence, a sum not exceeding fifty pounds, and for the third offence, a sum not exceeding one hundred and fifty pounds, and they stand committed to jail until all and every of the several sums imposed as aforesaid shall be paid, or continue therein not exceeding twelve months.

Punishment of adultery and fornication.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 16, 1793.

GEORGE MATHEWS, *Governor.*

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## BITING AND GOUGING.

*An act to prevent biting, gouging, maiming or otherwise destroying or injuring any of the members of the body.*

**W**HEREAS nothing more forcibly marks the barbarity and ignorance of a country than the savage custom of biting and gouging, and which is moreover too frequently attended with the loss or disfiguration of some of the members of the body: For prevention whereof,

Pretable.

*Be it enacted by the representatives of the freemen of the state of Georgia, in General Assembly met, and by the authority of the same*, That if any person or persons, after the passing of this act, shall wilfully or maliciously cut out or disable the tongue, put out an eye, slit the nose, bite or cut off the ear, nose or lip, or cut off or disable any limb or member of any person or persons within this state, in so doing to maim or disfigure in any of the manners before mentioned, that then, and in every such case, the person or persons so offending, their counsellors, aiders or abettors, knowing of and privy to the offence as aforesaid, shall, for the first offence, forfeit the sum of one hundred pounds, and stand in the pillory not exceeding two hours; one half of which fine to go to the party injured, the other half to the state; and the offender to stand committed until the fine is paid, And if such offender should

Enacted.

Any person maiming another by biting, gouging, &c shall forfeit one hundred pounds for the first offence and stand two hours in the pillory.

or receive one hundred lashes;

prove unable to pay said fine, to receive one hundred lashes on his bare back, and set at liberty; and for the second offence, are hereby declared to be felons, and shall suffer death, without benefit of clergy: *Provided*, That the said attaint shall not extend to corrupt the blood, forfeiture of the wife's dower or the offender's lands, goods and chattels.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 10, 1787.

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### BRIDGES, ACTS TO SECURE TO CERTAIN PERSONS.

*An ordinance securing, upon certain conditions, to Wade Hampton, Esq. his heirs or assigns, the exclusive right to erect a bridge over the river Savannah, at Augusta, and for other purposes therein mentioned.*

(1st, 2d, 3d and 4th sections of this act are repealed by an act.)

Wade Hampton and James Gunn empowered to erect a toll bridge over Great Ogechee.

5. *And whereas* the situation of the ferry at Great Ogechee, in the county of Chatham, demands that encouragement be likewise given to some persons to erect a bridge thereat: *Be it ordained, by the authority aforesaid*, That the said Wade Hampton, together with James Gunn, Esq. their heirs and assigns, shall be bound to erect a bridge in a complete and substantial manner, and of at least sixteen feet in width, at or near the present ferry on the said river, capable of sustaining and passing all carriages in common use: *Provided*, That the said bridge be completed on or before the last day of December, in the year of our Lord one thousand seven hundred and ninety-two\*, and rebuild when necessary, and keep the said bridge in good and sufficient repair, to hold the same, and all emoluments arising therefrom to them, their heirs and assigns, for ever, as tenants in common.

One acre of land on each side of the river, vested in them, &c.

6. *And be it further enacted*, That the said Wade Hampton and James Gunn shall also have to them, their heirs and assigns, for ever, as tenants in common, upon conditions that the said bridge be kept in repair as aforesaid, all the public land on the south side of the said ferry not exceeding one acre, and also one acre of the high land on the north side, not to include the building called the ferry-house; and that the said lots of land shall be allotted and marked off, as herein directed, by the surveyor of Chatham county, when required by the said Wade Hampton and James Gunn, or either of them, their, or either of their heirs, executors, administrators or assigns.

Rates of toll.

7. *And be it further ordained*, That the said Wade Hampton and James Gunn, their heirs, executors, administrators or assigns, be entitled to receive and may legally demand, during the continuation of the said bridge, a toll equal to that herein before granted to the said Wade Hampton as toll over the river Savannah, and established by this ordinance, and shall and may at all such times as the said bridge may be impassable, from accident or decay, have the free and quiet enjoyment of the ferry, on the same conditions as that of the bridge.

No other bridge of ferry to be erected, &c.

8. *And be it further ordained*, That it shall not be lawful for any person or persons, at any time or times, to build any bridge or keep any ferry on the said river Ogechee,

\* Time of building extended to 1st December, 1794, by the act of 17th December, 1792.

† The inferior court empowered to repair the bridge, and sue for the sum expended. See act of 1798, and by act of 15th February 1799, to issue executions against the proprietors, for all such repairs. See sect. 1, 2. page 82, 3, 4.

within three miles either above or below the said bridge, which is hereby exclusively invested in the said Wade Hampton and James Gunn, their heirs and assigns: *Provided*, That such bridge shall not be so constructed as to impede the navigation of said river, but that it shall be a draw-bridge, so as to admit vessels that are usually employed in the said river to pass and repass the same. Said bridge not to obstruct the navigation

9. *And be it further ordained*, That the person now holding the lease of said ferry, shall enjoy the same until the expiration thereof, any thing in this ordinance to the contrary notwithstanding. Present lessee to enjoy his term.

10. *And be it also ordained*, That this ordinance shall be deemed, adjudged, and taken to be a public ordinance, and shall be judicially taken notice of as such, by all judges, justices and other persons whatsoever, without specially pleading the same. Public ordinance.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*  
NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 6, 1790.

.....

*An act authorizing certain persons herein mentioned, to erect toll bridges over Little River, and other water courses within this state.*

**W**HEREAS it hath been represented that a permanent establishment of bridges over the following water courses, to wit, Little River, Little Ogechee, Buckhead, Briar Creek, and the Beaver Dam Creek, is absolutely necessary: *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met*, That Nathaniel Durkee, be and he is authorized to erect a bridge across Little River, at Ray's mill, and to keep the same in repair ten years. And for the better securing to the said Nathaniel Durkee the exclusive privilege of erecting and keeping in repair the said bridge for the before mentioned term of ten years. Preamble. Right of a toll bridge over Little River, vested in Nathaniel Durkee.

2. *Be it further enacted*, That the said Nathaniel Durkee be, and he is hereby authorized to receive toll at the following rates, to wit, for a loaded waggon and team, thirty-seven and an half cents; for an empty waggon, twenty-five cents; for a rolled hoghead of tobacco, eighteen and three quarter cents; and for carriages, man and horse, and single passengers, at and after the same rate and proportion. Rates of toll.

3. *And be it further enacted, by the authority aforesaid*, That the several persons herein after named be, and they are hereby authorized to build bridges over the following water courses, and to keep the same in repair, for and during the term of ten years, to wit, Ralph Hicks, across the Beaver Dam Creek, leading from Savannah to Augusta.—The remainder of this section is repealed by act of 13th February, 1797—*vide next page.* The right of erecting toll bridges, vested by several persons.

4. For the better securing to the said Ralph Hicks, William Pope, Robert Donaldson, Henry Joyce and James Rawles, the exclusive privilege of erecting and keeping in repair the said bridges, for the aforesaid term of ten years, *Be it further enacted*, That they the said Ralph Hicks, William Pope, Robert Donaldson, Henry Joyce and James Rawles be, and they are hereby authorized to receive toll at the following rates, to wit, for a man and horse, six and an half cents; for a cart and team, twelve and an half cents; for a waggon and team, twenty-five cents; for Rates of toll.

a phaeton, or coach and team, twenty-five cents; for each hog and sheep, one cent; and for black cattle each two cents.\*

THOMAS STEPHENS, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 27, 1796.

JARED IRWIN, *Governor.*

\* So much of this section as relates to William Pope, Robert Donaldson, Henry Joyce and James Rawles, together with the remainder of the act is repealed—see the next act, 13th February, 1797.

.....

*An act for repeating an act, entitled, "An act authorizing certain persons herein mentioned to erect toll bridges over Little River and other water-courses within this state.*

Preamble.

The act for erecting certain toll bridges, repealed, except Beaver Dam and Little River.

**W**HEREAS, it is found from experience that toll bridges are prejudicial, and not of that benefit to the inhabitants contemplated by the said act, *Be it therefore enacted, by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That, the above recited act be and the same is hereby repealed; except so far as relates to the bridge over Beaver Dam in Scriven county, on the Savannah and Augusta road, and Little River.

Compensation to be made to the proprietors.

2. *And be it further enacted,* That the justices of the superior court in each county where toll bridges have been erected in conformity to the aforesaid act, be empowered to agree with the person or persons who have so erected a toll bridge or bridges agreeably to the terms of the act aforesaid, for a reasonable and adequate compensation for the expence and labor attending the building thereof, and to levy a tax on the county to discharge the same, which shall not exceed one tenth of the general tax, unless the people at large in such county shall prefer doing it by subscription; in which case no tax shall be levied by the inferior court; *Provided,* such subscription shall be filled and paid into the hands of the inferior court, within six months from the passing of this act.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
DAVID EMANUEL, *President of the Senate.*

Concurred, February 13th 1797.

JARED IRWIN, *Governor.*

.....

*An act to secure to Stephen Powell, for the term of ten years, the sole and exclusive right of building a bridge over the river Ogechee near the town of Louisville.*

Erection of a toll bridge over Ogechee, vested in Stephen Powell.

1. **B**E IT ENACTED *by the Senate and House of Representatives in General Assembly met, and by the authority of the same,* That the said Stephen Powell, his heirs and assigns, shall have the sole and exclusive right of erecting a good, complete and substantial bridge capable of sustaining all carriages in common use, on or before the first day of August, in the year of our Lord one thousand seven hundred and ninety-six, and rebuild when necessary, or keep the said bridge in good and sufficient repair. *Provided,* That, the said bridge shall not be so constructed as to impede the navigation of the said river.

2. *And be it further enacted by the authority aforesaid,* That in case the bridge shall not be erected within the time herein before mentioned, or being so erected and completed, shall not be kept up in good repair (allowing a reasonable time, not exceeding three months at any one time, for repairing and rebuilding) the privilege of right of the said Stephen Powell, his heirs and assigns, on failure of either the foregoing provisos and conditions, shall cease and be wholly void. Conditions.

3. *And whereas,* for promoting and encouraging so laudable an undertaking, it is necessary to afford every security in the power of the legislature to grant. *Be it further enacted,* That the said Stephen Powell, his heirs and assigns shall, and may legally demand and receive, during the said term of ten years, a toll in the following manner, that is to say; for every loaded waggon and other four wheeled carriage fifty cents; for every empty waggon twenty-five cents; for every loaded cart or other two wheeled carriage twenty-five cents; for every empty cart or dray twelve and an half cents; for every man six and one fourth cents; for every foot passenger three cents; for every rolling hoghead drawn with two horses twenty-five cents; for every rolling hoghead drawn with one horse, eighteen and three fourth cents; for all black cattle per head, one cent; for hogs sheep and goats, one cent, and no more. Rates of toll.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 18, 1796.

JARED IRWIN, *Governor.*

.....

*An act to secure unto Joseph Bryan, the exclusive right and privilege of erecting a bridge across Great Ogechee River; within certain limits.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the exclusive right and privilege of building and erecting a bridge across the river Great Ogechee on his premises in the county of Effingham, where there is now a ferry known by the name of Bryan's Cowpen Ferry, be and the same is hereby confirmed unto him the said Joseph Bryan, his heirs, executors, administrators and assigns for ever. *Provided,* that the said Joseph Bryan, or his assigns, shall within five years erect a good and sufficient bridge for the passage of travellers with waggons and carriages; and that if at any time after building the said bridge, the owner thereof shall suffer the same to be out of repair for the space of three years, or shall impede the navigation of the said river, then the benefits intended by this act shall be forfeited, and until the said bridge is erected, a ferry shall be kept at the place aforesaid. Erection of a toll bridge over Ogechee, vested in Joseph Bryan.

2. *And be it further enacted,* That it shall not be lawful for any person or persons whatever to erect a bridge on the said river within three miles up or down the said river from the place herein before mentioned, any thing in any law to the contrary notwithstanding. Conditions.

3. *And be it further enacted,* That the said Joseph Bryan, his heirs, executors, administrators and assigns shall and may receive and take the several sums herein after specified as toll or ferriage at the place aforesaid, *That is to say,* for every foot passenger six and a quarter cents, for each man and horse twelve and an half cents, for each single horse led or drove, six and a quarter cents, for each chair or sulky twenty-five cents, for each phaeton or close carriage fifty cents, for each waggon, team No other bridge to be erected.

Rates of toll.

and driver fifty cents, for each cart, team and driver, twenty-five cents, for a rolling hoghead, including horse and driver twenty-five cents, for each head of cattle two cents, for each head of hogs, sheep, goats, &c. one cent.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 16, 1799.

JAMES JACKSON, *Governor.*

.....

*An act, securing to John King his heirs and assigns the exclusive right of erecting a toll bridge across Ebenezer creek.*

Preamble.

**W**HEREAS the situation of the present bridge over Ebenezer creek, a little above the town of Ebenezer, in the county of Effingham, is so much decayed that it is dangerous for waggons and other carriages to pass, and the road or causeway through the swamp of said creek requires considerable repairs; and as it is found by experience that the few inhabitants who are required to work on the part of the road in which said bridge and causeway is in, are incompetent to keep the same in repair:

Erection of a bridge over Ebenezer Creek vested in John King, upon certain conditions.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That John King, his heirs or assigns, shall be bound to erect a bridge in a complete and substantial manner, at least twenty feet in width, with railing on each side, at or near the place where the present bridge now stands, capable of sustaining or passing all carriages of common use; which bridge shall be so constructed as not to impede or otherwise to obstruct the navigation of said creek: Provided, the same is built on or before the first day of July next, and rebuilt when necessary, and keep the same, and the causeway through the said swamp, in good repair.*

Penalty for non-compliance with conditions.

2. *And be it further enacted, That whenever the said bridge or causeway shall be in such condition as to expose passengers or their property to injury or damage, or to obstruct the navigation of said creek, the justices of the inferior court of the county of Effingham, or any three of them shall give notice thereof, and the repairs which may be necessary, to the proprietor or proprietors of the said bridge, and if in the course of thirty days after such notice the said repairs are not made, then it shall and may be lawful for the said justices of the inferior court, or a majority of them to cause such repairs to be made, and to furnish an account thereof to the said proprietor or proprietors, their agent, executor or administrator, requiring him, her or them to pay the amount thereof, and if failure shall be made in the payment of such amount for the space of ten days after such notice, the said justices of the inferior court or a majority of them, shall and may issue their execution, directed to the sheriff or constable, and which shall be levied on the estate either real or personal of the said proprietor or proprietors, for the amount of such repairs.*

Rates of toll.

3. *And be it further enacted, by the authority aforesaid, That the said John King, his heirs or assigns, shall hold the said bridge, and all the profits arising therefrom, for thirty years, and be entitled to receive, and may lawfully demand, as soon as said bridge is built as aforesaid; the following toll; for every waggon drawn by four horses fifty cents, for all other four wheel carriages fifty cents, for all two wheel carriages twenty-five cents, for a rolling hoghead, twenty-five cents, for man and horse twelve*

and an half cents, for all black cattle per head; three cents, for all hogs, sheep and goats, one cent, for every single horse six and a quarter cents.

4. *And be it further enacted*, That no public bridge or ferry shall be permitted to be established within five miles of said bridge during the right of said King, his heirs or assigns, to the privileges hereby vested in and confirmed to him.

No other bridge or ferry to be erected.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
DAVID EMANUEL, *President of the Senate.*

Assented to, December 5th 1799.

JAMES JACKSON, *Governor.*

.....

## CANALS.

*An act to render more safe and expeditious the navigation from the river Alatomaha to the town of Brunswick, and for other purposes therein mentioned.*

**W**HEREAS, the transportation of produce by water from the river Alatomaha to the town of Brunswick cannot at present be effected, but at considerable risque, and by a circuitous route. *And whereas* the danger and distance may be greatly lessened by cutting a canal from said river to Alligator Creek. *And whereas* the commissioners of the academy of the county of Bryan are seized and possessed of a tract of land between the said river and creek, through which the canal can be most advantageously made.

Preamble.

1. *Be it enacted, by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That the said commissioners and their successors be, and they are hereby empowered, to cut a canal through the tract aforesaid, to form a communication between the said river and creek, which canal must be of the width of twenty-five feet, and of the depth of seven feet.

Commissioners of the academy of Bryan, empowered to cut a canal from the Alatomaha to Alligator Creek.

2. *And be it further enacted*, That, as a compensation to the said commissioners for cutting such canal and keeping it in proper condition, they shall be allowed a toll of one dollar for all boats of fifty bushels burthen; the sum of two dollars for all boats or vessels not more than twenty and less than fifteen tons burthen; and the sum of fifty cents for all other boats or vessels which shall navigate the said canal, or any part thereof; the said sums to be paid to the said commissioners, their successors in office, or assigns, for the use of the academy aforesaid.

Rates of toll.

3. *And whereas* the commissioners aforesaid have purchased confiscated property for the use of the said academy to the amount only of seven hundred and twenty pounds and seventeen shillings, and are by law entitled to purchase to the amount of two hundred and seventy-nine pounds three shillings more: *And whereas* there still is, in the county aforesaid, lands which have never been sold for the benefit of the said state:

*Be it enacted*, That the said commissioners be, and they are hereby empowered, to expose to sale any tract or tracts of the said land, to procure the said sum of two hundred and seventy-nine pounds three shillings: *Provided*, That three months notice of such sale be given in one of the Augusta and in one of the Savannah gazettes, and by advertisement at two of the most public places in the said county: *And provi-*

Said commissioners authorized to sell confiscated land, &c.

ded also, That, if the sale of the said tract or tracts shall exceed the sum last aforementioned, that then the surplus shall be paid by the said commissioners into the treasury.\*

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
DAVID EMANUEL, *President of the Senate.*

Assented to February 3d, 1798.

JAMES JACKSON, *Governor.*

\* The remainder of this act relating to the bridge over Great Ogechee, between the counties of Bryan and Chatham, repealed by act of 1799. Sect. 1, 2, of the following act.

.....

*An act to alter and amend an act, entitled, "An act to render more safe and expeditious the navigation from the river Alatomaha to the town of Brunswick, and for other purposes therein mentioned."*

Preamble.

**W**HEREAS the above recited act hath been found by experience to be insufficient and of no effect, inasmuch as it requires the commissioners of the roads of the county of Bryan to keep in repair the bridge which is laid over the river Ogechee, between the counties of Bryan and Chatham, in case the owners of the said bridge shall refuse or neglect to repair the same when necessary, but hath not empowered the said commissioners to issue executions to satisfy the sum or sums necessary for the purpose aforesaid.

Commissioners of the roads, to give notice that repairs are necessary.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted;* That whenever the said bridge shall be in such a condition as to expose passengers, or others, or their property to injury or damage, or to obstruct or cause delay to vessels passing up or down the said river, the commissioners of the roads of the county of Bryan, or either of them shall give notice thereof, and of the repairs which may be necessary to one of the owners of the said bridge, or his or their executor or administrator, or one of them, or the agent or attorney of the owners thereof: and if in the course of thirty days after such notice the repairs are not done, that then it shall and may be lawful for the said commissioners, or a majority of them, and they are hereby empowered and required to have made such repairs, and to furnish an account thereof to the owner of said bridge or person receiving the toll thereof, requiring him, her or them to pay the amount thereof, and if failure should be made in payment, for the space of thirty days, it shall be the duty of the said commissioners, or a majority of them to issue execution for the same, or a warrant of distress, and order sale of the goods and chattels, lands and tenements of the owner or owners of said bridge, which execution shall be signed by a majority of the said commissioners, and directed to the sheriff of the said counties of Bryan or Chatham, or any constable of the counties aforesaid, whose duty it shall be to execute the same, notice thereof being first given as required by law in sheriff's sales for like property, and return the amount of sales to the commissioners to be applied first to discharging the sums due for repairing the bridge aforesaid, and the balance if any to be paid over to the owner of the aforesaid bridge.

If repairs are not made in thirty days, they must have them made,

and may issue an execution against the owners of the bridge for the amount.



2. *And be it further enacted*, That the said commissioners shall annually make return to the justices of the inferior court of Bryan county on their proceedings relative to the said bridge. Must report annually to the inferior court

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
ROBERT WALTON, *President of the Senate.*

Assented to February 15, 1799.

JAMES JACKSON, *Governor.*

.....

*An act to authorize certain commissioners therein named to establish a lottery, for the purpose of raising the sum of thirty-five thousand five hundred dollars, to be appropriated to the cutting a canal from the river Alatomaha to Turtle River.*

**W**HEREAS it appears essential to the interest and convenience of the citizens of this state, residing on and near the waters of the rivers Alatomaha and Turtle River, that a communication from the said Alatomaha to Turtle River should be opened, by means of which the produce of those parts may be conveyed with more ease and safety to market. Preamble. Canal from the Alatomaha to Turtle River.

1. *Be it enacted, by the Senate and House of Representatives, in General Assembly met, and by the authority of the same*, That it shall and may be lawful for the commissioners hereafter named, to establish a lottery within two years from and after the passing of this act, to raise the sum of thirty-five thousand five hundred dollars, under such schemes and regulations as they, or a majority of them, may deem necessary and proper for cutting and keeping open the canal aforesaid. A lottery to be established in two years to raise thirty-five thousand five hundred dollars for cutting said canal.

2. *And be it further enacted, by the authority aforesaid*, That Henry D. Stone, Leaton Wilton, John Burnett, Dr. L. E. W. Shicut, Samuel Wright and John Couper be, and they are hereby appointed, commissioners to carry the aforesaid lottery into full effect. Commissioners are appointed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
DAVID EMANUEL, *President of the Senate.*

Assented to December 6th, 1799.

JAMES JACKSON, *Governor.*

.....

*An act to open a communication across the marsh from Hampton River to Racoon Point.*

**W**HEREAS the opening a communication from Hampton River to Racoon Point near the island of Great Saint Simon, by cutting a canal across a marsh which separates the same, will be of great public utility by facilitating the navigation from the said island and the ports adjacent to the city of Savannah: Preamble. Canal.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same*, That John Couper, John M'Intosh and William M'Intosh, Esqrs. be and they are hereby appointed commissioners to superintend the opening and keeping in repair the said canal, and to carry into full effect the intentions of this act. Appointment of commissioners.

Free persons and slaves to work upon said canal.

Not more than six days in one year or three days at one time.

Regulations compelling persons to labor on said canal.

Fines for refusing to work on said canal.

Excuse to be made on oath.

2. *And be it further enacted*, That all free persons and slaves living and being north of a line to be drawn from a place called the Village, to Pike's Bluff, both inclusive, who are subject to work on the roads in the said island, shall be and they are hereby made subject and liable to work on the said canal until the same be completed, and to keep it thereafter in good repair: *Provided*, That all persons and slaves subject to work on the same shall not be compelled to work more than three days at any one time, or more than six days in any one year.

3. *And be it further enacted*, That the said commissioners shall give at least ten days notice to all persons who reside, and to all overseers or managers of the estates of non-residents, owning slaves within the aforesaid limits, of the time and place of their attendance, for the purpose of carrying the intent of this act into effect: And if any person subject as aforesaid shall fail to attend agreeably to such notice, together with all slaves owned by them or under their care and management, they shall be subject to the following fines, that is to say, for the non-attendance of every free person, the sum of one dollar per day, and for the non-attendance of every slave the sum of seventy-five cents per day; to be levied of the goods and chattels of such defaulters by warrant of distress and sale, under the hands and seals of the said commissioners, or any two of them, directed to any constable of the county of Glynn, unless the party making such default shall, within ten days thereafter, make such excuse on oath as shall be deemed satisfactory by the said commissioners: *And provided also*, That the said commissioners shall not issue such warrant of distress, without satisfactory proof being first made, that the notice required by this act was duly served.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to February 3d, 1798.

JAMES JACKSON, *Governor.*

.....

## CATTLE.

*An act to prevent the stealing of horses \* and neat cattle, and unlawfully branding, marking, killing, or driving the same.*

Punishment for stealing horses, cattle, &c.

1. **BE IT ENACTED**, That immediately from and after the passing of this act, every person or persons, taking or stealing any † horse, mare, gelding, colt, filly, or neat cattle, and all accessaries as well before as after such offence committed, and who shall be legally and duly convicted thereof, shall for the first offence be set in the pillory, a space not exceeding four hours, nor less than two hours in some public place, by the provost-marshal or his ministers, and suffer such imprisonment as the court shall think proper, and before discharged, be publicly whipped on his bare back, three several times, and receive at each time thirty-nine lashes, and also shall be branded on the shoulder, with the letter R, and for the second offence, upon due conviction thereof, shall be adjudged guilty of felony without benefit of clergy.

Sales of horses, &c. to be avouched before toll masters.

2. *And be it further enacted*, That immediately from and after the passing of this act, upon the sale or exchange of any horse, mare, gelding, colt, filly, or neat cattle,

\* This part repealed by act of 1791 which gave place to that of 1793.

† As far as this act respects horse stealing; is repealed by act of 1791.

the person or persons, so selling, or exchanging the same, if required by the purchaser, shall be avouched and tolled, and a certificate thereof obtained from the toll master, except however, public sales of horses or neat cattle, by executors, or administrators, belonging to the estates of persons deceased, for which, he, she, or they may act in such capacity, and except also sales made by the provost-marshal or his deputies, constables, or other persons empowered by any act of the General Assembly of this province, to make distress, and levy execution.

3. *And be it further enacted*, That the justices assigned to keep the peace, in the several parishes in this province shall be, and they are hereby appointed toll masters, in their respective parishes and they are hereby declared to have full authority to exercise all and every the powers in them vested as toll masters, by virtue of this act.

Justices of the peace made toll masters. See act of 1791 concerning estrays.

4. *And be it further enacted*, That the toll masters hereby appointed, shall administer oaths to the persons avouching, or tolling before them respectively, touching the proof of the property of the person so tolling (of the sufficiency of which proof such toll masters are hereby declared to be judges) and, upon such proof appearing, they are hereby required and directed to avouch or toll any horse, mare, gelding, colt, filly, or neat cattle, produced to them or either of them, and in a book to be kept for that purpose, shall enter the time of sale, and the name and place of dwelling; of every seller and buyer of such horse, mare, gelding, colt, or filly, burnt mark or other notable flesh mark thereof, and the price for which the same is sold, or the value of what may be given in exchange, and shall under his hand and seal, give a certificate of such entry, to every person requiring the same, upon the payment of one shilling and six pence for his trouble therein, under the penalty of three pounds for every neglect or refusal of any or either of the said toll masters.

Toll masters to swear persons avouching and keep a book & enter the names of sellers and buyers, marks, brands, &c.

5. *And be it further enacted*, That if any horse, mare, colt or filly after the passing of this act shall be stolen, and afterwards shall be sold and tolled as aforesaid, that yet nevertheless the sale of any such horse, mare, gelding, colt or filly, shall not take away the property of the owner from whom the same was stolen, so as a claim to be made, in six months after the offence or felony done, by the party from whom the same was stolen, or by his executors or administrators, or by any other person of their appointment, in the parish where the same horse, mare, gelding, colt or filly shall be found, before any justice of the peace of the said parish, and so that the proof be made within forty days, then next ensuing by two sufficient witnesses to be produced, and depose before such justice of the peace, that the property of such horse, mare, gelding, colt or filly so claimed was the property of the party by and from whom such claim is made, and was stolen from him or her within six months, next before such claim of any horse, mare, gelding, colt or filly, but that the party from whom said horse, mare, gelding, colt or filly was stolen, his or her executors or administrators shall and may at all times after notwithstanding any such sale or sales, have again and enjoy the said horse, mare, gelding, colt or filly upon payment of the party that shall have in possession the same, so much money as shall appear to have been paid by him or her, by a certificate from the toll master, or by oath before any justice of the peace, that he or she has paid such value without fraud or collusion, any law, custom, or usage to the contrary notwithstanding.

Stolen horses sold and tolled, how recovered.

6. *And be it further enacted*, That no toll master hereby appointed shall toll any horse, mare, gelding, colt, filly or neat cattle, sold or offered for sale by any person or persons not being freeholders in this province, unless the said person or persons produce a certificate, under the hands and seals of two or more justices of the peace

Toll masters not to toll horses brought by persons that freeholders, without certificate, &c.

of their respective counties or parishes where they usually reside, of their being legally possessed of the same, under the penalty of three pounds for every horse, mare, gelding, colt, filly or neat cattle so by him tolled.

Penalty for unlawfully branding, marking, &c.

7. And in order to prevent, as much as may be, the pernicious practice of unlawfully branding, marking, or disfiguring of horses and neat cattle, *Be it further enacted*, That immediately from and after the passing of this act, every person and persons within this province, who shall be lawfully convicted of killing, or of branding, marking, or disfiguring the brand, or altering the brand of any horse, mare, gelding, colt, filly or neat cattle, or of driving them, or either of them, off from their usual range, or place of feeding, wantonly and not with an intention to steal, not being the property of such person or persons, (except by order and direction of the lawful owner or owners thereof) upon oath of any one or more evidences before two or more justices of the peace, in any parish within the same, shall, besides the damages otherwise recoverable by law, forfeit for every such offence, a sum not exceeding eight pounds,\* to be recovered by warrant of distress, and sale of the offender's goods, under the hands and seals of such justices, and be applied one half to the informer or informers, and the other half for the use of the poor of the parish where such offence was committed: and in case no distress shall be found whereon to levy such forfeiture, then, and in such case, the party or parties offending shall be committed to the common jail of Savannah, there to remain for the space of one month, and shall receive such corporal punishment, by whipping on the bare back, not exceeding thirty-nine lashes, as to such justices shall seem meet.

Like penalty for ordering slaves to kill, mark, brand, &c.

8. *And be it further enacted*, That no person, or persons whatever shall order or direct his, her or their slave or slaves to kill, mark, or brand, any horses or neat cattle, such person not being at the same time present, or causing some white person to be present, at such killing, marking or branding, nor shall order any of his, her, or their slave or slaves, to drive any horse or neat cattle from their usual place of feeding, unless he, she, or they shall give such slave or slaves, a ticket in writing, for that purpose, under the penalty of a sum not exceeding eight pounds to be heard, and adjudged, recovered and applied, as herein is before directed, and in case any slave or slaves shall be found killing, marking, branding, or driving any horse or neat cattle, contrary to the directions of this act, every such slave or slaves being convicted thereof, by the evidence of a white person, or of a slave, shall be punished by whipping on the bare back, not exceeding thirty-nine lashes, by order or warrant of any justice of the peace, before whom the fact shall be proved.

Slave to receive thirty-nine lashes.

9. Relates to estrays, repealed by act of 1791.

Wild horses and cattle, how regulated and disposed of.

10. *And whereas* there are in many parts of this province gangs of wild horses and neat cattle, to which, or any of which, no property can with any degree of certainty be claimed or made out, and the keeping such horses and neat cattle within enclosures for any length of time will be attended with considerable trouble and expence; *Be it further enacted*, That in case any person or persons shall drive upon and pen, or put in any enclosure any horse, mare, colt, filly or neat cattle that are wild, such person or persons shall give notice thereof, to any toll master in the parish where the same shall happen, within ten days after such driving up, under the penalty of twenty shillings for every such horse, mare, colt, filly, or neat cattle, so drove up, to be recovered, levied and applied, as herein is before directed, and such toll master is hereby directed and required, to fix an advertisement at the several places of worship, or at

\* Magistrates jurisdiction reduced to thirty dollars.

the courts of conscience in such parish ; and if within thirty miles of Savannah, then also in the gazette, giving notice thereof, and where such wild horses, mares, colts, fillies, or neat cattle are, and that any person or persons claiming any right or title to any such horses, mares, colts, fillies, or neat cattle may view the same, and claim such right within thirty days, and, in case any person or persons shall within such time prove his, her, or their property therein to the satisfaction of the toll master, the same to be delivered to him, her, or them upon paying such reasonable charge and expence, for driving up and keeping such horses, mares, colts, fillies, or neat cattle, as the said toll master shall direct, together with one shilling and six pence for his trouble therein, and in case of refusal of paying the same, then such charge and expence, and fees for the same, to be levied by warrant of distress and sale, under the hand and seal, of such toll master, either upon such horses, mares, colts, fillies, or neat cattle, or upon any other of the effects of such person or persons ; and in case no owner or owners shall appear to claim such horses, mares, colts, fillies, or neat cattle, within the time limited by such advertisement, it shall and may be lawful, to and for such toll master, to sell the same by public out-cry, and out of the proceeds thereof, to pay the reasonable charges of driving up and keeping, and the remainder after deducting his fees, and charges of sale, to be applied as herein before directed.

11. *And be it further enacted*, That, every horse, mare, gelding, colt, filly, or neat cattle, that shall or may hereafter be shipped from any port in this province, shall, before the same be put on board any ship or vessel, first be avouched and tolled before the comptroller of the country duties at their respective ports, from whence the same are intended to be shipped, who are hereby directed and required to avouch, and toll the same, and in a book to be kept for that purpose, shall enter the time the same was or were avouched and tolled, and the name of such person so avouching and tolling such horses, mares, geldings, colts, fillies, or neat cattle, and the burnt mark or other notable flesh marks thereof, and the price, or prices that was, or were for the same respectively given, and shall, under his hand and seal, give a certificate of such entry to the person or persons so avouching or tolling the same, upon the payment of one shilling and sixpence sterling for his trouble therein, under the penalty of five pounds for every neglect or refusal of the said comptroller.

Horses and cattle for exportation to be avouched before the custom house officers, who shall keep a book for that purpose.

12. *And be it further enacted*, That the said book shall be liable to be inspected by any person or persons whatsoever, upon payment by each and every person or persons to the said comptroller or comptrollers the sum of nine pence for each search.

Book liable to be inspected.

13. And for the better preventing any horses, mares, geldings, colts, fillies or neat cattle, being shipped or exported before the same shall be so avouched and tolled as aforesaid, the master or commander of every ship or vessel shall, before the vessel be cleared out on board which the same shall be shipped or intended to be shipped, be obliged to take the following oath before the comptroller of the country duties, that is to say: That the manifest of the cargo then produced contains a true and just account of all the cargo; that there is no horse, mare, gelding, colt, filly or neat cattle on board the said ship or vessel except what is mentioned and contained therein; and that he doth not intend, or will take on board his vessel, before his departure from this province any horse, mare, gelding, colt filly or neat cattle, except as expressed in the manifest aforesaid: which oath the said comptroller of the port where any vessel or vessels shall clear out, is hereby empowered and required to administer to every master or commander of any ship or vessel, under the penalty of three pounds for every master of any ship or vessel he shall omit or neglect to

Horses, &c. not to be shipped, till tolled.

Masters of vessels to take an oath,

to be administered by the comptroller,

under the penalty of three pounds,

Horses, &c.  
shipped with-  
out being a-  
vouched, for-  
feited.

swear as aforesaid; and every horse, mare, gelding, colt, filly or neat cattle that shall or may be put or shipped on board any ship or vessel, without being first avouched and tolled as aforesaid, shall be forfeited and sold, the one half of the monies arising from such sale to be for the use of the informer, the other to be paid into the hands of the public treasurer, and applied as the General Assembly may hereafter direct, and the said comptroller or comptrollers are hereby authorized and empowered, information being first made on oath of any horse, mare, gelding, colt, filly or neat cattle being put on board any ship or vessel, without being avouched and tolled as aforesaid, to go and enter on board such ship or vessel in the day time, and make search in all parts thereof, and all and every horse, mare, gelding, colt, filly or neat cattle therein found, and not avouched, tolled and entered with the said comptroller or comptrollers as aforesaid, to take, seize, drive and convey away; and if any person or persons whatsoever shall resist or oppose the said comptroller or comptrollers in the due execution of this act, every such person so offending shall forfeit and pay the sum of twenty pounds: all which said fines and forfeitures to be sued for and recovered by action of debt, bill, plaint or information, in any court of record within this province, wherein no essoign, privilege or wager of law, or any more than one imparlance shall be allowed; and that the fines and forfeitures be disposed of as herein before mentioned.

Twenty pounds  
penalty for re-  
sisting the  
comptroller in  
his duty.

Continuance of  
this act.

14. *And be it further enacted*, That this act shall continue and be in force, for and during the term of two years from the passing thereof, and from thence to the end of the next session of the General Assembly and no longer.

By Order of the Upper House of Assembly,  
WILLIAM YOUNG, *Speaker*.

By Order of the Upper House,  
JAMES HABERSHAM, *President*.

JAMES WRIGHT.

29th September, 1773.

.....

## CATTLE, ACT TO ESTABLISH INSPECTION OF.

*An act to empower the justices of the inferior court of the county of Camden or a majority of them to appoint inspectors of cattle in said county.*

Inferior court  
to appoint in-  
spectors of cat-  
tle.

1. **BE IT ENACTED**, That it shall be the duty of the justices of the inferior court of the county of Camden, to meet at the court house in said county, on the first Monday in February next, and there to appoint two fit and proper persons to inspect all cattle which may be drove through or from the county of Camden to the province of East Florida by taking the marks and brands of each, and recording the same in a book to be kept for that purpose by him.

who shall keep  
a book of en-  
tries  
Inspector's  
compensation.

2. *And be it further enacted*, That the owner or owners of said cattle, shall pay to said inspector, six and one quarter cents for each head of cattle so inspected.

Penalty for ne-  
glecting to  
have cattle in-  
spected.

3. *And be it also enacted*, That any person or persons, failing or neglecting to give information to the said inspector, of his, her or their intention to drive cattle from this state to the province of East Florida, and do actually drive the same without being inspected by the inspector or inspectors appointed by virtue of this act, shall forfeit

for each head, ten dollars, to be recovered by action of debt, in any court having cognizance of the same, the one half to the person informing, and the other part to the use of the county.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 5th, 1799.

JAMES JACKSON, *Governor.*

.....

CEMETERY OF CHRIST CHURCH.

*An act for amending an act, for constituting and dividing the several districts and divisions of this province into parishes, and for establishing religious worship therein, according to the rites and ceremonies of the church of England; and also for empowering the church wardens and vestry-men of the respective parishes, to assess rates for the repair of churches, the relief of the poor, and other parochial services, and for enlarging the public burial ground at Savannah, and enclosing the same.*

1. Directing church wardens, &c. to levy a parish tax—repugnant to the constitution. See 10th section of the fourth article thereof.

2. *And whereas* the cemetery in the parish of Christ Church, belonging to the said parish, is become too small for the occasion: *Be it further enacted, by the authority aforesaid,* That the said cemetery be enlarged and extended to the line of Abercorn-street to the westward, and one hundred feet to the southward, the whole to contain two hundred and ten feet square; and church wardens and vestry-men of the said parish are hereby empowered at their discretion to agree with and hire workmen to complete, enclose and finish the same.

Cemetery of Christ Church enlarged.

3. *And be it further enacted, by the authority aforesaid,* That there be laid out and enclosed in a line with the said cemetery, adjoining the lines of the common, towards the five acre lots, a place of two hundred feet square, for the conveniency of a burial ground for negroes.

Burial ground for negroes.

By order of the Upper House of Assembly,

LEWIS JOHNSON, *Speaker.*

By order of the Lower House,

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

April 7th, 1763.

.....

*An act to empower the church wardens and vestry of the parish of Christ Church to enlarge the cemetery or public burial ground at Savannah, and to enclose the same.*

**W**HEREAS the cemetery or public burial ground for the parish of Christ Church, notwithstanding the addition made thereunto by an act of the General Assembly, passed on the seventh day of April, in the year of our Lord one

Preamble.

thousand seven hundred and sixty-three, is apparently too small to answer the purposes thereby intended, and it appearing necessary to make an addition thereto:

Cemetery of Christ Church enlarged,

*Be it therefore enacted,* That, immediately after the passing of this act, it shall and may be lawful to and for the church wardens and vestry of the parish of Christ Church aforesaid for the time being, and they are hereby authorized and empowered to lay out an addition of one hundred and seventy feet in length of and from the common of the town of Savannah, and adjoining to the eastward the present cemetery or public burial ground; and that the addition so laid out, made and extended, shall from thenceforth for ever, be and remain as part and parcel of the said cemetery or public burial ground, and that the church wardens and vestry of the said parish for the time being shall be, and they are hereby empowered to enclose the same accordingly at their discretion, any thing in any law heretofore enacted to the contrary notwithstanding.

and enclosed.

By order of the Lower House of Assembly,  
ALEXANDER WYLLY, *Speaker.*  
By order of the Upper House,  
N. JONES, *President.*

JAMES WRIGHT.  
11th April, 1768.

.....  
CITIZENSHIP.

*An act to admit certain persons to the rights of citizenship.*

Preamble.

WHEREAS, John Haupt, Peter De Bosg, Justus Hartman Scheuber, Francis De Block, William Blogg, William Finden, James Merclies, John Wallace, Daniel M'Garvey, Ralph De Pafs, Jacob De Pafs, William Coales, Alexander Bissett, Henry Sowerly, Gabriel Leaver and Francis Wattington, who have petitioned this house to become citizens of this state, previous to the passing the citizen bill;

1. *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 the said John Haupt, Peter De Bosg, Justus Hartman Scheuber, Francis De Block, William Blogg, William Finden, James Merclies, John Wallace, Daniel M'Garvey, Ralph De Pafs, Jacob De Pafs, William Coales, Alexander Bissett, Henry Sowerly, Gabriel Leaver and Francis Wattington, are hereby admitted to all the rights of citizenship, any law to the contrary notwithstanding.

Signed by order,  
JOSEPH HABERSHAM, *Speaker.*

February 19th, 1785.

.....  
*An act to admit certain persons therein named to the rights of citizenship.*

WHEREAS, William Pingrie, Peter Donworth, Thomas Collier, Andrew Atkinson, Thomas Cole, and Francis Forbes, have petitioned this house to become citizens of this state, and did at the same time produce good and sufficient credentials of their honesty and integrity, and this house being satisfied of the authenticity of the same.



1. *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 the said William Pingrie, Peter Donworth, Thomas Collier, Andrew Atkinson, Francis Forbes, and Thomas Cole, are hereby admitted to all and singular the rights and privileges of citizenship, any law to the contrary notwithstanding.*

By order of the House,  
WILLIAM GIBBONS, *Speaker.*

Augusta, February 13th, 1786.

.....

*An act to admit Alexander Stevens and others to the rights of citizenship.*

1. **W**HEREAS, Alexander Stevens has petitioned the legislature of this state to be admitted to the rights of citizenship and his petition has been supported by the recommendations of a large number of citizens: *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same, That the said Alexander Stevens be, and he is hereby admitted to all the rights and privileges of citizenship exercised within this state.*

2. *And be it enacted by the authority aforesaid, That Isaac Herbert, Thomas King, and Duncan Manson, be also admitted to the privileges of citizenship within the said state.*

3. *And be it further enacted, That Charles Murray, Esq. of Madeira, be entitled to all the rights, privileges and immunities of a citizen of this state in like manner as if he had remained in America during the late war.*

By order of the House,  
N. BROWNSON, *Speaker.*

February 1st, 1788.

.....

*An act to prevent the clipping and mutilating the current coin of this state.*

1. **W**HEREAS the most mischievous consequences are daily experienced by Preamble. the good citizens of this state, from the nefarious practice of clipping and mutilating the circulating specie thereof, to prevent the same, *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same, That all gold and silver coin of full weight shall pass current by tale within this state.* Gold and silver coin, of full weight to pass by tale.

2. *And be it further enacted, That if any person or persons shall presume to cut, clip or mutilate the gold or silver coin current in this state, after the first day of March next, he, she or they so offending, and shall be lawfully convicted thereof, shall forfeit for the first offence, the sum of one hundred pounds, one half to go to the informer, and the other half to go to the use of the academy within the county or counties where such offence may be committed; and for the second offence on conviction thereof before any court of judicature having cognizance thereof, he, she or they shall and are hereby declared to be guilty of felony, and shall suffer death without benefit of clergy.* Persons, clipping the current coin of the state shall forfeit one hundred pounds for the first offence and for the second shall suffer death.

JOHN POWELL, *Speaker.*

Augusta, February 3, 1789.

.....

COIN, FORGERY OF.—See Forgery.

COIN, RATES OF.

An act for regulating the rates of coin.

Dollars to be rated at eight shillings and four pence and other coins in the same proportion

Not affect prior contracts or the fees or salaries of officers.

1. BE IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That after the first day of July next, a Spanish milled dollar shall pass and be received in payment of all debts which may be contracted by or with any person or persons within this state, and in payment of all taxes that may be laid or assessed after the present session, at the rate of eight shillings and four pence, and all other coins in the same rate and proportion: Provided nevertheless, That this act shall not be so construed as to affect any contract or money transaction, made or entered into prior to the first day of July, one thousand seven hundred and ninety-five: And provided also, That nothing herein contained shall be so construed as to reduce or alter the fees or salaries of the several officers within this state.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 29, 1794.

.....

CONGREGATIONS.

An act to enable the trustees of the White Bluff congregation in the county of Chatham, to sell and convey a certain tract of land.

Preamble.

1. WHEREAS on the second day of October, one thousand seven hundred and fifty-nine, a certain tract of land containing one hundred acres, situate and being in the district of White Bluff in the county of Chatham, was granted unto John Joachim Zubly, Michael Burgholder, Simon Gering, George Torig, Jacob Thiefs, Thomas Frazer and George Uland, in trust for the congregation and meeting-house of the said district: And whereas the said congregation have by their petition represented that the said tract of land is in no wise productive, nor any benefit derived therefrom, and prayed that an act may be passed to enable the trustees of the said congregation and meeting-house to sell and convey the same:

congregation shall choose annually five trustees.

1. Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the inhabitants of the said district of White Bluff, being members of the said congregation belonging to the said meeting-house, shall on the first Monday in March next, and on the same day annually and every year thereafter, assemble and meet together at the said meeting-house, and proceed by ballot to the choice of seven fit and proper persons, members of the said congregation, and residents and freeholders in the said district, to act as trustees to the said congregation and meeting-house.

Who are authorized to sell one hundred acres of land on certain terms.

2. And be it further enacted, That the persons chosen trustees as aforesaid, or a majority of them, shall, and they are hereby vested with full power and authority, at any time after the said first Monday in March next, to set up and expose to sale on a credit of five years, the said tract of land of one hundred acres, to the highest bidder, first giving at least thirty days notice in the gazette of Savannah, and in three or more public places in the said district, and to make and execute good and sufficient titles for the same in fee simple to the purchaser or purchasers thereof, on the following

terms and conditions, that is to say, the purchaser or purchasers of the said tract of land, shall give bonds with such good and sufficient personal security as a majority of the said trustees shall allow and approve of, together with a mortgage on the premises for securing the amount of the purchase money and annual interest thereof, payable by five annual and equal instalments, the first payment to be made in twelve months from the day of sale; which bonds and mortgages shall be given and made payable to the said trustees and their successors in office, to and for the use and benefit of the said congregation. And the said trustees, or a majority of them, or their successors in office, are hereby vested with full power and authority, in case of refusal or neglect to pay the amount of the said bonds and the interest due thereon, to sue for and recover the same by action at law, in any court of record in this state having jurisdiction in such cases, and to foreclose the equity of redemption in the said mortgage, and to take all legal steps for the recovery thereof, as if the said trustees were a body politic and corporate.

*And be it further enacted*, That the said trustees and their successors in office shall lay out the said money to such uses, intents and purposes as the said congregation shall, by their vote taken for that purpose, direct and appoint.

The money arising from the sale to be disposed of by the congregation.

THOMAS STEVENS, *Speaker of the House of Representatives.*  
 BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 18, 1796.

JARED IRWIN, *Governor.*

.....

*An act to authorize and empower the trustees of the White Bluff congregation to sell and convey certain land therein mentioned.*

1. **W**HEREAS the White Bluff congregation, in the county of Chatham, hath petitioned this legislature for leave to sell and convey a piece or parcel of land, situate on the top or front of White Bluff, which was originally laid out and reserved to, and for the use of the holders or owners of fifty-acre lots, within the district of White Bluff to be improved by them as a town: *And whereas* the said lot holders have agreed to relinquish all and every claim or claims for ever that they or their heirs have, or may have in or to the said piece or parcel of land: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met and by the authority of the same*, That the trustees for the said White Bluff congregation, be and they are hereby authorized to have exposed to public sale, the said tract of land which was originally reserved as a town or common for the holders of fifty-acre lots within the said district, said to contain twenty acres, be the same more or less, except such part as Jacob Thiefs one of the said lot holders is legally entitled to, the said trustees giving thirty days notice of such sale.

Preamble.

2. *And be it further enacted*, That, the said piece, or parcel of land, shall be sold on a credit of one and two years, the purchasers giving bond and mortgage of the said land, conditioned for the payment of one half of the purchase money in twelve months from the date of the purchase, and the remainder in one year thereafter.

3. *And be it further enacted*, That the money arising from the sale of the said land, shall be paid into the hands of the said trustees, as a fund to and for the use of the said

White Bluff congregation, to be expended and applied as the said congregation, or a majority of them shall determine.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to, February 2d, 1798.

JAMES JACKSON, *Governor.*

.....

## CONFISCATION AND AMERCEMENT.

*An act for attainting such persons as are therein mentioned of high treason, and for confiscating their estates, both real and personal to the use of this state; for establishing Boards of Commissioners for the sale of such estates, and for other purposes therein mentioned.*

Recumbent.

1. **W**HEREAS, the king of Great Britain, did on the nineteenth day of April which was in the year of our Lord one thousand seven hundred and seventy-five, commence a cruel and unjust war against the good people of America, with intent to reduce them under subjection to a state of lawless sway and absolute despotism in violation of the ancient constitution, and utterly subversive of the same; *And whereas*, the said king in order to carry the said flagitious and destructive system of government into full effect, did send a body of his troops on the aforesaid day and year, which troops did wantonly attack and murder the peaceable inhabitants of America, whereby the said king did forfeit and forefault every right and title to the allegiance of the said people, and by other and various methods, did do away and destroy the great end of all civil institutions, the public good: *And whereas*, the powers of government incapable of annihilation did devolve upon the people for exercise of the same, and the said people, did (as of right and justice they ought) enter into a full exercise thereof for their common safety and happiness; *And whereas*, at a General Congress held at Philadelphia a declaration of the ancient and inherent rights of the people recognizing the above principles of government, and the necessity of a final separation and dissolution of all political connection with the king and realm of England, took place on the fourth day of July, one thousand seven hundred and seventy-six, asserting the thirteen United Colonies to be free and Independent States, and in full and absolute possession of every supreme power which free and independent states and powers do, and ought of right to enjoy, which declaration not only confirmed the powers of the separate states, but plainly, and manifestly recognized the justice and political necessity of assuming and exercising the powers which reverted to, and devolved upon the people on the breach which was made by the said king of Great Britain on the said nineteenth day of April in the year of our Lord one thousand seven hundred and seventy-five, in the original contract which subsisted between him and the people; *And whereas* it is both just and constitutional that all and every allegiance and other duty which was due from the good people of America on the said nineteenth day of April, which was in the year of our Lord one thousand seven hundred and seventy-five, should be immediately transferred and accordingly were by means of the said breach transferred from the said king, to the powers which assumed the rights and exercise of government; *And whereas* various persons, inhabitants of this state, in contempt of the said allegiance and duly so transferred as

aforsaid did traiterously avoid the same, and led away by their wicked devices did contumaciously aid, abet, assist, and comfort the troops and vassals of the said Britannic king then ravaging and plundering the coasts and towns of America, and by every savage and inhuman practice, murdering and destroying the good people of the same; *And whereas* it is but reasonable and just that the estates both real and personal of all such persons, residing within this state, on, or since the said nineteenth day of April, who have refused their allegiance to the governing powers of the same, should be forfeited and confiscated; which forfeitures and confiscations are further recommended by Congress to be carried into immediate execution, with intent therefore that effectual justice may be done, and all such defections and treasons meet with their due punishments, and also that the same may be prevented in future. *Be it enacted by the representatives of the freemen of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That, Sir James Wright, John Graham, Henry Yonge, jun. William Mofs, Robert Smith, James Hume, William John Yonge, Charles William M'Kennen, George Barry, Alexander Wylly, William Johnson, John Leghtenstone, John Mullryne, Josiah Tatnall, William M'Gillivray, John Joacim Zubly, George Kincaid, John Hume, Joseph Farley, Robert Reid, Thomas Reid, John Bond Randell, Henry Yonge, sen. Philip Yonge, James Robertson, James Brown, (school-master) David Johnston, Alexander M'Goun, William Simes, John Inglis, Peter Dean, Thomas Johnston, George Borland, James Johnston, James Downey, William Trentfield, George M'Cauly, John Jameison, Andrew Hewitt, George Baillie, George Webb, John Love, (of Effingham county) Joseph Johnston, John Johnston, George Wilds, William Love, Charles Hall, James Moore, Samuel Moore, John Hubbard, Matthew Marthal, Joseph Marthal, Thomas Brown, (late of the ceded lands,) Thomas Scott, (late of the ponds on Ogechee Wilkes county) William Frazer, Timothy Hollingsworth, Valentine Hollingsworth, William M'Donald, John M'Donald, John M'Donald, (taylor) William Rofs, (late of Saint Andrew's Parish,) Daniel M'Leod, Alexander Baillie, Alexander M'Donald, David Rofs, Daniel M'Donald, Roderick M'Intosh, Angus Bacon, Thomas Young, Simon Munro, Simon Patterfon, William Lyford, Robert Baillie, James Kitching, Roger Kelfall, James Spalding, Robert Portious, Alexander Creighton, Robert Moodie, William Clark, (late of Saint Andrews Parish) James Chapman, Charles Watts, William Bosomworth, Sampson Williams, Garret Vinfant, George Vinfant, Daniel M'Garth, James M'Garth, George Proctor, James Shavers, John Spicer, John Martin, of Jekyl island, John Frost, William Frost, Corneilius Dunn, John Dunn, John Pettinger, Robert Abrams, (hatter) Joseph Rains (late of the parish of David,) Basel Cowper, Jun. Thomas Stringer, John Hopkins (pilot) William Oldes, William Colville, (pilot) John Murray, Anthony Stokes, John Wood, (late of Savannah, merchant) James Edward Powell, Jernyn Wright, Charles Wright, Thomas Eatton, James Taylor, (merchant) George Finch, Philip Moore, William Panton, John Simpson, (Sabine Fields) Charles M'Cullock, late of Savannah, be attainted and adjudged guilty of high treason, against this state, and they are hereby attainted and adjudged guilty of the same accordingly.

Confiscations recommended by congress.

Persons therein named, attainted and adjudged guilty of high treason against the state

2. *And be it further enacted by the authority aforesaid,* That in case any or either of the persons above named, and who are herein and hereby attainted of high treason, shall hereafter return to this state, or be taken in arms against the authority of this state, or the United States, and shall be brought within the limits of this state, such person or persons shall be subject to arrest, imprisonment and trial for the crime of high treason, and shall on conviction thereof in any court of record where, by the laws of this

Any of the said persons returning to the state, or being taken in arms, shall be imprisoned and tried for high treason, & suffer death upon conviction.

state such person or persons shall be triable, to receive sentence, and judgment of death, and shall suffer accordingly.

All property both real and personal, of attainted persons, forfeited and vested in the government.

3. *And whereas* such persons as have forfeited the personal protection of, and been guilty of high treason against the state, contrary to their duty and allegiance to the same, do also incur the forfeiture of their property and possessions, both real and personal, and it being highly reasonable, that the estates real and personal, of traitors who are hereby attainted should be discovered and applied to the use of the good people of this state, in the most speedy and effectual manner, and that due provision be made for the satisfaction of all just and lawful claims which any of the good friends of this state may have to, out of, or upon the estates of such disaffected persons and traitors.

4. *Be it therefore further enacted by the authority aforesaid,* That all and every the lands and heritages, debts, or sums of money and goods and chattels, whatsoever and generally the goods, chattels and effects, heritable and moveable real and personal, of what nature or kind so ever they be, within this state whereof any person or persons who since the said nineteenth day of April which was in the year of our Lord one thousand seven hundred and seventy-five, is or are hereby attainted and adjudged guilty of high treason against this state, for levying war against the same or conspiring against its safety, or for any other high treason whatsoever, committed since the said nineteenth day of April in the year of our Lord one thousand seven hundred and seventy-five, within this state or elsewhere, was, were or shall have been seized or possessed of, or interested in, or entitled unto, on the said nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, or at any time afterwards in his, her or their own right, or to his, her or their own use, or whereof any other person or persons, as were, or shall have been seized and possessed of, or interested in or entitled unto, to the use or in trust for them or any of them, shall according to the several and respective estates and interests which the said person or persons attainted since the said nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, or any in trust for them, or any of them, had or shall have had therein as aforesaid, or did, or might, or shall forfeit by such attainder, stand and be forfeited to this state, and shall be deemed vested and adjudged, and is and are hereby declared and enacted to be in the real and actual possession of the government thereof, without any office of inquisition thereof hereafter to be taken and found, and without any declaration of forfeiture to be obtained.

And to the end that all the estates of the said traitors of what nature soever within this state, hereby or otherwise vested or hereby intended to be vested in this state, and the yearly and other values thereof, and all encumbrances thereupon may be the better discovered known and ascertained, and that the same may be secured, sold and disposed of, and that in the mean time the rents, issues and profits thereof, may be recovered and brought in, for the use of and to defray the grievous and heavy expenses accrued in defending this state, against the attacks of its cruel invaders; and that due examination be taken and satisfaction be made of all just and lawful claims to, upon or out of the said estates or any of them.

A board of commissioners established in each county, to discover and ascertain the estates and interests of traitors.

5. *Be it therefore further enacted, by the authority aforesaid,* that five persons, be appointed by the ballot of this house, to act as a board of commissioners in each county within this state except as herein is hereafter excepted, that is to say: for the county of Chatham, George Walton, Thomas Stone, John M'Clure, Edward Davis, and Ambrose Wright—for the county of Effingham, John Postell, Henry Wood, Jacob Cronenberger, Joshua Pierce, and Archibald Patterson; for the county of

Burke, John Thomas, Abraham Jones, Blasingham Havey, Joseph Gretham, and William Livingston; for the county of Richmond, Robert Walton, Seth John Cuthbert, Benjamin Few, William Glascock, and William Jackson; for the county of Wilkes, Solomon Nufum, jun. Richard Aycock, George Wells, Daniel Coleman, and Barnard Heard; for the county of Liberty, Glynn and Camden, Benjamin Baker, John Sandeford, Francis Brown, Moses Way, and William Peacock: And any three or more of such commissioners in each county shall constitute a board, and shall exercise the powers and duties by this act given and required; and each board so constituted and appointed as aforesaid is hereby authorized, empowered and required to enquire into all such estates, both real and personal, within their respective counties, as are hereby or otherwise vested, or hereby intended to be vested in this state, and to cause all and every the rents, issues and profits thereof until sale shall be made, to be effectually levied and paid to the respective boards; and to levy, raise, secure and cause to be sold, by the sheriff or such other person as shall be appointed by the respective boards of each county, all such estates, both real and personal, and other personal chattels and estates hereby or intended hereby to be vested in this state, situate and being within each county respectively; and all such rents, issues and profits, and all monies arising from such sales, shall be paid to the respective boards, and by the respective boards shall be deposited in the treasury of this state, to be disposed of, used or employed to such purposes and uses as the legislature of this state shall order and direct; and all persons claiming or pretending to claim any estate, right, title or interest in, to or out of the said estates hereby or intended hereby to be vested in this state, or being or pretending to be creditors of any of the said persons hereby attainted and adjudged guilty of high treason, shall produce and exhibit the same to the respective boards, within whose jurisdiction such claims shall belong and be made, and the same shall be examined and enquired into by the respective boards; and if they shall find that any of the claims so to be made as aforesaid shall be well-founded and have good color of justice, and are not rendered fraudulent and void by any part of this act, that then the said respective boards shall admit such claims, and act accordingly: but in case any of such claims shall not appear to be well founded and to have good color of justice, and shall appear to be made fraudulent and void by this act, that then the said respective boards shall refer all the papers and other testimonies upon which such claims shall be founded to the attorney-general for the state for the time being, who is hereby authorized and required to enquire into and examine the said papers and testimonies, and to defend the right of the state, as well before the said boards as in any of the superior courts against the same.

Any three or more to exercise the powers given by this act.

Their duty.

Creditors of such estates to exhibit their claims to the respective boards, to be admitted or rejected.

Attorney general's duty under this act.

And be it further enacted, by the authority aforesaid, That the respective boards so constituted and appointed as aforesaid, shall and may meet, act and proceed from time to time, with or without adjournment, within term time or without; and shall and may send their precept or precepts for any person or persons whatsoever to appear before them; and for all such books, papers, writings, and authenticated copies of records as they shall think necessary for their information in any matters or things relating to this act, without any fee, charge or reward to be paid for the same; and shall and may detain in their custody such books, papers, writings and authenticated copies of records so long as they shall have occasion for the same; and then return such books, papers, writings and authenticated copies of records to such persons to whom they respectively belong; and shall and may administer oaths for the better discovery of the truth of the enquiries by them to be made to any person or persons

Commissioners to set on their own adjournments; empowered to send for persons, books, & papers, may administer oaths to make discoveries.

Sheriffs, constables &c to execute their orders, precepts, &c.

therein concerned, or to any other person or persons whatsoever; and all sheriffs and their deputies and constables are hereby required to obey and execute such orders and precepts as shall be sent to them by the respective boards; and the said respective boards are hereby empowered and required, in a summary way, and without the formalities of the proceedings in the courts of law, to enquire and inform themselves by and upon the testimony of witnesses upon oath, examination of persons interested upon their oaths, inspection and examination of deeds, writings and records, or by all or any of the said ways and means, or otherwise, according to their discretions, as soon as may be; and to make a register in books of the names of all such persons attainted, and of all real and personal estates and interests whatsoever by this act vested, or hereby intended to be vested, in this state, and by whom such estates was and were forfeited or forfeitable, and what estate or interest every such person attained, or to be attained, for high treason as aforesaid, had in any of the premises on the said nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, or at any time afterwards, and by what tenures the same, or any of them respectively were holden, and of all encumbrances whatsoever to which any of the said estates forfeited or forfeitable for high treason were liable or subject before the said nineteenth day of April in the year one thousand seven hundred and seventy-five, or at any time afterwards: And in case any person or persons summoned to appear before the said boards respectively for discovery of the premises, shall neglect or refuse to appear or be examined as aforesaid, then, and in every such case, it shall and may be lawful to and for the said boards respectively to commit the said person or persons so neglecting or refusing as aforesaid to the common jail of the county wherein such summons and neglect and refusal shall be made, there to remain, without bail, until such person or persons shall conform themselves and submit to be examined as aforesaid; and if any officer or officers shall refuse to give obedience to the precepts and orders of the said board respectively for the due execution of this act, then, and in every such case, it shall and may be lawful to and for the said respective boards to impose on any such officer or officers any fine not exceeding fifty pounds lawful money of this state, for any one offence, and to commit any such officer or officers to jail, until such fine shall be paid. And for deterring and preventing all and every person and persons whatsoever, anywise indebted or liable to pay to any such forfeiting person or persons any sum of money hereby or otherwise vested in this state as aforesaid, from concealing, withholding, neglecting or refusing to pay the same to the said boards respectively:

Board may commit persons failing to appear before them, upon summons.

Any officer failing to execute any summons of the board subject to a fine of fifty pounds.

Persons indebted, neglecting to discover and make known to the board, within sixty days after this act, to forfeit double. And also persons possessed of the goods of such attainted persons.

*Be it enacted, by the authority aforesaid,* That all and every such person and persons so indebted or liable as aforesaid, who shall neglect to discover and make known the same to the said boards respectively, within sixty days after the passing and publication of this act, shall forfeit double the value of any such debt or debts, sum or sums of money to be recovered by suit at law in the several counties respectively to the use of this state as aforesaid; and all and every person or persons, who was or were, hath or have been possessed of any personal goods or chattels of, or belonging to any such person or persons attainted of high treason as aforesaid, when the same became forfeited, or afterwards, or shall be hereof possessed, are hereby strictly charged and required to discover and make known the same to the said boards respectively within the said time of sixty days next after the passing of this act, and all and every such person or persons having such goods or chattels in his, her or their possession, custody or power, and neglecting to discover the same before the expiration of the said time of sixty days, shall for such offence forfeit double the value of such



personal goods and chattels to be recovered for the use of this state as aforesaid; and the said boards respectively are hereby authorized and empowered to make any such settlements and agreements touching any such debts or personal goods and chattels so as aforesaid, to be discovered as the said board respectively shall in any such case, on due consideration on the nature thereof, or circumstances of the parties concerned therein think fit and reasonable, which settlements and agreements to be valid in law, so as they do not extend to any abatement of the real amount of any such debts or a relinquishment of any such personal goods or chattels, and so as the monies payable on any such settlements and agreements be paid to the said boards respectively for the use of this state, within the respective times allowed by the respective boards for the payment thereof, and where any of the said debts are secured by bonds or obligations with penalties, or are due and owing upon open accounts not adjusted, the said boards respectively are hereby authorized to state, settle and determine the same, or to cause suits to be commenced for the recovery thereof.

The boards to make settlements with persons so indebted.

And to the intent the debts, personal goods and chattels herein before or otherwise vested in this state may be disposed of, and the amount and value thereof applied to the use of this state: *Be it further enacted by the authority aforesaid,* That the said respective boards as soon as conveniently may be, use their utmost endeavors to secure all such debts, goods or personal chattels in such places and in the custody of such persons as shall be thought most proper by the said boards respectively, for preventing the perishing or any loss or embezzlement thereof, and shall make or cause to be made a true and perfect inventory or inventories thereof, containing a true and particular account of all such debts, goods and personal chattels by whom they were forfeited, and when, and by whom delivered to the said respective boards, or any person by them appointed to receive the same; and shall also cause a just appraisement thereof to be made upon the oaths of any three persons to be appointed by the said boards respectively for that purpose; and the said boards respectively are hereby authorized and required to cause the sheriff or such other person as they shall respectively appoint in the respective counties after all claims shall be liquidated and settled in the manner as is herein after directed in respect to real estates, to sell all and singular such goods and chattels so inventoried and appraised according to their best skill and judgment, and for that purpose shall cause public notice to be given for the space of thirty days at least, of the time and place of exposing to public sale any such goods and chattels, and the several particulars then and there to be sold, at which time the sheriff or such other person as they shall respectively appoint, shall sell the same by auction for the money of this state only, and to the inhabitants being actual citizens and residents of and within the same, and to none others.

Power and duty of the boards further defined.

To sell all the goods and chattels after thirty days notice for money of this state only, &c. to citizens of this state.

And the said boards respectively shall attend the sale of any such goods or chattels, and shall cause an entry to be made in their respective books of all and every the personal goods or chattels so sold, and of the buyers' names and places of abode, and of the prices for which they sold; and for the further assurance thereof to the buyers, the said boards respectively shall give a certificate under the hand and seal of the chairman unto the respective buyers being inhabitants, citizens, and residents of this state as aforesaid, and not transient, and of and belonging to any other state or government except as herein after is provided and excepted, specifying the particulars by them bought, the prices and time of sale; and every such buyer shall thereupon pay one fourth part of the amount of every such purchase so made by persons within the description of this act, to the said boards respectively for the use of this state; and shall give good and sufficient security by mortgage of the property so purchased,

The boards to attend the sales, keep books, and give certificates to buyers.

Terms of sale.

and also personal security to be approved of by the said boards respectively for payment of the remaining part of the purchase money within three years after the day of sale, with interest for the same, at the rate of eight per cent. per annum, to be paid in the following manner, that is to say: one third part of such remainder at the end of one year, one other third part thereof at the end of two years, and the remaining one third part at the end of three years, together with the whole of the interest at the end of each year respectively, to the use of this state, payable to the governor of this state for the time being, and all such bonds shall be recorded in the secretary's office of this state within ten days after they shall be delivered to the governor as aforesaid; and the said respective boards being satisfied with the payment of the said one fourth part which shall be deposited in the public treasury to the use of this state, and of the security given for payment of the remainder within the time aforesaid, shall forthwith order the particulars so bought, paid for and secured, to be delivered to the buyer or buyers, his, her or their assigns; and in case any person or persons, who shall be the highest bidder for any such personal goods or chattels so exposed to sale as aforesaid, shall make any default in payment of the said one fourth part of the purchase money, or in giving approved security as aforesaid, for payment of the remainder within the time aforesaid, the said boards respectively shall and may order the respective sheriffs or such other person as they shall respectively appoint, to proceed to a new sale of all and every such personal goods or chattels for which such default shall be made unto any other person or persons, as if no sale thereof had before been made.

Bonds taken to be recorded in the secretary's office.

Terms of sale not complied with, goods to be re-sold.

No person to purchase more than twenty-five negroes above the age of fifteen.

*Provided nevertheless,* That no one person or any person for his or her benefit or use, shall have a right or be permitted out of any or all the sale or sales which shall or may be made under and by virtue of this act, more than twenty-five negroes above the age of fifteen years; and all purchases of a greater number of negroes above that age by any one person, or any person for his or her use, are hereby declared fraudulent and void, and any and all negroes above that age and number which shall or may be sold contrary to the intent and meaning of this act, shall be demanded and taken from any such purchaser, and again exposed to public sale.

Citizens of other states come to settle here, may be purchasers

Negroes purchased, to remain in the state.

*Provided also,* That any of the inhabitants and citizens of any of the United States who shall actually come within this state with notorious intent to settle in the same, may be allowed to become purchasers at any of such sales, within the restriction aforesaid: *And provided further,* That no purchaser may be allowed, or permitted to remove any such slaves so purchased as aforesaid without the limits of this state, and that in case any person shall, contrary to the intent and meaning of this act, within twelve months after the passing and publication of the same, remove or carry from without the limits of this state any negro or negroes so purchased as aforesaid, such person or persons shall for such offence, forfeit double the value thereof, to be recovered by suit at law, to the use of this state.

Claims to confiscated property to be made in sixty days or else it is barred.

*And be it further enacted, by the authority aforesaid,* That all and every person or persons, being friends to the independence of this state, who shall claim, or pretend to claim any right, title or interest of, in or to any such real estate of any person herein and hereby attainted in and by this act, shall, within sixty days next after the passing and publication of this act, by his, her or their attorney, or otherwise, prefer or exhibit the same to the said boards respectively; and in case no claim shall be preferred and exhibited within the said sixty days of, in or to any such real estates of persons attainted in and by this act, all and every such estate or estates shall be deemed free of encumbrances and charge; and the said boards respectively may and shall proceed to give public notice in writing of at least forty days for the sale of such estates

Forty days notice of the sales of real estates.

in like manner as is required in and by this act, in respect to the sale of personal goods and chattels.

*Provided nevertheless*, That in case it shall appear to any future legislature, that any infant or other person, being friends to the independency of this state, from being under age or from any other unavoidable obstacle, could not prefer or exhibit his, her or their claim or claims of, in or to any such real estates, to the said respective boards within the said sixty days, it shall and may be lawful to and for any such House of Assembly to give and grant to any such aggrieved person or persons such relief and redress, as shall be deemed equal to the real value of all and every such claim and claims, any thing contained in this act to the contrary in anywise notwithstanding. *And provided also*, That all such claimants shall have and be entitled to every advantage of being heard by counsel or otherwise before the said respective boards as any such claimants may think fit. *And provided further*, That all, any and every such claimant or claimants, who shall or may be discontented with the determination of any of the boards, respectively shall have the rights of appealing from the same to any of the superior courts of this state within the respective counties.

The legislature may relieve certain persons, failing to exhibit their claims.

Claimants may be heard by counsel,

and may appeal to the superior court.

And to the end that all such real estates so sold as aforesaid, may the more effectually be secured, assured, and confirmed to the respective buyers; *Be it enacted by the authority aforesaid*, That the said boards respectively shall cause the respective sheriffs or such other persons as shall be appointed by the respective boards, immediately after good and sufficient security as aforesaid shall be given and taken from the respective buyers, payable within five years next after any and every such sale, to the governor of this state, for the time being, such security to be approved of by the said boards respectively, together with an interest of six per cent. payable annually to the governor as aforesaid, that then the said respective sheriff, or such other persons as shall be appointed by the said respective boards, shall at the proper costs and charges of every such purchaser, sign, seal and execute to every such purchaser, good and sufficient deeds of lease and release for bargaining, selling, assuring, releasing, conveying and confirming to every such purchaser, his or their heirs and assigns for ever, every such tract of land or plantation so to be sold and purchased, and by virtue of this act, as herein before is mentioned and directed, which said deeds of lease and release shall be certified by the respective boards, by an endorsement on the deeds of release, specifying the actual sale of the premises, the conditions or purchase money, and the purchaser's name.

Real estates to be sold on five years credit, and six per cent. interest.

Titles to be made,

endorsed by the commissioners.

*And be it further enacted, by the authority aforesaid*, That all suits which shall or may be commenced or cause to be commenced in any of the courts within this state, by any of the said respective boards, under and by virtue of this act, shall be in the name of the governor, in trust for and on behalf of this state.

Suits to be in the name of the governor.

*And be it further enacted, by the authority aforesaid*, That all bonds, bills, notes, conveyances by lease and release or otherwise, transfers, exchanges, settlements in trust or otherwise of any such estates, real or personal, of or belonging to persons hereby attainted, made or entered into before or since the said nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, being fair and for bona fide and valuable consideration, and not intended to secure and keep the same from forfeiture and confiscation, shall be deemed and held valid in law, any thing herein contained to the contrary notwithstanding. *Provided nevertheless*, That the said respective boards shall have and exercise the powers of examination and enquiry; by sending for persons, papers, and authenticated copies of records, by administering oaths, and otherwise, to discover any and all collusions and frauds; and

Bona fide sales, &c. heretofore made, valid.

The boards to make enquiry therein.

all deeds and writings of what nature or kind soever, which shall appear to have been made with intent to secure any such estate, real or personal, from forfeiture and confiscation, is, and are hereby adjudged and declared fraudulent and void.

Commissioners  
to be sworn,

And whereas the well managing of the said forfeited estates is of the utmost consequence to the safety and preservation of this state: *Be it therefore enacted, by the authority aforesaid,* That the several commissioners nominated by this act for the settling and disposing the said forfeited estates, shall each of them, before they enter on the execution of their office, take the following oath before any magistrate of the respective counties, not being a member of any of the said respective boards: "I, A. B. do solemnly swear, that I will, to the best of my skill and judgment, faithfully and honestly execute and perform the several and respective duties required in and by an act of the General Assembly of this state, entitled, "An act for attainting such persons as are therein mentioned," &c. as a commissioner for the county of \_\_\_\_\_

their oath.

So help me God."

To give bond  
and security to  
the governor.

And for the more effectual securing the benefits arising on such estates, *Be it enacted, by the authority aforesaid,* That the said commissioners, and each of them, shall give good and sufficient security to the governor for the time being, in trust for the use of this state, for the due and faithful performance of the trust reposed in them, in proportion to the estates so entrusted to them, in manner and form following, that is to say:

Each of the commissioners for the county of Chatham, five thousand pounds.

Each of the commissioners for the county of Effingham, two hundred pounds.

Each of the commissioners for the county of Burke, one hundred pounds.

Each of the commissioners for the county of Richmond, five hundred pounds.

Each of the commissioners for the county of Wilkes, one hundred pounds.

Each of the commissioners for the counties of Liberty, Glynn and Camden, five hundred pounds.

*Provided nevertheless,* that no one commissioner shall be security for another commissioner.

To appoint the  
days of the sale.

*And be it further enacted by the authority aforesaid,* That the respective boards do, and they are hereby required to correspond with each other, and to settle different and distant days for selling of the estates, real or personal, which shall or may be sold under and by virtue of this act; and in order that all or any of the inhabitants of the several counties may attend any such sales.

All monies arising from sales,  
rents, &c. to be  
paid into the  
treasury.

And to the end that all monies arising by means of all and every the sale and sales, rents, issues, and profits of any such estates so vested in this state as aforesaid, may be secured and applied to the uses and purposes directed by this act, *Be it therefore enacted by the authority aforesaid,* That the said respective boards shall and they are hereby directed and required to pay into the public treasury of this state, all and every sum and sums of money which shall or may come into their hands respectively by means of any sale, or sales, rents, issues and profits as aforesaid, within ten days next after the receipt of all and every such sum of money by the said respective boards: And the treasurers for the time being, are hereby directed and required to make and subscribe three receipts for every such sum of money of the same tenure and date, and to deliver one of such receipts to the governor for the time being, one to the said respective boards, and the remaining one shall be lodged in the secretary's office of this state.

Vacancies in  
the boards,  
how filled.

*And be it further enacted by the authority aforesaid,* That in case any of the commissioners appointed in and by this act shall die, or resign their appointments,

or refuse or neglect to act in the recess of the legislature, then the governor and council for the time being are hereby authorized and empowered, to appoint some proper and discreet person or persons to act in the room, or stead of any such person or persons who shall or may die, or resign, refuse or neglect to act as aforesaid.

And whereas the sheriffs of the several counties, or such other person or persons who shall sell any part of the confiscated estates, will be put to considerable trouble in selling the several estates ordered to be sold by this act, and it is but just and right they should receive an adequate compensation for the same: *Be it therefore enacted, by the authority aforesaid,* That the several sheriffs, or such other person or persons who shall sell at public outcry the several estates directed to be sold by this act, or any of them, or any part of them, shall be allowed for their trouble therein the following commissions, to wit, To the sheriffs, or such other person or persons who shall sell the said estates, in the county of Chatham, five shillings on every hundred pounds value so sold, received and paid; and to the sheriffs, or such other person or persons who shall sell the said estates, in the county of Effingham, Burke, Richmond, Wilkes, Liberty, Glynn and Camden, fifty shillings on every hundred pounds value so sold, received and paid, in each of the said counties, to the amount of ten thousand pounds, and for all sums above the amount of ten thousand pounds, five shillings on every hundred pounds value so sold, received and paid.

Compensation to sheriffs, &c. for services under this act.

And to the end that all monies arising from the said sales be more effectually secured and applied to the public use: *Be it therefore enacted by the authority aforesaid,* That the respective boards are required to demand a reasonable security of the respective sheriffs or other persons, for the due and faithful performance of their offices in selling the estates both real and personal, forfeited, and confiscated by this act and directed to be sold, which security shall be made payable to the governor for the time being, in trust for the state, and shall be filed in the secretary's office of the same, there to remain as matter of record.

Sheriffs, &c. to give security to the governor.

And be it further enacted by the authority aforesaid, That the said respective boards be, and they are hereby authorized and empowered to allow and appropriate any part or parts of the estate or estates, real and personal, of every person or persons, attainted in and by this act, who hath or have left a wife or wives, child or children behind him or them, and who are yet and shall continue to remain within this state, for the support and maintenance of such wife or wives, child or children; *Provided,* that such allowance and appropriation do not exceed the one half part of any such estate, except in cases where the one half part of any such estate shall be found to be insufficient for their purposes, that then, and in every such case, it shall and may be lawful for the said respective boards to allow and appropriate to the purposes aforesaid, any further part, or the whole of any such estate or estates.

Wives and children of attainted persons to be allowed a support out of their estates.

And be it further enacted, by the authority aforesaid, and it is hereby enacted and declared, That all sum and sums of money arising from all and singular the sales of both real and personal estates so to be made as aforesaid, shall be employed towards calling in and sinking the certificates and bills of credit issued by this state for the public security and defence, and towards defraying and discharging the quota of this state of the expences and disbursements of the United States in the present war with Great Britain; and the remainder of the same shall be appropriated as a fund for the future support of this state, subject to the disposal of the General Assembly of the same.

Money arising from the sales, appropriation.

And be it further enacted, by the authority aforesaid, That this shall be deemed a public act, and may be given in evidence in any of the courts of record within this

Public act. Persons sued may plead the

general issue. state, without any special pleading; and in case any person shall be sued or impleaded for any thing done under this act, and judgment by verdict or otherwise shall be passed against him, such person shall recover double costs.

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

March 1st, 1778.

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*An act to alter and amend a clause or clauses of an act entitled "An act for attainting such persons as are therein named of high treason, for confiscating their estates, both real and personal to the use of this state, for establishing boards of commissioners for the sale of such estates, and for other purposes therein mentioned," and for the better and more effectual carrying the other purposes of the said act into execution.*

Preamble.

**W**HEREAS in and by an act of this state, passed for attainting persons therein mentioned of high treason, and for confiscating their estates both real and personal, to the use of this state, for establishing boards of commissioners for the sale of such estates, and for other purposes therein mentioned, *It is enacted among other things,* That every buyer of personal goods and chattels, so directed to be sold, shall pay one fourth part of the amount of every such purchase so made by persons within the description of the said act, to the said boards respectively for the use of the said state, and shall give good and sufficient security, to be approved of by the said boards, respectively, for payment of the remaining part of the purchase money, within three years after the day of sale with interest for the same at the rate of eight per cent. per annum, to be paid in the following manner, that is to say: One third part of such remainder at the end of one year, one other third part at the end of two years, and the remaining third part at the end of three years, together with the whole of the interest at the end of each year respectively, to the use of this state, payable to the governor of this state, for the time being: *And whereas,* it is directed that the real estates of such persons as are mentioned in the said act of attainder and confiscation shall be disposed of and sold at a credit of five years paying interest for the same at the rate of six per cent. per annum. *And whereas* the powers vested in the said several boards of commissioners appointed and constituted in and by the said in part recited act are repealed, and the said boards respectively abolished and the powers and authorities given to the said commissioners are, by a subsequent act of this state, vested in the legislature of this state; *And whereas* it is deemed expedient for the advantage of this state, and the better to carry the purposes of the said act of attainder into execution, that the terms prescribed in the said in part recited act with regard as well to the sale of the personal goods or chattels, as the real estate thereby directed to be sold, should be changed: *Be it therefore enacted, and it is hereby 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 said in part recited clauses of the said act of attainder and confiscation be, and they are hereby repealed; and that, in lieu of the terms mentioned in the said clauses, the sheriffs of the several counties for the time being, are hereby directed to expose to public sale, to the highest bidder, the personal goods and chattels of such persons mentioned in the said act; and that all sums of two hundred pounds and under be

Terms of sale  
in the act of  
attainder re-  
pealed

cash; all above two hundred pounds to be half cash, the other half one year's credit, with interest from the delivery; land security to be taken for all sold on credit, and four per cent. to be allowed for prompt payment on the parts for credit, before the delivery of such goods and chattels.

All sales of personal estates under two hundred pounds to be for cash, above that sum half cash, one year's credit on the other half with interest. One fourth to be paid down on the sales of real estates. Credit for one two and three years with eight per cent. interest.

2. *And be it further enacted by the authority aforesaid,* That the said sheriffs be, and they are hereby directed to sell and dispose of the real estate directed to be sold as aforesaid, to the highest bidder, the one fourth part of the purchase money to be paid at the time of such sale, and the remainder in three equal payments, yearly, together with interest from the day of sale, at the rate of eight per cent. per annum, and the said sheriffs (under the inspection of a committee appointed by the house) are hereby directed to demand, and take of such buyer of real estate, so sold as aforesaid, good and sufficient security by mortgage on the premises, and other security as may be necessary for the safety of this state, for the faithful payment of such remainder of purchase money so due and to be paid as directed by this act.

With mortgages on the premises, and other security.

3. *And be it further enacted, by the authority aforesaid,* That the respective sheriffs in each county in the said state, be and they are hereby authorized and empowered to make and execute title or titles to such person or persons as may purchase any part or parts of the said confiscated estates, either real or personal, and that such title or titles be, and they are hereby declared to be, valid in law.

Titles, how to be executed.

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

October 30, 1778.



*An act to compel non-residents to return within a certain time or in default thereof, that their estates be confiscated, and for confiscating the estate of William Knox, Esq. formerly provost marshal, of the then province, now state of Georgia.*

1. **W**HEREAS great indulgence hath already been granted to persons residing in the dominions of the king of Great-Britain holding property within this state; *And whereas* it is necessary that such persons should share with the good people of this state, the expence and danger of defending the same; *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 the estates of all persons above the age of twenty-one years residing in the dominions of the king of Great-Britain, situate and being within this state, who shall not within twelve months next after the passing of this act come within the same and take and subscribe the oaths of the state as directed and required by the constitution and laws thereof, shall be forfeited, confiscated, and sold to the use of the state, and the monies arising therefrom applied to the like uses, as the monies arising from the sales of the estates under the act of attainder and confiscation, *Provided,* That nothing in this act shall be construed to extend to persons disabled by a former act of this house, entitled an act for attainting certain persons therein mentioned of high treason for confiscating their estates both real and personal to the use of this state.

Preamble.  
Estates of persons residing in the British dominions, forfeited unless they return to the state and take certain oaths, within twelve months.

2. *And whereas* William Knox hath by a long train of inimical acts forfeited all and every degree of right to protection of property within this state, and hath been very active in advising and continuing the miseries and calamities with which the good peo-

William Knox.

His estate to be  
confiscated and  
sold.

ple of this state have been afflicted: *Be it further enacted, by the authority aforesaid,* That the estate of the said William Knox, both real and personal, be sold under the regulations of the act of attainder, and the monies arising from the sales be applied to the uses directed by the said law.

By order of the House.

N. W. Jones, *Speaker.*

November 15th, 1778.

.....

*An act declaring certain persons, who are therein described, citizens of this state, and for burying in oblivion certain high crimes and misdemeanors.*

Preamble.

**W**HEREAS numbers of persons did, on or about the time of the British troops taking possession of the back parts of this state, receive and take the British protection or oath contrary to their allegiance to this state; *And whereas* the said several persons have since that period (convinced of the illegality of such their proceedings and misdemeanors) shewn their attachment and loyalty to the United States, by risking their persons and engagements, and testifying it by various other actions.

1. This section excluding certain persons from the right of citizenship repealed by act of 1782.

Persons entitled  
to the rights of  
citizenship.

2. *And be it further enacted by the authority aforesaid,* That all persons having taken protections as aforesaid, and have joined the army of this or the United States, on or before the fifth day of June last past, shall be looked upon as citizens, and entitled to all the liberties and privileges of free people, except those who have been guilty of murder or plundering, or distressing the peaceable inhabitants of this or any other state.

Certain excep-  
tions.

On what con-  
ditions allowed  
to return.

3. *And be it further enacted by the authority aforesaid,* That all persons who shall come in and join any regiment in this state, on or before the first day of October next, not guilty of any of the offences above described, and shall give security to stand his trial for any crime that may be brought against him, that then, and in that case the person shall be suffered to remain until the determination of the court as aforesaid, and if no crimes can be proved against him, they are hereby entitled to all the liberties of a free citizen, and shall take and subscribe the following oath before the commanding officer of the district in which such person may reside or belong, viz.

To take an  
oath

The oath.

“ I *A. B.* do solemnly swear or affirm, without any equivocation or reservation of mind, that I do in truth and sincerity, cheerfully and desirously, renounce and abjure the king of Great-Britain, his heirs and successors, and also the crown thereof forever: And I do further solemnly swear or affirm, that I will bear true allegiance to the state of Georgia, and do every thing in my power to support the independence of the same, agreeable to the declaration passed in congress on the fourth day of July one thousand seven hundred and seventy-six, and also that all treasons, combinations and confederacies, or any movements of the British troops, their emissaries or spies against it, which shall come to my knowledge, I will immediately make known to the officer commanding the district I belong to, or the nearest justice of the peace. So help me God.”

Certain acts to  
be punished  
with death.

4. *And be it further enacted,* That if any person or persons herein before mentioned, who have heretofore taken the said protection or oath shall hereafter take or



receive either of them as a British subject, or shall speak in favor of the British king or his vassals, or shall take up arms in aid thereof, or shall speak against the legality of congress, or the independence of this or the United States, or refuse to take up arms against the enemies thereof when required, in either case shall suffer death or banishment, at the option of the jury.

5. *And be it further enacted,* That this act shall be looked on as a public act, and be given as such in evidence. Public act.

6. *And be it further enacted,* That this act shall be and continue in force for and during the space of three years, and from thence to the end of the next session of the General Assembly, and no longer. Continuation.

By order of the House,  
JOHN JONES, *Speaker.*

August 20, 1781.

.....

*An act to amend an act declaring certain persons therein described citizens of this state, and for burying in oblivion certain high crimes and misdemeanors.*

1. **W**HEREAS the said act passed on the twentieth day of August last, hath been found inadequate to the purposes intended, *Be it enacted by the representatives of the freemen of the state of Georgia, in General Assembly met, and by the authority of the same,* That the first clause in the said act, which respects officers, shall be and the same is hereby repealed and of no force or effect whatever, any matter or thing contained in the same to the contrary notwithstanding. Preamble. First clause in the above act repealed.

2. *And be it further enacted, by the authority aforesaid,* That this act shall be deemed a public act, and given as such in evidence. Public act.

By order of the House,  
WILLIAM GIBBONS, *Speaker.*

Augusta, January 12, 1782.

.....

*An act for amercing certain persons therein named, and for other purposes therein mentioned.*

**W**HEREAS many persons have withdrawn themselves from the defence of this state, some of whom bore high and important trusts, or commissions under the same, accepted protection from the enemy in utter contempt of the authority of the state, and to the evil example of society; and forgetting all the social ties of kindred and humanity, did assist in endeavoring to enforce the laws of British government, and overturn that mild and equitable system of government, which they had assisted to raise, and which it was their duty to support; *And whereas* it is but just and reasonable, that the estates of such persons, both real and personal, be amerced, and that a due discrimination should be made; *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 the commissioners appointed for carrying into execution an act, entitled "An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," shall, with- Preamble. Commissioners to take an inventory of estates of persons herein named.

in two months after passing this act, take an inventory and appraisement of the estates of the persons herein after mentioned, viz. Thomas Polhil, Sir Patrick Houftoun, John Sutcliffe, George Basil Spencer, Thomas Wylly, William Struthers, Amos Whitehead, M'Carten Campbell, James Lambert, Andrew M'Lean, John Irvin, George Cuthbert, Benjamin Farley, John Goldwire, and Thomas Johnston, and within four months thereafter, take out the amercement herein after mentioned, that is to say, twelve per cent. on the true and equitable value of all such estates both real and personal, of the persons herein before mentioned; and that the said commissioners or a majority of them shall inventory and appraise the estates of the persons herein after named, viz. William King, John Lowerman, Smith Clarendon, Stephen Millen, Joseph Cuthbert, Joseph Fox, Luke Mann, Thomas Walker, Nicholas Cavenah, David Cavenah, Peter Winn, heirs of George Walker, David Johnston, James Johnston, David Delegal, Benjamin Wilson, Robert Baillic, George Houftoun, James Massman, David Douglafs, William Stephens, and take out the amercement hereafter mentioned, that is to say, eight per cent. on the true and equitable value of all such estates both real and personal, which said amercement shall be paid by the several persons herein before named, into the treasury of this state, within six months from and after the passing of this act; and that the said persons herein before named shall be obliged to give to the said commissioners or a majority of them, a just, true and perfect account on oath, of all their real and personal estates which they are possessed of, or which others may or do hold in trust for them, within forty days from and after the passing of this act; and in case of refusal or neglect, the said commissioners or a majority of them are hereby empowered, authorized and required to have the estates real and personal, of the persons herein before mentioned, appraised by three free-holders, who shall be sworn for that purpose; and the said persons so neglecting or refusing as aforesaid, shall forfeit double the amount of their respective amercements, which shall be recovered by sale, out of any part of their real or personal estates.

Amercement of eight per cent.

Persons refusing to give an account of their property, forfeit double amercement.

2. Respecting military regulations. Obsolete.

3. *And be it enacted*, That the commissioners or a majority of them, are hereby required to deliver all monies which they may receive by virtue of and in pursuance of this act, as well as all inventories and appraisements, and a copy of their accounts once in every thirty days, to the treasurer of this state, who is hereby authorized to give the said commissioners or a majority of them a sufficient receipt for such sum or sums as may be by him received.

Money arising under this act to be paid into the treasury.

4. Respecting military regulations. Obsolete.

5. *And whereas* it will be of great service to the state in recruiting the continental battalion, to receive all or a part of the different amercements immediately, *Be it enacted by the authority aforesaid*, That any person or persons amerced as aforesaid, who shall within thirty days from and immediately after the passing this act, pay or cause to be paid into the treasury or hands of the commissioners, all or any part of the sum he or they shall be respectively amerced, such person or persons so paying as aforesaid, shall be entitled to, and allowed a deduction of ten per cent. on all such part of his said amercement, as he shall pay, or so cause to be paid, and any person so fined or amerced as aforesaid, who shall within the space of three months, so pay or cause to be paid all or any part of his said amercement, as aforesaid, he or they shall be entitled to, and allowed a deduction of five per cent. any matter or thing herein contained to the contrary thereof notwithstanding.

Ten per cent. allowed on prompt payment.

6. *And be it further enacted,* That any person or persons so amerced as aforesaid, who shall within thirty days recruit or enlist any able bodied foldier for the continental battalion and produce a certificate thereof within the said time shall be allowed a deduction from his said amercement of the sum of forty pounds; and where any such person shall place in the said battalion any able bodied man as aforesaid within three months from and after the passing hereof, he or they shall be allowed for every such foldier, the sum of thirty pounds to be taken from the amount of his said amercement, subject however to no other deduction whatsoever.

Deduction allowed for enlisting soldiers.

7. *And be it further enacted,* That all and every person and persons named in this act shall be, and he and they is and are hereby declared to be disqualified, and rendered incapable to serve on any jury, or to vote at any election for members of Assembly, or to serve in the same, for and during the space of two years from and after the passing of this act; but such person and persons are hereby declared to be in all other respects restored to the rights of citizenship within this state, on complying with the terms of this act, and taking the oaths of allegiance before any of the assistant judges of the county to which they respectively belong, in as full a manner as if the act of confiscation before named had never been made, or as any other American citizen doth enjoy the same, subject only to the disability in this act contained; and all offences of a public nature (murder only excepted) shall in regard to such person and persons be for ever buried in oblivion, saving only the right of civil actions as to any person or persons who may apprehend him, her or themselves aggrieved by such person or persons named in this act.

Persons herein named, disqualified for two years.

Offences, except murder, buried in oblivion, but liable to civil actions.

8. *And whereas* certain parts of the estates real and personal, of several of the persons named in this act, have been under former laws sequestered and applied to public use, and other parts have been sold, and disposed of under and by virtue of a certain act, of confiscation, passed at Augusta on the fourth day of May last past, and entitled "An act for inflicting penalties on, and confiscating the estates of such persons as are therein guilty of treason, and for other purposes therein mentioned," *Be it therefore enacted by the authority aforesaid,* That in all cases where any part of the monies have been received, or property in lieu thereof taken and applied to public use, the amount of the same shall be acknowledged and received by the commissioners appointed in and by this act, as so much of the amercement of such person or persons respectively; and in all cases where any part of the estates, real and personal, of the said persons or any of them named in this act, hath been sold or disposed of by the said commissioners, it shall and may be at the option of the purchaser or purchasers either to give up his, her or their purchase, or to keep the same. In the latter case the said sale shall be confirmed, and his honor the governor for the time being shall assign and set over to the person or persons whose property was so sold, all bonds, mortgages and other securities taken for the same by the said commissioners from the said purchaser and purchasers, and thereafter the said bonds, mortgages and other securities, with the monies thereon due and to grow due, to hold to such person and persons respectively, to whom the same are so assigned as aforesaid, and their respective heirs, executors, administrators and assigns, absolutely for ever; and in this case no suit or action shall be brought against the said purchaser and purchasers, for the space of two years from January next, and then whatever would be deemed a good payment to the public, shall be held and taken as such by the person or persons to whom the said bond and other securities are assigned: And if it shall so happen the said purchaser or purchasers under the said confiscation act shall choose to give up his, her or their purchase, he, she or they shall have power so to do, and the estate

Further powers of the commissioners.

Purchasers of estates of persons herein named may relinquish, or hold the same, at their option.

The governor to assign to such person, all bonds, &c. touching the sale of said estate.

Purchaser relinquishing the property, vests in the original owner.

real or personal purchased by such person or persons being re-delivered to the owner or owners in this act named, the said purchaser or purchasers shall be entirely acquitted and released from all claim or concern in the said estate, and the same shall hold to the said original owner or owners, his, her or their heirs, executors, administrators and assigns for ever, subject only to the amercement in this act specified and contained.

Estates of such persons unvoid, restored.

9. *And be it further enacted by the authority aforesaid,* That all such parts of the estates of them the said several persons herein before named, either real or personal, which have not been already, and before the passing of this act, sold and disposed of, by the commissioners aforesaid, shall be, and the same is hereby declared to be fully, truly and absolutely restored to them the said several persons herein before named respectively, and their respective heirs, executors, administrators and assigns forever in as full and ample a manner, to all intents and purposes, as if the said act of confiscation passed at Augusta as aforesaid had never been made.

Subject to payment of commissioners.

10. *And be it further enacted by the authority aforesaid,* That the said several persons herein before named shall pay and satisfy the commissioners the full amount of their commissions respectively, on the sales of such part of their estates as have been sold.

The state to warrant the sales made by Commissioners.

11. *And be it enacted by the authority aforesaid,* That the state will and do guarantee and defend the commissioners appointed by this act, or a majority of them, in all their proceedings for carrying the powers and authorities given them into full effect, and will also warrant and for ever defend all and every sale or sales which the said commissioners, or a majority of them, shall make to any purchaser or purchasers of any part or parts of the estates of the aforesaid persons.

Commissioners allowed one per cent and reasonable expences.

12. *And be it enacted by the authority aforesaid,* That the commissioners for carrying this act into execution shall be allowed one pound for every such hundred pounds placed in their hands, and paid by them agreeably to the meaning of this act, together with an allowance for such reasonable charges as may accrue from the execution of the same.

Persons concealing any part of their property, to forfeit it.

13. *And be it further enacted,* That if any person named in this act shall fraudulently make over or remove, or conceal any part or parts of his or their property, with intent to defraud the state, such person or persons shall forfeit all and every such part and parts of his or their estates so made over, removed or concealed, on satisfactory proof being thereof made before any court of record within this state.

Public act.

14. *And be it further enacted by the authority aforesaid,* That this act shall be deemed a public act, and shall be considered in the most beneficial manner for the interest of this state.

JAMES HABERSHAM, *Speaker.*

Savannah, August 5, 1782.

.....

*An act for amercing certain persons therein named and admitting others to the rights of citizenship, and for other purposes therein mentioned.*

Preamble

1. **W**HEREAS the legislature of this state by their resolutions, passed in the year one thousand seven hundred and eighty-three, and eighty-four, relieve from the pains and penalties of banishment, as directed by the act of this state, for inflicting the pains of banishment and confiscation of persons therein named, and directed that the names of the following persons shall be taken from the act of confiscation, and placed on the amercement act, and that the amercement should not exceed twelve

per centum: *And whereas* the present legislature have agreed to take others in like situation from off the act of attainder, viz. Andrew Johnston, Timothy Barnard, Isaac Delyon, Alexander Carter, Alexander Rose and William Durgan: *Be it therefore enacted by the representatives of the freemen of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas Young, Raymond Demere, jun. John Glen, Levi Sheftall, Thomas Gibbons, Isaac Heaton, Isaac Downie, Thomas Beatty, Robert Porteous, James Spalding, Alexander Creighton, Andrew Johnston, Timothy Barnard, Isaac Delyon, Alexander Carter and Alexander Rose, be and they are hereby severally relieved from the pains of the said act of confiscation and banishment.

Certain persons relieved from the penalties of the act of confiscation and banishment

2. *And be it further enacted by the authority aforesaid,* That the estates both real and personal, of the said Thomas Young, Raymond Demere, jun. John Glen, Levi Sheftall, Thomas Gibbons, Isaac Heaton, Isaac Downie, Thomas Beatty, Robert Porteous, James Spalding, Alexander Creighton, Alexander Rose and Isaac Delyon, are hereby amerced and made subject to twelve per centum: and that Andrew Johnston, Alexander Carter and William Durgan shall be subject to pay one per centum only, as an amercement on such property as they may possess; and that Timothy Barnard be subject only to one quarter per centum; the same to be paid within twelve months to the treasurer or commissioners of confiscated estates, for the use of this state, (all persons neglecting to pay the same in the time limited shall be liable to pay double that sum) to be paid in specie and nothing else.

Their estates real and personal subjected to amercement.

3. *And be it further enacted by the authority aforesaid,* That the said Thomas Young, Raymond Demere, jun. John Glen, Levi Sheftall, Thomas Gibbons, Isaac Heaton, Isaac Downie, Thomas Beatty, Robert Porteous, James Spalding, Alexander Creighton, Andrew Johnston, Timothy Barnard, Isaac Delyon, Alexander Carter, William Durgan, and Alexander Rose, shall return to, enjoy and possess every right of citizenship in this state, any thing in the said act of confiscation to the contrary notwithstanding: *Provided always,* That the said Thomas Young, Raymond Demere, jun. John Glen, Levi Sheftall, Thomas Gibbons, Robert Porteous, James Spalding, Alexander Creighton, Andrew Johnston, Isaac Delyon, and Alexander Rose, shall not be permitted to vote at elections, hold offices under the government, or be eligible to a seat in any of the departments thereof, until fourteen years shall have elapsed from the passing of this act: *And provided also,* That Thomas Gibbons shall not plead or practice in the courts of law of this state for the said term of fourteen years.

Said persons permitted to return and enjoy the rights of citizenship.

under certain restrictions for fourteen years.

4. *And be it further enacted,* That all supplies that have been taken from the above mentioned persons, for the use of the army or payment of any of the soldiers, shall not be brought in charge against this or the United States.

Not to be paid for supplies taken from them.

5. *And be it further enacted by the authority aforesaid,* That John Mullryne and Solomon Kemp, two persons named in the said act of banishment, shall be, and they are hereby permitted to be and remain in this state for and during the term of seven years, without molestation or injury in respect to their persons for or on account of the said act, and all and singular the estates, real and personal of the said Solomon Kemp, which now remains unsold by the commissioners of forfeited estates shall be, and the same is hereby gratuitously given to and vested in the wife and children of the said Solomon Kemp, for and notwithstanding the said act of confiscation, or other matter or thing appertaining to the same; such property so given to the said wife and children of the said Solomon Kemp, to be nevertheless subject and liable to a proportionable part of any debts he may owe; *Provided nevertheless,* That, for all property

Certain persons permitted to remain seven years in this state.

Estate of Solomon Kemp vested in his wife and children.

subject to payment of his debts.

Auditor to give a certificate.

real and personal, heretofore belonging to any of the persons aforesaid, that has been sold by virtue of the act of confiscation and attainder, the auditor shall, and he is hereby required to give such person, the former owner of the said property, a certificate for a sum equal to the amount of the sale of such property.

Negroes the property of attainted persons, may be purchased out of the state.

6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any citizen of this state, or any of the United States, to purchase and bring into this state, and thereafter to hold any negro or other slave, the property of any person named in the act of confiscation and banishment, *Provided* such negro or other slave has not been sold by the commissioners of confiscated estates, and was without the limits of this state, at the time such purchase was made, any thing in the act of confiscation to the contrary notwithstanding.

Persons admitted to the rights of citizenship.

7. *And whereas* William Welfcher, Malcom Ross, James Farre, Donald M'Leod, William Thompson, John Milne and David Leion, come within the proviso of the alien act, having applied for the rights of citizenship previous to the passing thereof, *Be it therefore enacted,* That from and immediately after passing this act, the said William Welfcher, Malcom Ross, David Leion, James Farre, Donald M'Leod, William Thompson and John Milne, shall be, and they are hereby declared free citizens of this state, any thing in the said alien act to the contrary thereof notwithstanding.

By order of the House,  
JOSEPH HABERSHAM, *Speaker.*

Savannah, February 21, 1785.

.....

*An act for the confiscating the estates of certain persons therein described, and for the providing funds for defraying the contingent expence of this state.*

Preamble.

**W**HEREAS it is absolutely necessary a fund should be raised for the defraying the contingent and necessary expences of this state, which must and will accrue ;

*And whereas* numbers of disaffected persons have deserted the grand cause of America, and have joined the troops and forces of the British tyrant, contrary to the allegiance they owed the United States, many of whom have left large estates which reason and policy dictates should be applied to the uses of government :

The estates of all persons within the British lines, confiscated.

1. *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing this act, the estates and possessions of what and every nature soever within this state, of all and every person and persons who shall now be, or may have been within the British lines, as British subjects, and who are not included in the act of confiscation passed on the first day of March in the year of our Lord one thousand seven hundred and seventy-eight, or in the act for burying in oblivion certain high crimes and misdemeanors, passed the twelfth day of August one thousand seven hundred and eighty-one, or in the amendment thereof, passed this present session, or who are not at this time looked on and respected as citizens of this state, shall be, and they are hereby confiscated, to and for the use of the same.

Certificates to be issued on credit of such estates, for twenty-two thousand one hundred pounds.

2. *And be it further enacted by the authority aforesaid,* That in order to defray the expence of government as aforesaid, there shall be certificates issued on the credit of the said estates to the amount of twenty-two thousand one hundred pounds specie, which said certificates shall be drawn in the manner following, viz.

This certificate for the sum of ——— shall be received in payment at the sales of confiscated estates as specie. Certificate.

3. *And whereas* a great demand will be in the quarter master's and commissary's department, *Be it enacted by the authority aforesaid,* That the heads of the said departments on making contracts for provisions or other necessaries for the armies or other uses of this state, or in settling those already made, shall give the person or persons so contracting, or who may have contracted as aforesaid, temporary certificates, who are hereby required within one month thereafter to produce the same to his honor the governor, for the time being, who, on examining and confirming the same is hereby empowered to issue certificates as aforesaid in favor of the person or persons so producing the said temporary certificates for the amount of the same, so as the whole certificates issued for the said departments do not exceed the sum of three thousand pounds specie; and the said quarter masters and commissaries are further required to deliver in monthly returns to his honor the governor, fairly stated, of all such contracts by them made as aforesaid, within the same, which said returns shall be registered and filed in the secretary's office. Quarter masters and commissaries to issue certificates to be taken up by the aforesaid certificates.

4. *And be it further enacted,* That his honor the governor, for the time being, be empowered to draw certificates as aforesaid, to the amount of five hundred pounds specie to defray such necessary services as may be deemed expedient by him and the honorable the executive council. Five hundred pounds for contingent expenses.

5. *And be it further enacted,* That his honor the governor as commander in chief of the militia, be empowered to draw a further sum of one hundred pounds specie, for secret service. One hundred pounds for secret services.

6. *And be it further enacted,* That his honor the governor be empowered to draw certificates for the further amount of five hundred pounds specie, for defraying the necessary expence in equipping the men and providing horses for the troop to be kept up in the state legion for the defence of this state. Five hundred pounds to equip the state legion.

7. *And be it further enacted,* That his honor the governor for the time being, be further empowered to issue certificates as aforesaid for the further amount of fifteen thousand pounds specie, to pay off the arrears of the militia of this state; and in order that justice be effectually administered in the said payments, the captains of the companies of the respective regiments, shall make out on oath, pay-rolls, with every man's name fairly and clearly stated, with the time they were actually in the field, which said pay-rolls shall be certified by the commanding officers of the respective regiments as aforesaid, who are hereby required strictly to examine the same, that the said certificates for the service aforesaid, shall be issued in the names of the several persons who have done the duty separately. Fifteen thousand pounds to pay off arrears of militia.  
Form of pay-rolls.

8. *And be it further enacted,* That his honor the governor be empowered to issue certificates for the further amount of two thousand five hundred pounds specie, if necessary, to defray the expences of the civil list. Two thousand five hundred pounds for civil list expenses.

9. *And be it further enacted,* That his honor the governor be further empowered to issue certificates for the amount of five hundred pounds specie for the paying off the officers and privates reduced of the legion dragoons agreeable to the time they have served. Five hundred pounds for certain officers & privates of said legion.

10. *And be it further enacted,* That the said certificates shall be issued in payment and contracts on account of the state at the rate articles sold for during the years one thousand seven hundred and seventy-four, and one thousand seven hundred and seventy-five, except corn, which shall not exceed two shillings and sixpence per bushel. Price of articles in 1774 & 5, the standard corn not to exceed two shillings and sixpence, per bushel.

Certificates to  
be redeemed.

11. *And be it further enacted*, That unless the said certificates shall be redeemed by the first day of November next, the said estates, or such part thereof as will redeem the same shall be sold at public outcry to the highest bidder, at which sales the said certificates shall be received as specie as aforesaid.

Public act.

12. *And be it further enacted*, That this act shall be considered as a public act and given as such in evidence.

WILLIAM GIBBONS, *Speaker*.

January 3, 1782.

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*An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned.*

Preamble.

1. **W**HEREAS, on the first day of March, which was in the year of our Lord one thousand seven hundred and seventy-eight, an act was passed for attainting certain persons therein mentioned of treason, and confiscating their estates for the use and benefit of this state, which act has not as yet been carried into full execution: *And whereas* it is necessary that the names of the said persons so attainted by the said law, should be inserted in a law, with the names of various other persons who have since the aforesaid time been guilty of treason against this state, and the authority of the same, by traiterously adhering to the king of Great-Britain, and by aiding, assisting, abetting and comforting the generals and other officers, civil and military, of the said king, to enforce his authority, in and over this state, and the good people of the same: *And whereas* the said treasons have been followed with a series of murders, rapine and devastation, as cruel as they were unnecessary, whereby order and justice were banished the land, and lawless power established on high, exhibited the melancholy picture of Indians inflicting dreadful punishments on both old and young of the faithful and peaceable citizens of the state; women and children sitting on the ruins of their houses, perishing by famine and cold, whilst others were compelled in the midst of a rigorous season to depart the state, being previously plundered of both their and their children's clothing, and every other necessary that might tend to mitigate the uncommon severities exercised on the softer sex and their innocent babes; nor was this all—whilst these days of blood and British anarchy continued among us, and commanded executions of our citizens, taken in arms in defence of their invaluable rights, to take place—executions as unauthorized by the laws of nations as they were cruel in themselves, and only to be exceeded, if possible, by the abandoned profligacy of setting torches to temples dedicated to the service of the MOST HIGH GOD, whereby they completed a violation of every right, human and divine: *And whereas* the aforesaid treasons and other atrocious crimes justly merit a forfeiture of protection and property: *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same*, That all and each of the following persons, viz. for Chat-ham, Sir James Wright, bart. John Graham, Alexander Wright, Lachlan M'Gillivray, John Mulryne, Josiah Tatnall, Basil Cowper, William Telfair, Alexander M'Goun, Thomas Talmash, Samuel Douglass, Lewis Johnston, sen. Lewis Johnston, jun. William Johnston, Thomas Johnston, James Johnston, Samuel Farley, James Alexander, Joseph Spencer, James Butler, John Wood, Robert Reid, John Storr, Thomas Reid, George Houlstoun, Philip Delegal, sen. his heirs, devisees or

Names of per-  
sons



assigns, Philip Delegal, jun. David Delegal, John Glen, John Bond Randall, James Mossman, John Charles Lucena, Nathaniel Hall, Thomas Gibbons, John Fox, jun. John Simpson (Sabine Fields), Matthew Stewart, John Sutcliffe, Benjamin Farley, Thomas Roffe, John Joachim Zubly, his heirs, devisees or assigns, David Zubly, jun. George Baillie, William Wyllly, Campbell Wyllly, Thomas Wyllly, Levy Sheftall, James Harriot, James Graham, James Hume, John Hume, his heirs, devisees or assigns, Thomas Goldsmith, his heirs, devisees or assigns, Major James Wright, James Robertson, Henry Young, jun. Joseph Farley, his heirs, devisees or assigns, John Fowles, Thomas Fleming, Alexander Thompson, Robert M'Cormick, his heirs, devisees or assigns, Thomas Forbes, Colonel Thomas Brown, James Thompson, William Jones, of Savannah, Martin Jollie, Donald Fraser, Isaac Baillou, Doctor John Irvine, George Kincaid, William Knox, John Murray, George Cuthbert, William M'Gillivray, William Stephens, Benjamin Wilson, Peter Dean, George Fox, Moses Kirkland, John Lightenstone, William Lyford, Andrew Hewet, Alexander Inglis, James Brihbane, William Miller, William Mofis, Philip Moore, William Panton, Thomas Skinner, John Mulryne Tatnall, Charles William M'Kenny, his heirs, devisees or assigns, Alexander Rose, Charles Wright, sen. Robert Porteous, Jermy Wright, his heirs, devisees or assigns, Charles Wright, son of Sir James, John M'Gillivray, Tim Barnard, Isaac Delyon, Peter Edwards, Samuel Langley, and Samuel Ealy: Liberty, Glynn and Camden, Roger Kelsail, Thomas Young, Simon Munro, Henry Munro, James Spalding, Robert Baillie, Alexander Creighton, Roderick M'Intosh, William M'Intosh, Indian trader, Charles M'Daniel, his heirs, devisees or assigns, John M'Donald, Donald M'Donald, Daniel M'Leod, Daniel M'Intosh, John Polson, his heirs, devisees or assigns, William Ross (Saint Andrews), John Welly, — M'Coy, of Saint Andrews, John Shave, jun. Richard Shave, Arthur Carney, sen. his heirs, devisees or assigns, Arthur Carney, jun. William Dawson, of Newport ferry, Charles Watts, ship carpenter, — Shepherd, of Colonel's island, James Carson, of South Carolina, William Clark, Sir Patrick Houstoun, bart. John Martin, of Jakell island, his heirs, devisees or assigns, James Ketching, John William Williams, Raymond Demere, jun. John Proctor, Daniel M'Girth, James M'Girth, George Aarons; Effingham county, William Willis, Abraham Meneey, Henry Cooper, sen. Henry Cooper, jun. William Cooper, Benjamin Lanier, John Boykin, Joshua Pearce, sen. William Pearce, Stephen Pearce, Philip Dill, sen. Philip Dill, jun. James Dill, his heirs, devisees or assigns, John Goldwire, James Pace, sen. Christopher Frederic Trubnier, Stephen Dampier, Peter Blyth, his heirs, devisees or assigns, John Blyth, Samuel Cooper, George Weekly, Wilderick Gruber, Joseph Johnston, John Johnston, William Powell, William Love, John Love: Burke county, John Thomas, Daniel Ruffel, Matthew Lyle, Robert Miller, John Robertson, Daniel Howell, Alexander Carter, Robert Wolfington, Willoughby Tucker, John M'Cormick, his heirs, devisees or assigns, Paul M'Cormick, his heirs, devisees or assigns, Robert Henderson, his heirs, devisees or assigns, Lud Mobly, James Herbert, James Moore, his heirs, devisees or assigns, Samuel Moore, Joseph Cornals, Robert French, William Balfour, his heirs, devisees or assigns, Isaac Downing, Isaac Eaton, Andrew M'Neily, James Robertson, James Lyle, Joseph Marshall, John Pig, his heirs, devisees or assigns, John Brown, Thomas Rutherford, Cader Price, John Hammet, David Green, Philip Helverston, William Hammond, George Johnston, sen. John Johnston, William Corker, Edward Corker, Stephen Corker, John Corker, William Mangrum, James Douglass, William Durgin, James Hunt, John Young, Robert Tilman,

William Young, Matthew Moore, his heirs, devisees or assigns, Henry Sharp, his heirs, devisees or assigns; Jacob Sharp, Cordy Sharp, William M'Natt, Samuel Montgomery, Thomas Lamb, Edward Pitcher, Benjamin Brantley, Henry Overfreet, Elias Bonnel, William Brown, Augustus Underwood, Absalom Wells, John Ferguson, William Reid, Thomas Beaty: Wilkes county, Thomas Watters, Henry Williams, John Douglass, William White, Samuel Williams, John O'Neal, Avington Perkins, Daniel Philips, James Gordon, Abraham Wilkins, Samuel Wilkins, Jonathan Wilkins, Luke Bynon, William Tidwell, Reuben Sherrall, his heirs, devisees or assigns, James Gordon: Richmond county, Colonel James Grierson, his heirs, devisees or assigns, Andrew Moore, his heirs, devisees or assigns, John Howard, his heirs, devisees or assigns, William Manson, James Ingram, Edward Aslton, James Seymour, Martin Weatherford, James Weatherford, John Henderfon, John Weatherford, George Philips, Alexander M'Lean, Benjamin Howard, his heirs, devisees or assigns, Thomas Howard, his heirs devisees or assigns, Andrew Robertson, Daniel Cameron, John Jamieson, William Oates, Thomas Scott, Richard Bailey, John Coppinger, Thomas Manson, Jacob Watfon, Doctor Andrew Johnston, Charles Weatherford, John Furlow, James Jackson, of Augusta, merchant, William Johnston, Doctor Francis Foliott, Doctor Thomas Taylor, Simon Patterfon, Thomas Polhill, Nathaniel Polhill, his heirs, devisees or assigns, John Maxwell, Solomon Kemp, be and they are hereby declared to be banished from this state forever; and if any of the aforesaid persons shall remain in this state sixty days after the passing of this act, or shall return to this state, the governor or commander in chief for the time being, is hereby authorized and required to cause the persons so remaining in or returning to this state, to be apprehended and committed to jail, there to remain without bail or mainprize, until a convenient opportunity shall offer for transporting the said person or persons beyond the seas, to some part of the British king's dominions, which the governor or commander in chief for the time being is hereby required to do: and if any of the said persons shall return to this state after such transportation, then, and in such case, he or they shall be adjudged, and they hereby are declared to be guilty of felony, and shall on conviction of their having so returned as aforesaid, suffer death without benefit of clergy:

Banished from the state to depart in sixty days, or be transported to the British dominions Guilty of felony and suffer death upon conviction of having returned

Their estates, confiscated, to which they were entitled 19th April 1775.

2. *And be it further enacted by the authority aforesaid,* That all and singular the estates, real and personal, of each and every of the aforesaid persons, which they held, possessed, or were entitled to, in law or equity, on the nineteenth day of April, one thousand seven hundred and seventy-five, or which they have held since, or do hold in possession, or others hold in trust for them, or to which they are or may be entitled to in law or equity or which they may have, hold, or be possessed of, in right of others, together with all debts, dues, demands, of whatever nature, that are or may be owing to the aforesaid persons, or either of them, be confiscated to and for the use and benefit of this state, and the monies arising from the sales which shall take place by virtue of and in pursuance of this act to be applied to such uses and purposes as the legislature shall hereafter direct.

Certain descriptions of persons, subject to the same penalties.

3. *And whereas,* divers other persons citizens of this state, and owing allegiance thereto (whose names are not herein recited) did in violation of the said allegiance; traiterously assist, abet, and participate, in the aforesaid treasonable practices; *Be it therefore enacted by the authority aforesaid,* That all and every of the person or persons under this description shall, on full proof and conviction of the same in a court of law, be liable and subjected to, and they are hereby declared liable, and subjected

to all the like pains, penalties, and forfeitures inflicted by this act, on those offenders whose names are particularly mentioned therein.

4. *And whereas*, there are divers estates and other property within this state, belonging to persons who have been declared guilty or convicted in one or other of the United States, of offences which have induced a confiscation of their estates or property within the state of which they were citizens, *Be it therefore enacted by the authority aforesaid*, That all and singular the estates both real and personal, of persons under this description, of whatsoever kind or nature, together with all rights, or titles, which they may, do, or shall hold, in law or equity, or others in trust for them, and also all the debts, dues, and demands (except debts and demands due or owing to British merchants, or others residing in Great-Britain, which shall be appropriated as herein after mentioned) owing or accruing to them, be confiscated to and for the use and benefit of this state, in like manner and form of forfeiture as they were subject to in the states of which they respectively were citizens of, and the monies arising from the sales which shall take place by virtue of and in pursuance of this act, be applied to such uses and purposes as the legislature shall hereafter direct.

Estates, &c. of persons on confiscation acts in other states confiscated in this state.

Except debts due British merchants.

5. *And be it further enacted*, That all debts, dues, or demands, due or owing to merchants or others residing in Great-Britain, be, and they are hereby sequestered, and the commissioners appointed by this act or a majority of them, are hereby empowered, to recover, receive and deposit the same in the treasury of this state, in the same manner, and under the same regulations as debts confiscated, there to remain for the use of this state until otherwise appropriated by this or any future House of Assembly.

Which are to be sequestered,

and paid into the treasury.

6. *And whereas* there are various persons, subjects of the king of Great-Britain, possessed of or entitled to estates, real and personal, which justice and sound policy require should be applied to the benefit of this state, *Be it therefore enacted by the authority aforesaid*, That all and singular the estates, real and personal, belonging to persons being British subjects, of whatever kind or nature, which they may be possessed of, (except as before excepted) or others in trust for them, or that they are or may be entitled to in law or equity, and also, all debts, dues, or demands, owing or accruing to them, be confiscated to and for the use and benefit of this state, and the monies arising from the sales which shall take place by virtue of, and in pursuance of this act, be applied to such uses and purposes as the legislature shall hereafter direct.

The estates, debts, &c. of British subjects, confiscated.

7. *And whereas* several fraudulent sales, grants, devises, transfers, bargains, exchanges, or other titles and conveyances, may have been made by some or other of the aforesaid persons heretofore, with intent to defraud the state, and to commit treason against the same with impunity, *Be it therefore enacted by the authority aforesaid*, That every sale, grant, devise, transfer, bargain, exchange, or other title or conveyance, which has been made or executed by any of the aforesaid persons, or by his or their attorney or attorneys, agent or agents, since and after the nineteenth day of April which was in the year of our Lord one thousand seven hundred and seventy-five, shall be deemed and held null and void to all intents and purposes whatsoever.

Fraudulent sales, &c. since the 19th April 1775, declared void.

8. *And whereas* there are several just claims and demands which may be made by the good and faithful citizens of this state, or others of the United States, against the estates of persons confiscated by this act, *Be it therefore enacted by the authority aforesaid*, That any person or persons well affected to the independence of the United States, having debts owing to them from the persons named or described in this act, or who have any just claim or claims in law or equity against any of the said confiscated estates, that every such person or persons shall bring his or their claim, or enter his or their action,

Claims upon confiscated estates, to be made to the boards, or sued in twelve months.

within the space of twelve months from the passing of this act, or, in default thereof, he or they shall be forever debarred of deriving any benefit from the same.

Persons having such claims, may submit them to the board, or proceed to action at law.

9. *And be it therefore enacted,* That all persons having claims or demands against any of the confiscated estates, be at his or their option to lay a state and proofs of the said demands before the said commissioners, or a majority of them, on or before the fourth day of May next, and the said commissioners or a majority of them, are hereby empowered and required to examine into the justice and validity of the said demands, and make a report thereof to the General Assembly at their next meeting after the said fourth day of May next, to the end that the legislature may direct, with respect to such creditors, what to justice shall appertain; and if the said legislature shall not liquidate the said demands agreeable to the claimant, such claimant shall have an action against the said commissioners, or a majority of them; and the amount of sales of the estates of the persons mentioned in this act, shall be respectively liable to satisfy the said demands, and all other creditors except those who are unfriendly to American Independence; and where any claimant shall so choose, he or they shall have recourse to his or their action at law, and if a verdict of the court where the same shall be tried shall pass for him or them, then on certifying the same to his honor the governor or commander in chief for the time being, his honor the governor and commander in chief for the time being shall issue a certificate for the sum verified by the verdict to every such claimant, which certificate shall be made payable and to be paid in twelve months after the date thereof, with interest for the same at the rate of seven pounds per cent. yearly, and shall be and admitted and received in payment in every purchase, which such person or persons may make at the sales of the forfeited estates at the expiration of the said twelve months: *Provided always,* That the judges of the superior court in the respective counties be empowered and authorized to proceed in a summary manner to determine in cases where the cause of action shall not exceed fifteen pounds.

Claims liquidated by the legislature,

by a jury.

To be paid in twelve months with seven per cent. interest.

Judges of the superior court may determine summarily in sums under fifteen pounds.

A board of commissioners appointed to carry this act into effect.

10. And to the end that this act may be carried into effectual execution, for the benefit of this state; *Be it further enacted, by the authority aforesaid,* That there be a board of commissioners appointed by ballot of this house, to consist of two persons out of each of the counties within this state, except Glynn and Camden, for which there shall be one chosen; which said commissioners, or a majority of the said thirteen \* commissioners so chosen, shall be, and they are hereby empowered, authorized and required, to take into their custody and care all and every the estates real and personal which are confiscated by this act, and they are hereby empowered and authorized to do all acts and things which are necessary for carrying the same into execution.

Sales of real & personal estates to commence in forty days after this act.

Conditions of sale.

11. *And be it further enacted, by the authority aforesaid,* That the said commissioners, or a majority of them, be empowered and required, and they are hereby empowered and required, to proceed to and begin the sales of the said forfeited estates, both real and personal, in forty days after the passing of this act, on the following terms and conditions, to wit: seven years credit to be given to purchasers of the landed or other real estates, and four years credit to be given to purchasers of the personal estates; that the said sales be public, and held on or between the hours of ten o'clock in the forenoon and three in the afternoon, with power of adjournment from day to day or otherwise, in such place or places as the said commissioners, or a majority of them, shall judge most convenient: that the said commissioners, or a majority

\* This board dissolved by act of 1783. Sect. 2, page 89.

of them, do and shall issue thirty days notice previous to the commencement of the said sales, and that the highest bidder be deemed and considered a purchaser: that the said commissioners, or a majority of them, shall take a personal obligation from every purchaser of any part or parts of the real or landed estates, with a mortgage of the same, for the payment of the purchase money at the time appointed by this act, together with sufficient security for the payment of interest annually, at the rate of seven pounds per cent. per annum, which payments of principal and interest shall be rendered in Mexican dollars, or other monies in gold or silver: that the said commissioners, or a majority of them, shall take the bonds in the name of his honor the governor, or commander in chief of the state for the time being, and his successors in office; and that the said commissioners, or a majority of them, be fully empowered and authorized, and they are hereby empowered, authorized and required, to execute sufficient titles and conveyances for vesting the estates real and personal in the persons who shall respectively purchase the same, their heirs, executors, administrators or assigns, respectively, for the terms for which they were sold: that the said commissioners respectively shall, previous to their entering into the execution of their office, give security to the amount of three thousand pounds specie to his honor the governor, or commander in chief of the state for the time being, and take the following oath of office: "I, A. B. do solemnly swear, that I will diligently, truly and impartially execute the duty of a commissioner for the sale of the forfeited estates, agreeable to the directions of the act, for the benefit of this state. So help me God."

Thirty days notice.

Purchasers to give bond and security with mortgage of the premises.

Payments to be made in Mexican dollars. Bonds payable to the governor.

Commissioners to make titles.

to give security in three thousand pounds to the governor.

And take this oath.

12. *And whereas*, notwithstanding the scenes of cruelty and distress which the wives and children of numbers of the good and faithful citizens of this state underwent, humanity dictates that a reasonable support and maintenance should be allowed to the families that may have remained among us belonging to persons whose estates are confiscated by this act, *Be it therefore enacted by the authority aforesaid*, That the said commissioners or a majority of them, be hereby empowered and authorized, and they are hereby authorized and required to grant a reasonable and temporary maintenance to the families of such persons as are banished by this act, until the legislature shall hereafter direct or order a fixed support for the said families.

Temporary support to families of banished persons.

13. *And whereas* it is necessary for the public benefit that all embezzlements, removals or concealments of the forfeited estates should be prevented; *Be it therefore enacted, by the authority aforesaid*, That any person or persons who shall from and after the passing of this act, wilfully or intentionally conceal or embezzle any part or parts of the personal property confiscated by this act from the commissioners appointed by this act for the taking the same into their custody or care, or who shall convert the same to their own use and behoof with intent to defraud the state, and prevent the commissioners from selling or otherwise disposing of the same, that all and every person or persons so offending as aforesaid, shall be guilty of felony, and on conviction thereof shall suffer death.

Embezzlement of confiscated property felony without benefit of clergy.

14. *And whereas*, doubts may arise whether the inhabitants of this state who possess no grants for the lands formerly purchased of the British commissioners in Wilkes county, commonly called and known by the name of the ceded lands, are enabled to give landed security, where the same is required by this act, *Be it further enacted by the authority aforesaid*, That the said inhabitants are, and they are hereby declared capable of offering and giving such ungranted lands as security to the commissioners for the sales of the forfeited estates in every of these cases where security is required by this act.

What landed security sufficient.

Ungranted lands.

Grants lost.

15. *And whereas* from the irruption of the enemy, and the devastation which followed, various of the good people of the state may have lost their grants or titles for their lands, *Be it further enacted by the authority aforesaid,* That all and every person under this description, and who are publicly known to be possessed of the lands, the titles or grants of which are so lost or destroyed, shall be capable of giving such lands in security, and such landed security shall be received in all and every of those cases where landed security is required by this act.

Sales under act of 1778 not complied with, void.

16. *And whereas* several sales of real estates, forfeited and confiscated by the act of attainder and confiscation which was passed on or about the first day of March, one thousand seven hundred and seventy-eight, took place, the terms of which sales were never complied with: *Be it therefore enacted, by the authority aforesaid,* That all and every sale of any part or parts of the said real estates, the terms of which were not strictly complied with and fulfilled on the part of the purchaser or purchasers, in the manner and form prescribed and required in the rules and regulations for selling the said real estates, be deemed and held null and void; and such sale or sales are hereby declared to be null and void to all intents and purposes whatsoever; and the commissioners appointed by this act are empowered and required to take the said real estates into their custody and care, and to be subjected to sale under the power and authority of this act.

The same to be sold under this act.

Sales of land to be described in the best manner.

17. *And be it further enacted, by the authority aforesaid,* That the said commissioners, or a majority of them, be empowered and required, and they are hereby empowered and required, to proceed to the sales of the forfeited real estates which have been settled heretofore, or which by public notoriety are known or generally understood to contain a certain or supposed number of acres, under the description which the said lot, plantation, or tract of land, island or islands (as the case may be) generally bears, and also to the sales of all such other unsettled real estates as the said commissioners, or a majority of them, can receive a well informed knowledge of from wise and faithful citizens, who are or may be acquainted with such unsettled tracts of land.

The state to defend all sales made under this act.

18. *And be it further enacted by the authority aforesaid,* That the state will and do guarantee and defend the commissioners appointed by this act, or a majority of them, in all their proceedings for carrying the powers and authorities given them by the same into full effect, and will also warrant and forever defend all and every sale or sales which the said commissioners or a majority of them shall make to any purchaser or purchasers of any part or parts of the real and personal estates confiscated by this act.

Commissioners' compensation.

19. *And be it further enacted by the authority aforesaid,* That the said commissioners be allowed a commission of one and a half per cent. on all sales of the real and personal estates, besides all reasonable and just expences incurred in carrying this act into execution.

To report their proceedings frequently to the governor.

20. *And be it further enacted by the authority aforesaid,* That the commissioners shall, and they are hereby required, from time to time, once in two months, make out returns of all their proceedings, and deliver the same to his honor the governor or commander in chief for the time being, with the inventories of the different estates, and all such accounts of sales as may be finished, and also all bonds and securities, and sums of money received by them.

Public act—to receive the most liberal construction.

21. *And be it further enacted by the authority aforesaid,* That this act shall be a public one, and judicially taken notice of as such, and that the same shall have the most full, liberal and general construction, for the purposes of carrying the same into execution in the most beneficial manner; and if the said commissioners or any of them,

be impleaded or sued, or any person acting under their authority, for any matter or thing done by virtue of this act, they or he may plead the general issue, and give this act and the special matter in evidence, and on verdict or judgment against the plaintiff, or on his non-suit or discontinuance, the person or persons so sued shall recover treble costs.

General issue may be plead.

SAMUEL SALTUS, *Speaker.*

Augusta, May 4, 1782.

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*An act for empowering a less number of commissioners to be a board than is mentioned in the act passed at Augusta on the fourth day of May one thousand seven hundred and eighty-two, for inflicting penalties on, and confiscating the estates of such persons as have been guilty of treason against this state, and for other purposes therein mentioned.*

1. **W**HEREAS in and by the act passed the fourth day of May one thousand seven hundred and eighty-two, entitled "An act for inflicting penalties on, and confiscating the estates of certain persons, and for other purposes therein mentioned," commissioners were appointed for carrying the same into execution and were invested for that purpose with such powers as are therein set forth and contained. *And whereas the said law declared a majority of the said commissioners competent to proceed on the execution of the same, and it is now manifest the intentions of the law are retarded and prevented by the difficulty of getting together a majority of the commissioners so appointed to proceed to business, Be it 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, Charles Odingfells, Hugh Lawson, and Abraham Ravolt, or a majority of them shall be and they are hereby declared commissioners fully established and invested with all and every the powers and authorities, a majority of the whole of the said commissioners named and appointed in the said law were by the same actually invested and empowered with, except the proceeding to sale of confiscated real estates, and except the sale of confiscated personal estates without the sanction, concurrence and order of his honor the governor and executive council for the time being, shall be first had, obtained and given for the sale of such confiscated personal estates only, any thing in the said confiscation law aforesaid to the contrary notwithstanding.*

Preamble.

Three commissioners appointed with the powers of the board of commissioners, under the confiscation acts.

2. *And be it further enacted by the authority aforesaid, That all and every power and powers derived by any of the commissioner's except Charles Odingfells, Hugh Lawson and Abraham Ravolt, by, from or under the confiscation act, passed at Augusta, as aforesaid, is and shall immediately after the passing of this act be annulled and declared void, any thing in the said confiscation act to the contrary notwithstanding.*

Former board dissolved.

3. *And be it further enacted by the authority aforesaid, That his honor the governor by and with the advice and consent of the executive council, shall be and he is hereby empowered to give his sanction, concurrence, and order to the said commissioners on any pressing exigency of the state to proceed to sale of such confiscated personal property as such exigency may require, on such terms as may appear to them to be most advantageous for the state.*

Governor and council may sell personal estate.

4. *And be it further enacted, That Charles Odingfells, Hugh Lawson, and Abraham Ravolt, commissioners as aforesaid and hereby appointed, shall be and they hereby are vested and authorized with all and every the powers and authorities the major-*

The three commissioners vested with the powers given the board of commissioners.

ity of the commissioners named and appointed in and by the said confiscation law, were and are invested with, by an act passed the fifth day of August last passed, entitled "An act for the amercing several persons therein named, and for other purposes therein mentioned;" any thing in the said amercement law to the contrary thereof contained notwithstanding.

Public act.

5. *And be it further enacted*, That this act shall be a public act, and given as such in evidence.

N. W. JONES, *Speaker*.

Savannah, February 8, 1783.

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*An act for releasing certain persons from their bargains, and again selling and disposing of the same premises; for establishing funds; and for other purposes therein mentioned.*

Preamble.

WHEREAS under and by virtue of an act, entitled "An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," passed at Augusta on the fourth day of May, one thousand seven hundred and eighty-two, divers sales of confiscated property have taken place in the several and respective counties within this state: *And whereas* since the time of making the said sales, doubts have arisen whether the purchase money of the same was to be paid in specie only, or whether certificates and other demands against the public were to be taken in payment thereof; in order therefore to remove all doubts on this head, *Be it 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, and until the first day of October next ensuing, it shall and may be lawful for any purchaser or purchasers of any estates, real or personal, of, or lately belonging to any person or persons whatsoever named or comprehended in the said act of confiscation, to give up and make void his, her, or their said purchase and bargain, in case he, she or they shall be dissatisfied therewith; and the same shall be accordingly in that case re-vested in the public, without any interest, costs or charges (except what shall have been already actually paid for the conveyances) being exacted or demanded from the purchaser or purchasers thereof; and on re-delivery of the premises without abuse or waste, all conveyances, bonds, mortgages, and other writings respecting the same, between the purchaser or purchasers, and any person or persons whatsoever, for and in behalf of the public, shall be exchanged, and notwithstanding any record thereof, being made the same shall be cancelled and destroyed.

Purchasers of confiscated property allowed to relinquish the same, without interest or costs.

All certificates to be received in payment, in lieu of silver and gold.

2. *And be it further enacted by the authority aforesaid*, That all and every such purchaser and purchasers of confiscated property, real or personal, under the act aforesaid, who shall not, on or before the said first day of October next ensuing, give up and make void his, her or their said purchase, and exchange writings as aforesaid, shall be held and considered as absolutely bound thereby, and shall be liable and obliged to pay one equal moiety or half part of the said purchase money, with one equal moiety or half part of the interest thereof, in gold or silver coin, and nothing else, and the other equal moiety or half part of the said principal and interest, or so much thereof as may be convenient, in certificates of this state, (funded on some law or resolve of the assembly) of any denomination whatsoever, under the hand of



the present, or the last, or any future governor, and bearing date subsequent to the first day of January in the year of our Lord one thousand seven hundred and eighty-two, or in accounts (by way of discount) against the public, duly audited and certified agreeable to the resolves of assembly passed since that period, and such certificates or audited accounts being due either to the respective purchasers themselves, or transferred (though not appearing on the face thereof to be negotiable) to them, or any of them, by any other person or persons whatsoever: *Provided* such certificates or audited accounts be brought in, and endorsed off the bonds of the said purchasers respectively, within one year from and after the passing of this act, or otherwise this last mentioned moiety of principal and interest, or so much thereof, as at the expiration of the said one year, shall remain unpaid in certificates or audited accounts, to be also payable in gold or silver coin, and nothing else.

3. *And be it further enacted by the authority aforesaid,* That immediately after the said first day of October next ensuing, his honor the governor, and the executive council do, and shall take the most speedy and effectual measures, by suit or otherwise, for recovery of all interest money due and owing on bonds given for estates real or personal, sold under the said confiscation act, and which shall not be given up by the time limited as aforesaid, and the said interest monies when received, shall form a contingent fund in the treasury, and the treasurer shall be enabled to give sufficient receipts on the back of the respective bonds for the same, and shall keep a fair and regular account thereof, to be from time to time laid before the House of Assembly.

Suits to be commenced for the interest, which shall be a contingent fund.

4. *And be it further enacted by the authority aforesaid,* That the commissioners of confiscated estates herein after named shall, and they or a majority of them are hereby directed and empowered, in the months of November and December next, beginning on the second Tuesday in November, and continuing from time to time at their discretion, to proceed to the sale of, and actually to sell, in manner pointed out by the said act of confiscation, all and singular the confiscated property, real and personal, then remaining on hand within the several counties, either that given up as above mentioned, or that which has been sold and the terms of sale not complied with, (*Provided nevertheless,* That where the party has given bonds for principal and interest, with security for the latter, and shall give mortgage by the first day of October next, it shall be deemed a compliance) or that which has never yet been sold or exposed to sale; and the same shall be sold, payable in four years if personal, and seven years if real estate, as mentioned and directed in and by the said confiscation act; and the purchasers thereof shall accordingly give bond, mortgage and other security as therein required for the consideration money, and good and sufficient security for the interest thereof; which said consideration money and the interest thereof, shall be payable in the same manner as the former sales are before declared to be, that is to say, the one equal moiety or half part of the said purchase money, with the interest thereof, in gold or silver coin, and nothing else; and the other equal moiety or half part of the said principal and interest, or so much thereof as may be convenient, in certificates of this state (funded on some law or resolve of Assembly) of any denomination whatsoever, under the hand of the present, or of the last, or any future governor, and bearing date subsequent to the first day of January, in the year of our Lord one thousand seven hundred and eighty-two, or in accounts (by way of discount) against the public, duly audited and certified agreeable to the resolves of Assembly passed since that period; and such certificates or audited accounts being due either to the respective purchasers themselves, or transferred (though not appearing on the face thereof to be negotiable) to them, or any of them, by any

Commissioners to proceed to sell under the act of confiscation.

Conditions—four years credit for personal and seven for real estate.

Half the purchase money to be paid in silver or gold, the other in certificates.

If paid in one year, or else the whole in silver or gold.

other person or persons whatsoever: *Provided* such certificate or audited accounts be brought in and endorsed off the bonds of the said purchasers respectively, within one year from and after the passing of this act, or otherwise this last mentioned moiety of principal and interest, or so much thereof as at the expiration of the said one year shall remain unpaid in certificates or audited accounts, be also payable in gold or silver coin, and nothing else.

Time given to exchange audited certificates for indented ones.

5. *And be it further enacted, by the authority aforesaid,* That any person or persons whatsoever now or hereafter holding such certificates as aforesaid, or audited accounts against the public, who shall not have purchased at the preceding, or shall not purchase at the succeeding sales of confiscated property, or who shall not transfer their demands to those who do purchase, or who shall in any case have in their possession, such certificates or audited accounts as aforesaid to a greater amount than they are allowed to pay away in discount on bonds given for confiscated property, that all and every such person and persons shall, at any time within thirteen months from and after the passing of this act, be at liberty to bring in their said certificates or audited accounts to his honor the governor, and to exchange the same for certificates of a new denomination (the form whereof is herein after specified) to be signed, indented and issued by his honor the governor in council, and regularly entered on the council books, and the same shall be numbered and also countersigned by the treasurer, who shall keep the indent, with the number and sum of every such certificate, as a check, and who shall also keep a fair account of all such certificates, and to whom payable, for the inspection of the Assembly; and the said certificates and audited accounts so brought in and exchanged as aforesaid, shall be lodged in the treasury until the meeting of the Assembly from time to time, who shall appoint a committee to see the said certificates burnt, and the said audited accounts properly arranged and laid up in the treasury, as vouchers for so much paid by the public.

6. *And be it further enacted, by the authority aforesaid,* That the following shall be the form of the certificates to be issued as before directed and required, that is to say:

Form whereof.

STATE OF GEORGIA.

No. }

*By his honor A. B. esq. captain-general, governor and commander in chief in and over the said state.*

**These are to certify,** That there is due and owing from this state to C. D. the sum of £. \_\_\_\_\_ sterling; which said sum, being part of the intended funded debt, will be provided for, payable at the expiration of seven years from the nineteenth day of July, 1783, and in the mean time the interest thereof, at the rate of seven per cent. per annum, will be regularly paid at the treasury to the said C. D. or his order, in gold or silver coin, at the current rates in Savannah.

Given under my hand, in council, pursuant to an act of Assembly, this  
day of \_\_\_\_\_ 178

Countersigned by  
E. F. Treasurer.

Said certificates to be a funded debt & bear seven per cent. interest, payable yearly.

Which said certificate, being authenticated and issued as aforesaid, shall be considered as forming an aggregate to be hereafter reduced to a funded debt against this state, redeemable in seven years from and after the passing of this act, and carrying an interest of seven per cent. payable out of the treasury in gold and silver coin, at the pre-

sent current rates in Savannah, yearly and every year on the day of the date of the said certificates respectively.

7. *And be it further enacted by the authority aforesaid,* That in case any person or persons holding certificates or audited accounts as aforesaid, shall neglect to bring in the same, either in payment of a debt or debts, for confiscated property, or in exchange for a certificate of the denomination above specified, within the several and respective times for that purpose limited and appointed, all and every such person and persons shall be considered as forever precluded from the said demands, and the public shall not be liable to make provision for payment of the same, at any time hereafter.

Holders of audited certificates, not paying them into the treasury or exchanging them, barred.

8. *And be it further enacted by the authority aforesaid,* That in all future sales of confiscated property, the commissioners shall wait three days for the purchasers to comply with the terms of sale, and if not done within that time, the said commissioners shall proceed to sell again, and so on until the said terms shall be complied with; and in every instance of non-compliance after the sales shall commence under this act, the last person who shall refuse or neglect to comply, shall, in case the then next sale shall not equal or exceed his, make good the difference in price between the one and the other, so that the public may be no loser thereby; and the said commissioners shall accordingly require and oblige every purchaser, immediately after the premises shall be knocked off to him or her, to sign and seal an obligation to the following purport, I, A. B. do hereby acknowledge to have purchased at the sales of confiscated property a plantation or tract of land, containing or said to contain \_\_\_\_\_ acres, situate, in the county of \_\_\_\_\_, at and after the rate of \_\_\_\_\_ per acre; (or otherwise describing the premises as the case may be) and I do hereby bind and oblige myself, my heirs, executors, and administrators, to comply with the terms of and conditions on my part, within three days after being required so to do by the commissioners of the said sales; or a majority of them, or else to forfeit to the state whatever may be the deficient difference between the amount sales of the said premises, as knocked off to me; and the amount sales of the same to the next purchaser, and to pay the said difference, on demand, in gold or silver coin, to the said commissioners, or a majority of them.—Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 1783.

Terms of sale to be complied within in three days, or property resold.

Bonds to be taken,

form thereof.

*Present.*

9. *And be it further enacted by the authority aforesaid,* That when, and as soon as sale shall be made of all the confiscated property, and bonds, and other securities taken for the same, as before directed, the said commissioners, or a majority of them, shall make out and lay before the House of Assembly at their next sitting thereafter, a fair state or account of their proceedings therein, with the names of the purchasers and their securities, the amount of sales, and all other matters respecting or concerning the same; and the said House of Assembly, after having examined the said state or account shall at the said expiration of the said one year allowed for bringing in certificates and audited accounts in payment of one moiety of the said purchases, set aside good bonds, with the mortgages and other securities thereunto belonging, amounting (clear of all deductions and payments) to the sum of one hundred and eight thousand, eight hundred and sixty-nine pounds, sixteen shillings and sixpence sterling, to answer the supposed quota appertaining to this state, of the national debt; and the said bonds so set aside shall remain as a fund subject to increase or decrease according as the said quota shall, on a fair adjustment by congress, be found to augment or sink from the present supposed quantum, but subject to no alteration on any other account whatsoever; and the interest money thereafter arising from the said bonds so set aside shall be annually and regularly collected in gold or silver coin, and nothing else and so much thereof as may

Commissioners to lay their proceedings before the General Assembly.

One hundred & eight thousand eight hundred and sixty-nine pounds sixteen shillings and sixpence in bonds, &c. appropriated as a fund for sinking this state's quota of the national debt.

be necessary shall be annually and regularly remitted, under the direction of the honorable the governor and council, to the continental treasury, in payment of the interest money of the quota appertaining to this state of the continental debt.

The interest to be annually remitted to the continental treasury. Surplus interest appropriated to the payment of the Dutch, French, and domestic debt.

10. *And whereas* a sum lying at interest in this state, equal to what shall be found to be our continental quota, will from the difference of interest between the one and the other, annually leave a considerable balance of the interest in our favor: *Be it therefore enacted by the authority aforesaid*, That this difference or balance shall be annually carried to the credit of a separate fund, and, after taking thereout the necessary charge of remitting the annual interest of the continental quota, the residue shall be let out at interest by the treasurer on good personal security from year to year, and the same, with the accumulating interest thereof, shall be considered as appropriated towards the discharging our quota of the principal sums of one million and an half of livres, (being the one-twelfth part of the French debt) which became due in four years after a peace; and of one million more of livres (being the tenth part of the Dutch debt) which became due on the fifth day of November, in the year of our Lord one thousand seven hundred and eighty-seven, and our quota of the domestic debt, whatever the same may be.

Remaining bonds, &c. appropriated for the redemption of the funded debt, &c.

11. *And be it further enacted by the authority aforesaid*, That after taking out and appropriating good bonds, with the other securities thereunto belonging as aforesaid, whereon shall remain due one hundred and eight thousand, eight hundred and eighty-nine pounds, sixteen shillings and sixpence, from the amount sales of confiscated property, all and singular the rest and residue of the bonds, mortgages and other securities, remaining on account of the sales of confiscated property, with the monies then due, and to grow due thereon, shall, and the same are hereby declared to be a fund appropriated to the security and redemption of the intended funded debt, before mentioned, with the interest thereof.

Unlocated lands or taxes, pledged for any deficiency to pay the interest of the funded debt.

12. *And be it further enacted by the authority aforesaid*, That in case it shall be found at the expiration of the said one year allowed for bringing in certificates and audited accounts as aforesaid, that there will not be sufficient remaining of the amount sales of confiscated property (after taking thereout the sum of one hundred and eight thousand, eight hundred and eighty-nine pounds, sixteen shilling and sixpence, as before mentioned) to pay off the annual interest of the funded debt, and ultimately to sink the principal thereof, that then, and in such case, provision, by the appropriation of a body not exceeding two hundred thousand acres of unlocated lands, or by taxes or otherwise, shall be immediately thereafter made, to support the deficiency, so as to give a stability to the certificates to be issued in the form before mentioned, and to secure the holders thereof in the punctual payment of the interest annually, and the principal ultimately, of their said certificates.

All other debts contracted since 1st January, 1782 to be paid in gold or silver coin.

13. *And be it further enacted by the authority aforesaid*, That all and singular the other debts due and owing to the public, and contracted since the said first day of January, in the year of our Lord one thousand seven hundred and eighty-two, on any account whatsoever, except for confiscated property, shall be held and considered, and the same are hereby declared to be due and owing, and payable in gold and silver coin, and nothing else.

Claims against confiscated estates, no longer settled by suit.

14. *And whereas* there are many demands made against the said confiscated estates for monies due and owing, or said to be due and owing, by the several and respective former proprietors thereof, and suits are daily brought for recovery of such demands under the said act of confiscation, which said suits are attended with great costs to the public, *Be it therefore enacted, by the authority aforesaid*, That from

and after the passing of this act, it shall not be lawful for any person or persons whatsoever, to sue or implead the public, or state, as such, in any court of law or justice within the same (except in cases herein after mentioned) and all actions hereby brought, or now depending, of that nature, shall, and the same are hereby declared to be discontinued, *Provided*, judgments shall not already have passed thereupon agreeable to the terms of the confiscation act; and the several persons herein after named, that is to say, James Cochran, Edward Davis, Benjamin Andrew, Charles Odingfells and Lachlan McIntosh, esqrs. shall, and they are hereby declared to be a board of commissioners for receiving, hearing and finally determining all and singular the claims of any person or persons whatsoever against the said confiscated estates, or any of them, for monies due and owing, or said to be due and owing, from the said former proprietors thereof, or any of them; and the said commissioners, or a majority of them, shall have full power and authority to hear and finally adjudge the cause of any person or persons whatsoever so brought before them, and to settle such mode of proceeding thereon in the most expeditious and summary manner as to them, or a majority of them, shall appear most eligible and just; and in all and every case the said commissioners, or a majority of them, shall give a certificate, under the hand of the president of the said board, to the respective claimants, of what appears to be due and owing to them respectively on a determination of their said cause or causes, which said certificate the said claimants shall carry to his honor the governor, and having exchanged the same for his certificate in form aforesaid made, the said last mentioned certificate shall stand upon the footing of any other certificate of the like form in payment of confiscated property, or as a funded debt against the state; and the said claimants respectively shall pay and advance to the clerk of the said board, at the time of entering his or her claim, the following fees for costs thereon, that is to say: for any claim not exceeding the sum of fifty pounds, two shillings and four pence; for every claim exceeding fifty pounds, and not exceeding one hundred pounds, four shillings and eight pence; for any claim exceeding one hundred pounds, the sum of seven shillings; which said fees shall be included in the certificate to be given on the determination of the cause, and shall be in full of all costs on the same: *Provided nevertheless*, That no certificate from the said board shall be given until after the sales of the confiscated property shall be completed, and that then the said commissioners shall take care that the certificates of demands against any estate do not exceed, together with the judgments already passed against such estate, the amount sales of the same; and at the time the said commissioners shall give such certificates, in case they find any particular estate insolvent, they shall make each creditor abate in proportion to his or her demand, so as to admit them all into an equal composition, without giving any preference to judgments, or making any distinction between debts of a different nature or date: *Provided also*, That nothing herein contained shall extend, or be construed to extend, to deprive the courts of law of their jurisdiction in cases of where the titles of land or other real or personal estate shall be brought in question, or to give the cognizance of the same to the present or any other board of commissioners, but that in all and every such case shall stand upon the same footing, and be tried in manner pointed out and directed in and by the said confiscation act: and when it shall happen that any doubts shall arise with the auditor on any claim against this state, of any nature whatsoever, the said auditor shall, and he is hereby required to lay the same before the said board of commissioners, who shall lay down some fixed principle of equal justice between

Commissioners appointed to settle such claims, and give certificates for the amount due.

Which are to be exchanged for the governor's.

Clerk of the board, his fees.

No certificates to be issued till the sales are completed, nor for more than the several estates.

Jurisdiction of the courts in certain cases not affected.

Auditor to refer doubtful cases to the board whose decision is final.

the state and each claiming individual, and judge and finally decide on the same, from whom there shall be no appeal.

Payment of costs

15. *And be it further enacted by the authority aforesaid,* That all legal costs already incurred in and upon any action or suit brought under the said confiscation act, shall follow the event of the cause when the same shall be tried before the board of commissioners as aforesaid, and in case of sentence or judgment for the plaintiff or plaintiffs, the said costs shall be included in the certificate to be given him, her or them by the president of the said board.

Certificates issued by commissaries, &c. for provisions, &c. to be laid before the board, such officers exempt from suit for the same.

16. *And be it further enacted by the authority aforesaid,* That where certificates for provisions or other necessaries for the army have been given by commissaries and other officers duly authorized, the person or persons possessing such certificate or certificates, shall lay the same before the board aforesaid, who shall in like manner finally decide and determine the same; and that no suit or suits at law shall be brought against such officer or officers for or on account of such certificate or certificates, unless it shall appear to the board that the same was or were given improperly, or the articles improperly applied.

Further time allowed to produce claims against confiscated estates.

17. *And whereas,* in and by the said confiscation act, it is enacted and declared, that no demands shall be received against the several estates therein confiscated from and after the fourth day of May then next ensuing, but now last past, *Be it therefore further enacted by the authority aforesaid,* That the said term for making claims of monies, due or said to be due from the several persons named or comprehended in the said confiscation act, on any account whatsoever, before the board of commissioners before named, shall be enlarged and prolonged, and the same is hereby declared to be enlarged and prolonged to one year from and after the passing of this act, and such claims made before the said board within the said one year shall be held and considered as much within time as if they had been made at any time before the said fourth day of May last passed; and all accounts which shall be hereafter duly audited at any time within one year from and after the passing of this act, shall be held and considered as good and upon the same footing as accounts already audited, and as coming within the purview and intention of this act.

Commissioners appointed, their compensation.

18. *And be it further enacted by the authority aforesaid,* That Charles Odingfells, Hugh Lawson, and Abraham Ravolt, shall be, and they are hereby appointed commissioners of confiscated estates, and vested with full power and authority to do and perform every act and thing that the aforesaid commissioners of confiscated estates were authorized to do, or that shall be necessary to be done under this act, and that they be allowed at the rate of one per cent. in lieu of all charges; and in case of the death, resignation, or refusal to act, of the said commissioners or any of them, or of the commissioners of claims before named, or any of them, his honor the governor and executive council shall fill up such vacancy by the appointment of another commissioner, or other commissioners, in the room of him or them so denying, refusing, to act, or resigning; and the said commissioners of confiscated estates now appointed, or hereafter to be appointed, shall in all respects comply with the terms which were required of the commissioners under the confiscation act, at the time of their appointment.

Governor to fill vacancies.

Governor and council to direct sales to the amount of two thousand pounds sterling.

19. *And be it further enacted by the authority aforesaid,* That his honor the governor and the executive council, shall have power and authority to direct the commissioners of confiscated estates, to dispose of any property, real or personal, appertaining to the said estates, to the amount of any sum not exceeding two thousand pounds sterling, at such time and periods of payments as the executive department may deem

most conducive to the interest of the state, for the express purpose of making good the engagements entered into by virtue of certain resolutions to that effect, and for the more immediate emergencies of the state.

20. *And be it further enacted by the authority aforesaid,* That the accounts of the officers and soldiers of the Georgia line, (liquidated by the proper officers and certified by the financier, that such account, or accounts, will entitle us to immediate discount from our continental quota, or the interest thereof,) shall be received as specie for purchases made at the confiscated sales, and a discount of twelve and a half per cent. allowed thereon for prompt payment, *Provided* such accounts are brought in and deducted within twelve months after passing this act.

Liquidated accounts of officers, &c. of the Georgia line, received as specie with twelve and an half per cent for prompt payment.

If brought in within twelve months.

21. *And whereas* the several regulations contained in this act may be repugnant to, or may interfere or clash with certain clauses or parts of the act of confiscation before mentioned, *Be it therefore further enacted by the authority aforesaid,* That all and every such clause or parts of clauses, or other matter or thing mentioned or contained in the said act of confiscation, repugnant to, or which shall clash or interfere with the several regulations mentioned or contained in this act, shall, and the same is, and are hereby repealed and done away; but all and every other part or clause of the said confiscation act (not repugnant to the regulations herein contained) now of force shall be, and the same is hereby declared to be in full force and virtue.

Certain parts of the act of confiscation repealed.

22. *And be it further enacted by the authority aforesaid,* That this act shall be deemed a public act, and judicially taken notice of as such in all courts within this state; and any person or persons whatsoever sued or impleaded for any matter or thing done under or in consequence thereof, shall plead the general issue, and having given the special matter in evidence, the court and jury shall consider such person or persons sufficiently indemnified in so far as he or they has or have acted agreeably to the terms and directions of this or the confiscation act, or in pursuance of their duty thereunder.

Public act General issue to be plead.

WILLIAM GIBBONS, *Speaker.*

Augusta, July 29, 1783.

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*An act to point out the mode under which property reverting to the state shall be disposed of.*

**B**E it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That in all cases where a foreclosure of any mortgage has been, or shall be complete, wherein the governor for the time being, on the part or behalf of this state shall be the plaintiff, and the equity of redemption shall thereupon be foreclosed, that the estate so mortgaged shall be subject to a future sale on the following terms, and conditions, that is to say; that the sheriff of the respective counties, wherein such property shall be, having given a full and perfect description thereof, shall immediately after being notified in writing by the attorney or solicitor general, that the proceedings on the bill of foreclosure are ended, and that the defendant or defendants, are by law precluded from the right of redemption, of the premises, advertise the same for sale in both the gazettes of Savannah and Augusta, at least three months before the day of sale, having due regard that the sale in one county, shall not interfere with the sales of another, for which purpose

Mortgaged premises foreclosed on the part of the state.

Subject to sale on certain conditions.

To be advertised three months.

the executive shall appoint the time in each county when the sales shall commence, and that the conditions of the sales to be made as aforesaid, shall be on the following terms, that is to say, on a credit of five years, in equal annual payments, the purchaser first giving a mortgage on the premises for the payment of the principal in annual instalments, and good and sufficient personal security for the annual interest at and after the rate of eight per centum which shall accrue, as well upon the sum annually due as also the interest on the remainder money: the bonds to be taken shall be made payable to the governor for the time being, and the successors in office, in the following denominations of public securities, that is to say, governors, presidents or speaker's warrants, audited or funded certificates, the present or any former treasurer's certificates (except Wade and O'Brien, and Seth John Cuthbert's, whose accounts remain unsettled) the paper medium of this state, issued the third day of August one thousand seven hundred and eighty-six, or in gold or silver.

Five years credit in equal annual payments, eight per cent. interest, with a mortgage on the premises and security for the interest.

What shall be received in payment.

Sheriff's compensation.

Bonds taken to be sent to the treasury.

Sheriff may ascertain the boundaries and quantity of acres in any tract by rule of survey.

Expence of survey to be ascertained and paid.

Attorney or solicitor general, to furnish the sheriffs with the form of a bond, &c

Two and an half per cent. on all purchases to be paid in specie,

from which the sheriffs may deduct their compensation,

and pay the balance into the treasury in one month after the sale. Terms of sale not completed, property to be re-sold. Discoverers of secreted property, to have ten per cent. on its value.

2. *And be it further enacted,* That the sheriffs of the several counties, shall be allowed, at the rate of one per centum on the value of property, which he or they shall sell, under and by virtue of this act, which commissioners as aforesaid, shall be in full compensation for all charges, duties, and services herein required, and the bonds and mortgages so taken by the sheriffs shall immediately thereafter be transmitted to the treasurer, who shall give a receipt for the same, describing as fully as may be, a particular account of the several bonds and mortgages.

3. And in case where the sheriff of any county is not sufficiently informed of the quantity or number of acres, which any tract or tracts of land subject to sale by this act, shall contain or the boundaries of any such lands, he shall apply to the superior court, and upon shewing cause to the satisfaction of the court may, obtain a rule of survey, on such conditions as the court shall direct; and shall after the sale of such land, file the survey of record in the clerk's office of the superior court, and that the expence of such surveys shall be laid before the judge of the superior court, and upon being approved of, the same shall be allowed out of the specie part of sales.

4. And it shall be the duty of the attorney or solicitor general to furnish the sheriffs of the respective counties with a form of a bond, which will enable the governor for the time being to obtain judgment on the whole money due on such bond, on failure of payment of either of the instalments, but that execution shall issue only for such instalments as they become due; which form of a bond shall govern such sheriffs in the performing the duties required by this act.

5. *And be it further enacted,* That the purchaser shall pay two and an half per centum, in specie on all purchases made under this act; *Provided* this shall not extend to affect any purchase or purchases which may be made under and by virtue of this act for academy uses from which payment, the sheriffs performing the duties herein required, shall or may deduct his commission of one per centum as full compensation for making out and executing titles, and for all charges expences and services so required, and the balance of such specie payment, the sheriff shall pay into the treasury within one month after the sale; and in case where the purchasers shall not comply with the conditions of the sale, the sheriff shall order the property to be re-sold, first subjecting the purchaser at the first sale to make up the deficiency which may arise at such second sale.

6. *And be it further enacted,* That in cases wherein lands or other property shall be secreted from the sheriff, any citizen who shall discover and make the same known, that such informer shall receive ten per centum out of the net amount of such sales, and such property so discovered, shall be sold and disposed of under the like terms as is herein pointed out for the sale of property so as aforesaid foreclosed.



7. *And whereas* by several resolutions and acts of the legislature the several counties in this state were entitled to receive out of the confiscated property, the sum of one thousand pounds each, for the encouragement of public schools, but that several of the counties so entitled have not received such donation: *Be it therefore enacted*, That each and every county in this state which has not received such donation, the commissioners of the public academy of such county (or their agents to be by them legally appointed) be at liberty to purchase at any sales of confiscated property intended by this act, the sum of one thousand pounds, *Provided*, That in cases where such county has received any part or portion of such donation, that such sum so received shall be deducted, and the purchase shall be admitted only for the balance.

Each county authorized to purchase one thousand pounds at the said sales, for the use of its academy.

8. *And whereas* the General Assembly did by their joint resolution of the fourteenth day of December, one thousand seven hundred and ninety-one, declare that all original purchasers of confiscated property, or their heirs, executors or administrators, may within three months after the date of such resolution signify to the treasurer how they wish the monies so paid in by them to be applied, whether in discharge of the principal or interest bond, which resolutions require the further sense of the legislature: *Be it enacted*, That no transfer of payment shall be had or admitted from the principal bond to the interest, in any case wherein the purchaser or purchasers, or their representatives, had made sale of such property, but that payments made on the principal bond in such cases shall be considered as payment thereon only, and that the said resolutions did not extend to the injury of fair purchasers under the state title, but only as a relief to persons holding their purchases in their own right.

Resolution explained.

9. *And be it further enacted*, That the commissioners of Louisville be authorized and empowered, to purchase property at the sales aforesaid, to the amount of two thousand pounds, for the purpose of carrying on, and completing the state house at Louisville, on the same terms as the commissioners of the academies of the respective counties.

Commissioners of Louisville empowered to purchase two thousand pounds at the said sales to complete the state-house.

10. *And whereas* there are debts due by citizens of this state to persons named in the act of confiscation and banishment aforementioned, which by the said act became the property of the state, but no mode was therein pointed out for their discharge: *Be it further enacted*, That the citizens so indebted to persons named as aforesaid, shall be at liberty, for and during the term of one year from and after the passing this act, to pay the same into the public treasury of the state, in any paper emission or public securities thereof (except O'Brien and Wade's or Seth John Cuthbert's certificates); and the treasurer is hereby authorized to receive the same on oath, and to grant full acquittance or discharge therefor; and after that period any person who was a citizen of the United States on the eleventh day of July, one thousand seven hundred and eighty-two, to whom persons named in the act of confiscation were indebted, shall and may sue out and prosecute his or her attachment against the person or persons so named on the said act, and thereby attach the goods and chattels of such confiscated and banished person, which belonged to him or them, on the aforesaid eleventh day of July, one thousand seven hundred and eighty-two, in the hands of any person or persons whomsoever, in like manner as attachments now issue, and the person or persons to whom copies of the attachment may be served shall, be bound to appear and answer as is the customary mode in the courts of this state: *Provided*, That nothing herein contained shall be construed to extend to grant any power to attach real estate: *And provided*, That where personal property shall be so attached, twenty per cent. shall be paid into the public treasury out of the amount of every

Citizens indebted to persons whose estates are confiscated, to pay the amount into the treasury, what to be received in payment.

Treasurer to receive the same on oath and grant discharges.

Regulations for attachments against persons on the act of confiscation.

Restriction. Proviso. Twenty per cent to be paid into the treasury of the state.

## CONFISCATION AND AMERCEMENT.

attachment so issued and prosecuted to judgment: *And provided also*, That nothing herein contained shall extend to authorize an attachment of any property that may have been disposed of by donation or sale by the public of the state.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 20, 1792.

EDWARD TELFAIR, *Governor.*

.....

*An act to amend an act, pointing out the mode under which property reverting to this state shall be disposed of.*

Mortgaged premises, foreclosed in behalf of the state, subject to be sold by the commissioners.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That in all cases where a foreclosure of any mortgage has been or shall be complete, wherein the governor for the time being, on the part and behalf of this state, shall be plaintiff, and the equity of redemption shall thereupon be foreclosed, that the estate so mortgaged shall be subject to a future sale on the following terms and conditions: that is to say, That the commissioners hereby appointed, having given a full and perfect description of such property as may be in the respective counties, shall, immediately after being notified in writing by the attorney or solicitor general that the proceedings on the bill of foreclosure are ended, and that the defendant or defendants are by law precluded of the right of redemption of the premises, advertise the same for sale in both the gazettes of Savannah and Augusta, at least three months before the day of sale, which sales shall be at Savannah and Augusta; and that the conditions of the sales to be so made as aforesaid, shall be on the following terms: that is to say, on a credit of five years in equal annual payments, the purchaser first giving a mortgage on the premises for the payment of the principal in annual instalments, and good and sufficient personal security for the annual interest, at and after the rate of eight per centum, which shall accrue as well upon the sum annually due as also the interest on the remainder money: the bonds to be taken shall be made payable to the governor for the time being, and his successors in office, in the following denominations of public securities: that is to say, governor's, president's or speaker's warrants, audited or funded certificates, the present or any former treasurer's certificates (except Wade's, O'Brien's and Seth John Cuthbert's, whose accounts remain unsettled), the paper medium of this state, issued the third day of August, one thousand seven hundred and eighty-six, or in gold or silver: *Provided nevertheless*, That nothing herein contained shall tend to prevent any purchaser or purchasers from paying immediately the whole amount of his, her or their purchase money, or any part or parcel thereof, at any time or times before the same shall become due.

Sales to be at Savannah and Augusta.

Conditions—Credit of five years, in five equal payments, eight per cent. interest.

What to be received in payment.

Commissioners allowed one per cent.

Bonds, &c. transmitted to the treasurer.

2. *And be it further enacted*, That the commissioners shall be allowed at the rate of one per centum on the value of property which they shall sell, under and by virtue of this act, which commissions shall be in full compensation for all charges, duties, and services herein required; and the bonds and mortgages to be taken by the commissioners, shall immediately thereafter be transmitted to the treasurer who shall give a receipt for the same, describing as full as may be, a particular account of the several bonds and mortgages; and in cases where the commissioners are not sufficiently informed of the

quantity or number of acres, which any tract or tracts of land subject to sale by this act, shall contain, or the boundaries of any such lands, they shall apply to the superior court, and upon shewing cause to the satisfaction of the court, may obtain a rule of survey on such conditions as the court shall direct; and shall, after the sale of such land, file the survey of record in the clerk's office of the superior court, and that the expences of such surveys shall be laid before the judge of the superior court, and upon being approved of by the same, shall be allowed out of the specie part of the sales. And it shall be the duty of the attorney or solicitor general, to furnish the commissioners with a form of a bond, which will enable the governor for the time being, to obtain judgment on the whole money due on such bond, on failure of payment of either of the instalments; but that executions shall issue only for such instalments as they become due; which form of a bond shall govern such commissioners in performing the duties required by this act.

Superior courts may grant rules of survey.

Attorney or solicitor general to furnish the commissioners with the form of a bond.

3. *And be it further enacted;* That the purchaser shall pay two and one half per cent. in specie on all purchases made under this act, from which payment the commissioners shall or may deduct their commission of one per centum, which shall be in full compensation for making out and executing titles, and for all charges, expences and services so required, and the balance of such specie payment the commissioners shall pay into the treasury within three months after the day of sale, *Provided nevertheless,* That this clause shall not extend to affect lands purchased under and by virtue of this act for academy uses.

The purchaser to pay two and one half per cent. in specie, out of which the commissioners are to be paid, and the balance to be paid into the treasury in three months. Purchases for academies, exempted from specie payments. Commissioners of Louisville, empowered to purchase to the amount of two thousand pounds.

4. *Be it further enacted by the authority aforesaid,* That the commissioners of Louisville be, and they are hereby authorized and empowered to purchase to the amount of two thousand pounds of said property, for the purpose of effecting the contract entered into by the said commissioners for completing the building of the state house, on the same terms as the commissioners of several academies in this state, who are authorized to purchase at the sales aforesaid; and in case where the purchasers shall not comply with the conditions of the sales, the commissioners shall order the property to be re-fold, first subjecting the purchaser at the first sale, to make up the deficiency which may arise at such second sale.

Terms of sale not complied with, property to be re-sold.

5. *And be it further enacted,* That three fit and discreet persons shall be appointed commissioners to carry this act into effect, one of whom shall reside in each of the several divisions of this state, which divisions shall be agreeable to the militia law thereof.

Three commissioners appointed.

6. *And be it further enacted,* That the said commissioners, previous to their entering on the execution of their appointment, shall severally give bond, and sufficient security to his excellency the governor, in the sum of ten thousand pounds each, conditioned respectively, for the true and faithful exercise and discharge of the trust reposed in them by this act, which bond shall be lodged in the hands of the public treasurer of this state.

Must give bond and security to the governor in one thousand pounds each.

7. *And be it enacted,* That in cases wherein lands or other property shall be secreted from the commissioners, any citizen who shall discover and make the same known, that such informer shall receive ten per centum out of the specie amount of such sales; and such property so discovered shall be sold and disposed of under the like terms as is herein pointed out for the sale of property so as aforesaid foreclosed.

Persons discovering secreted property, to receive ten per cent. on the amount.

8. *And whereas,* by several resolutions and acts of the legislature, the several counties in this state now entitled to receive out of the confiscated property, the sum of one thousand pounds each, for the encouragement of public schools, but that several of the counties so entitled, have not received such donations: *Be it therefore enacted,* That each and every county within this state, which have not received

Every county allowed to purchase to the amount of one thousand pounds for the use of an academy except those that have already received it.

CONFISCATION AND AMERCEMENT.

such donation, the commissioners of the public academy of such county, or their agents, to be by them legally appointed, be at liberty to purchase at any sales of confiscated property intended by this act, the sum of one thousand pounds: *Provided*, That in cases where such county hath received any part or portion of such donation, that such sum so received, shall be deducted, and the purchase shall be admitted only for the balance.

Six months given for payment, where foreclosures have taken place.

9. *And whereas* a number of persons have purchased confiscated property, which has not been paid for: *Be it therefore enacted*, That six months after the date hereof, be allowed for the payment of any sums which may be due, with costs of suit, where a foreclosure of the mortgage has taken place; and the commissioners to be appointed under and by virtue of this act, are hereby directed and required to make titles for such property after payment as aforesaid. *Provided*, That this shall not extend to affect any purchase where one half of the amount thereof has not been paid.

Proviso, To affect no purchase where half the amount has not been paid.

10. *Whereas* it is indispensibly necessary that the outstanding debt of this state should be ascertained, as well to form a proper check upon the papers thereof as to make an adequate provision for their redemption: *And whereas* many counterfeit certificates and other liquidated claims against this state have been discovered, which so nearly comport with the genuine papers of the same description as with difficulty to be distinguished even by the signer thereof: *And whereas* the papers of the state heretofore have been partially issued, without a proper check to preserve the credit of the same, and to guard the interest of the state, and the individual holders thereof: for remedy whereof,

A board constituted to make in certificates, and issue others.

*Be it therefore enacted*, That his excellency the governor, the president and late auditor, and the treasurer for the time being, be, and they are hereby constituted, a board to take in and receive all liquidated claims issued by authority of this state (those issued by Wade and O'Brien, and Seth John Cuthbert, whose accounts remain unsettled, excepted), and they and any two of them, the auditor being one, shall, and they are hereby authorized and required to issue others in lieu thereof, with a proper check, pursuing as nearly as may be the plan and form of those issued by the United States; and for such services the late auditor shall be provided for by a future legislature.

Repealing clause.

11. *And be it further enacted*, That so much of the above recited act, entitled "An act pointing out the mode under which property reverting to the state shall be disposed of," as militates with this act, be and the same is hereby repealed.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 20, 1793.

GEORGE MATHEWS, *Governor.*



*An act for the taking the name of William Stephens from and out of the amercement law of this state, and for restoring him to all the rights, privileges and immunities of a free citizen.*

1. **W**HEREAS in and by the confiscation law, passed at Augusta on the fourth day of May, one thousand seven hundred and eighty-two, for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty

of treason, and for other purposes therein mentioned, the name of William Stephens was therein included, and the person of the said William Stephens was thereby attainted, and his property confiscated to and for the use of the said state: *And whereas*, on the fifth day of August last past, the legislature, considering many good and sufficient reasons for their so doing, did take from and without the confiscation law certain persons therein named, and among others the said William Stephens, and placed the said persons on the act for amercing certain persons therein named, and for other purposes therein mentioned, passed the day and year last aforementioned, whereby the property only of the said persons became affected, exclusive of incapability to serve the state during the time therein laid down and specified: *And whereas* the conduct of the said William Stephens has been such as to merit the further attention of the good citizens of this state:

*Be it therefore enacted by the freemen of the state of Georgia, in General Assembly met, and it is hereby enacted by and with the authority aforesaid,* That, from and immediately after the passing of this act, the said William Stephens shall be, and he hereby is fully and amply reinstated in the full possession of all and every right and rights, privileges, immunities and liberties which a free citizen possibly can, may or now does hold within the state of Georgia aforesaid; any thing in the said confiscation and amercement laws to the contrary thereof contained notwithstanding.

2. *And be it further enacted,* That all paragraphs, sentences or words, mentioning, speaking of or concerning the said William Stephens, in the said laws, or either of them, are hereby repealed and declared null and void, and of no effect.

3. *And be it further enacted,* That this act shall be a public act, and given as such in evidence.

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

Savannah, 8th February, 1783.

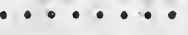


*An act to repeal an act, entitled "An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned, so far as the same relates to the banishment of Simon Monroe.*

1. Rendered obsolete by act of 1797.  
2. *And be it further enacted,* That all and every part and parts of the said act relating or belonging to the heirs, devisees and assigns of John Forbes, deceased, be and is hereby repealed; and that all bonds for any part of the property sold of the said John Forbes be given up by the treasurer to the heir or heirs.

By order of the House,  
WILLIAM GIBBONS, *Speaker.*

Augusta, 13th February, 1786.



*An act for taking certain persons out of the act of confiscation and banishment, as far as respects the banishment of the persons therein named, and other purposes therein mentioned.*

1. **W**HEREAS the legislature of this state by an act passed the fourth day of May one thousand seven hundred and eighty-two, at Augusta, entitled "An

act for confiscating and banishing certain persons therein mentioned," did confiscate the estate and banish the person of Philip Delegal jun. also did confiscate, of John M'Donald, his heirs devisees and assigns. *And whereas* the present legislature have agreed to take the said Philip Delegal, and the heirs devisees and assigns of John M'Donald, out of the said act of confiscation and banishment, so far as it respects the banishment of said Philip Delegal, and the heirs, devisees and assigns of John M'Donald. *Be it therefore enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That Philip Delegal, and the heirs, devisees and assigns of John M'Donald, be, and they are hereby severally relieved, from the pains of the said act of confiscation and banishment, so far as respects the banishment of the said Philip Delegal, and the heirs, devisees and assigns of John M'Donald.

2. *And be it further enacted by the authority aforesaid,* That the property both real and personal of the said Philip Delegal, and said John M'Donald, his heirs, devisees and assigns, that has remained unfold by the commissioners of confiscated estates, under the act of confiscation and banishment, shall be theirs to all intents and purposes, any thing contained in the act of confiscation and banishment to the contrary notwithstanding.

3. *And be it further enacted,* That Thomas Gibbons, Patrick Crookshanks and Alexander Spears, of the county of Chatham, esqrs. John Glynn, James Spalding, Thomas Young, Levy Sheftall, George Barnes and John Taylor, be and they are hereby admitted to all the rights and privileges of free citizens of this state, any law to the contrary notwithstanding.

4. *And be it further enacted by the authority aforesaid,* That the act of confiscation and banishment, so far as relates to the banishment of Abraham Mincey, John Corker, John Fox, and William Jones, be and the same is hereby repealed.

5. *And whereas* there are debts due, and property which remain unfold, belonging to the estate of Thomas Fleming, deceased, and application has been made to this house by Mary Fleming, widow of the said Thomas Fleming, to vest such debts and property in her, *Be it enacted by the authority aforesaid,* That all debts due to the said estate, and property which remain unfold, be vested in the said Mary Fleming for the use of herself, her heirs and assigns forever.

By order of the House,

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1787.

.....

*An act for vesting certain property in Philip Hornby, in right of his wife, Henrietta Hornby, formerly Henrietta Goldsmith, widow of Thomas Goldsmith, deceased, a person named in the act of confiscation and banishment.*

1. **W**HEREAS the said Philip Hornby in the year one thousand seven hundred and eighty-three, by his petition preferred to the legislature of this state, prayed that his wife Henrietta Hornby, formerly widow of Thomas Goldsmith, deceased, who is named in the act of confiscation and banishment, might have some support from the estate of the said deceased, and it appearing by the resolution of the House of Assembly, one thousand seven hundred and eighty-five, that a bill should be passed vesting all the property formerly belonging to the said Thomas Goldsmith, which

remains unfold by the commissioners of confiscated estates, in the said Philip Hornby, he being answerable for all damages that may be brought against the said Thomas Goldsmith, and giving bond to his honor the governor, for the time being, in a sufficient sum indemnifying the state against all such demands.

*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 all the estate real and personal of the said Thomas Goldsmith, deceased, that remains unfold by the commissioners of confiscated estates, shall be, and the same is hereby declared to be vested in the said Philip Hornby, to hold the same to him, his heirs and assigns forever, any thing contained in the said act of confiscation to the contrary notwithstanding: *Provided always, and it is hereby declared,* That the said Philip Hornby shall be, and is hereby made liable to answer for payment of all debts and damages that may be due by, or recoverable against the estate of the said Thomas Goldsmith, and so far as such estate herein vested shall extend, and no further.

2. *And be it further enacted,* That the said Philip Hornby shall, within twelve months, give bond to his honor the governor for the time being, in such sum of money as may be sufficient to indemnify this state against all claims or demands against the estate of the said Thomas Goldsmith, confiscated as aforesaid.

3. *And be it further enacted,* That this act shall be deemed and taken in law as a public act, and as such received as evidence in any court in this state.

By order of the House,

WILLIAM GIBBONS, *Speaker.*

Augusta, 10th February, 1787.

.....

*An act for vesting the estates, real and personal, unfold, of Henry Sharp and Matthew Moore, in the hands of their respective children.*

1. **W**HEREAS in and by a certain act of the legislature, passed and dated at Augusta on the fourth day of May, in the year of our Lord one thousand seven hundred and eighty-two, commonly called the confiscation act, the property real and personal of the said Henry Sharp and Matthew Moore, their heirs, devisees and assigns, was respectively confiscated to and for the use and benefit of the said state: *And whereas* a part of the estates of the said Henry Sharp and Matthew Moore, remains unfold: *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 children of the said Henry Sharp and Matthew Moore, respectively, shall be fully and absolutely entitled to share, and share alike to all such parts of the estates real and personal of the said Henry Sharp and Matthew Moore, as have not already been sold under and by virtue of the said act of confiscation: *Provided always, nevertheless,* That the guardian, trustee or attorney of such respective children do and shall give bond in the secretary's office for the payment of the due proportion of such debts as may appear against the estate of the said Henry Sharp and Matthew Moore, their heirs, devisees and assigns, and such property as remains unfold shall, previously to their taking possession, be valued by three freeholders qualified for that purpose, and a certificate of such appraisement shall be forwarded to the auditor, certified by a justice of the peace.

By order of the House,

WILLIAM GIBBONS, *Speaker.*

Augusta, 10th February, 1787.

*An act to vest certain property in Anne Stewart.*

1. **W**HEREAS by an act passed the tenth day of February one thousand seven hundred and eighty-seven, the property formerly belonging to Thomas Goldsmith, jun. a person named in the act of confiscation and banishment, was vested in Philip Hornby, who had married the widow of the said Goldsmith. *And whereas* some doubts have arisen about the extent and operation of the aforesaid act, passed the tenth day of February one thousand seven hundred and eighty-seven. *Be it enacted*, that the said law shall not be construed to extend to any reversionary property, or remainder of which the said Goldsmith was not seized or possessed, and of which he was debarred of being seized and possessed by the aforesaid act of confiscation and banishment.

2. *And be it further enacted*, That a certain property which was conveyed to Hannah Goldsmith, mother of the said Thomas Goldsmith, during her life, and which would have reverted, or remained over to the said Thomas Goldsmith, had he not been prevented from inheriting the said reversion or remainder by the aforesaid act of confiscation and banishment, shall vest and be forever fixed in Anne Stuart, daughter of Alexander Stuart, at the death of the said Hannah Goldsmith.

By order of the House,  
NATHAN BROWNSON, *Speaker*.

February 1, 1788.

.....

*An act to vest certain property in Rachel Johnston and her children.*

1. **W**HEREAS Rachel Johnston, the widow of Joseph Johnston deceased, a person named in the act of confiscation and banishment, hath applied to the legislature by petition, praying that the property of the said Joseph Johnston, which remained unsold may be relinquished by the state, and given up to the said Rachel Johnston for the support of herself and children. *And whereas* the legislature hath granted the petition of the aforesaid Rachel.

*Be it therefore enacted by the Senate and house of representatives of the state of Georgia in General Assembly met*, That all the property both real and personal, which remains unsold by the commissioners of confiscated estates, which of right may appertain to the estate of the said Joseph Johnston deceased, be, and the same is hereby declared to be relinquished and given up on the part of the state to the aforesaid Rachel Johnston, for the support of herself and children; always subjecting such estate so relinquished and given up, to the payment of all debts and dues, which may be due and owing from the same.

SEABORN JONES, *Speaker of the House of Representatives*.  
NATHAN BROWNSON, *President of the Senate*.

Concurred, December 8, 1789.

EDWARD TELFAIR, *Governor*.

.....

*An act for repealing certain parts of the act of confiscation and banishment.*

1. **W**HEREAS the legislature of this state, by an act passed the fourth day of May one thousand seven hundred and eighty-two, at Augusta, entitled "An act



for confiscation and banishing certain persons therein mentioned," did confiscate the property of Nathaniel Polhill, his heirs, devisees and assigns, and the property of Polhill Cormick, John Thomas, Peter Edwards, and James Butler, and did banish the said persons from this state; *Be it enacted*, That as far as the said act of confiscation respects Nathaniel Polhill, his heirs, devisees, and assigns, be and is hereby repealed.

2. *And be it further enacted by the authority aforesaid*, That one half of the estate of Nathaniel Polhill, unfold by the commissioners of confiscated property, be vested in Elizabeth Nowland, widow of the said Nathaniel Polhill, and her heirs.

3. *And be it further enacted*, That the property of the said John Thomas, which remains unfold, be, and it is hereby vested in Elizabeth Sharp, the wife of John Sharp jun. and the property of Paul M'Cormick, which remains unfold, be, and it is hereby vested in Frances M'Cormick and her heirs.

4. *And be it further enacted*, That as far as the aforesaid act of confiscation and banishment, respecting the banishment of the aforesaid Peter Edwards, and James Butler, James Jackson, John Douglass, William Corker, James Ingraham, Thomas Waters and John Johnson, be, and is hereby repealed.

By order of the House,

NATHAN BROWNSON, *Speaker.*

February 1, 1788.

.....

*An act to repeal an act entitled, "An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," so far as respects the banishment of Doctor Thomas Taylor, Absolom Wells, Cordy Sharp, Benjamin Fox, William Powel and John Johnson.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the act entitled, "An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," passed the fourth day of May, one thousand seven hundred and eighty-two, so far as respects the banishment only of the persons of the said Doctor Thomas Taylor, Absolom Wells, Cordy Sharp, Benjamin Fox, William Powel and John Johnson be, and the same is hereby repealed.

WILLIAM GIBBONS, *Speaker.*

NATHAN BROWNSON, *President of the Senate.*

Concurred December 8, 1791.

EDWARD TELFAIR, *Governor.*

.....

*An act for the relief of the heirs and representatives of Alexander Inglis deceased.*

1. **WHEREAS** the General Assembly of this state by their concurrent resolutions, on the tenth day of December, one thousand seven hundred and ninety, did declare that the said Alexander Inglis should be admitted to all the rights

of citizenship in this state, which said resolutions require an act of the General Assembly to carry them into effect: *And whereas* the said Alexander Inglis hath since departed this life, and his heirs and representatives have not received the benefits intended by the said resolutions: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That all the estate, real and personal of the said Alexander Inglis in this state, which he was entitled to in law or equity, prior to the fourth day of May, in the year of our Lord one thousand seven hundred and eighty-two, or at any time since, except such as may have been sold by the commissioners of confiscated estates, be, and the same is hereby vested in the children of the said Alexander Inglis, share and share alike, in the same manner, and under the same rules of law, as if the said Alexander Inglis had departed this life in the state of Georgia intestate, and as if the said Alexander Inglis had not been named, comprehended or included in the aforefaid act of confiscation.

2. *And be it further enacted,* That it shall and may be lawful for the executors of the said Alexander Inglis, or the guardians of the said minors, children of the said Alexander Inglis, to recover and receive the property of the aforefaid Alexander Inglis, intended to be herein and hereby vested in the said minors: the act entitled, “An act for inflicting penalties on, and for confiscating the estates of such persons as therein declared guilty of treason, and for other purposes therein mentioned,” to the contrary thereof in any wise notwithstanding.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 8, 1792.  
EDWARD TELFAIR, *Governor.*

.....

*An act for the relief of John Furlow, one of the persons named in the act of confiscation and banishment.*

1. **W**HEREAS the legislature of this state, by an act passed the fourth day of May, in the year of our Lord one thousand seven hundred and eighty-two, at Augusta, entitled, “An act for inflicting penalties on, and confiscating the estates of such persons as therein declared guilty of treason, and for other purposes therein mentioned,” did confiscate the estate of, and banish the person of a certain John Furlow, then late of the county of Richmond: *Be it enacted, by the Senate and House of Representatives of Georgia, in General Assembly met,* That the said John Furlow, be, and he is hereby relieved from the pains and penalties of the aforefaid act, so far as the same respects the banishment only of the said John Furlow.

THOMAS NAPIER, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 25, 1794.  
GEORGE MATHEWS, *Governor.*

An act, to repeal the act entitled "An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," passed the twenty-second day of May one thousand seven hundred and eighty-two, as far as respects the representatives of Donald M<sup>c</sup>Leod, deceased, George Weekly and Thomas Waters.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the said recited law, so far as respects the representatives of Donald M<sup>c</sup>Leod, be, and the same is hereby repealed, and all property whatsoever which was vested in the said Donald M<sup>c</sup>Leod, at any time before the passing of such law, and which yet remains unsold, be as absolutely vested in his representatives, as if no such law had passed.

2. And be it further enacted, That so much of the said law as respects the banishment of George Weekly and Thomas Waters, be and the same is hereby repealed. But this act shall not extend, or be construed to extend to restore any property of the said persons, actually sold by the commissioners of confiscated property.

THOMAS NAPIER, *Speaker of the House of Representatives.*  
 BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 29, 1794.

GEORGE MATHEWS, *Governor.*

.....

*An act for the relief of the heirs of Simon Monro deceased.*

1. **WHEREAS** capt. Harry Monro, late a British subject, died vested of real estate, in this state, and did by his will bearing date the 14th day of November, and in the year 1780, leave the same to the heirs of Simon Monro, late of this state deceased, who are citizens of the United States: *Be it enacted by the Senate and House of Representatives 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 real estate of the said Harry Monro, late a British subject, which has not been sold under, and by virtue of the act of confiscation, is hereby declared to be vested in the heirs of Simon Monro, late of this state, deceased.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 DAVID EMANUEL, *President of the Senate.*

Concurred February 8, 1797.

JARED IRWIN, *Governor.*

.....

*An act to repeal an act, entitled "An act for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," so far as relates to the banishment of William Oates and John Henderson.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the act entitled "An act for in-

licting penalties on and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," passed the fourth day of May, one thousand seven hundred and eighty-two, so far as relates to the banishment only of William Oates and John Henderson, be, and the same is hereby repealed. And that the said William Oates and John Henderson, be and they are hereby restored to all the rights of citizenship. *Provided*, That they shall not be entitled to claim, hold, or recover property sold under the said act, formerly belonging to the said William Oates and John Henderson.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 10, 1797.

JARED IRWIN, *Governor.*

.....

*An act to repeal an act, entitled, "An act for inflicting penalties on certain persons therein named," so far as respects the banishment of John Johnson.*

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That the act entitled "An act, for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason and for other purposes therein mentioned," passed the fourth day of May, one thousand seven hundred and eighty-two, so far as respects the banishment only of the person of John Johnson, be, and the same is hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 7, 1799.

JAMES JACKSON, *Governor.*

.....

*An act to grant certain privileges to Enoch James, and others, the legal representatives of William Durgan, late of Burke county, deceased.*

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That Enoch James, and all others, the legal heirs and representatives of William Durgan, late of Burke county deceased, one of the persons named in the act of confiscation, be and they are hereby vested, in fee simple of all and singular, the goods rights and chattels, which were confiscated as the property of the aforesaid Durgan, so far as relates to the personal property, confiscated as aforesaid, and which doth now remain undisposed of by the state, any law to the contrary notwithstanding.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to November 25, 1800.

JAMES JACKSON, *Governor.*

.....

*An act to repeal an act for inflicting penalties on certain persons therein named, so far as respects the punishment of Christopher Frederic Triebner.*

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, That the act entitled "An act for inflict-

ing penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," passed the fourth day of May, one thousand seven hundred and eighty-two, so far as it respects the banishment only of the person of Christopher Frederic Triebner, be, and the same is hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 DAVID EMANUEL, *President of the Senate.*

Assented to December 5, 1800.

JAMES JACKSON, *Governor.*

.....  
 CONVEYANCES.

*An act to prevent fraudulent deeds of conveyances.*

**W**HEREAS many inconveniences may attend the want or neglect of recording Preamble.  
 in the public offices of this province all conveyances of lands, negroes and other chattels or mortgages of the same:

1. *Be it enacted*, That all conveyances of lands, tenements, negroes and other chattels or hereditaments whatsoever, or mortgages of the same, that were made before the passing of this act, shall be registered in the register of the records' office of this province, within three months after the publishing this act, except such as have been or may be hereafter executed in Europe, which shall be registered as directed by this act, within a twelve month and a day; and except such as have been or may be hereafter executed in the West India islands, or on the American continent north of South Carolina, which shall be registered as directed by this act within six months; and such as may be hereafter made within this province be registered within the space of sixty days from the date of the several deeds, conveyances or mortgages; in failure of which, all such as are lawfully and regularly registered as aforesaid, shall be deemed, taken and construed to be prior, and shall take place and be recoverable in law before any and every deed, conveyance or mortgage which has not been lawfully registered as above, any law, custom or usage to the contrary notwithstanding.

Conveyances, mortgages, &c. where and in what time to be recorded.

2. And in order to discourage and deter all and every person and persons from making any fraudulent conveyances or mortgages; *Be it further enacted*, That if any tender or mortgager of lands, tenements, negroes or other chattels, or hereditaments within this province shall presume to execute a second or other deed of conveyance or sale of the same lands, tenements, negroes or other chattels or hereditaments, other than the first vender of such lands, tenements, negroes or other chattels or hereditaments, or a second or other deed of mortgage, without having taken notice in the said deed of mortgage of the first or prior mortgage or mortgages with which the said lands, tenements, negroes or other chattels or hereditaments stand charged at the time of executing the said deed, all and every person and persons so offending, shall be tried and punished, and be subject to the like forfeitures and penalties as the laws of that part of Great-Britain called England, have provided against all such persons, as shall execute deeds of mortgage without taking notice of all prior mortgages made.

If fraudulent, how detected and punished.

3. *And be it further enacted*, That all wills and testaments conveying properties within this province, that have been formerly made and not recorded in the former Time and place of recording wills, or testaments.

office, be registered in the register of records' office of this province, within three months after the passing of this act, except such as have been or may be made in Europe, all which shall be registered as aforesaid, within a twelve month and a day, otherwise they are deemed and construed to be void; and all wills and testaments hereafter to be made within this province, shall be registered as above within three months from the death of the testator, in failure of which, the said wills or testaments shall be deemed and construed to be void and of no effect.

Deeds, wills,  
&c. already re-  
corded, deem-  
ed legal.

4. *And be it further enacted*, That all deeds of conveyances, mortgages, wills or writings, that have been regularly entered in the former office of record of this province, shall be deemed lawful to all intents and purposes, any thing in this act or any other act contained to the contrary notwithstanding.

DAVID DOUGLAS, *Speaker*.

J. REYNOLDS.  
March 7th, 1755.

.....

*An act to enable feme-coverts to convey their estates, and for confirming and making valid all conveyances and acknowledgments heretofore made by feme-coverts.*

Freanable.

1. **W**HEREAS, the usual method of conveying lands and tenements in England by feme-coverts, is by fine or recovery, which methods have not been practised in any of his majesty's American colonies.

Conveyances,  
&c. of lands  
made by hus-  
band and wife  
or acknow-  
ledged by the  
wife made  
valid.

*And whereas*, instead thereof it has been customary in the conveyances of lands by husband and wife, to acknowledge her consent before a judge or justice, being first privately examined by the said judge or justice, whether she acknowledged the same voluntarily and freely; *Be it therefore enacted*, That all alienations and conveyances whatsoever, which have at any time heretofore in this province been made, either by husband and wife, having jointly signed a deed of conveyance before witnesses, or by the acknowledgment of the wife of her consent to such a sale of lands and tenements, before any of the then justices or magistrates, shall in such cases be valid in law, and good and effectual against the husband and wife, their heirs and assigns, and against all other person or persons whatsoever claiming under the said husband and wife, or either of them, to all intents and purposes, as if the same had been done by fine or recovery, or by any other way or means in the law.

How to be  
made and re-  
gistered here-  
after.

2. *And whereas* it is necessary to secure the property of future purchasers of lands and tenements, as well as to prevent husbands disposing, without the consent of the wife, what of right did or would belong to them: *And whereas* also the method practised in England in these cases would prove exceedingly troublesome and very expensive to the inhabitants of this province: *Be it therefore enacted*, That from and after the passing of this act, all \* conveyances of lands and tenements shall be made by deed of bargain and sale, or by deed of lease and release, or by deed of feoffment, enrolled or registered in the secretary's office of this province, signed and sealed by the party conveying, before two or more witnesses, who shall likewise sign their names to the said deed; and where a feme-covert has or may have any right in part, or the whole of the lands and tenements to be conveyed, and the said feme-covert doth willingly consent to part with her right, by becoming a party with her

\* See act of 1768, sect. 1, page 113.

husband in the sale of such lands and tenements, in such cases as these, the said feme-covert shall become a party with her husband in the said deed of conveyance, and sign and seal the same before the chief justice or assistant judges, or one of his majesty's justices of the peace for the parish where such contracts shall be made, declaring before the said judge or justice, that she has joined with her husband in the alienation of the said lands and tenements of her own free will and consent, without any compulsion or force used by her said husband to oblige her so to do; which declaration shall be made in the following words, or words to the like effect, viz. "I, A. B. the wife of C. D. do declare, that I have freely, and without any compulsion, signed, sealed and delivered the above instrument of writing passed between D. E. and C. D. and I do hereby renounce all title or claim of dower that I might claim or be entitled to after the death of C. D. my said husband, to or out of the lands or tenements therein conveyed. In witness whereof I have hereunto set my hand and seal." And the said judge or justice shall, and is hereby required to endorse upon the deed the acknowledgment of the same feme-covert, made before him, and to sign the same, and shall receive two shillings and sixpence sterling fee, for his endorsing and signing the same, and no more.

How the wife shall join the husband in the conveyance.

Relinquishment of dower.

Justice's fee.

3. *And be it further enacted*, That all conveyances of lands and tenements, made and executed, and enrolled or registered according to the intent and meaning of this act, shall and are hereby declared valid in law, and good and effectual against the party conveying, or husband and wife, and their and every of their heirs and assigns, and against all other persons claiming by, from, or under them, or any of them, to all intents and purposes, as if the same had been done by fine or recovery, or by any other way or means, any laws, customs, or usages, to the contrary notwithstanding.

Such conveyances declared valid in law.

JAMES HABERSHAM.  
DAVID MONTAIGUT, *Speaker*.

HENRY ELLIS.

April 24, 1760.

.....

*An act to prevent fraudulent mortgages and conveyances, and for making valid all deeds and conveyances heretofore made, with respect to any defect in the form and manner of making thereof, with certain restrictions.\**

1. **W**HEREAS notorious frauds have been committed by evil disposed and designing persons, who frequently mortgage and borrow money on security of lands and slaves, having before conveyed, sold, or mortgaged the same, and the recording of all deeds and conveyances of lands, tenements, negroes, and other chattels, will greatly tend to the securing the titles of the proprietors or mortgagees, and prevent such frauds for the future, *Be it therefore enacted*, That all and every deed and deeds of sale, mortgages or conveyances of any lands, tenements, negroes or other goods and chattels, heretofore made in this province, and which shall be recorded in the secretary's office of this province, within six-months after the passing of this act, except such as have been made and executed in any of the British islands, or in any other of the colonies on the continent of North America, which shall be recorded within nine months, and except also such as have been made and executed in Great-Britain or Ireland, which shall be recorded within twelve months; and all deeds of sale, mortga-

Preamble.

Deeds of sale, &c. of land or negroes to be recorded in the secretary's office in ten days.

\* See act of 1785, directing the recording of deeds, &c. sec. 2.

ges, conveyances, made and executed within this province, from and after the first day of January next ensuing, being recorded as aforesaid, within ten days after the execution thereof, shall be deemed, held and taken as the first deed of sale, mortgage, or conveyance, and shall be allowed, adjudged and held valid in all courts of judicature within this province, any former or other sale, mortgage or conveyance, being of the same lands, tenements, negroes, and other goods, and chattels, and not recorded as aforesaid, notwithstanding.

Method of proceeding where there are more mortgages than one.

2. *Provided always, and be it further enacted*, That nevertheless if it shall so happen there be more than one mortgage at the same time, made by any person or persons, to any person or persons, of the same lands and tenements, negroes, goods or chattels, the several late or under mortgagees, who shall have recorded their mortgages, his, her, or their heirs, executors, administrators, or assigns, shall have power to redeem any former mortgage or mortgages, recorded as aforesaid upon payment of the principal debt, interest and cost of suit, to the prior mortgagee or mortgagees, his, her or their heirs, executors, administrators or assigns, any thing contained to the contrary thereof in any wise notwithstanding; and all and every person and persons who shall mortgage the same lands, tenements, negroes, goods or chattels a second time, the former mortgage thereof being in force and not discharged, and shall not discover to the second mortgagee in writing under his or their hands, shall have no relief, power, or liberty of redemption whatsoever, in equity or otherwise, of and in the said after mortgage or mortgages.

Widow's dower or not barred in mortgaged lands, unless legally relinquished.

3. *Provided also, and be it further enacted*, That nothing in this act contained shall be construed, deemed or extended to bar any widow of any mortgager of lands or tenements, from her dower and right in and to the said lands or tenements, who did not legally join with her husband in such mortgage, or otherwise lawfully bar or exclude herself from such her dower or right.

Formal defects in deeds, remedied.

4. And to the end that no person may hereafter suffer any inconvenience in recording their title deeds, by exposing the defects thereof, *Be it further enacted and declared*, That no need of feoffment, bargain and sale, deed of gift, or other conveyance, of any lands or tenements whatsoever, heretofore made, shall be impeached or set aside in any courts of law or equity for want of attornment or livery and seisin, or enrolment, or for that such conveyance hath been made by way of assignment or endorsement on any other deed or conveyance without other ceremony, nor for any other defect in the former or in the manner of the execution of any such deeds or conveyances, or of the endorsements or assignments thereof, either in the first deed, or in any of the mesne conveyances derived therefrom: *Provided nevertheless*, That in case of the validity of such feoffment, bargain and sale, deed of gift, or other conveyance of lands or tenements, shall be questioned, the legal and usual proofs shall be made that the rights were and would have been in the person or persons conveying, if such defects had not happened in the form of such deeds or conveyances, or in the manner of the execution of the same as aforesaid.

Proviso.

Continuation.

5. *And be it further enacted*, That this act shall continue and be in force for and during the term of three years from and after the passing thereof, and from thence to the end of the next session of the General Assembly, and no longer.\*

N. W. JONES, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT.  
December 24, 1768.

\* Continued by act of 1784.



*An act to render easy the mode of conveying lands, and for making valid all deeds and conveyances heretofore that may be deficient in point of form.*

1. **W**HEREAS many deeds of bargain and sale, and other deeds of feoffment <sup>Preamble.</sup> or conveyances have been made, which have not been enrolled, or livery and seisin had, or may be deficient in point of form, when it was the legal intent of the party to sell and lawfully convey the same, *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met,* That no deed of feoffment bargain and sale, and deed of gift, or other conveyance of lands or tenements whatsoever, heretofore made, shall be impleaded or set aside, in any courts of law or equity, for want of form, or livery and seisin, or enrolment, or for any other defect in the form, or in the manner of the execution of any such deeds or conveyances, either in the first deed, or in any of the mesne conveyances derived therefrom, so that the right were and would have been in the person or persons conveying, if such defects had not happened in such conveyance, or in the manner of the execution of the same as aforesaid.

No deed, &c. of lands already made shall be set aside for want of form, livery and seisin, or enrolment.

2. And to the end that such evils may be remedied in future, *Be it enacted by the authority aforesaid,* That all deeds of conveyances, by way of bargain and sale, *bona fide,* of lands or tenements, and executed under hand and seal in the presence of two or more witnesses, and a valuable consideration paid, that are proved or acknowledged before a justice of the peace, or before the chief justice, or one of the assistant justices, and the said deed is registered by the clerk of the court in the county where such lands or tenements lie, in a book by him to be kept for that purpose, within twelve \* months from the date of such deed, for which he shall receive four pence per copy-sheet of ninety words; then, and in that case, such deed of conveyance by way of bargain and sale shall be, and the same is hereby declared to be, good and valid in law and equity, according to the true intent, construction and meaning thereof: *Provided nevertheless,* That nothing herein contained shall extend, or be construed to extend, to prevent any person or persons, who shall prefer the former mode of conveyance by way of lease and release, from using the same, or in the least to impeach or discontinue that form of conveyance, where the same shall be preferred by the parties contracting as aforesaid, on condition only that the said deeds of lease and release hereafter to be made, be duly registered in the county where the lands lie, within one year from and after the date of such deeds.

Execution of deeds, &c. in future,

two witnesses.

Recorded in the clerk's office in twelve months.

3. And in case of dower, *Be it further enacted,* That any such deed of conveyance of lands or tenements, in which a feme-covert may be interested, by dower or otherwise, and that such feme-covert doth voluntarily with her husband agree, and sign, seal and deliver, before lawful evidence, such deed of conveyance of any lands or tenements as aforesaid, and also before the chief justice, or any justice of the peace, on private examination, doth acknowledge and agree that she did, of her own free will and accord, subscribe, seal and deliver the said deed, with an intention thereby to renounce, and forever quit claim to her right of dower and thirds of, into, and to the lands or tenements therein mentioned, then and in that case, such deeds of conveyance, or bargain and sale of lands and tenements, shall be held, deemed and considered, according to the construction and meaning thereof, to be good and valid in law and equity, and shall be, and is hereby declared to be a free, full

Renunciation of dower.

\* Time extended by act 1788, sec. 2, and further extended by act 1790, sec. 14: since which time this act has been left to operate.

and absolute renunciation of dower and thirds, any law, usage or custom to the contrary notwithstanding.

Now bonds, specialties and powers of attorney made in other states are to be proven in this.

4. *And be it further enacted by the authority aforesaid,* That all bonds, specialties, letters of attorney, and other powers in writing, which shall be produced in any court, or before any justice in this state, the execution whereof being proved by one or more of the witnesses thereunto, by affidavit or solemn affirmation in writing, before any governor, chief justice, mayor or other justice of either of the United States, where such bonds, letters of attorney or other writings are or shall be made or executed, and accordingly certified and transmitted under the common or public seal of such state, court, city or place where the said bonds, letters of attorney or writings are proved, shall be taken and adjudged as sufficient in law as if the witnesses therein named had been present; and such certification shall be sufficient evidence to the court and jury for the proof thereof: *Provided,* That in every such affidavit or affirmation, there shall be expressed the addition of the party making such affidavit or affirmation, and the particular place of their abode.

Sales of land by letters of attorney duly proved, declared valid in law.

5. *And be it further enacted,* That all sales or conveyances of lands, tenements, hereditaments which shall hereafter be made by virtue of any letters or powers of attorney, duly executed, which do or shall expressly give power to sell all lands or other estates, and be certified to have been proved as aforesaid, or shall be proved in this state before any justice of the peace by one or more of the witnesses thereunto, shall be good and effectual in law, to all intents, constructions and purposes whatsoever, the same as if the said constituent or constituents had, by their own deeds and conveyances, actually and really sold and conveyed the same: *Provided always,* That no sale of lands made by virtue of such power or powers of attorney or agency, as aforesaid, shall be good and effectual, unless such sale be made and executed while such powers are in force, and all such powers shall be considered, deemed and taken to be in force, until the attorney or agent shall have due notice of a countermand, revocation or death of the constituent.

If made without notice of revocation, or prior to the death of the constituent.

Establishment of papers lost during the war.

6. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, whose titles, bonds, notes, books of accounts, receipts and papers touching his, her or their estate and property, may have been lost or destroyed during the late war, who shall produce a paper writing, purporting to be a copy or as near a copy of the original paper so lost or destroyed as aforesaid, with full or circumstantial proof of the substance thereof, and of his, her or their title thereto, and shall lodge the same in the office of the clerk of the county where such person resides, or where lands are in question is situate, and shall notify by public gazette of this state, that such person or persons intends to establish such deed or paper, that then it shall and may be lawful, and in case no sufficient objection shall be made, for the superior courts in each county to establish the title and right of such person or persons to the property alluded to, by the testimony and papers offered to the said court, and be deemed as good evidence in law, so far as to give the party applying a good right and title, until a better shall appear and be made out to the satisfaction of the court and jury, within the time limited by the act of limitation.

JOSEPH HABERSHAM, *Speaker.*

Savannah, 22d February, 1785.

## Savannah.

*An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging.*

1. Respects the regulation of the town, repealed, see act of 1787.

2. *And be it further enacted by the authority aforesaid,* That the common appertaining to the said town, extending southerly from the extremity of the Bluff on the river Savannah to the north line of the garden lots, and westerly from the west line of the garden lots, lying east of the said town to the east line of the lots lately laid out between Musgrove's Creek and the said town, including all the squares, streets, lanes, and passages, described in the plan of the said town in the surveyor general's office, and have been heretofore accustomed or made use of by the inhabitants of the said town, shall be and continue the common property of the lot holders in the said town, and shall not be aliened or granted away for any purpose, whatsoever, than by act of the General Assembly.

Town-common  
ascertained.

3 and 4. Respect the regulations of the town—repealed.

5. *And be it further enacted by the authority aforesaid,* That Joseph Ottolenghe, James Deeveaux, William Ewen and William Russell esqrs. shall, and they are hereby nominated and appointed commissioners to put this act in execution.

Commission-  
ers.

The remainder prescribes the mode of filling vacancies. Obsolete.

DAVID MONTAIGUT, *Speaker.*  
JAMES HABERSHAM.

HENRY ELLIS.

May 1, 1760.

.....

*An act for amending an act entitled "An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging."*

**W**HEREAS, by an act of assembly passed the first day of May, in the year of our Lord one thousand seven hundred and sixty, entitled, "An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging," the lots heretofore allotted for the use of the public, and on several of which buildings have been erected, were not ascertained, whereby the inhabitants of Savannah may be deprived of the benefits intended them by such allotments, and unnecessary disputes, and suits at law may arise for want of such lots being ascertained. *Be it therefore enacted,* That the several lots herein after mentioned, and particularly described in the plan of the town of Savannah in the surveyor general's office of this province, and to which reference may be had, shall be and continue for the uses and purposes to which by this act they are respectively appropriated, and shall not be aliened or granted away to, or for any other use or purpose whatever, unless by act of the General Assembly, that is to say, the lot D, whereon the church now stands, as also the lot E, whereon the parsonage-house now stands, shall be and continue for the uses and purposes to which they are respectively appropriated and allotted in and by an act entitled, "An act for constituting and dividing the several districts and divisions of this province into parishes, and for establishing religious worship therein according to the rites and ceremonies of the church of England, and also for empowering the churchwardens and vestry men, of the respective parishes, to assess rates for the re-

Preamble.

Lots herein named, set apart to certain uses.

pair of churches, the relief of the poor and other parochial charges ;" C, whereon a prison formerly stood, shall be and continue for the use and purpose of a public jail or prison, and for the use of the keeper of the same ; the lot H, whereon the court house now stands, shall be and continue for the use and purpose of a court house for this province ; the lot S, whereon the filature now stands, shall be, and continue for the use of a public filature ; the lot V, whereon the state house now stands, shall be and continue for the use and purpose of a state house, for this province ; as also the water lots at the end of every street, also sixteen acres of land laid out for the use of the public, joining the common of the said town, and known by the name of the Spring, shall be held, deemed, and reputed, as public lots and lands, and reserved for the use of the public only.

2. *Contains a plan of the town, see acts of 1762, following.—1766, page 119, and 1770, page 120.*

3. *Regulates the town, see acts of 1787, page 121.—1789, page 123, and 1795, page 124.*

GREY ELLIOT, *Speaker.*  
JAMES HABERSHAM.

JAMES WRIGHT.

June 9, 1761.

• • • • •

*An act to enable the commissioners appointed by the General Assembly of this province, entitled " An act for regulating the town of Savannah, and for ascertaining the common thereunto belonging," to alien and convey a certain portion of the said common in exchange for other land to the said common adjoining.*

Preamble.

1. **W**HEREAS in and by an act of the second General Assembly of this province, entitled " An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging," the said common is ascertained, and declared to be the common property of the lot holders of the said town, and not to be aliened or granted away for any purpose whatsoever, other than by act of the General Assembly: *And whereas* the exchanging a small part of said common, consisting of about fifteen acres, for four garden lots severally joining to other parts of the said common, and to become a part thereof, will not only enlarge the common of said town, but also render it more complete and uniform: *Be it therefore enacted,* That from and after the passing of this act, it shall and may be lawful to and for the commissioners named and appointed in and by the said recited act of the General Assembly, by any fit deed or conveyance in the law, by them or any three of them, to be made and executed, to grant, alien and convey unto his excellency James Wright, esq. or to any person or persons for his use, and to his and their heirs and assigns forever, all that part of the said town-common on the south-east boundaries of the common of the town of Savannah, adjoining the garden lots number seven, eight, thirteen and fourteen, extending on a direct line twenty-five chains, and course of the garden lots to the eastern road, and from the upper westernmost corner of the late trustees' gardens on a direct line and course of the garden lots aforesaid, fourteen chains to the eastern road, and bounded to the northward by the said trustees' gardens, and particularly described by the letters A, B, C and D, in the plan hereunto annexed, con-

Commissioners of the town authorized to exchange fifteen acres of the common for four garden lots.

taining fifteen acres more or less, he the said James Wright first granting and conveying, or causing to be granted and conveyed unto the said commissioners all those four garden lots containing together twenty acres, more or less, situate southward of the said common, and adjoining thereunto, and particularly described in the said plan to this act annexed, by the numbers nineteen, twenty, thirty-one and thirty-two, to hold the same unto the said commissioners and their successors forever, as part and parcel of the common of the said town of Savannah, for the use of the lot holders thereof.

2. *And be it further enacted*, That from and after the alienation and exchange respectively made of the said part of the said common herein before described for four garden lots in manner as before mentioned, the said tract of fifteen acres, more or less, described as aforesaid in the said plan by the letters A, B, C and D, shall and is hereby declared to be severed from the said common, and become and continue the absolute property of the said James Wright, or other person, for his use, and his and their heirs or assigns forever.

Which property to become the property of Sir James Wright.

3. And that the said four garden lots before mentioned and described, shall from thenceforth be and continue as part and parcel of the said common of the town of Savannah, for the use of the lot holders of the said town, to all intents and purposes whatsoever, as any other part of the said common is, according to the true intent and meaning of this act; any thing in the said recited act contained to the contrary notwithstanding.

And the garden lots to be a part of the common.

JAMES HABERSHAM, *President*.  
LEWIS JOHNSON, *Speaker*.

JAMES WRIGHT.

March 4, 1762.

.....

*An act to enable the commissioners appointed by an act of the General Assembly of this province, entitled "An act for regulating the town of Savannah, and for ascertaining the common thereunto belonging, to alien and convey to the honorable William Simpson, esqr. his heirs, and assigns forever, a certain part of the said common in exchange for part of a lot of land adjoining the same.*

**W**HEREAS in and by an act of the fourth General Assembly of this province, entitled, "An act for regulating the town of Savannah, and for ascertaining the common thereunto belonging," the said common is ascertained and declared to be the common property of the lot holders of said town, and not to be aliened or granted away for any purpose whatever, otherwise than by act of the General Assembly. *And whereas*, Henry Ellis, esq. late governor of this province, had prior to the passing of the said act, that is to say, on or about the seventh day of February in the year of our Lord one thousand seven hundred and fifty-eight, obtained his late majesty's grant, under the great seal of the said province, to him, his heirs and assigns, forever, for a lot of land, situate part on the bay, and part on the common of the said town of Savannah, containing one hundred and twenty feet in front, and four hundred and ninety feet in depth west, and four hundred and sixty-five feet in depth east. *And whereas* the same is since by purchase from the said Henry Ellis, esq. become vested in the honorable William Simpson, esq. *And whereas* part of the said lot, may hereafter be of general benefit, for the conveniency of a street or passage from the bay of the said town to the hamlets of Yamacraw and Ewensburgh, and would

Preamble.

now, if stopped up or built upon, be of great detriment to the public, and the said William Simpson, being willing to exchange the part of the said lot convenient for the above intended street or passage for an adequate proportion of land on the common to the westward of, and adjoining his said lot.

Commissioners empowered to exchange part of the town-common, for other lands adjoining.

1. *Be it therefore enacted*, That immediately after the passing of this act, it shall and may be lawful to, and for the commissioners named and appointed in and by the said recited act of the General Assembly, by any fit deed or conveyance in the law, by them, or any three of them, to be made and executed, to grant, alien, and convey unto the said William Simpson; esq. and his heirs and assigns, forever, a part of the said common of Savannah to adjoin westward to the lot of the said William Simpson, and to contain thirty feet in width, and three hundred and six feet in depth and particularly described by the letters, F, G, H, I, in the plan hereunto annexed, he the said William Simpson, first granting and conveying unto the said commissioners, a part of his lot as aforesaid, containing forty-seven feet in width, and one hundred and twenty feet in depth, and particularly described in the said plan hereunto annexed by the letters A, C, E, F, to hold the same unto the said commissioners, and their successors commissioners forever, as part and parcel of the common of the said town of Savannah, for the use of the lot holders thereof.

The said lot to be severed from the common, and that obtained in lieu thereof to be part of the common.

2. *And be it further enacted by the authority aforesaid*, That from and after the alienation, conveyance and exchange respectively made of the said part of the said common, for part of the lot of the said William Simpson, as herein before mentioned, the said part of the said common, containing thirty feet in width, and three hundred and six feet in depth, and described in the plan aforesaid by the letters F, G, H, I, shall and is hereby declared to be severed from the said common, and become and continue the absolute property of the said William Simpson, to and for the use of him, his heirs and assigns forever; and that the part of the lot of the said William Simpson, containing forty-seven feet in width, and one hundred and twenty feet in depth, as before mentioned and described, shall from thenceforth be and continue to be part and parcel of the said common of the town of Savannah, to all intents, constructions and purposes whatever, and as any other part of the said common is or may be, according to the true intent and meaning of this act; any thing in the act herein before recited, to the contrary notwithstanding.

ALEXANDER WYLLY, *Speaker.*  
JAMES HABESHAM, *President.*

JAMES WRIGHT.  
March 6, 1766.

• • • • •

*An act for further amending an act, entitled "An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging."*

Preamble.

WHEREAS in and by an act of the General Assembly passed the ninth day of June, in the year of our Lord one thousand seven hundred and sixty-one, entitled "An act for amending an act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging," it was enacted, That the plan to that act annexed should be thenceforth taken for and deemed to be the true plan of the said town, and that the several references made therein to the plan in the

surveyor general's office should from thenceforth be taken and deemed to be made to the plan thereunto annexed, any thing in the said act contained to the contrary notwithstanding: *And whereas*, in the plan to the said act annexed the several wharf lots under the bank or bluff of the said town and common of Savannah, and the lines or limits of the said common were not laid down or ascertained, for want of which many disputes, controversies and suits of law may arise: *And whereas* mistakes were made in the figures respecting the width of several of the streets and lanes in the said town:

*Be it therefore enacted*, That the plan annexed to this act shall from henceforth be held, taken for and deemed the true plan of the said town and common of Savannah, including the several wharf lots under the bank or bluff of the said town and common, and that the several references made in the said recited acts to the plan in the surveyor general's office shall be henceforth taken and deemed to be made, and shall be made and had to the said plan hereunto annexed, any thing in the said acts to the contrary notwithstanding.

What plan is  
to be deemed the  
true one of the  
town.

2. Regulates the town—repealed by act of 1787. See next act.

N. W. JONES, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT:

May 10, 1770.

• • • • •

*An act for better regulating the town of Savannah, and the hamlets thereof.*

1. **W**HEREAS the town of Savannah and the hamlets thereof require regulation, *Be it enacted by the freemen of the state of Georgia in General Assembly met, and by the authority of the same*, That the said town and hamlets be divided into seven wards; the town as usual to consist of six, viz. Percival; Derby, Anson, Reynolds; Heathcote and Dicker wards, and the hamlets of Ewensburgh and Yamacraw, shall constitute the seventh, and be known by the name of Oglethorpe's ward.

Savannah and  
its hamlets di-  
vided into sev-  
en wards.

2. \* Repealed; see acts of 1789, 1795, 1796 and 1797.

3. *And be it further enacted by the authority aforesaid*, That the wardens so chosen shall have full power and authority to make such bye-laws and regulations, and to inflict or impose such pains, penalties and forfeitures, as shall be conducive to the good order, and government of the town and hamlets as aforesaid: *Provided*, that such bye-laws, and regulations; be not repugnant to the laws and constitution of this state.

Power of the  
wardens. &c.

4. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful, for the said wardens or a majority of them, yearly and every year, or oftener if occasion may require, to make, lay, and assess one or more rate or rates, assessment or assessments, upon all and every person or persons who do or shall inhabit, hold, use or occupy, possess or enjoy, any lot, ground, house or place, building, tenement or hereditament in any square, street or place, within the limits of the town of Savannah or hamlets as aforesaid; for raising such sum or sums of money as the said wardens or a majority of them shall in their discretion judge necessary for, and towards carrying this act into execution; and in case of refusal or neglect to pay such rate and assessment, the same shall be levied and recovered in manner as herein after directed; *Pro-*

To make assess-  
ments and raise  
all necessary  
money.

Q

\* This section prescribes the qualification of voters, the time and manner of choosing wardens and president.

President and wardens to serve without fee.

*vided*, That no such rate and assessment shall be appropriated to the paying of the president or wardens for their services, but that they shall serve in their said appointments—without fee or reward.

To rent or lease all lots & sixteen acres called the Spring and the Vendue-house.

5. *And be it further enacted by the authority aforesaid*, That the wardens to be chosen under this act, or a majority of them, are hereby vested with full power and authority to let, lease, or rent at public sale, any lot or lots of land including the lot of land containing sixteen acres, called the Spring, westward of the said town of Savannah, and the building commonly called the Vendue-house, and the monies arising therefrom shall be applied by the said board of wardens, to the carrying this act into execution.

Recovery of assessments, fines and forfeitures.

6. *And be it further enacted by the authority aforesaid*, That all rates and assessments, pains, penalties, and forfeitures, laid or incurred under this act, shall be levied and recovered by warrant of distress and sale of the offender's goods, under the hands and seals of the said president, or wardens, or a majority of them, or by warrant under the hand and seal of any justice of the peace for the county of Chatham.

Account of expenditures to be published monthly.

7. *And be it further enacted by the authority aforesaid*, That the said president and wardens, by their clerk shall publish in the Georgia gazette monthly and every month, an account of the expenditures of all monies which they shall receive by virtue of this act, for the information of said town and hamlets.

Boundary of certain lots to be established by the president and board of wardens.

8. *Whereas* it appears by the petition of a number of persons owning wharf lots in the said town of Savannah, that the boundary of the back part of said lots fronting the Bay-street of said town, was established by a law passed under the British government, and a plan thereof was recorded in the surveyor general's office of the state, (then province) which plan was lost during the late war, in consequence of which the owners of said lots are put to great difficulty in placing their buildings: *Be it enacted by the authority aforesaid*. That the president and board of wardens, appointed under this act, are fully empowered to fix the boundary of said lots, in such manner as to them may appear just and equitable; and that a plan thereof be recorded in the surveyor general's office, and also in the office of the clerk of the county of Chatham.

Plan thereof to be recorded.

Board of wardens to regulate the public docks.

9. *And be it further enacted*, That the said board of wardens shall have full power to regulate the public docks between the wharfs so as to prevent the injury which is now done to the navigation of the said river, by the docks being open.

Are justices of the peace.

10. *And be it further enacted by the authority aforesaid*, That the wardens appointed under this act, shall have, and are hereby vested with the powers and authority of justices of the peace within the town and hamlets aforesaid.

Repealing clause.

11. *And be it further enacted by the authority aforesaid*, That all former laws heretofore passed for the better regulation of said town and hamlets thereof be, and the same are hereby repealed.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 10, 1787.

• • • • •

*An act for regulating the town of Augusta, and to amend an act, entitled "An act for regulating the town of Savannah and hamlets thereof."*

(The first nine sections of this act relate to the incorporation of Augusta—repealed by act of 1795. See the next page.)



10. *And whereas* by an act of Assembly, passed the tenth day of February, one thousand seven hundred and eighty-seven, entitled "An act for better regulating the town of Savannah, and the hamlets thereof," it is therein enacted, That certain persons, styled wardens, are to be elected in the said town annually by the proprietors of lots or houses, who are to elect from such wardens a person, that is styled president of the board of wardens: *Now be it enacted*, That the said town of Savannah shall be hereafter known and called by the style and name of the city of Savannah; and that on the first Monday in March, one thousand seven hundred and ninety, and thereafter annually, the owners or occupiers of any lot or house in the said city or hamlets shall, under the direction of any two or more justices in the said city, elect an alderman for each ward, mentioned in the said act, from among the citizens generally, who shall, on the Monday following after the election of such aldermen, choose from their own body a mayor, and from and after the election of such aldermen and mayor, their style shall be the mayor and aldermen of the city of Savannah and the hamlets thereof: and are hereby empowered to carry into execution the powers intended by the said act, and shall be a body politic and corporate, to have and to use a common seal, with power to sue and be sued, plead and be impleaded, and may acquire, have, hold and enjoy real or personal property, for the use and benefit of the said city and hamlets.

To be styled the city of Savannah.

Election of mayor and aldermen.

Their style.

Their powers

11. *And be it further enacted*, That so much of the said recited act as is repugnant to the principles of this act be, and the same is hereby repealed.

Repealing clause.

12. And to prevent disorders or contagious distempers from being spread throughout the state, *Be it enacted*, That a health officer, being a physician, shall be appointed for the port of Savannah, whose duty it shall be to go on board every vessel arriving from a foreign port, and before her arrival at Five Fathom Hole, and there examine as to the health of the crew and passengers on board, and certify the same to the captain or commander of such vessel, for which certificate such physician shall be entitled to receive, and the captain of such vessel shall pay, three dollars; after which being granted, the said crew and passengers shall be permitted to pass Fort Wayne, and not otherwise.

Health officer to be appointed for the port of Savannah—his duty.

(The remainder of this act, regulating the performance of quarantine, repealed. See act of 1793.)

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 23d, 1789.

.....

*An act supplementary to an act for regulating the town of Augusta, and to amend an act, entitled "An act for regulating the town of Savannah and hamlets thereof."*

1. **W**HEREAS the limits of the jurisdiction of the corporation of Savannah, over part of the hamlets of the said city, has never been fully and clearly defined: *Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That all the lots in that part of the suburbs of the said city called Carpenter's Row, and all those in the trustees' gardens, including the magazine at Fort Wayne, shall be subject thereto, and shall be considered as a part of the ward to which it is most contiguous.

Preamble.

Limits of the corporation of Savannah further defined.

Additional number of aldermen.

2. *And whereas* several new wards have lately been laid out, adjoining the said city, but no act has hitherto passed authorizing an additional number of aldermen in said city in consequence thereof: *Be it therefore enacted*, That on the first Monday in March next, and annually thereafter, the electors of aldermen for the said city shall elect from the citizens thereof, generally, one other alderman for each of the said new wards, in addition to the number heretofore elected, who shall have such qualifications, and be vested with the like power and authority as the present aldermen of the said city.

So much of the act of 1789 as relates to the corporation of Augusta repealed.

3. This section prescribes the qualification of voters, and is repealed by act of 1797.

The books and funds thereof to be deposited with the commissioners of the court-house and jail.

4. *And whereas* experience hath proven that so much of the act for regulating the town of Augusta, and to amend an act, entitled "An act for regulating the town of Savannah and hamlets thereof," passed at Augusta, on the twenty-third day of December, one thousand seven hundred and eighty-nine, as respects the said town of Augusta, is deemed incompatible with the interest and wishes of the inhabitants thereof: *Be it therefore enacted*, That so much of the before recited act as respects the said town of Augusta be, and the same is hereby repealed; and it shall be the duty of the mayor and aldermen now in office under the said act, and they are hereby required to adjust, and within six months from and after the passing of this act, finally to settle and close the books and accounts of the corporation, and to deposit the same, together with the funds thereof, with the commissioners of the court-house and jail to be appointed for the county of Richmond, who shall hold such property, real and personal, as may have been acquired by the said corporation, in trust for and to the use of the said town of Augusta and inhabitants thereof: *Provided*, That nothing herein contained shall prevent the collection of the corporation tax already levied, which sums shall be deposited with the commissioners aforesaid.

Commissioners appointed.

5. *And be it further enacted*, That Ambrose Gordon, Andrew Innis and James Toole, be, and they are hereby constituted and appointed commissioners of the court-house and jail for the county of Richmond, and invested with all the funds heretofore appropriated to the use of the said court-house and jail, which now remain unapplied; and the said commissioners are fully authorized and empowered to apply so much of the aforesaid funds, either real or personal, as they may deem necessary towards the building and keeping in repair the said court-house and jail.

THOMAS NAPIER, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

January 7th, 1795.

.....

*An act to extend the authority of the mayor and aldermen of the city of Savannah, to have jurisdiction of civil causes to a certain amount.*

Preamble.

**W**HEREAS it would greatly promote the welfare and advantage of the city of Savannah, and the inhabitants, to grant to the corporation thereof the power of holding courts for the trial of causes to a certain fixed amount.

Jurisdiction of the corporation of Savannah extended to the trial of civil cases of a certain amount.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That it shall be lawful for the mayor and aldermen of the city of Savannah, and they are empowered at any time after the passing of this act, to hold courts once in every month throughout the year, to appoint such officers as they may deem necessary, and to settle and allow reasonable fees not exceeding

one half the fees allowed for like services in the inferior courts in suits cognizable therein : and to have jurisdiction of, and to hear and determine all civil causes, not involving the right or title to any land or real estate, arising within the jurisdiction of the corporation, so as the demand in such suit or action do not exceed fifty dollars ; and to give judgment and award execution therein, according to law. *Provided*, That if any party to a suit, shall feel him, her, or themselves aggrieved by the decision of the said courts, it shall be lawful for such party to enter an appeal within three days after such trial ; first paying all costs which may have accrued on the said trial, and giving sufficient security to abide by and perform the sentence of the court at the trial of the appeal ; and all appeals from the decision of the said courts, shall be tried on the next court day succeeding such trial, by a jury of seven men, whose verdict shall be final.

2. *And be it further enacted*, That the said mayor and aldermen shall have power to draw and impanel jurors for the trial of appeals, who shall be resident within their jurisdiction, and shall be qualified and liable to serve on petit juries, to cause them to be summoned, and to fine them for non-attendance or misconduct, in such manner as they think proper, not exceeding ten dollars, and shall have power to award execution for such fines, and cause the goods of the person incurring such fines to be sold by virtue thereof.

Drawing and  
impaneling  
jurors.

3. *And be it further enacted*, That the said mayor and aldermen, or any of them, may, on complaint made by any seaman or seamen for non-payment of their wages, or by any other person for the non-payment of any debt or sum of money, or of any damage not exceeding fifty dollars as aforesaid, directed to any constable of the city, to summon or arrest the defendant, (if required agreeably to law) and to summon all witnesses required by either party, to appear at the court of aldermen on such a day as shall be therein appointed, which summons, with a true copy of the petition annexed, shall be served on the defendant ten days before the sitting of the court.

Mode of pro-  
ceedings.

4. *And be it further enacted*, That the court of aldermen or either of them, may issue warrants to apprehend persons guilty or charged with any crime or breach of the peace, and after examination may, if necessary, commit such person to jail, or bind him over to appear at the next superior court for trial ; at which time the proceedings of the said court of aldermen, with respect to such culprit, shall be laid before the said court.

Proceedings in  
charges of a  
criminal na-  
ture.

5. *And be it further enacted*, That the said mayor and aldermen shall, in all judicial proceedings, have reference to, and be governed by the laws of force in this state, for regulating the judiciary proceedings thereof : and the said court of aldermen is declared to be a court of record, and any person necessarily going to, being at, or returning therefrom, shall be free of arrest, or any civil suit.

A court of re-  
cord and go-  
verned by the  
judiciary acts.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 18th, 1796.

JARED IRWIN, *Governor.*

.....

*An act to revise and amend an act supplementary to an act for regulating the town of Augusta, and amend an act, entitled " An act for regulating the town of Savannah and hamlets thereof, and for other purposes."*

1. **B**E IT ENACTED, *by the Senate and House of Representatives of the State of Georgia in General Assembly met*, That every owner of a lot in the said

Election of al-  
dermen in Sa-  
vannah.

city, and every citizen of this state, who is an occupier of an house, and shall have resided in the said city twelve months previous to the day of election of aldermen for the said city, shall convene in some place to be appointed and publicly notified by the mayor and aldermen now in office, at least ten days previous to the day of election, within the said ward in which they reside, or own a lot as aforesaid, on the first Monday in March next, and elect by ballot one alderman, who shall be a free holder in the said city, to represent them in the city council thereof. *Provided*, That no house or tenement shall qualify more than one person to a vote.

Proviso.

Two or more justices of the county to superintend the election.

2. *And be it further enacted*, That two or more magistrates of the county of Chatham shall preside at and superintend the said election in each ward, and that one or more constables of the said county or city shall attend, for the purpose of preserving order at the said election.

Electioners may be required to produce a certificate

3. *And be it further enacted*, That if any person shall offer to vote, who is not known to the presiding magistrates to be a citizen of this state, and otherwise qualified as aforesaid, he shall not be allowed to vote, unless he shall produce a certificate from some court of record, properly authenticated, of his being qualified as such, and having taken the oaths of allegiance, in conformity to the acts of this or the United States.

Certain dis-qualifications to office.

4. *And be it further enacted*, That no person holding any appointment under this state, or of the United States, (except justices of the peace and officers of the militia) shall be eligible to the appointment of an alderman.

To vote.

5. *And be it further enacted*, That no person holding any appointment under the corporation of the said city, and for which he receives a salary or other compensation for his services, shall be entitled to vote for an alderman during the time for which he holds his appointment.

Elections annual on the first Monday in July.

6. *And be it further enacted*, That the aldermen which shall be elected on the first Monday of March next, as aforesaid, shall hold their appointments until the first Monday in July, in the year one thousand seven hundred and ninety-eight, on which day the persons qualified to vote as aforesaid, shall proceed to elect an alderman for each ward, in the manner and under the restrictions pointed out in this act, and shall annually thereafter, on the first Monday in July in every year, elect an alderman for each ward as aforesaid, to represent them in the city council, agreeable to this act, and in no other manner whatever.

Certain powers vested in the commissioners of the town of Saint Mary's

7. And for the better regulating the town of Saint Mary's, in the county of Camden, *Be it further enacted*, That the commissioners of the said town of Saint Mary's be, and they are hereby vested with full power and authority to make such bye-laws and regulations as may be necessary for the good order and government of the said town of Saint Mary's: *Provided* such bye-laws and regulations be not repugnant to the laws and constitution of this, and of the United States.

Repealing clause.

8. *And be it further enacted*, That so much of the aforesaid acts as militate with this act be, and the same are hereby repealed.

Greene-street in Augusta to be made uniform.

9. *And be it further enacted by the authority aforesaid*, That the trustees of the town of Augusta be, and are hereby authorized and required to make uniform the street called Greene-street, by reducing the same to an uniform and equal width, and to convey by proper deeds of conveyance to the persons holding lots on the south side thereof, between Washington and Lincoln-streets, the ground lying and being between the said lots respectively, and a parallel line to be drawn from the corner at the intersection of Greene and Washington-streets, to the corner where the said Greene-street is intersected by Lincoln-street on the south side thereof, and to their heirs and assigns

forever, in fee simple, in as full and ample a manner, as the other lots in the said town have been conveyed; the aforesaid lot holders respectively, their heirs or assigns, first giving bond with good and approved security to the said trustees, payable on or before the first day of March, in the year one thousand seven hundred and ninety-eight, with interest from the date thereof, for a sum of money which shall be equal to the average amount of the trustees' or commissioners' sales of the two squares of lots, the one laying immediately above and the other below the aforesaid corners, in proportion to the quantity of ground to be conveyed to each lot holder; and the money arising therefrom shall be, and the same is hereby appropriated to the use of the academy in the said town; any thing contained in the original plan of the town, or any former act relative thereto, notwithstanding.

10 and 11 Sections, relating to Wade Hampton's bridge, repealed by act of 1800. Trustees of Richmond academy.

12. *And whereas* a majority of the whole number of trustees of the academy and town of Augusta, is found by experience to be too numerous a body to manage and conduct the various branches of business attached to their appointment, owing to the frequent absence and change of residence of members, for remedy whereof, *Be it enacted*, That from and immediately after the passing of this act, a majority of the trustees, actually being and residing within the county of Richmond, shall, and are hereby declared to constitute a board of trustees for the academy and town of Augusta, with full and ample powers to do and transact the business of the same, any law to the contrary thereof notwithstanding.

13. *And be it further enacted by the authority aforesaid*, That George Walker, esq. be, and he is hereby appointed a trustee in the room of Seaborn Jones, esq. who hath resigned: And that the whole number of trustees for the said town and academy shall not exceed the number now in office. George Walker appointed a trustee. Number not to be increased.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 13, 1797.

JARED IRWIN, *Governor.*

.....

*An act supplementary to an act, entitled "An act to revise and amend an act supplementary to an act for regulating the town of Augusta," and to amend an act, entitled "An act for regulating the town of Savannah and hamlets thereof, and for other purposes."*

**W**HEREAS it is required by the aforesaid act, that two or more magistrates of the county of Chatham shall preside at and superintend the elections to be held in each ward, in the city of Savannah, for aldermen of the said city, and the number of magistrates limited by the present constitution of this state may prove insufficient for holding such election without manifest inconvenience:

1. *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met*, That the mayor and aldermen for the time being be, and they are hereby empowered and required to appoint managers to preside at and superintend the elections in each ward, for aldermen to represent the said city, at the times and under the restrictions of the aforesaid act. Mayor and aldermen may appoint managers to preside at elections, &c.

2. *And be it further enacted*, That it shall be the duty of the mayor and aldermen of the said city of Savannah, and they are hereby required to remove, or cause to be removed, all buildings, lumber, obstructions or other nuisances whatsoever, from the public docks at the ends of the streets leading to the river, agreeably to the acts Nuisances and other obstructions removed from public docks.

of the late province, now state of Georgia, in such cases made and provided, within six months from and after the passing of this act: *Provided*, That nothing herein contained shall prevent the said mayor and aldermen from erecting, at the expence of the said city, such a head as may be necessary, not to extend within thirty feet of low water mark, for the security of the river, by preventing the sand from being washed therein, and steps thereto for the accommodation of passengers.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
ROBERT WALTON, *President of the Senate.*

Assented to February 8th, 1799.

JAMES JACKSON, *Governor.*

.....

*An act for the better regulating of the town of Sunbury.*

Commissioners  
of the town to  
be appointed.  
Qualifications  
of voters.

1. **W**HEREAS the town of Sunbury requires regulation; *Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That on the second Monday in January, in the year one thousand seven hundred and ninety-two, and on the second Monday in January in every third year thereafter, the proprietors of lots or houses in the town of Sunbury, who shall be of the age of twenty-one years and upwards, shall meet at the place of holding courts in the said town, and, under the direction of two or more justices of the peace for the county of Liberty, proceed to ballot for five persons, each of whom shall be a proprietor of a house or lot in the said town of Sunbury, and shall also be an inhabitant thereof, and shall have arrived to the age of twenty-one years, which five persons shall be styled commissioners of the town of Sunbury. And the commissioners so chosen, or a majority of them, shall meet on the Monday next following, and appoint a clerk and such other officers as they shall deem necessary, to carry this act into execution.

Commissioners  
to appoint  
a clerk, &c.

Have power to  
make bye-laws,  
and impose  
pains and pen-  
alties.

2. *And be it further enacted*, That the commissioners so chosen shall have full power and authority to make such bye-laws and regulations, and inflict or impose such pains, penalties and forfeitures, as shall be conducive to the good order and government of the said town. *Provided* such bye-laws and regulations be not repugnant to the laws and constitution of the state, or extending to life or member.

To make as-  
sessments.

3. *And be it further enacted*, That it shall and may be lawful for the said commissioners, or a majority of them, yearly and every year to make, lay, and assess, a rate or assessment, upon all and every person or persons who do, or shall inhabit, hold, use, occupy, possess, or enjoy any lot, ground, house, building, tenement or hereditament, within the limits of the town of Sunbury; for raising such sum or sums of money, as the said commissioners, or a majority of them, shall judge necessary for, and towards carrying this act into execution; and in case of a refusal or neglect to pay such rate or assessment the same shall be levied and recovered by warrant of distress and sales of the offender's goods, under the hand and seals of any justice of the peace for the county of Liberty.

Are commis-  
sioners of the  
port of Sun-  
bury.

4. *And be it further enacted*, That the persons so chosen to be the commissioners of the town of Sunbury, be, and they are hereby appointed to be commissioners to superintend the pilotage of the port of Sunbury;\* and also have, and are hereby vested

\* Repealed by act of 1797:

with the power and authority of justices, so far as to keep the peace, and preserve good order in the said town. And justices the peace.

WILLIAM GIBBONS, *Speaker of the House of Representatives!*

NATHAN BROWNSON, *President of the Senate!*

EDWARD TELFAIR, *Governor.*

December 8, 1791.

• • • • •

*An ordinance for empowering commissioners to fix on a place convenient for a seat of government, and to erect public buildings thereon.*

1. **BE IT ORDAINED** by the representatives of the freemen of the state of Georgia Commissioners appointed to fix on a place for the seat of government & university. in General Assembly met, and by the authority of the same, That Nathan Brownson, William Few and Hugh Lawson, esqrs. shall be commissioned and appointed. and they, or a majority of them, are hereby authorized, and empowered, to proceed and fix on a place which they may think most proper and convenient, for erecting of public buildings, and establishing the seat of government and the university. *Provided,* The same shall be within twenty miles of Galphin's old town; and the said commissioners are hereby authorized to appropriate any public lands, or to purchase, or otherwise procure, in behalf of the state, a tract of land for that purpose, which shall not exceed one thousand acres, and to lay out a part thereof in lots, streets and alleys, which shall be known by the name of Louisville; and after reserving a sufficient quantity of land for the state-house, university, and other public buildings; to sell the remainder of the lots, or so many as they shall judge most conducive to the public interest; and also to sell the government-house and lot in the town of Savannah, and the money, arising from the sale of the said house and lot, shall by them be applied to the sole purpose of paying for the afore said land, and erecting the said public buildings: and the said Nathan Brownson, William Few, and Hugh Lawson, or a majority of them, are hereby vested with full power to bargain, sell, and convey the said government-house and lot, together with the houses and lots in Louisville, so as afore said to be laid out, with the appurtenances; and to take bonds in their own names, and to their successors in office; and; on receiving full payment, to convey to the purchaser or purchasers thereof, and make a sufficient title in fee simple to the same, which shall be held and considered as good and valid in law or equity. Authorized to procure one thousand acres, and lay off a town named Louisville. Having reserved public lots, may sell the rest, also the government-house in Savannah. Money arising therefrom, appropriated to pay for the land and erection of the state-house.

2. *And be it further ordained;* That the said commissioners shall, before they enter on the business afore said, give bond and security to his honor the governor, for the due performance thereof in the penalty of six thousand pounds, and shall, before him take the following oath. "I, A. B. appointed a commissioner to fix on a place most convenient for a seat of government; and for erecting buildings thereon, do solemnly swear, that I will faithfully discharge the duties required of me by law, to the best of my skill and judgment, for the interest of this state, and the convenience of the inhabitants thereof. So help me God." And the said commissioners shall receive compensation for their expences while on actual service; *Provided* the same does not exceed two dollars each per day. Shall make titles to the lots. Shall give bond and security, & take an oath. Forin therea

3. *And be it ordained by the authority afore said,* That the place of the meeting of the legislature, the residence of the governor, the secretary, treasurer, surveyor ge- And receive compensation

Augusta, temporary seat of government.

neral and auditor shall be at Augusta, until the state-house and other public buildings shall be erected; and the next meeting of the legislature thereafter shall be at Louisville.

WILLIAM GIBBONS, *Speaker.*

Augusta, January 26, 1786.

.....

*An act for the better regulating the town of Louisville.*

Preamble. Commissioners appointed.

1. **W**HEREAS the town of Louisville requires regulation; *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That the following persons, to wit, Dr. John Powell, John Berrien, Chesley Boitwick, John Shelman and Michael Shelman, esqrs. be, and they are hereby appointed commissioners of the town of Louisville, and that they, or a majority of them, shall, immediately after the passing of this act, convene, and proceed to the appointment of a clerk and such other officers as they may deem necessary to carry this act into execution.

Their powers.

2. *And be it further enacted,* That the said commissioners shall have, and they are hereby vested with full power and authority to make such bye-laws and regulations, and inflict or impose such pains, penalties and forfeitures, as shall be conducive to the good order and government of the said town of Louisville: *Provided,* That such bye-laws and regulations be not repugnant to the laws and constitution of the state, and that the pains, penalties and forfeitures aforesaid, shall not extend to life or member.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
DAVID EMANUEL, *President of the Senate.*

Assented to January 31, 1798.  
JAMES JACKSON, *Governor.*

.....

*An act to confirm and make valid all titles to certain lots sold by the commissioners of the town of Louisville.*

Titles how to be executed

1. **B**E IT ENACTED *by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where lots have been sold by any former commissioners of the town of Louisville, and titles have not been made and executed, it shall and may be lawful, and the commissioners herein after named, or a majority of them, are vested with full power and authority to make and execute titles in fee simple, to such purchasers, or their legal representatives, for the lot or lots in such situation.

Three commissioners appointed.

2. *Be it further enacted,* That Michael Shelman, Zachariah Lamar and Daniel Sturges be, and they are hereby appointed commissioners of the town of Louisville, vested with full power and authority to carry this act into full effect.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
ROBERT WALTON, *President of the Senate.*

Assented to February 15, 1799.  
JAMES JACKSON, *Governor.*



An act to establish the town of Wrightborough in the county of Columbia, and to secure the inhabitants thereof in their rights to certain lands appropriated for their benefit.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That all that tract or parcel of land, containing one thousand acres, which was ordered to be surveyed by the governor and council, on the seventh day of February, one thousand seven hundred and sixty-nine, situate, lying and being in the then parish of St. Paul, now county of Columbia, shall be, and the same is hereby set apart for public purposes, agreeably to the true intention and meaning of the aforesaid order; and the said one thousand acres of land shall in future be held, deemed and considered as the town and commons of Wrightborough, any law to the contrary notwithstanding.

Town and common of Wrightborough ascertained and confirmed.

2. And be it further enacted by the authority aforesaid, That the commissioners of the town and common of Wrightborough shall be, and they are hereby authorized and empowered to lay out, agreeably to the original plan of the said town, one hundred and fifty acres of land into lots and streets, including the lots and streets already laid out, and from time to time thereafter, expose the whole, or any part of the said lots of land to public sale, first giving twenty days public notice of such their intention. *Provided nevertheless*, they the said commissioners shall not be authorized to sell, or otherwise dispose of such lot, or lots of land in the said town, that have at any time heretofore been disposed of, agreeably to the true intent and meaning of the aforesaid order, and they the said commissioners shall be, and they are hereby authorized and empowered to convey unto any person or persons, who may or shall purchase any lot or lots of land in the town of Wrightborough in pursuance of this act, or title in fee simple for the same.

Commissioners empowered to lay off one hundred and fifty acres into lots.

And expose them to public sale upon twenty days notice.

And make titles to the purchasers.

3. And be it further enacted by the authority aforesaid, That the commissioners in pursuance of this act shall be, and they are hereby authorized and empowered to dispose of the whole, or any part of the remaining unappropriated eight hundred and fifty acres of land, to the use of a common for, and in behalf of the lot holders in the town aforesaid, or by laying out the same in lots of such size as they may deem proper, not exceeding fifty acres each, and lease the same from time to time, not exceeding five years at any one time, on their giving public notice as aforesaid; and the said commissioners shall apply all such monies as they may receive in pursuance of this act, towards erecting and supporting a seminary of learning in the town of Wrightborough, and they shall from time to time, not less than once in two years, deliver unto the grand jury of their county, a fair statement of the receipts and expenditures of all monies which they shall receive or expend in pursuance of this act, and the grand jury of such county shall express their approbation or disapprobation, on the conduct of said commissioners.

And may dispose of the common by lease for five years.

Money arising therefrom, appropriated to build and support a seminary of learning. Shall every two years lay a statement of receipts and expenditures before the grand jury. Names of the commissioners.

4. And be it further enacted by the authority aforesaid, That Thomas White, William Smith, Jesse Bull, Joel Cloud, and Nathan Jones, shall be, and they are hereby appointed commissioners of the town and common of Wrightborough, to continue in office until the second Monday in May, one thousand eight hundred and one, on which day the lot holders, in the town and common of Wrightborough, shall assemble in the said town and elect five fit and discreet persons as commissioners for the said town; and they the said lot holders shall, on the said second Monday in May in every subsequent term of two years thereafter, in manner and form aforesaid, elect commissioners for the town and common of Wrightborough.

Their continuance in office. Shall be elected biennially on the second Monday in May.

DAVID MERIWETHER, *Speaker of the House of Representatives,*  
ROBERT WALTON, *President of the Senate.*

Assented to February 16, 1799.

JAMES JACKSON, *Governor.*

*An act for laying out the reserve land in the town of Augusta into acre lots, the erecting an academy or seminary of learning, and for other purposes therein mentioned.*

Preamble:

**W**HEREAS the legislature, taking into consideration the advantages that must necessarily result to the state from the encouragement of the town of Augusta, did, in January session, one thousand seven hundred and eighty, pass an act for the laying out the reserve of the public land in and near the said town into acre lots, and directed the same to be sold at public outcry, under such restrictions as were therein particularly set down and mentioned: *And whereas* the said lots were laid out and sold, but the said restrictions not being complied with, the said sales are become null and void, and the lands are again vested in the state: *And whereas* the same reasons continue for the encouragement and enlargement of the said town of Augusta: *Be it therefore enacted by the representatives of the freemen of the state of Georgia, in General Assembly met, and it is hereby enacted by and with the authority of the same,* That from and immediately after the passing of this act, George Walton, Joseph Pannel, Andrew Burnes, William Glascock and Samuel Jack, esqrs. who are hereby declared and empowered as commissioners for carrying the same into execution, shall, and they are hereby required to cause the said lands reserved as aforesaid, to be again laid out in acre lots, and to proceed to the sale of the same by public auction to the highest bidder, the said commissioners first giving three months notice of such sale, under such restrictions and terms as are hereafter particularly laid down and mentioned.

Terms of sale under the act of 1780 not being fulfilled, the said lots re-vested in the state.

And commissioner, appointed to lay off and sell the same again.

Terms of sale.

2. *And be it further enacted,* That the terms on which such lots shall be sold and disposed of, shall be one fourth of the purchase money cash, one fourth payable in one year, and the other two fourths payable within three years thereafter, such purchaser giving bond and security for payment of principal and the interest from the date, at the rate of seven per cent. per annum, with proper mortgages of such lots in case of failure in payment as aforesaid.

To build thereon in two years or the lots to be re-vested in the state.

3. *And whereas* the settlement of the said town is a great object with the legislature: *Be it further enacted,* That every such purchaser as aforesaid shall, and he is hereby required, as a part of the terms aforesaid, within the space of two years, to build or cause to be built a tenantable brick, stone or frame house, not less than sixteen feet by twenty-four, on such lot or lots he may become possessed of by such sale, and in default whereof, such lot or lots shall, and they are hereby declared to revert to and become again the property of the state.

One lot reserved for a church, and ten for public uses.

Monies arising from sales appropriated to build and support a church and seminary of learning.

Commissioners shall make titles, receive the purchase money, and may let it out at interest.

4. *And whereas* a seminary of learning is greatly necessary for the instruction of our youth, and ought to be one of the first objects of attention, after the promotion of religion: *Be it further enacted,* That after the said commissioners have reserved one of the first lots for building a church or house of worship to the Divine Being, by whose blessing the independence of the United States has been established; and a reserve of ten other principal lots for public uses—the monies arising from such sales, after defraying the charges for building said church, shall be, and they are hereby vested in the hands and power of said commissioners named as aforesaid, as trustees for the purpose of carrying into execution the intentions of this law, and for erecting an academy or seminary of learning as aforesaid, their heirs and successors in office forever, in trust for the sole use of the said church and academy or seminary.

5. *And be it further enacted,* That the said commissioners, on the sales and restrictions aforesaid being complied with, shall be, and they are hereby authorized and empowered to give titles as amply and fully to such purchasers, as trustees aforesaid,

as the said state possibly could or might do, and in their name and the name of their successors in office, to receive such monies, both principal and interest, arising from such sales, or the loan of any part thereof, and the same to lend out again at interest, or otherwise dispose thereof, as the said commissioners or a majority, their successors or a majority of them, shall think most advantageous to the fund of the said church and academy, or seminary.

6. *And be it further enacted*, That the said commissioners shall yearly and every year render a just and true account of the fund of the said seminary, to his honor the governor and executive council for examination, and if found by them guilty of mal-practice, such offending commissioner or commissioners shall be displaced and others appointed for that purpose in his or their room.

Shall render an annual account of the funds to the executive, who may displace them for mal-practice.

7. *And be it further enacted*, That the said commissioners shall be, and they are hereby authorized and empowered to erect on one of the said lots, or purchase from the sales of the same, some spot convenient for that purpose, a building commodious and proper to answer the intentions of this act, as an academy or seminary as aforesaid, and to enter into such contracts for erecting the same, as may be thought most advantageous for the said fund by a majority of the said commissioners; and further to procure and agree with proper masters and professors for the ruling the same, and to institute such bye-laws, for the increasing the said fund, and better governing the said seminary as to the said commissioners may appear best adapted.

Shall erect an academy, and make all necessary regulations.

8. *And be it further enacted by the authority aforesaid*, That the public ferry at the town of Augusta, shall be under the direction of the commissioners aforesaid, subject to such regulations as are or shall be established by the legislature.

Public ferry under their direction.

9. *And whereas* in and by the said law passed at Augusta as aforesaid, a town was ordered and actually laid out in the county of Wilkes, at a place called Washington, under such restrictions as were likewise therein laid down, but the same was not complied with, and the said lots are in like manner reverted. *Be it further enacted*,

Town of Washington in Wilkes county.

That Stephen Heard, Micajah Williamson, Robert Harper, Daniel Coleman and Zachariah Lamar, esqrs. shall be, and they are hereby appointed commissioners for carrying the intentions of the legislature in that instance into execution, and they are hereby required to cause to be laid and admeasured out, likewise in the said town, acre lots as aforesaid, to be sold on such terms as are herein before contained and laid down for the lots in the said town of Augusta, and to receive such monies for such sales, into their hands, or the hands of their successors in office, and apply the same towards a free school for the said county, and to erect a proper building for the said school in the said town, and the overplus, after erecting a church, to be reserved and applied as a fund for the said school, in the hands of the said commissioners and their successors in office forever, as trustees for the sole purpose of carrying this law into execution, they the said commissioners to be liable to all and every examination the commissioners for the Augusta academy are by this act subject to; and in the same manner the said commissioners, or a majority of them, their successors in office, or a majority of them, are hereby fully empowered to give full and ample titles on such sales for lots in the town of Washington, and the monies and funds in like manner to place out at interest, as to them shall likewise appear most advantageous; and proper masters to engage for ruling the said school, and bye-laws to institute, and contracts to enter into for the building the said church and school.

Commissioners appointed to lay out and sell the lots in said town upon the same terms as those of Augusta, and the money arising therefrom applied to the same purposes.

Subject to the same examination, and invested with same powers over the school and funds at Washington, as the trustees of Augusta.

10. *And be it further enacted*, That on the death, neglect or refusal to act, or suspension of any, all or either of the said commissioners or trustees herein named, others shall be appointed by his honor the governor and executive council, to fill up the va-

Vacancies to be filled, and accounts to be examined by the executive.

cancy; and that such successor or successors shall be, and he and they hereby is and are fully invested with all the powers of his or their predecessor or predecessors in office, and he or they shall be liable to all and every the examinations before mentioned and contained; and that the said commissioners and their successors shall render in their accounts upon oath, and produce proper vouchers, and shall be allowed a clerk for keeping the accounts and transactions of the said trusteeship, who shall be paid such salary as the said trustees may think adequate to this service, out of the said funds.

Accounts to be rendered on oath.  
A clerk to be allowed, with an adequate compensation.

Commissioners appointed to lay out a town called Waynesborough in Burke county, with power to sell not exceeding two hundred lots, to erect public buildings.

11. *And be it enacted, by the authority aforesaid,* That from and immediately after the passing of this act, Thomas Lewis, sen. Thomas Lewis, jun. John Duhart, Edward Telfair and John Jones are hereby declared and empowered as commissioners for carrying into execution the intentions of this act, for laying out a town on the reserve of public land in the county of Burke, into acre lots, and disposing of the same at public outcry, and the monies arising therefrom to be applied to the purpose of erecting the necessary buildings in the said town, to be known by the name of Waynesborough; the said commissioners not to dispose of any number that shall exceed two hundred lots, subject to such restrictions as herein before contained and declared for the better regulation of the town of Augusta, in the county of Richmond.

The governor may grant two thousand acres of land to the trustees of the academy.

12. *And be it further enacted,* That his honor the governor and executive council shall be empowered to grant to the said trustees for carrying this law into execution, and for the sole purpose and interest of said academy, such tract, or tracts of vacant land, they may apply for, not exceeding the quantity of two thousand acres.

One thousand acres for the school at Washington.

13. *And be it further enacted,* That on application of the commissioners aforesaid for the town of Washington, his honor the governor is hereby empowered to pass a grant for such tract or tracts of vacant land, not exceeding one thousand acres, for the sole use and purpose of the said free school in the said town.

And one thousand acres to each county, to support free schools.

14. *And be it further enacted,* That on application of any person or persons duly authorized by the respective counties, his honor the governor shall be, and he is hereby likewise empowered to grant one thousand acres of vacant land for erecting free schools as in the above town of Washington.

Public act.

15. *And be it further enacted,* That this act shall be a public act, and given as such in evidence.

WILLIAM GIBBONS, *Speaker.*

Augusta, July 31, 1783.

• • • • •

*An act to enable the trustees of the Richmond academy to lease out the commons of Augusta, and for other purposes therein mentioned.*

Preamble.

**W**HEREAS the clearing and cultivation of the flat lands southward of Augusta will contribute much towards preserving the health of the inhabitants, as well as add to the supplies of the town.

Trustees of Richmond academy authorized to lease out the common of Augusta in five acre lots for seven years.

*And whereas* it is represented that the said inhabitants are generally desirous that the commons should be leased, *Be it therefore enacted by the Representatives of the freemen of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, it shall and may be lawful for the trustees of the Richmond academy, to lease out any part, or the whole of the said commons, in lots not exceeding five acres for any term not exceeding seven years, the rent of which to be considered as part of the funds of the said academy.

2. *And be it further enacted*, That the said trustees shall be also empowered to lay out and sell the public land on the lower part of the town, in lots of any size less than an acre, upon such credit as they may deem proper; as well as another row of lots on the common to the south of, and adjoining the same; and that the sales of lots heretofore made, of more or less, than an acre, be confirmed. And the said trustees are hereby directed to proceed to sell again, all such lots as shall not be complied for, agreeable to an act of assembly, within twelve months from the passing of this, and the express terms of sale.

To lay out and sell lots at the lower end of the town.

And a row of lots on the common to the south.

And to sell lots reverted to them.

3. *And be it further enacted by the authority aforesaid*, That the said board shall have power to carry into execution in the town of Augusta, the same regulations and powers as the commissioners of the town of Savannah, may lawfully do there, and that two members be added to the board of trustees for said academy.

To make the same regulations in Augusta, as the commissioners of Savannah may make there.

WILLIAM GIBBONS, *Speaker*.

Augusta, August 14, 1786.

.....

*An act to authorize the trustees of the town of Augusta to make uniform the Broad-street of the same, and to give relief to certain lot holders therein; and also empower the said trustees to appropriate one of the public lots for the use of a meeting-house or house of worship in the said town, and for other purposes.*

1. **W**HEREAS it is represented to this General Assembly, that the lot holders of the north side of Broad-street, in the aforesaid town of Augusta, situate in that part of the town lying between Washington and Lincoln streets, suffer great inconvenience from the extraordinary width of the said Broad-street, the same being sixty-four feet wider there than above and below them: for remedy whereof, *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met*, That the trustees of the said town of Augusta be, and they are hereby authorized and required to make uniform the aforesaid Broad-street, by reducing the same to equal width, and to convey by proper deeds of conveyance to the persons holding lots between Washington and Lincoln streets, and on the north side of Broad-street as aforesaid, the ground lying and being between the said lots respectively, and a parallel line to be drawn from the corner at the intersection of Broad and Washington streets, to the corner where the said Broad-street is intersected by Lincoln-street on the north side thereof, and to their heirs and assigns forever, in fee simple, in as full and ample a manner as the other lots in the said town have been conveyed, the aforesaid lot holders respectively, their heirs or assigns, first giving bond with good security to the said trustees, payable on or before the first day of March, one thousand seven hundred and ninety-seven, with interest from the date thereof, for a sum of money which shall be equal to the average amount of the commissioners' sales of the two squares of lots, the one lying immediately above and the other below the aforesaid corners, in proportion to the quantity of ground to be conveyed to each lot holder, and the money arising therefrom shall be, and the same is hereby appropriated to the use of the court-house and jail in the said town.

Preamble.

Broad-street in Augusta to be made uniform.

2. *Whereas* by an act of the General Assembly, entitled "An act for the more speedy and effectual settling and strengthening this state," it is enacted, among other things, that the commissioners of the town of Augusta, or any three of them, shall

reserve two of the best lots in the centre line of the said town, and distant from each other, for houses of public worship: *And whereas* the same hath not been carried fully into effect, and inasmuch as the free and uncontroled exercise of religious worship is among one of the greatest blessings which a free people can enjoy: *Be it therefore further enacted by the authority aforesaid,* That the trustees of the aforesaid town of Augusta be, and they are hereby authorized and required to appropriate one of the public lots within the said town, to contain at least one acre of ground, and to be situated as conveniently as may be to the inhabitants thereof, for a house of public worship to the Divine Being, by whose blessing the independence of the United States has been established; and that the said trustees do, by proper deed of conveyance, convey unto Cornelius Dyfart, Samuel Jack, Dennis Smelt, Isaac Herbert, James Pearre, John Springer and Moses Waddel, and their successors forever, the aforesaid lot of ground for the sole use of the aforesaid institution.

One lot appropriated for a house of public worship.

To be conveyed to certain persons therein named.

Incorporated.

3. *And be it further enacted,* That the said Cornelius Dyfart, Samuel Jack, Dennis Smelt, Isaac Herbert, James Pearre, John Springer and Moses Waddel, shall be, and they are hereby declared to be a body corporate, by the name and style of "The trustees of the Augusta Meeting-House," to have and to use a common seal, with power to sue or be sued, plead or be impleaded, and may acquire, have, hold and enjoy real and personal property, for the use and benefit of the aforesaid corporation.

Vacancies how filled.

4. *And be it further enacted,* That all vacancies which may happen in the said corporation by death, resignation or otherwise, in the recess of the legislature, shall and may be filled up by their own body, until the meeting of the next legislature thereafter.

Trustees of Augusta empowered to establish a lottery to erect piers in the river.

5. *And whereas* the aforesaid town of Augusta, hath lately sustained considerable injury by the inundation of an extraordinary flood of water in the Savannah river, and which was considerably heightened by the direction of the current immediately against the town; for remedy whereof, *Be it enacted by the authority aforesaid,* That it shall and may be lawful for the trustees of the aforesaid town of Augusta, to establish a lottery, within eight months from and after the passing of this act, under such scheme, regulations and restrictions, as the said trustees may deem most expedient, fully to effect the end of completing one or more sufficient pier or piers, in such part or parts of the river as will, in their judgment, most effectually divert the current of the same from off the said town; *Provided;* That such piers shall not obstruct the navigation of the said river.

Thomas Cummings' appointment as trustee, ratified. Additional trustees appointed.

6. *And be further enacted,* That the executive appointment of Thomas Cumming, esq. as one of the trustees of the town of Augusta, in the room of John Milton esq. resigned, be, and the same is hereby ratified and confirmed; and that, Abraham Jones, Samuel Jack and Augustus Baldwin, esqs. be and they are hereby added to the list of trustees for the said town of Augusta.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 18, 1796.

JARED IRWIN, *Governor.*

.....  
Augusta.

*An act to incorporate Augusta; and improve the public roads in the neighborhood thereof.*

Recambled.

**W**HEREAS from the extent and population of the town of Augusta, its growing importance; both with respect to increase of inhabitants and diffusive

commerce, it is indispensibly necessary that many regulations should be made, for the preservation of peace and good order within the same. *And whereas* from the many weighty and important matters that occupy the attention of the legislature, at their general meeting, it has hitherto been found inconvenient, and may hereafter become more so, for them to devise, consider, deliberate on, and determine all such laws and regulations, as emergencies or the local circumstances of the said town may from time to time require.

1. *Be it therefore enacted*, That from and immediately after the passing of this act, all persons citizens of the United States, and residing one year within the said town, and having a free-hold or lease for years, of a lot within the same or the village of Springfield, or between the said village, and shall be deemed and they are hereby declared to be, a body politic and corporate; and the said town shall hereafter be called and known by the name of the "City of Augusta," and shall be divided into the following districts, to wit, all lots situate below the cross street, running from the river Savannah between the market-house, and the house of Mrs. Fox, to be called and known by district number one; all the lots between the said street and the cross street running from the said river; between the house of Mr. Andrew Innis and the house occupied by Collin Reed and Co. to be called and known by district number two, and all the lots above that street, including the village of Springfield, shall be called and known by district number three.

2. *And be it further enacted*, That any three justices of the peace for the county of Richmond shall, within sixty days after the passing of this act, give ten days public notice, that two members are to be chosen for district number one, three members for district number two, and two members for district number three, to represent them in city council, whose qualification shall be the same as that of a member to the House of Representatives of the state legislature; and that all free white persons residing in each district, being citizens of the United States, and residing one year within the said town, and having a free-hold or lease for years of a lot therein as aforesaid, shall be entitled to vote for members for their respective districts; and they shall also notify the time and place when and where the election is to be held for each district; and appoint proper persons to conduct the same; and the said persons, when the election is closed, shall make a return to the said justices of the persons chosen members of the respective districts, and the said justices shall give notice to the several persons of their appointments respectively; and summon them to meet together at any time and place, within three days after their election, for the purpose of taking the oath of office prescribed by this law, which oath may be administered by any justice of the peace, or one warden to another: *Provided* three be present at the time of administering the same, and shall be in the words following: "I, A. B. do solemnly swear, that I will, to the utmost of my power, support, advance, protect and defend the good order, peace and welfare of the city of Augusta, and its inhabitants; and I will faithfully demean myself in the office of intendant (or member of the city council, as the case may be) for the said city, according to the bye-laws and regulations thereof, to the best of my skill and judgment: I do swear, that I will support the constitution of this state: I do also swear that I will support the constitution of the United States."

3. *And be it further enacted*, That when five or more of the said members shall have met and qualified as aforesaid, they shall, within three days after such their qualification, give five days public notice, that an intendant of the city is to be chosen by the members of the city council, either from among their own body, or the citi-

zens of the said town possessing the qualifications of a member as aforesaid; and at the time mentioned in such notice, the said members shall meet at the court-house in the said city, and vote for such intendant. And when such intendant shall be chosen he shall take the oath above inserted, in the presence of any two or more of the members, after which he may qualify such members as were not before qualified, and if any member should be chosen intendant, he together with the members, shall fill up such vacancy until the next annual election. And the said intendant shall and may, as often as occasion may require, summon the members to meet together in city council, any five of whom, with the intendant, shall be known by the name of, and they are hereby declared to be, "The City Council of Augusta." And they and their successors hereafter to be appointed shall have a common seal, and shall be capable in law to purchase, have, hold, receive, enjoy, possess and retain, to them and their successors in office, for the use of the city of Augusta, in perpetuity, or for any term of years, any estate or estates, real or personal messuage, lands, tenements or hereditaments of what kind or nature soever, within the limits of the said city, and to sell, alien, exchange or lease the same, or any part thereof, as they shall think proper; and by the same name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this state; and they shall also be vested with full power and authority, from time to time, under their common seal, to make and establish such bye-laws, rules and ordinances respecting the harbor, streets, public buildings, work-houses, markets, wharfs, public houses, carriages, waggons, carts, drays, pumps, buckets, fire-engines, the care of the poor, the regulation of disorderly people, negroes, and in general every other bye-law or regulation that shall appear to them requisite and necessary for the security, welfare and convenience of the said city, or for preserving peace, order and good government within the same; and the said city council shall also be vested with full power and authority to make such assessments on the inhabitants of Augusta, or those who hold taxable property within the same, for the safety, benefit, convenience and advantage of the said city, as shall appear to them expedient; and to affix and levy fines for all offences committed against the bye-laws of the said city; and they are hereby also authorized to appoint a clerk, treasurer, harbor master, fire master, marshal, constables, and all such other officers (affixing the salaries and fees of such officers respectively) as shall appear to them requisite and necessary, for carrying into effectual execution all the bye-laws, rules and ordinances they may make, for the good order and government of the said city and the persons residing therein: *Provided*, That nothing herein contained shall authorize the city council to remove or alter the place for the public market-house within the said city, but the one now established may be enlarged or extended, as the convenience of the citizens may from time to time require; nor shall they make any bye-laws repugnant to the constitution or laws of the land: *And provided also*, That the bye-laws, rules and ordinances they make shall at all times be subject to the revival, alteration or repeal of the legislature.

Vacancies.

Powers of the city council.

May appoint a clerk and other officers, and fix their salaries and fees.

Market-house not to be removed.

Members of the council, ex-officio, justices of the peace.

4. *And be it further enacted*, That the said members of the city council shall each of them have full power and authority, and they are hereby required to keep peace and good order within their respective districts; to issue warrants, and cause all offenders against law to be brought before them, and on examination either to release, admit to bail, if the offence be bailable, or commit to the custody of the sheriff of Richmond, who is hereby required and commanded to receive the same; and the same to keep in safe custody until discharged by due course of law. And each, and every of the said wardens for the time being, shall be vested with all the powers and author-



ties, that justices of the peace are vested with by the laws of this state, and shall and may exercise the same in every part of the said city, for the preservation of the peace and good order thereof. On the second Monday in April, in the year seventeen hundred and ninety-nine, and on the second Monday in April, in every year thereafter, there shall be an election for members within each district, as herein before described, the place for holding the said elections, and proper persons for managing and conducting the same, to be appointed by the intendant at least ten days before the said time; and the persons so chosen shall take the oath of office before the intendant for the time being, or any judge, or justice of the peace, after which they shall be fully qualified to act as members, and shall within three days thereafter appoint an intendant, qualified as herein before expressed; but after a new election of members, none of the former members shall act or sit as members of the city council, unless they shall have been re-elected; and the person so appointed, or chosen intendant shall take the oath of office in presence of two, or more of the members, until which the former intendant shall continue to act; but no person shall be eligible to serve as intendant for more than five years in any term of seven years. In case of death of the intendant, his resignation, refusal to act, removal from office, or absence from the state, the wardens shall fill up such vacancy until the next annual election, and in case of vacancy in any of the districts, by death or otherwise, such vacancy shall be filled up by the intendant and other members until the next annual election. And if any person upon being elected intendant, shall refuse to act, he shall forfeit and pay the sum of thirty dollars, for the use of the said city; and if any person upon being elected member of the city council, shall refuse to act, he shall pay for the use of the said city the sum of twenty dollars. And in case the intendant or any of the members of the city council whilst in office shall be guilty of any wilful neglect, mal-practice, or abuse of office, he, or they shall be subject to indictment in the superior court of the county of Richmond in like manner as justices of the peace are by law subject; and on conviction thereof, he or they shall forfeit and pay a sum not exceeding fifty dollars for the use and benefit of the said city.

Election of members annual on the second Monday in April.

Vacancies in the office of intendant.

Fine of thirty dollars for refusing to act as intendant and twenty dollars as a member.

Subject to indictment for mal-practice.

5. *And be it further enacted*, That it shall be the duty of the said city council, and they shall have full power and authority, to keep in repair all public roads leading to Augusta, for the extent of three miles leading from said city; and may levy a tax for that purpose, in such manner and under such regulations as they may conceive least burthensome to the citizens, and best calculated for the general good, convenience and welfare of the said city and the inhabitants thereof.

Public roads under their direction.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to January 31, 1798.

JAMES JACKSON, *Governor.*

• • • • •

*An act to extend and enlarge the jurisdiction of the mayor and aldermen of the city of Savannah, and to limit and define certain powers heretofore vested in the corporation of the city of Augusta.*

1. **BE IT ENACTED**, That from and immediately after the passing of this act, the court of the mayor and aldermen of the city of Savannah shall be, and they are hereby vested with full power and authority, to hear and determine all such

Jurisdiction of the court of mayor and aldermen.

civil cases as they have heretofore had cognizance of when the debt, damages, or cause of action, shall not exceed the sum of one hundred, nor be less than twenty dollars, in the same manner, and under the like rules and regulations, as have heretofore been used and practised in the said court of mayor and aldermen within the said city; any former act, or acts limiting the jurisdiction of the said court to a less sum, to the contrary notwithstanding. *Provided always*, That in all cases above thirty dollars, either party may require a trial by a jury of twelve men, which shall be final, and in future all appeals in the said court shall be tried by a jury of twelve men, any thing in any former act, to the contrary notwithstanding.

In all cases above thirty dollars, parties may have a trial by jury, and all appeals to be tried by jury.

2. *And be it further enacted*, That the said mayor and aldermen shall have power to draw and impanel juries for the trial of all causes, who shall be resident within their jurisdiction, and shall be qualified, and liable to serve on petit juries, to cause them to be summoned and to fine them for non-attendance, or other misconduct, in such manner as they may think proper, not exceeding ten dollars; and shall have power to award executions for such fines, and cause the goods of the person incurring such fines to be sold in virtue thereof.

Juries to be drawn, impanelled and summoned, fined for default or misconduct not exceeding ten dollars.

3. And to limit and define certain powers heretofore vested in the corporation of the city of Augusta, *Be it enacted by the authority aforesaid*, That all monies to be hereafter raised by tax within the limits and jurisdiction of the corporation of the city of Augusta, for the purpose of improving and keeping in repair the public roads, streets and bridges within the same, shall be raised by equal tax, to be imposed on persons and property, that is to say, one half at least by assessment on all taxable property within three miles of the said city of Augusta, and the remainder on all persons heretofore liable by law to work on the public roads within the said limits. But no capitation tax shall ever be assessed or levied on the inhabitants of the said city under the authority of the said corporation, other than for the purposes herein expressed; and in no case hereafter, shall a sum exceeding one dollar per year be levied on any free person within the said limits.

Powers of the city council of Augusta, limited. Assessments to be equally imposed on persons and property.

Capitation tax never to exceed one dollar per year.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
DAVID EMANUEL, *President of the Senate.*

Assented to December 4, 1799.  
JAMES JACKSON, *Governor.*



*An act for laying off a town, to be called Williamsburgh, upon the Little Saint Savilla Bluff, on the river Alatamaha, and for other purposes therein mentioned.*

Commissioners appointed to lay out a town called Williamsburgh in Glynn county.

1. **BE IT ENACTED** by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That William Williams, Farr Williams, John William Lambert, William Cook and Roswell King, be, and they are hereby appointed commissioners to admeasure and lay out a town, to be called Williamsburgh, upon the Little Saint Savilla Bluff, on the river Alatamaha, in the county of Glynn, upon the lands of William and Farr Williams, under the restrictions herein hereafter mentioned.

Lots to be laid out.

2. *And be it further enacted*, That the quantity of land thus to be laid out for the said town of Williamsburgh shall not exceed one hundred and fifty, nor be less than one hundred acres; and that the said commissioners, or a majority of them, shall, within nine months from the passing of this act, actually survey, or cause to be surveyed and laid off, the said town into such lots or parcels as to them may seem most

conducive to the speedy settlement, improvement and population thereof, and transmit a copy of the plan of the same to the surveyor general, to be recorded in his office. Plan to be recorded in the surveyor general's office.

3. *And be it further enacted*, That in case of the death, resignation or refusal of any of the said commissioners to act, his excellency the governor shall, and he is hereby authorized and empowered to appoint some other fit and proper person or persons in his or their room. Vacancies to be filled.

4. *And whereas* in and by an ordinance, entitled "An ordinance securing upon certain conditions to Wade Hampton, esq. his heirs or assigns the exclusive right to erect a bridge over the river Savannah at Augusta, and for other purposes therein mentioned," passed at Augusta the sixth day of December, one thousand seven hundred and ninety, it was declared that the said Wade Hampton and James Gunn, esqrs. should be vested with the right of erecting a bridge over the Great Ogechee river, at or near the place called the Great Ogechee Ferry, in Chatham county, on condition that the same should be built and erected within a certain time therein prescribed, but that the same has not been erected, as the place so proposed was under a lease, which is not yet expired.

*Be it therefore enacted*, That the time of building and erecting the said bridge be prolonged until the first day of December, one thousand seven hundred and ninety-four, under the restrictions of the aforesaid ordinance. Further time given Wade Hampton and James Gunn to build a bridge over Great Ogechee river. Commissioners appointed to improve the navigation of Brier Creek.

5. *And be it further enacted by the authority aforesaid*, That Jonathan Ashbury and William Moore, be appointed commissioners for improving the navigation of Brier Creek, in the room and stead of Francis Parris and Alexander Carter, who have neglected to act.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 17th, 1792.

EDWARD TELFAIR, *Governor.*

.....

*An act to dispose of the common of the town of Washington in the county of Wilkes.*

**W**HEREAS by an act entitled "An act for laying out the reserved land in the town of Augusta into acre lots, and the erecting an academy or seminary of learning, and for other purposes therein mentioned," passed the thirty first day of August, one thousand seven hundred and eighty-three, among other things commissioners were appointed to lay off and dispose of the lands or lots of the town of Washington, in manner and form, as by the said act particularly directed. Preamble. *And whereas* the said commissioners did in pursuance of the said act, dispose of said lots, and take certain steps towards building an academy, and did employ professors and teachers for the instruction of youth in the said academy, whereby considerable sums are by the said commissioners, owing to individuals, which they in justice and good faith wish to pay. *And whereas* a certain quantity of said land, or lots was by the said commissioners reserved as a common to the said town of Washington, the timber whereof is already consumed; nor is the said common of any use to the lot holders in said town. *Be it therefore enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same*, That it shall and may be lawful, and Commissioners of Wilkes academy empowered to dispose of the common of Washington.

is the duty of the commissioners of the said academy in the said town of Washington, they or their successors in office, to admeasure, lay off, sell, and dispose of the said reserve or common in the same manner, the lots in the said town of Washington were disposed of, by the above recited act, excepting the improvements required by said act, and the said commissioners, or their successors, are hereby authorized to execute deeds, or titles to the said lots in fee simple, to the respective purchasers in as full and ample a manner as the state does, or can do; *Provided*, That no title shall be made to any lot by this act to be sold, before good and sufficient security be taken for the purchase money, and on failure of taking such security the commissioners executing such titles, their heirs, executors or administrators, shall be liable to any creditor for the purchase money with lawful interest to be recovered for the use of said academy.

And make  
titles  
Proviso.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, December 14, 1793.

GEORGE MATHEWS, *Governor.*

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## CORPORATIONS.

*An act for incorporating the Union Society in Savannah.*

Preamble.

1. **W**HEREAS William Stevens, president, Leonard Cecil, vice-president, David Montaigut, secretary, James Bullock and George B. Spencer, stewards; Mordecai Sheftall, Oliver Bowen, John Morell, Peter Deveaux, James Habersham, Joseph Habersham, Joseph Clay, Frederick Herb, John Richards, Benjamin Lloyd, James Fields, John Wauden, John Milledge, Samuel Stirk, Raymond Demerie, and George Handley, have by their petition represented, that they are members of the Union Society, in the town of Savannah in this state, and that the said society has established a fund, which is increasing; for the relief of distressed widows, and the schooling and maintaining poor children, many of whom have, and others are at present receiving assistance from the said society, and therefore pray to be incorporated. And as the allegations in the said petition are verified: *Therefore*, for promoting and encouraging societies founded on benevolent principles, *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same*, That the several persons above named, and others who now are, or shall hereafter be members of the Union Society in Savannah, respectively, and the successors, officers and members of the same, shall be, and they are hereby declared to be a body corporate, in deed and in name, by the name and style of "The President and Vice-President of the Union Society in Savannah;" and by the said name shall have perpetual succession of officers and members, and a common seal to use, with power to make, alter, change and amend such bye-laws and regulations as may be agreed on by the members of the said society: *Provided* such laws be not repugnant to the constitution and laws of this state; and that they have privilege to sue for and recover all monies that now are or may be due the said Union Society, by any name, or in any manner of wise howsoever, and the rights and privileges of the said society in any court to defend and to receive, take and apply all or any donations for the uses intended by the said society, and shall and here-

Union Society  
in Savannah in-  
corporated.

by are declared to be vested with all the privileges, powers and advantages, rights and immunities of a society of people incorporated for the purposes intended by their institution.

2. *And be it further enacted*, That this act shall be deemed and taken as a public act <sup>Public act.</sup> to all intents and purposes whatsoever.

WILLIAM GIBBONS, *Speaker.*

Augusta, August 14, 1786.

.....

*An act for incorporating the Anabaptist Church on the Kioka, in the county of Richmond.*

1. **W**HEREAS a religious society has for many years past been established on <sup>Preamble.</sup> the Kioka, in the county of Richmond, called and known by the name of "The Anabaptist Church on the Kioka:" *And whereas* it is necessary, for the promotion of religion and virtue, that churches or religious societies be made capable of holding, enjoying and defending any property which they may acquire by donations or otherwise: *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That Abraham Marshall, William Willingham, Edmund Cartledge, John Landers, James Simms, Joseph Ray and Lewis Gardner, and their successors in office, shall be, and they are hereby declared to be a body corporate by the name and style of "The Trustees of the Anabaptist Church on the Kioka."

Anabaptist  
Church on the  
Kioka incorpo-  
rated, and trust-  
ees appointed.

2. *And be it further enacted by the authority aforesaid,* That the said Abraham Marshall, William Willingham, Edmund Cartledge, John Landers, James Simms, Joseph Ray and Lewis Gardner trustees as aforesaid, and their successors in office, shall be invested with all manner of property, both real and personal, all donations, gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said church at the time of passing this act, or which may hereafter be made, conveyed or transferred to them or to their successors in office: *To have and to hold* the same for the proper use, benefit and behoof of the said church; and also that the said trustees and their successors in office shall be, and they are hereby declared to be capable of suing and being sued, impleading and being impleaded, and of using all necessary legal steps for recovering or defending any property whatever, which the said church may hold, claim or demand, and also for recovering the rents, issues and profits of the same, or any part or parcel thereof.

Their powers.

3. *And be it further enacted by the authority aforesaid,* That the trustees of the said Anabaptist Church, shall hold their office for the term of three years; and on the third Saturday of November in every third year after the passing of this act, the supporters of the gospel in said church, shall convene at the meeting-house of said church, and there between the hours of ten and four, elect from among the supporters of the gospel in said church, seven discreet persons as trustees, who shall hold their office for three years as aforesaid, with the same powers, and for the same purposes as above declared.

To hold their  
office three  
years then e-  
lected every  
third year by  
the members of  
the church.

SEABORN JONES, *Speaker of the House of Representatives.*  
NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 23d, 1789.

*An act to incorporate the Episcopal Church in Savannah, called Christ Church; and the Independent Congregational Church or meeting-house, at Midway in Liberty county; and to authorize the governor to grant charters of incorporation to other religious societies.*

Preamble.

1. **W**HEREAS it is necessary for the promotion of religion and virtue, that churches or religious societies, be made capable of holding, enjoying or defending, any property that they may have, or may acquire by gifts, grants or otherwise: And as Christ Church in Savannah, has long since been established; and a religious society at Midway, denominated "The Independent Congregational Society," have likewise long since had a church or meeting-house there: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That Leonard Cecil and John Habersham, church wardens; and Joseph Clay, James Mossman, James Habersham, Joseph Habersham, George Houstoun, William Stevens, Samuel Stirk, John Houstoun, George Basil Spencer, and George Jones, and their successors in office, shall be and they are hereby declared to be, a body corporate, by the name and style of "The church wardens and vestry men of the Episcopal Church in Savannah, called Christ Church;" and they the said Leonard Cecil and John Habersham, church wardens; and Joseph Clay, James Mossman, James Habersham, Joseph Habersham, George Houstoun, William Stephens, Samuel Stirk, John Houstoun, George Basil Spencer and George Jones, vestry men as aforesaid, shall be invested with all manner of property, both real and personal, all monies due or to grow due, donations, gifts, grants, hereditaments, privileges and immunities whatever, which may belong to the said church, and all monies that have been granted for rebuilding the said church, or for building a new church; or which may hereafter be given, granted, conveyed or transferred for rebuilding the said church, or for building a new church, in Savannah, or which may be made or transferred to them, or to their successors in office: *To have and to hold* the same, for the proper use, benefit and behoof of the said church; and the said church wardens and vestry men, and their successors in office, shall be, and they are hereby declared to be, capable of suing and being sued, and of using all necessary legal steps for recovering and defending any property whatever, which the said church may hold, claim or demand, and is herein secured, or otherwise; and also with power to make all necessary regulations and rules, and to recover in their own name, or otherwise, as well the said monies as other property, with all rents, issues and profits of the same, or of any lands, monies or other estate belonging thereto, or of any part thereof.

Episcopal church in Savannah incorporated—church wardens and vestrymen appointed.

Their powers.

To be elected annually on Easter-Monday, by the members of the church.

2. *And be it further enacted,* That the said church wardens and vestry men shall hold their offices until Easter-Monday next; and on that day, and on every other Easter-Monday annually thereafter, the members and supporters of the gospel in said church shall convene at the church aforesaid, and there, between the hours of ten and two o'clock, elect from among the members and supporters of the gospel in the said church, two discreet persons as church wardens, and seven other discreet persons as vestry men for the said church, who shall be, and is, and are hereby declared to be vested with all necessary powers to carry the purposes intended by this act fully into effect.

Congregational Church at Midway incorporated—selected men appointed.

3. *And be it further enacted by the authority aforesaid,* That Samuel Satus, Gideon Dowse, John Elliot, William Quarterman and Peter Wynn, and their successors in office, shall be, and they are hereby declared to be, a body corporate, by the name and style of "The Select Men of the Congregational Church or meeting-house at Midway:" and they the said Samuel Satus, Gideon Dowse, John Elliot, William Quarter-

man and Peter Wynn, select men as aforesaid, shall be invested with all manner of property, both real and personal; all monies due or to grow due, gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said Independent Congregational Church, meeting-house, or religious society under the said denomination, together with all monies, that have been granted for rebuilding the said church or meeting-house, or for building a new church or meeting-house at Midway, or any place in Liberty county aforesaid; or which may hereafter be made or transferred to them the said select men, or their successors in office: *To have and to hold* the same for the proper use, benefit and behoof of the said Independent Congregational Church or meeting-house: And the said select men, and their successors in office, shall be, and they are hereby declared to be capable of suing and being sued, and of using all necessary legal steps for recovering and defending any property whatever, which the said church or meeting-house may hold, claim or demand, and is hereby secured or otherwise; and also with power to make all necessary regulations, and to recover in their own name or otherwise, as well the said money as other property, with all rents, issues and profits of the same, or of any lands, houses, or other estate belonging thereto, or any part thereof.

4. *And be it further enacted*, That the said select men shall hold their offices until the second Wednesday in March next, and on that day, and every second Wednesday in March annually thereafter, the members and supporters of the gospel in the said church or meeting-house, shall convene therein, and there, between the hours of ten and two o'clock elect from among the members and supporters of the gospel in the said church or meeting-house, five fit and discreet persons as select men, who shall be, and is, and are hereby declared to be vested with all necessary powers, to carry the purposes intended by this act fully into effect.

5. *And be it further enacted*, That it shall and may be lawful, to and for his excellency the governor, at any time or times hereafter, on application in writing, of any religious society, belonging to any church or place of worship, now erected, or that may be erected hereafter, to grant under his hand and the great seal of the state, usual and customary charters of incorporation, to such members of the said churches or places of worship, and to authorize such bodies corporate or politic, to sue and be sued; and to have and to hold all lands and tenements, monies and other goods and chattels, that already belong to such religious societies, or which may hereafter be given, granted or bestowed, and the same to have and receive to the proper use and behoof of such churches or places of worship, in such manner as the members and supporters of such churches or places of worship, shall point out in their application for such charter, on the principles of this act, and with the same privileges and advantages as are granted, given and secured to any church or religious society incorporated by this act.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 23d, 1789.

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*An act to incorporate the Savannah Association of Mechanics.*

WHEREAS William Lewden, president, David Moses Vollaton, vice-president, John Peter Lang, secretary, Balthazer Shaffer, Thomas Palmer, John

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Herb, George Farries, Simon Connor, John Glafs, William Henry Spencer, Joseph Roberts, Paul H. Wilkins, John Eppinger, Ezra Plummer, Peter Miller, James Simpson, John Armour, David Gugle, Daniel Gugle, John Trever, James Shaw, Nathaniel Lewis, Michael Asper, Joseph Dunlap, Gabriel Leaver, Elifha Elon, John Cole, John Miller, James Clarke and Benjamin Bennet, have by their petition presented, that they are mechanics of different trades, residing in the city of Savannah; that they are desirous of placing their various crafts on a more social and respectable footing than heretofore, and of establishing, by their united exertions and contributions, a lasting fund for the relief and support of such of their unfortunate brethren, or their families, as are or may become objects of charity; and for those purposes have voluntarily united and formed themselves into a society, under the style and name of "The Savannah Association of Mechanics." And in order to insure and establish their said institution in a permanent and effectual manner, so that the charitable and beneficial objects thereof may be executed with success and advantage, have prayed the legislature to grant them an act of incorporation:

Savannah Association of Mechanics incorporated.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority thereof,* That the several persons herein before named, and others who are or may become members of the society before mentioned, respectively, the officers and members thereof, and their successors, shall be, and they are hereby declared to be a body corporate, in name and deed, by the style and denomination of "The president and vice-president of the Savannah Association of Mechanics;" and by the said name and style shall have perpetual succession of officers and members, and a common seal to use, and shall have power and authority to make, alter, amend and change such bye-laws as may be agreed on by the members of the same: *Provided* such bye-laws be not repugnant to the laws or constitution of this state, or the United States, or to the laws and ordinances of the city of Savannah aforesaid: *And provided also,* that the society shall not consist of more than seventy-five or less than twenty members, who shall all be residents of the said city of Savannah, and citizens of the United States.

Their powers.

Provided.

Further powers given.

2. *And be it further enacted by the authority aforesaid,* That they shall have full power and authority, under the style and name of "The president and vice-president of the Savannah Association of Mechanics," to sue for and recover all such sum or sums of money as now are or may hereafter become due the said society, by any name or style whatever, in any court of law or at any tribunal having jurisdiction thereof, and the rights and privileges of the said society, in any court or at any tribunal whatever, to defend and also to receive, take and apply such bequests or donations as may be made to and for the uses and purposes intended by the said institution; and shall be and are hereby declared to be vested with all the powers and advantages, privileges and emoluments of an association or society of people incorporated, for the purposes and intentions of their said association.

Public act.

3. *And be it further enacted,* That this act shall be, and is hereby declared to be deemed and considered a public act, to all intents and purposes whatever.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 16, 1793.



*An act incorporating the Mechanical Society of the town of Augusta.*

**W**HEREAS William Longstreet, president, John Catlett, vice-president, Thomas Bray, secretary, Robert Creswell, treasurer, and Hugh Magee, William Dearmond, Baxter Pool, John Cook, Joseph Stiles, Angus Martin, John Stiles, Hiel Chatfield, Edward Primrose, Conrad Liverman and Isaac Wingate, have by their petition represented, that they are mechanics of different trades, residing in the town of Augusta, that they are desirous of placing their various crafts on a more social footing than heretofore, and of establishing by their united exertions and contributions, a lasting fund for the relief and support of such of their unfortunate brethren, or their families as are, or may become objects of charity; and for those purposes have voluntarily united and formed themselves into a society, under the style and name of "The Augusta Association of Mechanics;" and in order to ensure and establish their said institution in a permanent and effectual manner, so that the charitable and beneficial objects thereof may be executed with success and advantage, have prayed the legislature to grant them an act of incorporation.

*Incasab.*

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That the several persons herein before named, and others who are or may become members of the society before mentioned respectively, the officers and members thereof, and their successors, shall be, and they are hereby declared to be a body corporate, in name and in deed, by the style and denomination of "The president and vice-president of the Augusta Association of Mechanics;" and by the said name and style shall have perpetual succession of officers and members; and a common seal to use; and shall have full power to make, alter, amend and change such bye-laws as may be agreed on by the members of the same. *Provided* such bye-laws be not repugnant to the laws or constitution of this state, or the United States. *And provided also,* that the said society shall not consist of more than seventy-five, or less than twenty members, who shall be residents of the said town of Augusta, and citizens of the United States.

*Mechanical Society of Augusta incorporated.*

*Their powers.*

*Provide.*

2. *And be it further enacted by the authority aforesaid,* That they shall have full power and authority, under the style and name of "The president and vice-president of the Augusta Association of Mechanics," to sue for and recover all such sum or sums of money, as now are or hereafter may become due to the said society, by any name, or style whatever, at any court of law, or at any tribunal having jurisdiction thereof; and the rights and privileges of the said society in any court or at any tribunal whatever, to defend, and also to receive, take, and apply bequests or donations, as may be made to and for the uses and purposes intended by the said institution; and shall be, and are hereby declared to be vested with all the powers and advantages, privileges and emoluments of an association or society of people incorporated for the purposes and intentions of their said association.

*Vested with certain other power*

3. *And be it further enacted,* That this act shall be, and is hereby declared to be deemed and considered a public act to all intents and purposes whatsoever.

*Public act.*

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 25, 1794.

.....

*An act incorporating the Grand Lodge of the state of Georgia.*

1. **W**HEREAS William Stephens, grand master, James Jackson, past grand master, William Stith, deputy grand master, James Box Young, senior

*Freemast.*

grand warden, Edward Lloyd and Balthazer Shaffer, past grand wardens, Ulrich Tobler, jun. grand warden, George Jones, past grand treasurer, James Robertson, grand treasurer, David Bridie Mitchell, past grand secretary, and John Blackstock, grand secretary, of the Grand Lodge of free masons in this state, have by their petition stated, that there has existed, and still exists in this state, divers lodges or societies of free masons on an ancient establishment, since the year one thousand seven hundred and thirty-five, over which there is a presiding or superintending Grand Lodge, composed of the petitioners as members, and divers others who are or may join in promoting the good of the craft, founded on the ancient usages of their society, the principles of which is charity and universal benevolence; to the end therefore that charitable institutions may be promoted, and particularly a society that has existed time immemorial, may be secured in their rights and privileges,

Grand Lodge  
of Georgia in-  
corporated.

Their powers.

Proviso.

Further pow-  
ers.

Lodges, under  
the jurisdiction  
of the Grand  
Lodge, incor-  
porated.

Public act.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the several persons herein before named, and others who are or may become members of the Grand Lodge, and their successors, shall be, and they are hereby deemed to be a body corporate and politic, in name and deed, by the style of "The Grand Lodge of Georgia:" and by the said name and style shall have perpetual succession of officers and members, and a common seal to use; and shall have full power to make, alter, amend and change such bye-laws as may be agreed on by the members of the same: Provided such bye-laws be not repugnant to the laws or constitution of this state or the United States.*

2. *And be it further enacted by the authority aforesaid, That they shall have full power and authority, under the style and name of "The Grand Lodge of Georgia," to take, hold and enjoy real and personal property, to sue for and recover all such sum or sums of money as now are or hereafter may become due to the said lodge, by any name or style whatever, at any court of law, or at any tribunal having jurisdiction thereof, and the rights and privileges of the said lodge, in any court or at any tribunal whatever, to defend, and also to receive, take and apply bequests or donations as may be made to and for the uses and purposes intended by the said institution; and shall be, and are hereby declared to be vested with all the powers and advantages, privileges and emoluments of a society of people incorporated to the purpose and intentions of their laudable institution.*

3. *And be it further enacted, That all regular constituted lodges under the power and jurisdiction of the said Grand Lodge, are hereby declared to be bodies corporate and politic in name and deed, by whatever style or name they may be called and known in their constitution, with equal powers to those which are hereby given to the said Grand Lodge, so long as the said lodges remain under the power and jurisdiction of the said Grand Lodge, and in all things abide by and conform themselves to the resolutions and bye-laws of the same, and no longer.*

4. *And be it further enacted, That this act shall be, and is hereby declared to be deemed and considered a public act to all intents and purposes whatever.*

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 6, 1796.

JARED IRWIN, *Governor.*

*An act for incorporating the Midway and Newport Library Society of Liberty county.*

1. **W**HEREAS a library society has for many years past been established in Liberty county, and known by the name of "The Midway and Newport Library Society:" *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas Stevens, Peter Winn and James M<sup>c</sup>Cullough, and their successors in office, shall be, and they are hereby declared to be, a body corporate, by the name and style of "The Midway and Newport Library Society."

Preamble.

Midway and Newport Library Society incorporated. Trustees appointed.

2. *And be it further enacted by the authority aforesaid,* That the said Thomas Stevens, Peter Winn and James M<sup>c</sup>Cullough, as aforesaid, and their successors in office, shall be invested with all manner of property, both real and personal, all donations, gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said Midway and Newport Library Society at the time of passing this act, or which may hereafter be made, conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper use, benefit and behoof of the said society.

Their powers:

*And also,* That the said trustees and their successors in office, shall be, and they are hereby declared to be capable of suing and being sued, impleading and being impleaded, and of using all necessary and legal steps for recovering or defending any property whatever, which the said society may hold, claim or demand, and also for recovering the rents, issues, fines and profits of the same, or any part or parcel thereof.

Further powers given.

3. *And be it further enacted by the authority aforesaid,* That the trustees of the said Midway and Newport Library Society shall hold their office for the term of one year, and that on the first Wednesday of March in every year after the passing of this act, the members of the said society, shall convene at the place that may be appointed by the trustees aforesaid, or their successors in office, and there, between the hours of ten and four, elect from among the members of the said society, three discreet and proper persons as trustees of the same, and choose on the same day all necessary officers for the said society, who shall hold their office for the term of one year as aforesaid, with the same powers and for the same purposes as above declared.

Trustees to hold their office one year—to be elected annually on the first Wednesday in March, by the members of said society.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to, February 7, 1799.

JAMES JACKSON, *Governor.*

.....

*An act to incorporate the Union Library Society of Greene county.*

1. **W**HEREAS a library society has for a considerable time been established in said county, known by the name of "The Union Library Society:" *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Grier, Samuel Harper and Thomas Baldwin, are appointed, and their successors in office, shall be, and they are hereby declared to be a body corporate, by the name and style of "The Union Library Society."

Preamble:

Union Library Society of Greene county incorporated—trustees appointed.

2. *And be it further enacted by the authority aforesaid,* That the said Robert Grier, Samuel Harper and Thomas Baldwin, as aforesaid, and their successors in office, shall be invested with all manner of property, both real and personal, all donations, gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said Union Library Society at the time of passing this act, or which may

Their powers:

hereafter be made, conveyed or transferred to them or their successors in office: *To have and to hold* the same for the proper use, benefit and behoof of the said society: and also that the said trustees, and their successors in office, shall be, and they are hereby declared to be capable of suing and being sued, impleading and being impleaded, and using all necessary and legal steps for recovering or defending any property whatever which the said society may claim or demand; and also for receiving the rents, issues, fines and profits of the same, or any part or parcel thereof.

Trustees to be elected annually on the second Friday in every year by the members

3. *And be it further enacted by the authority aforesaid*, That the trustees of the said Union Library Society shall hold their office for the term of one year; and that on the second Friday in every year after one thousand eight hundred and one, the members of the said society, or a majority thereof, shall convene at the place that may be appointed by the trustees aforesaid, or their successors in office, and there, between the hours of ten and four o'clock, elect from among the members of said society, three discreet and proper persons as trustees of the same; and choose on the same day all necessary officers for the said society, who shall hold their office for the term of one year as aforesaid, with the same powers and for the said purposes as above declared.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 1st, 1800.

JAMES JACKSON, *Governor.*

.....

COTTON.

*An act to repeal an act, entitled "An act for the inspection of cotton."*

**W**HEREAS an act passed on the twenty-first day of February, in the year of our Lord one thousand seven hundred and ninety-six, entitled "An act for the inspection of cotton," has been found in its operation not competent to the objects proposed, by no means beneficial to the interest of the state, and an unnecessary burthen on the planters of that article:

Act for the inspection of cotton, repealed.

*Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same*, That the before recited act be, and the same is hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred January 24, 1797.

JARED IRWIN, *Governor.*

.....

COUNTIES, COURT-HOUSES AND JAILS.

*An act, for constituting and dividing the several districts and divisions of this province into parishes, and for establishing religious worship therein, according to the rites and ceremonies of the church of England; and also for empowering the church warden and vestry men of the respective parishes, to assess rates for the repair of churches, the relief of the poor, and other parochial services.*

Division into eight parishes.

1. **B**E IT ENACTED, That the several districts and divisions of the said province shall, from and after the seventeenth day of March, one thousand seven

hundred and fifty-eight, be divided and constituted into eight parishes, that is to say, the town and district of Savannah, extending up the river Savannah, including the islands therein, as far as the southeast boundary of Goshen, from thence in a south-west line to the river Great Ogechee, and from the town of Savannah eastward, as far as the mouth of the river Savannah, including the sea islands to the mouth of the river Great Ogechee, and all the settlements on the north side the said river to the western boundaries thereof, shall be and forever continue a parish, by the name of "The parish of Christ Church:" the district of Abercorn and Goshen, and the district of Ebenezer, Christ Church. extending from the northwest boundaries of the parish of Christ Church up the river Savannah, as far as the Beaver Dam, and southwest as far as the mouth of Horse Creek, on the river Great Ogechee, shall be and ever continue a parish by the name of "The parish of St. Matthew:" the district of Halifax, extending from the north- St. Matthew. west boundaries of the parish of St. Matthew up the river Savannah, from the mouth of Mackbeen's Swamp to the head thereof, and from thence to the head of Lambol's Creek, to the river Great Ogechee, shall be and forever continue a parish, by the name of "The parish of St. George:" the district of Augusta, extending St. George. from the northwest boundary of the parish of St. George, and southwest as far as the river Ogechee, and northwest up the river Savannah, as far as Broad River, shall be and forever continue a parish by the name of "The parish of St. Paul:" the town St. Paul. of Hardwick and district of Ogechee, on the south side of the river Great Ogechee, extending northwest up the said river as far as the Lower-Indian trading-path, leading from Mount Pleasant, and southward from the town of Hardwick as far as the swamp of James Dunham, including the settlements on the north side of the north branches of the river Midway, with the islands of Ossabaw, and from the head of the said Dunham's Swamp in a northwest line, shall be and forever continue a parish, by the name of "The parish of St. Philip:" from Sunbury in the district of Midway and St. Philip. Newport from the southern bounds of the parish of St. Philip, extending southward as far as the north line of Samuel Hastings, and from thence southeast to the south branch of Newport, including the islands of St. Katharine and Bermuda, and from the north line of the said Samuel Hastings northwest, shall be and forever continue a parish by the name of "The parish of St. John:" the town and district of Darien, St. John. extending from the south boundary of the parish of St. John to the river Alatomaha, including the islands of Sapelo and Eastwood, and the sea islands to the north of Egg Island, northwest up the river Alatomaha to the forks of the said river, shall be and forever continue a parish by the name of "The parish of St. Andrew:" and the town St. Andrew. and district of Frederica, including the islands of Great and Little St. Simons, and the adjacent islands shall be and forever continue a parish, by the name of "The pa- St. James. rish of St. James."

2. *And be it further enacted*, That from and after the said seventeenth day of March, one thousand seven hundred and fifty-eight, the church already erected in the town of Savannah, and the ground as now used for a cemetery or burial place thereto, shall be the parish church and cemetery of Christ Church.

3. Annulled by the constitution of this state and of the United States.

4. *And be it further enacted*, That from and after the said seventeenth day of March, one thousand seven hundred and fifty-eight, the church erected in the town of Augusta, with the cemetery or burial place thereto belonging, shall be the parish church and burial place of St. Paul.

The remainder of this section, and from thence to the end of the act, is repealed by the constitution of this state. See sect. 10, of 4th article.

By order of the House,  
 DAVID MONTAIGUT, *Speaker*.

By order of the Upper House,  
 PATRICK HOUSTOUN.

In Council Chamber, 15th day of March, 1758.

Affented to.

HENRY ELLIS.

.....

*An act to extend and enforce the authority of the several laws therein mentioned, to and throughout the territory lately annexed to this province; for dividing the same into parishes, and for adding the island of Jekyl to the parish of St. James.*

Preamble.

1. **W**HEREAS his majesty by his proclamation of the seventh of October, in the year of our Lord one thousand seven hundred and sixty-three, and also by his late royal commission to his excellency the governor, bearing date the twentieth day of January, one thousand seven hundred and sixty-four, was graciously pleased to annex to this province all that space or tract of land lying and situate between the river Alatomaha, and the southernmost stream of the river St. Mary: *And whereas* disputes and difficulties may arise touching the present validity of the laws of this province within the said annexed territory: *Be it enacted*, That from and after the passing of this act, all the laws herein after mentioned and particularized, (many of which being obsolete, and others since acted on by the legislature, it is deemed unnecessary to recite them) shall extend to, and be in as full force, power and effect, in, over and throughout the lands lying and being between the south side of the river Alatomaha, and the most southern stream of the river St. Mary, including all islands within twenty leagues of the coast, to all intents, constructions and purposes whatsoever, as if the said annexed territory had been a part of this province at the time of making and passing the same; any thing to the contrary in any wise notwithstanding.

Laws of the province in force in this territory.

Said territory divided into parishes.

2. *And whereas* it may be necessary for the convenience of the inhabitants that the lands aforesaid should be divided into parishes: *Be it further enacted by the authority aforesaid*, That all that space or tract of land, lying and being between the river Alatomaha, and the north branch of Turtle River, and from the head of the said last mentioned river in a northwest line, shall be and forever continue a parish by the name of "The parish of St. David;" and from the north branch of Turtle River to the southern branch of the river Little Sattilla, and from the head of the said river Little Sattilla, in a northwest line shall be and forever continue a parish by the name of "The parish of St. Patrick;" and from the southern branch of the river Little Sattilla, to the southern branch of the river Great Sattilla, shall be and forever continue a parish by the name of "The parish of St. Thomas;" and from the southern branch of the river Great Sattilla to the southern branch of the river St. Mary, and from the head of the said river St. Mary in a due west line, including all the islands within the said boundary, shall be and forever continue a parish by the name of "The parish of St. Mary."

St. David.

St. Patrick.

St. Thomas.

St. Mary.

3. *And be it further enacted by the authority aforesaid, That the island of Jekyl shall from henceforth be and forever continue a part of the parish of St. James.*

Jekyl Island  
added to  
St. James.

ALEXANDER WYLLY, *Speaker.*  
JAMES HABERSHAM, *President.*

March 25, 1765.

JAMES WRIGHT.

.....

*An act for fixing and establishing court-houses and jails, and the fixing and regulating elections in the different counties of this state.*

1. **W**HEREAS no law has yet been passed for the building and erecting court-houses and jails, and for the fixing and establishing places for holding elections in the different counties of this state, and it being now necessary for passing of an act to that purpose: *And whereas doubts have arisen concerning the time of opening and closing the polls of the respective elections: Be it therefore enacted by the free-men of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing this act, the court-houses and jails for the different counties shall be erected at the places hereafter mentioned, which shall be respected as the fixed and established places for holding elections in the same, that is to say, the court-house and jail shall be erected, and the elections held in and for the county of Chatham, in the town of Savannah; the court-house and jail shall be erected, and the elections held in and for the county of Liberty, at Sunbury;\* the court-house and jail shall be erected, and the elections held in and for the county of Effingham, at Tuckafée Kings;† the court-house and jail shall be erected, and the elections held in and for the county of Burke, in the town of Wayneborough; the court-house and jail shall be erected, and the elections held in and for the county of Richmond, at the place where the road crosses the Little Kioka Creek,‡ leading to the meeting-house, and that the superior courts be held at Augusta till a jail and court-house are built, and that elections be held at the place fixed on; the court-house and jail shall be erected, and the elections held in and for the county of Wilkes, in the town of Washington.

Places for erecting court-houses and jails, to be places of holding elections.

Preamble.

2 and 3 Regulates elections, repealed by act of 1799.

4 and 5 Point out the qualifications of representatives, &c. See the constitution.

JAMES HABERSHAM, *Speaker.*

Savannah, February 26, 1784.

.....

*An act for annexing certain islands to the county of Glynn.*

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met; That all the islands on the south side of the

Certain islands  
annexed to the  
county of  
Glynn.

U

\* Removed to Riceborough by act of 1797.

† Removed to Springfield. Vide act of 1797, and act of 1799.

‡ Held at Augusta. See act of 1790.

Alatamaha to the river Little Sattilla and St. Andrew's Sound, together with Great and Little St. Simons, Long Island and the Hunting Islands, be, and the same are hereby annexed to and declared to be a part of the county of Glynn.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 20, 1789.

.....

*An act for fixing on proper places in the counties of Effingham, Glynn and Camden, for erecting jails and court-houses, and for establishing superior courts in the counties of Franklin and Greene.*

Preamble.

Court-house and jail to be erected at Brunswick.

1. **W**HEREAS the rapid increase of population in the counties of Glynn and Camden, and their frontier situation require the most pointed attention of the legislature, that an equal distribution of justice may take place in the said counties, in common with the other counties in this state: *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 after the passing of this act, a court-house and jail shall be erected, and the elections held in and for the county of Glynn at the town of Brunswick. The rest of this section relates to Camden, repealed by act of 1792 and act of 1800.

Court-house and jail to be in Greensborough.

2. *And whereas* no provision hath hitherto been made by law for building a court-house and jail in the county of Greene, nor any time appointed for holding the superior courts in the said county; for remedy whereof, *Be it enacted by the authority aforesaid,* That a court-house and jail shall be erected, and the elections held in and for the county of Greene at the town of Greensborough, and, that the superior courts shall be held at Greensborough on the next Tuesday after that of Washington.

3. Relates to the court-house, jail and elections in Effingham—repealed by act of 1799.

4. Appoints commissioners of court-houses and jails for said counties repealed by act of 1796, which constitutes the inferior courts commissioners.

5. Appoints a temporary place for holding courts, and the time when the courts shall commence repealed.

6. *And be it further enacted,* That the commissioners of each county, or a majority of them, shall have full power at any time of their meeting for the purpose above mentioned, to proceed on the business specified by this act.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1787.

.....

*An act to appropriate the vacant lots in the town of Ebenezer for the purposes of erecting a court-house and jail, and for the support of an academy in the said town, and to appoint commissioners for the same.*

Commissioners.

**B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority thereof, That Jeremiah Cuyler, John G. Niedlinger, Jonathan Rawlin, Elias Hodges, and John Martin Dalher,



shall be, and they are hereby appointed commissioners for the town and common of Ebenezer, in the county of Effingham; and the said commissioners or a majority of them shall have full power and authority (after having given three months public notice thereof in the gazette of Savannah, and at three or more public places in the county aforesaid) to survey, or cause to be surveyed and laid out, the said town of Ebenezer, as nearly as possible in conformity to the original plan thereof; which survey shall be recorded in the surveyor's office of the said county, and likewise in the surveyor general's office.

Plan of the town to be recorded in surveyor general's office

2. *And be it further enacted*, That the said commissioners or a majority of them, shall have full power and authority to sell at public vendue to the highest bidder, at such time or times, place or places, as they may direct, all or any of the lots in the said town which are vacant, or have by any other manner become vested in the state (except such as have been reserved or as the commissioners may think proper to reserve) for public or county uses; *Provided*, That the said commissioners shall first give thirty days public notice of such sale or sales in the Georgia Gazette, and in three or more public places in the said county; and the monies arising from the sale of such lots, shall be applied to the building a court-house and jail in the said county of Effingham; and if a balance should remain, it shall be applied to the support of an academy within the said county, under the direction of the commissioners of the academy in said county. And the commissioners herein before named, are required to pay over to the commissioners of the academy whatever balance may remain in their hands after building the court-house and jail as aforesaid.

May sell certain lots.

For the use of the court-house and jail and academy.

3. *And be it further enacted*, That the commissioners appointed by this law shall, within three months after each sale, make return to the treasury of the number of lots sold, and the prices of each, and shall make yearly returns to the treasurer of the monies expended by them about the buildings aforesaid.

Must make returns to the treasury.

4. *And be it further enacted*, That the commissioners herein before appointed shall, before they enter on the duties of their appointment, give bond with security to the justices of the inferior court of the said county, in the sum of thirty pounds each; and shall likewise take and subscribe the following oath, to wit, "I, A. B. do solemnly swear (or affirm, as the case may be,) that I will faithfully discharge the trust reposed in me, to the best of my abilities and understanding. So help me God."—See the next act.

And give bond and security.

Oath.

THOMAS STEVENS, *Speaker of the House of Representatives.*  
 BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 18, 1796.  
 JARED IRWIN, *Governor.*

.....

*An act to establish the permanent seat of the court-house and jail in the county of Effingham.*

1. **W**HEREAS it appears that the true intent and meaning of the act, entitled "An act to vest powers in the commissioners for the county of Effingham to fix on a place for building a court-house," passed at Augusta in January, one thousand seven hundred and ninety-five, was to remedy the evils and inconveniencies of holding the courts of the said county at an extreme corner thereof, by fixing on a place most convenient to the inhabitants: for remedy whereof, *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,*

Preamble.

Commissioners  
to fix on a  
place for the  
court-house  
and jail.

and by the authority of the same, That David Hall, Joshua Loper, Samuel Ryals, Godhelf Smith and Drurius Garrison, be and they are hereby appointed commissioners, with full and ample powers to point out and fix upon the most suitable and convenient place at or near, that is to say, within five miles of the centre of the county, for erecting a court-house and jail thereon; and such place to be agreed on by them, or a majority of them, shall, and the same is hereby declared to be the permanent seat of the court-house and jail of the said county of Effingham.

Where courts  
are to be held  
in the interim.

2. And be it further enacted, That from and immediately after the expiration of the time appointed for holding the next term of the superior and inferior courts in and for the said county of Effingham, the same shall be held at the plantation and house of James Wilson, the same being at present the most suitable place near the centre of the said county, until a permanent place be fixed on, and a court-house and jail shall be erected in pursuance of this act, any thing contained in or done in virtue of the before recited act to the contrary hereof notwithstanding, which said act is hereby repealed.\*

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 10, 1797.

JARED IRWIN, *Governor.*

\* See act of 1799.

.....

*An act to appoint commissioners for the town of Hardwick, and to appoint commissioners for the county of Washington, to fix on a proper place for the court-house and jail for the said county, and for building the same.*

Commission-  
ers.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That John Wereat, Robert Holmes, James M'Gillivray, William Clark, Simmons Maxwell, Thomas Collier and Joseph Stiles, shall be, and they are hereby appointed commissioners for the town and commons of Hardwick, on the river Ogechee; and that the said commissioners, or a majority of them, shall have full power and authority, after giving three months notice in the Georgia Gazette, to survey, or cause to be surveyed and laid out, the said town of Hardwick, after the same manner and as nearly as possible in conformity to the original survey or plan thereof; which survey shall be recorded in the surveyor's office of the county, and likewise in the office of the surveyor general.

To record the  
plan of said  
town in the  
county survey-  
or's and sur-  
veyor general's  
office  
May sell all va-  
cant lots in said  
town.

2. And be it further enacted by the authority aforesaid, That the said commissioners or a majority of them, shall have full power and authority, to sell at public vendue, to the highest bidder, at such time or times, place or places, as they may think best, all or any of the lots in the said town, which are vacant, or have by any other means become vested in this state, except such as have been reserved, or which the said commissioners may think proper to reserve for public use; of which sale or sales, the said commissioners shall give six weeks public notice in the Georgia Gazette, and the monies arising therefrom shall be applied, under the direction of the said commissioners, to erecting a court-house and jail; and if a balance should remain, it shall be applied towards building an academy in the said town, the said commissioners to make a

Money appro-  
priated to the  
use of the  
court-house &  
jail and acad-  
emy.

return to the treasurer, within three months after the sale, of the number of lots sold, and the prices of each; and shall make yearly returns to the treasurer, of the monies expended by them, about the buildings above mentioned.

3. *And be it further enacted by the authority aforesaid,* That John Watts, John Stokes, Owen Fort, Solomon Bechum and John Marcus, are hereby appointed commissioners for building and fixing on a proper place, as nearly central as may be convenient, for the court-house and jail in Washington, and the justices of the inferior court of the said county are authorized and empowered to raise by tax,\* to be by them levied, a sum not exceeding two hundred and fifty pounds, to be applied in payment for such public buildings.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 19, 1793.

\* See act of 1796, authorizing inferior courts to levy county tax.

.....

*An act to establish a town on North Newport River, in the county of Liberty, for altering the place for holding the courts and elections within the said county, and for appointing commissioners to erect a court-house and jail.*

**W**HEREAS it has been found that the town of Sunbury, the present seat of justice for the county of Liberty, is inconveniently situated for conducting the public business of the said county: *And whereas,* agreeable to a resolve of the last General Assembly, authorizing and requiring the justices of the inferior court of the said county to call a meeting of the inhabitants to take their sense by ballot, for fixing on a permanent spot for the seat of justice in the said county, and where the court-house and jail shall be built, so as to render the same more convenient for the majority of the inhabitants, it has been determined by a large majority of the citizens of the said county, that the town at North Newport bridge is the most eligible place for the seat of justice: *And whereas* Matthew M'Allister, esq. has offered to convey a piece of ground, containing two hundred and thirty feet in length, and one hundred and fifty feet in width, situate near the said bridge, agreeable to a plan of a town called Riceborough, hereunto annexed, and in fee simple, without any price or consideration, other than a wish and desire to promote and encourage the said town, and his regard for the inhabitants thereof:

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That Thomas Stevens, Daniel Stewart, Peter Wynn, Joel Walker, and Henry Wood, be, and they are hereby appointed commissioners to see that the square as represented in the said plan, be accurately admeasured and laid out, in conformity to the plan of the said town, to be called Riceborough, and to receive good and sufficient titles in fee simple for the said public square, containing two hundred and thirty feet north and south, and one hundred and fifty feet east and west, or as nearly so as the public road will permit, and also the streets and lanes of the said town, as delineated in the said plan, for the purpose and use of a court-house and jail, in the said county of Liberty.

2. *And be it further enacted by the authority aforesaid,* That Thomas Stevens, Daniel Stewart, Peter Wynn, Joel Walker, and Henry Wood, be, and they are hereby

appointed commissioners for erecting and keeping in repair a court house and jail, within the said square; and that in case of the death, resignation, or refusal of any of the said commissioners, his excellency the governor is hereby authorized and empowered to appoint some other person or persons to act in his or their room.

Courts and elections to be held in Riceborough.

3. *And be it further enacted,* That after the passing of this act, the courts and elections heretofore held, and all other public business heretofore transacted at the said town of Sunbury, shall be held and transacted at the said town of Riceborough, and the several offices of said county, be thereto removed, any law to the contrary notwithstanding.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred, February 11, 1797.

JARED IRWIN, *Governor.*

.....

*An act for laying out a town in the county of Effingham, and authorizing the commissioners of the court-house and jail to make sale of the lots and appropriate the amount thereof, and to dispose of the former court-house in Ebenezer.*

Preamble.

1. **W**HEREAS David Hall, Joshua Loper, Samuel Ryals, Godhelf Smith and Drurias Garrison, commissioners of the court-house and jail of the county of Effingham, have purchased a piece of land for erecting the public buildings in the county aforesaid: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That the said David Hall, Joshua Loper, Samuel Ryals, Godhelf Smith and Drurias Garrison, commissioners as aforesaid, or a majority of them, or their successors in office, shall and may lay out into lots of such size as they may think proper, the aforesaid piece of land, and shall set up and expose to sale, within six months after the passing of this act, the said lots, and make titles thereto; and the monies arising from such sale to be applied to the use of building a court-house and jail in the said county.

Commissioners shall lay out a town, sell the lots, make titles, and apply the money to the erection of a court-house and jail for the county.

The town to be called Springfield.

2. *And be it further enacted,* That the said town shall be known by the name of Springfield, and hereafter be the permanent seat of public buildings.

Court-house in Ebenezer to be sold.

3. *And be it further enacted,* That the commissioners aforesaid, or a majority of them, shall and may sell the court-house in Ebenezer, and apply the money as herein before directed, any law to the contrary notwithstanding.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 7, 1799.

JAMES JACKSON, *Governor.*

.....

*An act for appointing commissioners for ascertaining the boundaries of the towns and commons of Brunswick and Frederica, in the county of Glynn.*

1. **B**E IT ENACTED *by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That George

Purvis, Richard Pritchard, Moses Burnett, John Piles, and John Burnett, be, Commissioners. and they are hereby appointed commissioners for the town of Brunswick; and they, or a majority of them, shall have power to lay out, or cause to be laid out, the town of Brunswick aforesaid, as nearly as possible to the original plan thereof, and cause the streets of the same to be opened, and the lots plainly marked or staked off; and shall also cause the commons of the said town to be re-surveyed, and an accurate map thereof, together with a plan of the said town, returned to the surveyor general's office within two months after the passing of this act, there to be put on record. Plan of the town to be recorded in the surveyor general's office. Owners notified in the public gazettes.

2. *And be it further enacted,* That the said commissioners shall, immediately after the said town and commons shall be so laid off, advertise the same in some one of the public gazettes of this state for nine months, giving notice to all holders or owners of lots in the said town of Brunswick, to make a return thereof to the said commissioners, specifying the number or numbers of lots so held or claimed, which said owners shall pay for each lot so held or claimed by him, her or them, the sum of one dollar, which shall be applied towards paying off the expences that may accrue in laying out and ascertaining the same.

3. *And be it further enacted,* That all lots that shall not be returned to the said commissioners, within the term of nine months as aforesaid, shall be by the said commissioners advertised for sale, giving six weeks' notice thereof in the public gazettes of the said state, one half of the purchase money to be paid down, and the remainder in twelve months thereafter the purchaser or purchasers giving bond with mortgage on the said lot or lots so purchased, for the payment thereof; and the monies arising from such sale shall be applied to the support of an academy or seminary of learning in the county of Glynn, except so much thereof as may be necessary to defray a part of the expences in laying off the said town and common. Certain lots may be sold, on certain conditions. Money arising from the sales to be applied to support an academy in Glynn.

4. *And be it further enacted,* That the commissioners shall have power to rent or lease the whole or any part of the said commons \* of Brunswick, as to them may be deemed best for the speedy settlement of the said town of Brunswick. Town-common may be leased.

5. *And be it further enacted,* That John Cooper, William M'Intosh, James Harrison, James Moore, and William Clubbs, be, and they are hereby appointed commissioners for the town and commons of Frederica, who shall have the same power, and be under the same regulations, as the commissioners appointed by this act, for the town and commons of Brunswick. Commissioners of Frederica.

6. *And whereas* several persons have at sundry times made attempts to run up the commons of the said towns, but have been as often defeated in the caveat courts of the said county, by the exertions of some of the proprietors of the said towns of Brunswick and Frederica: *Be it enacted,* That any person or persons who may attempt to run any part of the said commons or towns of Brunswick or Frederica, under any pretence whatsoever, shall be liable to a fine of five hundred dollars, to be recovered in the superior court of the said county, by the commissioners, or any other person or proprietor of any lot or lots in the said towns, which said money shall be applied, one half to the use of the academy, and the other to the use of the person or persons suing for the same; and all surveys heretofore made, and grants surreptitiously obtained, are hereby declared null and void, and any person or persons taking possession by virtue of any survey or grant as aforesaid, shall be liable to the aforesaid fine, to be recovered in manner aforesaid. Penalty for surveying the town-common. Such surveys void.

\* Empowered to sell a part by act of 1797.

Repealing clause.

7. *And be it further enacted*, That all laws heretofore passed appointing commissioners for the towns and commons of Brunswick and Frederica be, and the same are hereby repealed.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 21, 1796.

JARED IRWIN, *Governor.*



*An act to make permanent the seat of the public buildings in the county of Glynn, and for other purposes therein mentioned.*

Commissioners.

1. **BE IT ENACTED** *by the Senate and House of Representatives of the State of Georgia in General Assembly met*, That Richard Pritchard, Martin Palmer and Moses Burnett, be, and they are hereby appointed commissioners of the court-house and jail in the county of Glynn; which court-house and jail shall be erected on one of the most convenient public lots in the town of Brunswick, which shall be conveyed to them by the commissioners of the aforesaid town and commons.

Brunswick the seat of county business.

Part of town-common may be sold.

2. *And whereas* it has been found that there is much more land reserved for the commons of Brunswick than is necessary for that purpose: *Be it therefore enacted*, That the commissioners of the above town and commons are hereby authorized to sell and dispose of five hundred acres of the commons of Brunswick, at such time and place as they may deem most proper, after giving three months public notice in one of the gazettes of Savannah, in lots not exceeding fifty acres each, and make titles to the purchaser or purchasers in fee simple; which monies arising from the sale of the said land shall be applied under the direction of the said commissioners of Brunswick, as follows, to wit, one moiety thereof to the use of the court-house and jail, and the other to the use of the academy: *Provided*, That the said lands be not sold for less than three dollars per acre; any law to the contrary notwithstanding.

Money arising therefrom, one half to the court-house, &c. and the other to the academy.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 13, 1797.

JARED IRWIN, *Governor.*



*An act to authorize the inferior court of the county of Bryan to lease the commons of Hardwicke and the glebe land of the said county.*

Inferior court may lease the glebe land of Bryan county.

1. **BE IT ENACTED** *by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same*, That the inferior court of the county of Bryan, be, and they are hereby authorized and empowered to lease, from time to time, for a term not exceeding seven years, the common of Hardwicke, and the glebe land of the said county; and to apply the rents and profits arising therefrom, to the repair and improvement of the roads and bridges in the said county, in such manner as they shall deem most expedient.

Money applied to repair the roads and bridges.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 4, 1799.

JAMES JACKSON, *Governor.*

*An act to authorize the inferior court of the county of Burke to lease the glebe land of the said county.*

**BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the inferior court, of the county of Burke be, and they are authorized and empowered to lease from time to time, for a term not exceeding five years, the glebe land of the said county, and to apply the rents and profits, arising therefrom, to the relief of the poor thereof, at the discretion of the said court.

Inferior court of Burke empowered to lease the glebe lands  
And apply the money to the relief of the poor.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
DAVID EMANUEL, *President of the Senate.*

Assented to December 2, 1800.

JAMES JACKSON, *Governor.*

.....

*An act to establish a town on St. Mary's River, in the county of Camden; for altering the place for holding the courts and elections within the said county, and for appointing commissioners to erect a court-house and jail in the county of Franklin.*

**1. BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That a town heretofore laid out on the river St. Mary's, in the county of Camden, a plan whereof has been recorded in the office of the county surveyor of said county, shall be, from and after the passing of this act, vested in five commissioners, and be known by the name of "St. Mary's;" and that James Seagrove, William Maulrey, William Johnston, Thomas King and John King be appointed commissioners thereof, who, or a majority of them, are hereby authorized and required, within twelve months after the passing of this act, to transmit to the surveyor general, a fair and correct copy of the plan of the said town, by him to be recorded in the office of the surveyor general of this state.

Town of St. Mary's.

Commissioners.

To record a plan of the town in the surveyor general's office. Vacancies how to be filled.

**2. And be it further enacted,** That in case of the death or refusal to act of any of the said commissioners his excellency the governor is hereby authorized and empowered to appoint some other person or persons in his or their room.

The remainder of this act respecting commissioners of the court-houses and jails of Camden and Franklin counties, repealed by act of 1796. See also act of 29th November, 1800; relative to Camden.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

December 5, 1792.

EDWARD TELFAIR, *Governor.*

.....

*An act to establish and make permanent the seat of the public buildings of the county of Camden, at, or near the centre of said county.*

**1. WHEREAS** it appears that the seat of public business in the county of Camden is found to be extremely inconvenient to a majority of the inhabitants there-

Prescribed.

Commissioners to fix on a place near the centre of the county for the court-house and jail.

of, it being at one extreme end of the county : *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That Thomas M'Call, Phinehas Miller, John Floyd, Hugh Brown, and William Niblack, be, and they are hereby appointed commissioners, and they, or a majority of them, are hereby fully authorized and empowered to fix upon the most convenient place, at, or near the centre of said county, for the purpose of erecting a court-house and jail, and to contract for such quantity of land as they may deem sufficient to answer public uses ; and the said commissioners or a majority of them, shall have power to lay out any part or all of such land as aforesaid, into lots of such convenient size as they may judge most proper ; and shall expose to public sale within six months, or in convenient time after the passing of this act, and make titles thereto ; and the monies arising from such sale or sales to be applied to the use of building a court-house and jail on the aforesaid premises.

To purchase land for that purpose, lay it out into lots, sell and apply the money to erect a court-house and jail.

The town to be called Jefferson.

2. *And be it further enacted,* That the aforesaid town or seat of public buildings shall be known by the name of " Jefferson ;" and after the completion of the buildings as aforesaid, shall be the permanent seat of public business for the county aforesaid.

Courts to be held at St. Mary's till the public buildings are completed.

3. *And be it further enacted,* That from and after the passing of this act, the place of holding courts, elections and other public business, shall be at the town of St. Mary's, until the place be fixed on by the commissioners aforesaid, and buildings erected as aforesaid, and no longer.

Repealing clause,

4. *And be it further enacted,* That all laws or parts of laws heretofore made that militate against this act, be and they are hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to November 29, 1800.

JAMES JACKSON, *Governor.*



*An act for dividing the county of Washington.*

Greene county laid out.

1. **BE IT ENACTED** *by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same,* That a line shall be run north forty-five degrees east, beginning on the Oconee River, six miles above the Rock Landing, until it strikes the Great Ogechee River; thence up Ogechee to the head of the main branch; from thence a direct course to the Cherokee Corner; from thence to the south branch of Oconee, running into that river at or near Zachariah Philips'; thence down the Oconee to the beginning, including a tract of country which shall be called and known by the name of " Greene County."

Court-house & jail to be built on the college land.

2. *And be it further enacted,* That the court-house and jail shall be built, and the superior courts and annual elections held at a town to be laid out on the College Survey on Richland Creek.

3. *And be it further enacted,* That the trustees of the university, or a majority of them, shall be, and they are empowered and requested to lay out, or cause to be laid out, a town, which shall be known by the name of " Greensborough," on said College Survey; and after reserving a number of lots sufficient for public buildings, to sell and convey the remaining lots and land adjacent to the purchaser or purchasers,



in fee simple: *Provided only*, That the money arising from the sale of the said lots and lands adjacent, shall be applied to the sole purpose of promoting learning and science, and the quantity of land so to be laid off does not exceed one thousand acres.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 3, 1786.

.....

*An act to divide the county of Richmond.*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That the county of Richmond shall be divided into two counties, in the following manner, viz. beginning on the river Savannah, at the mouth of Red's Creek; from thence a line shall be drawn, running south forty-five degrees west, and all that part of Richmond county lying above, or north-westwardly of the aforesaid line, shall be one county, and known by the name of "Columbia," and shall have two representatives apportioned to it, from the representation of the county of Richmond. Columbia county laid out.

2 Appoints commissioners of court-house and jail for Columbia county. Obsolete.

3. *And be it further enacted*, That all that part of Richmond county lying below or southeastwardly of the aforesaid line, shall compose one other county, and retain the name of "Richmond;" and that George Handley, John Meals and Robert Forsyth, esqrs. or any two of them, be and they are hereby appointed commissioners to fix on a place to build a court-house and jail for said county of Richmond, in the town of Augusta. Richmond county.

4 Empowers the collectors of each county to collect a county tax, &c. to build court-houses and jails, &c. Obsolete.

5 Applies the money so collected, &c. Obsolete.

6 Concerning suits commenced previous to the division. Obsolete.

7. *And be it further enacted*, That the surveyor for the county of Columbia shall run, and plainly mark, gratis, the aforesaid line, dividing the county of Columbia from the county of Richmond, within thirty days after his appointment. County line to be run out and marked.

8 Respects the commencement of courts in said counties—repealed by act of 1799.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 10, 1790.

.....

*An act for dividing the county of Wilkes, and for other purposes.*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That all that part or parcel of the county of Wilkes, lying on the north side of Broad River, from the mouth thereof to the main fork; thence up the south main fork to where it intersects the line dividing the county of Wilkes from Franklin, shall be one county, to be called and known by the name of "Elbert;" and all that part of the said county of Wilkes lying on the south Elbert county laid out.

COUNTIES, COURT-HOUSES AND JAILS.

side of Broad River, shall retain the name of "Wilkes," and the court-house and jail thereof shall be and continue at the town of Washington, the place formerly appointed by law for holding courts in said county.

inferior court of Elbert to fix on the place for the court-house and jail.

2. *And be it further enacted by the authority aforesaid,* That the justices of the inferior court of the county of Elbert be, and they (or any three of them) are hereby fully authorized and empowered to fix on the most convenient place for building a court-house and jail in the said county of Elbert, and until such court-house and jail shall be completed, the superior and inferior courts of said county shall be held at some place to be agreed on by the said justices.

3 Respects building the court-house and jail, laying county tax, &c. Obsolete.

4 Obsolete. See act of 15th February, 1799, fixing the representation.

5 Obsolete. See act of 16th February, 1799, regulating courts. See judiciary.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 10, 1790.

.....

*An act to lay out a county out of part of the counties of Washington and Greene.*

Hancock county laid out.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That a new county shall be laid off out of part of the counties of Washington and Greene, in the following manner: A line shall run, beginning near Alexander's mill on the north fork of Ogechee, to run in a direct course to Foster's plantation on the Oconee River, thence down the same to the mouth of Buck Creek, near the Rock Landing, thence a direct line to where the lower trading road crosses Town Creek, from thence with a road leading from the Rock Landing to Georgetown, to where the same crosses the river Ogechee, thence up Ogechee to the beginning; and all that part of the counties of Washington and Greene, comprehended within, and lying between the said lines and boundaries, shall be a county, and known by the name of "The county of Hancock." And Harmon Reynolds, Matthew Rabon, James Adams, Abraham Miles and John Mitchell, shall be, and they are hereby appointed, commissioners, and they, or a majority of them, are vested with full power and authority to fix on the most convenient and central place within the said county, at which courts and elections shall be held, as soon as suitable buildings are erected thereat. And the said commissioners, or a majority of them, are hereby authorized and empowered, to contract with fit and proper persons, for the purpose of building a court-house and jail in the county aforesaid, which, after at least thirty days notice, shall be let to the lowest bidder. *Provided,* That until the court-house shall be erected, the courts and elections for said county shall be held at the house of John Whatley.

Commissioners of court-house and jail.

Inferior court may levy a county tax.

2. *And be it further enacted by the authority aforesaid,* That the justices of the inferior court of the said county are hereby authorized and empowered to levy a tax on the inhabitants and taxable property within the same, for the purpose of erecting a court-house and jail as aforesaid, which shall be done in such a manner as in the judgment of the court shall be least burthenfome to the inhabitants.

County line to be marked.

3. *And be it further enacted by the authority aforesaid,* That Henry Graybill, shall be, and he is hereby appointed to run the upper and lower lines bounding the said

county, and that the charges thereof shall be paid by the inferior court of the said county, to be levied as in this act directed.

4. *And be it further enacted by the authority aforesaid,* That all civil and military officers, within the boundaries of the said county, shall be, and they are hereby confirmed in their commissions.

Civil and military officers to hold their commissions.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 17, 1793.

.....

*An act to lay out a county out of part of the counties of Burke and Effingham.*

1. **BE IT ENACTED,** *by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That a new county shall be laid off out of part of the counties of Burke and Effingham, in the following manner: A line shall be run beginning at the mouth of Rooty Branch, on Savannah River, near Nathaniel Lundy's, to run in a direct course to the mouth of Little Ogechee; and in the same direction from thence to Canouchee; another line shall be run, beginning at Somerlin's ferry, on Savannah River, to run in a direct course from thence to the junction of Buckhead Creek and Ogechee River, and from thence up the said river to the dividing line between Washington and Effingham, from thence along the said line to Canouchee, and down that stream to where the first mentioned line strikes it. And all that part of Burke and Effingham counties comprehended within, and lying between the said lines, and between Savannah River and Canouchee, not above or below the lines aforesaid, shall form a county, and be known by the name of "Scriven." And that Paul Bevil, William Skinner, and John Lott, sen. shall be, and they are hereby appointed commissioners, and they or a majority of them, are vested with full power and authority to fix on the most central and convenient place within the said county, at which the courts and elections shall be held, as soon as suitable buildings are erected thereat; and the said commissioners or a majority of them are authorized and empowered to contract with fit and proper persons, for the purpose of building a court-house and jail, in the county aforesaid, which, after at least thirty days notice, shall be let to the lowest bidder. *Provided,* That until the court-house shall be erected, the elections and courts for said county shall be held at the house of Benjamin Lanier.

Scriven county laid out.

Commissioners of the court-house and jail.

- 2 Empowers the inferior court to lay a county tax—repealed. See act of 1796.
- 3 Directs the county surveyor to run the line. Obsolete.
- 4 Gives Scriven one representative, to be taken from Burke—repealed by act of 1799.

5. *And be it further enacted,* That all suits already commenced in the aforesaid county of Scriven, shall continue and be prosecuted in the counties of Effingham and Burke, until the courts of the county of Scriven aforesaid are properly organized, and such justices of the former counties of Effingham and Burke, as may fall within the county of Scriven, shall continue to exercise their respective appointments.

Suits already commenced regulated.

Officers to continue to act.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 14, 1793.

*An act for laying out the several counties herein after named.*

Two new counties formed from Wilkes & other counties.

1. **BE IT ENACTED** by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That two new counties shall be, and they are hereby laid out, from the counties of Wilkes and several other counties contiguous or adjoining thereto, in the following manner and form, to wit, the first to begin at Megechee's bridge, on Ogechee River, thence along the road leading from that bridge to the Chickasaw Ford on Brier Creek; thence up Brier Creek to the mouth of Sweet Water; thence up said creek to Watfon's mill, from thence to the path known by the name of "The Old Line path at Hodgins';" from thence a straight line on Stark's old mill on Little River; thence up that river to the mouth of William's Creek; thence up the said creek to the mouth of Beaver Dam; thence a straight line to Ogechee, so as to include the plantation of Col. Alexander, and down the Ogechee to the beginning: which said county shall be called and known by the name of "Warren,"

County of Warren,

2. The other county shall begin at the mouth of Long Creek; thence up the said creek to the mouth of the dry fork thereof; thence up said fork to Joseph Staton's; thence a direct line to William Hammett's; thence to Armours ford on Little River; thence the same course continued until it strikes Sherril's Creek; thence a direct line to Livingston's mill on Ogechee; thence up the same to the Greene county line; thence along said line to the Cherokee corner; thence along the line dividing Wilkes and Franklin, to the south fork of Broad River; thence down Broad River to the place of beginning; which said county shall be called and known by the name of "Oglethorpe."

County of Oglethorpe.

3. *And be it further enacted by the authority aforesaid,* That the county surveyor of Wilkes shall be, and he is hereby appointed to run and plainly mark the several artificial lines, agreeably to this act, for the aforesaid county of Warren; and the county surveyor of Elbert shall be, and he is hereby appointed to run, and plainly mark in like manner, the several lines round the county of Oglethorpe; which said line shall be run and marked as aforesaid, within two months after the passing of this act; and the said county surveyors shall be allowed, by the county courts of the aforesaid counties of Warren and Oglethorpe, a reasonable compensation for such services, to be by them levied on their respective counties, and shall be subject when collected, to their order for the purposes aforesaid.

4 Directs justices to act till the adjournment of the next legislature. Obsolete.

5 Appoints commissioners for each county to fix on a place for the court-house and jail. Obsolete.

Inferior court may contract for the public buildings, lay county tax, &c.

6. *And be it further enacted,* That the justices of the inferior court for the county of Warren, or any three of them, are hereby authorized and empowered to contract with proper persons to undertake and completely finish a court-house and jail for said county, on such plan and in such form as they may think proper; and the said county court may raise by tax, to be by them levied, a sum not to exceed two hundred and fifty pounds, to be by them applied to the building such public buildings; and the justices of the inferior court for the county of Oglethorpe shall in like manner contract with fit and proper persons for building their court-house and jail, and may raise by tax on their county, a tax not exceeding two hundred and fifty pounds, to be applied as aforesaid.

7 Ascertain the representation—repealed. See act of 1799.

8 Respects suits commenced previous to the division. Obsolete.

9. *And be it further enacted, by the authority aforesaid,* That one new county shall be laid off from the county of Liberty, in the manner following: from the north end of Black Beard Island to the mouth of South Newport River; from thence, up Bull Town Swamp, to the mouth of Big Mortar Swamp, from thence to the head thereof; and from thence a due west course to the south branch of the Alatamaha, thence down that branch of the Alatamaha which empties itself at the north end of Little St. Simon's Island, to its mouth, and from thence along the sea-coast, to the north end of Black Beard Island; which said county shall be called and known by the name of "M<sup>c</sup>Intosh."

M<sup>c</sup>Intosh county laid out and defined.

10 Appoints commissioners to fix on a place for court-house, &c. Obsolete.

11. *And be it further enacted by the authority aforesaid,* That the justices of the inferior court of the county of M<sup>c</sup>Intosh to be hereafter appointed, are hereby authorized and empowered to contract with proper persons to undertake and completely finish a court-house and jail for said county, on such plan as they may think proper, and the said county court may raise by tax, to be by them levied, a sum which shall not exceed two hundred and fifty pounds, to be applied as aforesaid.

Inferior court to contract for the public buildings, lay county tax, &c.

12 Ascertain the representation of the county—repealed by act of 1799.

13 Respects suits commenced previous to the division. Obsolete.

14 Provides a temporary place for holding courts in said county. Obsolete.

15. *And be it further enacted by the authority aforesaid,* That one new county shall be laid off from the county of Chatham, in manner following: beginning at the mouth of, and running up and with the meanders of Midway River to the confluence of Mount Hope Swamp; from thence in a direct course along the old line, dividing the parish of St. Philip's from St. John's, until it strikes the river Canouchee; from thence up the main stream of said river, until it strikes the Washington line; from thence in a direct line across to the mouth of Black Creek, on Ogechee River; thence down the said river to its mouth; thence with the sea-coast to the mouth of Midway River; which said county shall be called and known by the name of "Bryan."

Bryan county laid out and defined.

16 Appoints commissioners to fix on a place for court-house, &c. Obsolete.

17. *And be it further enacted,* That the justices of the inferior court for the county of Bryan, to be hereafter appointed, are hereby authorized and empowered to contract with proper persons to undertake and completely finish a court-house and jail for said county, on such plan as they may think proper; and the said county courts may raise by tax, to be by them levied, a sum, which shall not exceed two hundred and fifty pounds, to be applied as aforesaid.

Inferior courts to contract for the erection of public buildings, to lay county tax, &c.

18 Ascertain the representation to be taken from Chatham, repealed by act of 1799.

19 Respects suits commenced previous to the division of the county. Obsolete.

20 Provides a temporary place for holding courts. Obsolete.

21. *And be it further enacted by the authority aforesaid,* That a new county shall be, and is hereby laid out and taken from the county of Washington in the following manner: first, by a line beginning at Carr's Bluff, on the Oconee River, and running along the Uchee Path, to the place where said path crosses Williamson's Swamp; thence in a direct line to the Ogechee River; thence down the said river to the Esfingham line; thence along said line to where it strikes the line of Liberty county; thence along said line to the Alatamaha River; thence up the said river to the confluence of the Oconee and Oakmulge rivers; thence up the Oconee River to the beginning; which said county shall be called and known by the name of "Montgomery."

Montgomery county laid out and defined.

22. *And be it further enacted by the authority aforesaid,* That the county surveyor of Washington shall be, and he is hereby appointed to run and plainly mark the said

Dividing line to be run and marked.

direct line, from the place where the Uchee Path crosses Williamson's Swamp, to the Ogechee River.

23 Directs magistrates then in office to act, till the adjournment of the next General Assembly. Obsolete.

24 Provides for suits commenced previous to the division. Obsolete.

25 Appoints commissioners to fix on a place for the court-house, and provides a temporary one. Obsolete.

26 Prescribes the mode of choosing clerks and other officers in the new counties. Obsolete. See act of 4th December, 1799, sect. 2.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 19, 1793.

.....

*An act to divide the county of Franklin.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That all that part of the county of Franklin lying and being within the following limits, shall form one other county, and shall be called and known by the name of "Jackson," that is to say: The line dividing the said county of Jackson from the county of Franklin shall begin on the south fork of Broad River at the place where it intersects the counties of Oglethorpe and Elbert, from thence it shall run up to the head or source of the middle fork, it being the main stream; from thence south forty-five degrees west to the main ridge which divides the waters of Broad River from the waters of the Oconee; thence along the said ridge to the temporary or western line of Franklin county; and all that part of Franklin lying and being southwardly of the aforesaid line, shall be included and comprehended in the county of Jackson; and the remaining part of said county shall retain the name of "Franklin."

2. Appoints commissioners to fix on a place for the court-house—repealed by act of 2d February, 1798—and also fixes on a temporary place for holding courts. Obsolete.

3. *And be it further enacted by the authority aforesaid,* That the justices of the inferior court of the said county are hereby authorized and empowered to levy a tax, not exceeding one sixth of their general tax, on the inhabitants and taxable property within the same, for the purpose of erecting a court-house and jail, as aforesaid; which shall be done in such manner as in the judgment of the court shall be least burthenfome to the inhabitants.

4. *And be it further enacted by the authority aforesaid,* That Malachi Jones shall be, and he is hereby appointed to run the lines of the said county, and that the charges thereof shall be paid by the inferior court of the county, to be levied as in this act is directed.

5. Ascertain the representation—repealed. See act of 1799.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 11, 1796.

JARED IRWIN, *Governor.*

Jackson county laid out and defined.

Inferior court to levy a tax to erect public buildings.

Dividing line to be run and marked.

*An act for laying out a new county from that part of Scriven that lies south of Ogechee River and part of Bryan county.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of <sup>Bullock county laid out and defined.</sup> Georgia in General Assembly met, and by the authority of the same, That one new county shall be, and is hereby laid out from the counties of Scriven and Bryan, in the following manner and form, to wit, to begin at John Lanier's including the same on Ogechee River, thence a direct line to be drawn to where Lott's Creek empties into Canouchee, thence up Canouchee to the Montgomery line; thence along the said line to Ogechee River; thence down the said river to the beginning; which county shall be called and known by the name of "Bullock."

2. *And be it further enacted by the authority aforesaid,* That the county surveyor of the said county shall be, and he is hereby appointed to run and plainly mark the artificial line, agreeably to this act for the aforesaid county of Bullock, and the county surveyor shall be allowed by the county court of the said county, a reasonable compensation for such service, to be levied on the said county, and shall be subject, when collected, to the order of the court for the purpose aforesaid. <sup>Dividing line to be run and marked:</sup>

3 Appoints commissioners to fix on the place for holding courts, &c. and also appoints a temporary seat for the court-house—repealed by act of 1799.

4 Ascertain the representation to be taken from Bryan—repealed by act of 15th February, 1799.

5. *And be it further enacted by the authority aforesaid,* That the justices of the inferior court be, and they are hereby empowered to levy a tax upon the inhabitants of the said county for the purpose of erecting a court-house and jail within the same. <sup>Inferior court to levy a county tax.</sup>

THOMAS STEVENS, *Speaker of the House of Representatives,*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 8, 1796.  
JARED IRWIN, *Governor.*



*An act to lay off a new county out of part of the counties of Burke and Warren, for dividing the county of Wilkes, and for other purposes therein mentioned.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of <sup>Jefferson county laid out and defined.</sup> Georgia in General Assembly met, and it is hereby enacted, That a new county shall be laid off out of part of the counties of Burke and Warren, in manner and form following, to wit, beginning at Hargrave's bridge on the river Ogechee, from thence running in a direct line to Pegg's old field, thence in a direct line to Ballard's mill, thence in a direct line to the Chickafaw bridge or ford on Brier Creek, thence up the stream of the said creek to Harris' bridge; thence on a direct line to the mouth of Big Creek, where it makes a confluence with the river Ogechee aforesaid, thence down Ogechee to the western line of the Big Survey, thence across Ogechee River a direct line to run to the mouth of the first branch above Vivion's bridge on Williamfon's swamp, thence across said swamp in a direct line to where the Sunbury line strikes the Montgomery line, thence down the said road to the Hurricane, thence along said Hurricane eastwardly to Williamfon's swamp, thence down the said swamp to Reu-

ben Hargrave's bridge the place of beginning; which county shall be called and known by the name of "Jefferson."

Dividing lines to be run and marked.

2. *And be it further enacted*, That Richard Grey of Warren county be, and he is hereby appointed, authorized and required to run and plainly mark out the lines here-in before designated; and that the justices of the inferior court to be appointed for the said county of Jefferson, be, and they are hereby authorized to levy a tax on the people of the said county for defraying the expences thereof, as well as for the building a court-house and jail in the said county, which tax shall not exceed one sixth part of the general tax of the said county.

Commissioners of the court-house and jail.

3. *And be it further enacted*, That Michael Shelman, John M. Sterret, Chesley Bostwick, jun. John Barron and John Parsons, shall be, and they are hereby appointed commissioners for erecting a court-house and jail as aforesaid, which said commissioners or a majority of them, shall have full power to contract for the building and completing the same.

Sandersville the seat of public buildings in Washington county.

4. *And be it further enacted*, That the permanent seat of public buildings in the county of Washington, shall be in the town of Sandersville, it being the place where the court-house and jail of said county do at present stand.

Jefferson courts to be held in Louisville.

5. *And be it further enacted*, That the place of holding courts and elections for the county of Jefferson, shall be in the town of Louisville, in the house of Joseph Cheers, until a court-house shall be erected as aforesaid.

6 Ascertain the representation to be taken from Warren—repealed by act of 15th February, 1799.

7 Appoints new commissioners for Warren county, with power to fix on a place for the court-house, &c. and appoints a temporary one—repealed by act of 1797.

Lincoln county laid out and defined.

8. *And be it further enacted by the authority aforesaid*, That one other new county shall be laid out from the county of Wilkes, in the following manner and form, to wit, beginning at Rae's mill on Little River, running a direct line; from thence to—Zimmerman's, on the road leading from the town of Washington to Barksdale's ferry on Savannah, from said Zimmerman's a direct line to Drury Cade's mill, on Broad River, from thence down Broad River to its mouth, thence down Savannah River to the mouth of Little River, thence up Little River to the beginning: which said county shall be called and known by the name of "Lincoln."

9 Appoints persons to fix on a place for a court-house, &c. repealed by act of 2d February, 1798; and also appoints a temporary one. Obsolete.

Inferior court to levy a county tax, and erect public buildings.

10. *And be it further enacted*, That the justices of the inferior court of the said county to be hereafter appointed, shall be, and they are hereby authorized and empowered to levy a tax on the said county of Lincoln; which tax shall not exceed one half the general tax; and the said justices are hereby authorized and empowered to contract with some person or persons, to build and completely finish the aforesaid public buildings on such plan, and in such manner as they may direct; taking care to take good bond and sufficient security of such undertakers, in double the amount to be paid for such public buildings, for the faithful performance of their duty.

11 Provides for suits commenced previous to the division. Obsolete.

12 Ascertain the representation to be taken from Wilkes—repealed by act of 15th February, 1799.

Dividing lines to be run and marked.

13. *And be it further enacted*, That the surveyor of the county of Wilkes, is hereby directed and required to run and plainly mark the lines describing the aforesaid county of Lincoln from Wilkes county, for which service he shall be allow-



ed the sum of twenty-one dollars, to be levied on and collected from the county of Lincoln, under the direction of the county court thereof.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 20, 1796.

JARED IRWIN, *Governor.*



*An act for building and keeping in repair the court-houses and jails in the respective counties within this state, and for the support of the poor.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That from and after the passing of this act, the justices of the inferior courts of every county within this state, in their respective counties, shall cause to be erected and kept in good repair (or where the same shall be already built) shall maintain and keep in good repair, at the charge of such county, one good and convenient court-house of stone, brick or timber, and one sufficient jail, with the necessary apartments for the safe keeping of criminals and debtors, well secured with iron bars, bolts and locks, and shall cause to be erected contiguous thereto, one pillory, whippingpost and stocks.

Inferior courts to erect and keep in repair court-houses and jails.

2. And be it further enacted by the authority aforesaid, That the inferior courts in each county shall have full power and authority at all times to enquire into the conduct of jailors; and the state of jails in their respective counties, and on neglect of duty to cause such jailors to be removed by an order to the sheriff for that purpose; and the said courts shall have full power and authority to call on all persons, their heirs, executors or administrators in their respective counties, who have had, or may have county monies in their hands, collected for the express purpose of building court-houses and jails, or for any other county purpose whatever; and in case of neglect or refusal to pay the same, the said court shall and are hereby required to cause executions to be issued for the full amount appearing to be due, in the same manner as the treasurer is authorized by law to issue executions against the defaulting collectors of taxes in the different counties; and such monies when collected, may be applied by such court, to the uses and purposes of building and repairing court-houses and jails.

Shall superintend the state of jails, and conduct of jailors, and issue executions against persons detaining county monies in their hands.

3. And to enable the justices of the inferior courts to carry the intention of this act fully into effect: Be it further enacted, That the said county courts be, and they are hereby authorized and empowered to levy a tax on their respective counties, which tax it shall be the duty of the collector of the general tax, to collect and pay into the hands of the clerks of such courts; he first giving bond with approved security to such court, for the faithful collection and payment of the said tax, at any time he shall or may be required by the said courts so to do: *Provided always*, That the tax to be levied by such courts as aforesaid, shall not exceed one fourth part of the general tax, which said monies so assessed and collected as aforesaid, shall be subject to the order of the county courts; one half to be applied to the uses and purposes aforesaid, and the other to the support of the poor and building bridges, and the collectors shall be allowed the same commissions and fees for such collection as is allowed by law for the collection of the general tax, and shall be liable to the same

And apply the same to build and repair court-houses and jails.

May levy a county tax for the use of court-houses & jails, the support of the poor and erection of bridges.

Tax not to exceed one fourth of the general tax.

finer and forfeitures, for any default, neglect or improper conduct; which said fines and forfeitures may be imposed by the county court of each county, at their discretion.

All fines, &c. arising from sales of estrays appropriated to the same purpose.

4. *And be it further enacted*, That all monies that now are, or may hereafter come, into the hands of the clerks of the superior or inferior courts, by fines, or forfeitures, and all money arising from the sale of estrays, are hereby made liable and subject to the draught, or order of the several county courts to be appropriated and applied as aforesaid, either in the building or repairing court-houses and jails, or to the support of the poor and building bridges, at the discretion of such courts.

5 Fixes on a permanent place for the court-house &c. for the county of Bryan, and also a temporary one repealed by act of 1st February, 1797.

All former laws laying county taxes repealed.

6. *And be it further enacted*, That all laws, or parts of laws, clause or clauses heretofore made, or such part thereof as authorize the county courts of this state to levy a tax for county purposes, be, and the same are hereby repealed. *Provided*, That nothing in this act contained shall extend or be construed to extend to have operation in the county of Chatham, so as to repeal or affect any law appointing the mayor, aldermen of the city of Savannah, commissioners of the court-house and jail in the said county.

Chatham county exempted from this act to a certain extent.

THOMAS STEVENS, *Speaker of the House of Representatives*,  
BENJAMIN TALIAFERRO, *President of the Senate*.

Concurred February 21, 1796.  
JARED IRWIN, *Governor*.

.....

*An act to establish and make permanent the seat of the public buildings in the county of Columbia.*

Court-house and jail in Columbia.

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia in general assembly met, and by the authority of the same*, That the seat of the public buildings in the county of Columbia, as far as relates to the court-house and jail therein, shall be on that public lot of land, on the northwest margin of the Big Kiokee Creek, which was conveyed by William Appling, to the commissioners of the court-house and jail, it being the lot of land on which the aforesaid buildings do now stand.

Academy to be within a mile of court-house.

2. *And be it further enacted*, That the seat of the academy shall be at such place as the commissioners of the Columbia academy or a majority of them shall deem proper: *Provided*, such place be within one mile of the aforesaid lot of land.

THOMAS NAPIER, *Speaker of the House of Representatives*,  
BENJAMIN TALIAFERRO, *President of the Senate*.

GEORGE MATHEWS, *Governor*.  
November 29, 1794.

.....

*An act, to alter the present boundary lines of the several counties therein mentioned.*

Part of Effingham added to Bryan.

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia in general assembly met*, That all that part of Effingham county, south of Ogechee River, be, and the same is hereby declared to be added to Bryan county.

2. *And whereas* certain doubts have arisen respecting the boundary lines of the county of McIntosh, and inasmuch as the same are uncertain and indefinite: *Be it enacted*, That the true construction of the act laying off the county of McIntosh, as respects the boundaries of the same, is and shall be in manner following, viz. from the north end of Blackbird Island to the mouth of South Newport River; from thence up Bull Town Swamp to the mouth of Big Mortar Swamp; thence along the southern margin of the main Bull Town Swamp, to the head or source thereof; from thence a northwest course to the old boundary line; and thence along the same to the Alatomaha River; down the said main stream to the south branch thereof; thence down that branch of the said river, which empties itself at the north end of Little St. Simon's Island, to its mouth; and from thence along the sea-coast to the north end of Blackbird Island.

Boundary of McIntosh defined

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 16, 1794.



*An act for adding part of Greene county to Oglethorpe county, and for other purposes.*

**BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That all that part of Greene county, contained in the following boundary, be added to Oglethorpe county—beginning at the Cherokee Corner; thence along the line dividing Franklin from Greene to the Oconee River; thence down the said river to the mouth of Falling Creek; thence north sixty degrees east, till it shall intersect the line running from the head of Ogechee to the Cherokee Corner. And that the county surveyor of Oglethorpe be directed, within two months, to run the said line.

Part of Greene added to Oglethorpe.

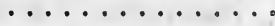
Dividing line to be run in two months.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 25, 1794.



*An act to establish and make permanent the seat of the public buildings in the counties of Scriven and Bryan.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the seat of the public buildings in the county of Scriven, so far as relates to the court-house and jail, shall be in the centre of said county, or such other place as may be adjudged most convenient for the citizens thereof, by James H. Rutherford, Francis Jones, Martin Martin, Anthony Burnell, sen. and Stephen Pearce, or a majority of them.

Commissioners of court-house and jail in Scriven.

2. *And be it further enacted*, That the said James H. Rutherford, Francis Jones, Martin Martin, Anthony Burnell, sen. and Stephen Pearce, or a majority of them, shall be, and they are hereby fully authorized to purchase, or otherwise procure, a

Shall purchase land for that purpose.

title in fee simple for such lot of land as they, or a majority of them, shall judge most convenient for the seat of the aforesaid public buildings, containing not less than five, nor more than fifty acres, in trust, to and for the use of the said county of Scriven, and to let the building of a court-house and jail thereon to the lowest bidder, first giving twenty days' public notice of such intentions.

Courts, where to be held in the mean time.

3. *Be it further enacted*, That the house of Benjamin Warren, shall be considered as the court-house of the aforesaid county, until the aforesaid buildings shall be completed, and no longer; and that all monies which shall be necessary to carry this act into execution, shall be provided for by the inferior court of the aforesaid county, by exposing to sale such part of the foregoing lot of land as they may think proper, or otherwise, pursuant to an act in such cases made and provided.

Inferior courts to establish the seat of the public buildings in Bryan county.

4. *And be it further enacted*, That the justices of the inferior court in the county of Bryan shall be, and they are hereby authorized and empowered to make permanent the seat of the public buildings in the said county, at the cross roads, about two miles from Ogechee bridge, or at any other place within half a mile of the said cross roads, any law to the contrary thereof in any wise notwithstanding. And that the justices of the inferior courts for the said county of Bryan, be, and they are hereby empowered to make purchase for ground sufficient for that purpose: *Provided* the same shall not exceed two acres, and that the same be taken at a valuation of a majority of the said justices.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 1, 1797.

JARED IRWIN, *Governor.*

• • • • •

*An act for fixing permanently the seat of the public buildings in the county of Montgomery.*

Preamble.

Commissioners to fix on a place for the permanent seat of public buildings.

**W**HEREAS in and by act of the legislature of this state passed at Augusta in the year of our Lord one thousand seven hundred and ninety-three, entitled "An act for laying out the several counties herein after named;" it was enacted, that Solomon Wood, John Watts, Francis Pugh, Benjamin Harrison, and Jesse Embry, be appointed commissioners for fixing on a proper place to erect a court-house and jail in the county of Montgomery, and until such buildings be erected, the courts should be held at the house of William Neal: *And whereas*, it now appears by the representatives of the said county, that the buildings are prepared for that purpose at the plantation of Arthur Lott on the Ohoofce, being the place affixed on by the aforesaid commissioners.

Arthur Lott's the seat.

*Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That the courts, elections, and other county business, be hereafter transacted at the plantation of the said Arthur Lott.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 8, 1797.

JARED IRWIN, *Governor.*

*An act to establish and make permanent the seat for public buildings in the county of Warren.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the permanent seat for the court-house and jail in the county of Warren shall, and is hereby declared to be, on a lot or parcel of land, on the plantation whereon Starling Gardner now resides, which was pointed out and agreed upon by the late commissioners appointed for that purpose. *Provided*, That said Starling Gardner shall, within three months after the passing of this act, well and truly execute and deliver a deed in fee simple, for seven acres of land, to be conveyed to the said commissioners, herein after named and their successors in office, to, and for the use of the said county, to be laid out in lots, and appropriated as the said commissioners may direct, so as to carry into full effect a contract heretofore made between the commissioners of the said county and the said Starling Gardner.

Permanent seat of public buildings in Warren.

2. *And be it further enacted*, That the justices of the inferior court of the said county and their successors in office, are hereby declared to be commissioners of the court-house and jail of the county aforesaid, and they or a majority of them are hereby authorized and fully empowered to let the same to the lowest bidder, after giving thirty days' notice in three or more public places in the said county, on such plan as they may think proper, any law to the contrary notwithstanding.

Inferior court to be the commissioners.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 DAVID EMANUEL, *President of the Senate.*

Concurred February 27th, 1797.  
 JARED IRWIN, *Governor.*

.....

*An act to repeal and amend an act entitled "An act for laying out a new county from that part of Scriven that lies south of Ogechee River and part of Bryan county," so far as respects the public buildings of Bullock county, for appointing commissioners of the court-house and jail, and fixing on a permanent place for their establishment.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That Drury Jones, Andrew E. Wells, Stephen Denmark, Joseph Rogers, and John Cook, be, and they are hereby appointed commissioners, with full and ample powers to point out and fix upon the most suitable and convenient place in the county of Bullock, for erecting a court-house and jail thereon, and such place to be agreed on by them, or a majority of them, shall and the same is hereby declared to be the permanent seat of the court-house and jail for the said county of Bullock.

Commissioners to fix on the permanent seat of public buildings in Bullock.

2. *And be it further enacted*, That from and immediately after the expiration of the time appointed for holding the next term of the superior and inferior courts in and for the said county of Bullock, the same shall be held at the plantation and house of William Fletcher, the same being the present most suitable place, until a permanent place be fixed on, and a court-house and jail be erected in pursuance of this act, any thing contained in or done in virtue of the before recited act to the contrary notwithstanding, which said before recited act is hereby repealed, so far as relates to the objects of this act.

William Fletcher's, temporary seat.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 ROBERT WALTON, *President of the Senate.*

Assented to February 16, 1799.  
 JAMES JACKSON, *Governor.*

*An act for adding a part of Oglethorpe to Greene, and a part of Greene to Oglethorpe.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That a line shall be run, beginning where Oglethorpe county strikes the river Ogechee; from thence along the line dividing Wilkes and Oglethorpe to Armour's ford on Little River; thence up the river to Sill's fork; from thence a direct line to the academy meeting-house; and from thence in a straight line to the mouth of Falling Creek, on the Oconee River.

Line dividing the two counties defined.

2. *And be it further enacted*, That all that part of Oglethorpe, south and southwest of the aforesaid line, be added to Greene; and all that part of Greene lying north of the aforesaid line, be added to Oglethorpe, and that the county surveyor of Oglethorpe be directed to run the said lines as soon as may be. And each of the aforesaid counties to pay an equal proportion of the expence.

All to the south and southwest of said line added to Greene, all on the other side to Oglethorpe.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 16, 1799.

JAMES JACKSON, *Governor.*

.....

*An act to amend an act for adding part of Oglethorpe to Greene and part of Greene to Oglethorpe.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the line dividing said counties of Greene and Oglethorpe, shall begin at the mouth of Sill's fork of Little River; from thence to Richard Parker's house; from thence up the main source of Little River to Clay's bridge; from thence to Joseph Moore's, so as to leave Robert Ruffel and Alexander Cumming's in Oglethorpe; from thence a straight line to the mouth of Falling Creek, on the Oconee River.

Line dividing Greene and Oglethorpe defined.

2. *And be it further enacted*, That all the above recited act which militates against this law is hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to November 30, 1799.

JAMES JACKSON, *Governor.*

.....

*An act for the better regulating the admeasurement of lumber, and for other purposes.*

1, 2, 3, 4 and 5 Sections of this act regulating the admeasurement of lumber, repealed by act of 1799.

Commissioners to fix on a permanent seat of public buildings in Lincoln county,

6. *And be it further enacted by the authority aforesaid*, That so much of an act passed in the year of our Lord one thousand seven hundred and ninety-six, so far as respects the appointing of commissioners for fixing on a spot for a court-house and jail, in the county of Lincoln, be, and the same is hereby repealed; and that Isaac Avery, John Winne, Duncan Bohannon, John Mofs, and John Lockhart, he, and they

are hereby nominated and appointed commissioners for fixing on a spot for the court-house and jail in the county of Lincoln ; and that a determination of the said commissioners, or a majority of them, shall be binding in all cases respecting the fixing the court-house and jail for the said county, any law to the contrary notwithstanding.

8. *And be it further enacted by the authority aforesaid,* That so much of an act passed in the year of our Lord one thousand seven hundred and ninety-six, so far as respects the appointing of commissioners for fixing on a spot for a court-house and jail in the county of Jackson, be, and the same is hereby repealed ; and that James Cunningham, Owen I. Bowen, Thomas Barren, Joseph M<sup>c</sup>Cutching, Absalom Ramey, Matthew Stone, and Micajah Binge, be, and they are hereby nominated and appointed commissioners for fixing on a spot, for the court-house and jail in the county of Jackson ; and that a determination of the said commissioners, or a majority of them, shall be binding in all cases respecting the fixing the court-house and jail for the said county ; any law to the contrary notwithstanding.

And for the same purpose in Jackson.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to February 2, 1798.

JAMES JACKSON, *Governor.*

.....

*An act to establish a town in the county of Scriven.*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That all that tract of land which was conveyed by Solomon Gros, esq. to the inferior court of Scriven county for public purposes containing fifty acres on the waters of Beaver Dam Creek, (it being the seat of the public buildings in the said county) shall be, and the same is hereby confirmed as the seat of public buildings of Scriven county, and shall in future be known by the name of "The town of Jacksonborough."

Jacksonborough laid out and confirmed to be the seat of the public buildings in Scriven.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 16, 1799.

JAMES JACKSON, *Governor.*

.....

*An act for vesting certain powers in commissioners to purchase lands, and superintend the building a court-house and jail in Bullock county.*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That Joseph Rogers, Drury Jones, Stephen Denmark, John Cook, and John Everett, be, and they are hereby appointed commissioners vested with full power to contract for and receive on the part of the county of Bullock not exceeding one hundred acres of land, for making permanent the seat of public buildings and to superintend the building a court-house and jail thereon, and that they draw on the treasury for any monies that now is, or may be hereafter appropriated for building a court-house and jail in the

Commissioners appointed to choose a permanent seat for the public buildings in Bullock, with power to purchase land and erect public buildings.

county aforesaid, and that in the interim the courts shall continue to be held and other public business transacted at the house of William Fletcher; any law to the contrary notwithstanding.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Affented to December 5, 1800.

JAMES JACKSON, *Governor.*

.....

DAMS, RICE.

*An act to prevent damages arising from dams or banks, and for preventing persons from stopping the natural course or courses of water, to the injury of their neighbors.*

Preamble.

1. **W**HEREAS it hath become a practice for persons to make dams or banks for the reserving or stopping of water, and at unseasonable times to let off the water so stopped or reserved, to the manifest injury of their neighbors; to prevent therefore, such injuries for the future, *Be it enacted*, That from and after the passing of this act, no person or persons whomsoever, shall be permitted or allowed to make or keep up any dams or banks to stop up the natural course of any water or waters, so as to overflow the lands of any other person or persons, without the consent of such person or persons being first had and obtained; nor shall any person or persons whomsoever, stop or prevent any water or waters from running off any person or persons' field, whereby such person or persons may be prevented from planting in season, or receive any other injury whatsoever; nor so as to turn the natural course of any water or waters, from one channel or swamp, to another, to the prejudice of any neighbor or neighbors, or any other person or persons whomsoever.

No person shall dam up water courses as to overflow another's lands against their consent

2. *And be it further enacted*, That in case any person or persons shall make or keep up any such dams or banks, to the injury of any other person or persons, by overflowing their lands as aforesaid, upon complaint made thereof by the party injured, to any justice of the peace for the district where the offence shall be committed, such justice shall be, and he is hereby fully empowered, authorized and required, to summon five free holders of the said district, one of whom shall be named by the said justice, and two by each of the parties; and such free holders, being first sworn before such justice to determine the matter justly and impartially, shall forthwith proceed to view the said banks and dams: and the damage complained of, and immediately certify the matter as they shall find it, under their hands, to the said justice; and in case an award shall be given in favor of the complainant, the said justice shall immediately make an order to cut open the bank or dam, in such manner as to prevent any further damage, the expence whereof, and all other expences attending the prosecution, to be paid by the offender.

Justices of the peace to summon five free holders to determine matters complained of.

3. *And be it further enacted*, That in case any damage shall have been already sustained by the complainant, either by such dams or banks being kept up, or by letting off any reserved waters, the said free holders shall, upon view thereof, ascertain and certify the same, under their hands, to the said justice, which damages so ascertained the offender shall immediately pay and satisfy, to the party grieved, and in case of neglect or refusal so to do in ten days, the said damage, if it does not exceed the sum of eight pounds, shall and may be recovered in the same way as debt and damages

Damages to be ascertained by the free holders and paid by the offending party.



are directed to be recovered and levied by the act, entitled "An act for the more easy and speedy recovery of small debts and damages;" and in case the said free holders shall be of opinion that such damages do exceed the sum of eight pounds, then such damages shall and may be recovered in any court of record in this province in the usual manner: *Provided always*, That nothing in this act shall extend or be construed to subject any person or persons who shall have made or cause to be made, or shall make or cause to be made, any banks or dams, to reserve or stop water, to pay any damages which may be sustained by breaking of the said dams or banks, when occasioned by violent rains or floods, or when there may be an absolute necessity for cutting the said dams or banks to prevent the breaking of the same; and in case any free holder shall neglect or refuse to obey the summons of the justice, or any other matter herein directed, such free holder shall (unless he can make a reasonable excuse) forfeit a sum not exceeding five pounds, nor less than forty shillings, to be sued for and recovered by the act, entitled "An act for the more easy and speedy recovery of small debts and damages," and to be applied, the one half to the informer and the other half to his majesty, to be paid into the hands of the treasurer, for such use and purposes as the General Assembly shall think proper.

4. *And be it further enacted*, That the free holders shall each be allowed for their trouble and attendance herein, the sum of five shillings for each day's attendance on the same, to be paid by the party or parties offending. Compensation of the freeholders.

5. *And be it further enacted*, That in case any person or persons whomsoever shall be sued or impleaded for any matter or thing committed or done in pursuance of the directions of this act, it shall and may be lawful for such person or persons to plead the general issue, and give this act and the special matter in evidence; and in case the plaintiff shall become non-suit, suffer a discontinuance, or a verdict shall pass against him, the defendant shall be allowed double costs. Persons sued for executing this act, may plead the general issue.

6. *And be it further enacted*, That this act shall continue and be in force for the term of three years, and from thence to the next session of the General Assembly, and no longer.\* Continuation.

WILLIAM YOUNG, *Speaker.*  
JAMES HABERSHAM, *President.*

September 29, 1773.  
JAMES WRIGHT.

\* See act of 1787.

.....

*An act to regulate the opening of dams across Rice grounds, and the making and keeping dams for the reservoirs of water.*

1. **W**HEREAS the practice of making and keeping up dams, across Rice grounds for the purpose of reserving water thereon during the winter, and the want of a proper law to ascertain the time when the same ought to be opened, has been attended with many inconveniences, and often times is the cause of much contention; for remedy whereof, *Be it enacted by the freemen of the state of Georgia in General Assembly met, and by the authority of the same*, That every person who shall keep water during the winter, upon grounds on which rice shall be planted the ensuing spring, shall on or before the fifth day of March next, and on the fifth day of Preamble.  
Rice dams to be opened on the fifth day of March yearly.

One hundred pounds forfeited for neglect.

March in each year, open the dams which keep up the water, in a sufficient manner for letting off the same; and if any person or persons shall neglect so to do, on or before the time aforesaid, he or she, shall forfeit and pay the sum of one hundred pounds for every such neglect, upon the complaint or information of any person or persons through whose land such water may pass; and it shall and may be lawful for such person to inform, and sue for the same in any court of record in the county where such offence is committed, and on conviction, the one half thereof shall be paid to the informer, and the other half to the use of the poor of the said county.

A justice and three free holders may break open dams and remove obstructions.

2. *And be it further enacted by the authority aforesaid,* That where any person has neglected to open his or her dam or dams in a sufficient manner for letting the water off the grounds before described, on or before the fifth day of March in every year, in manner aforesaid, it shall and may be lawful for any person who may be affected thereby, at any time after the day aforesaid in every year, either by himself or herself, or his or her overseer, agent, attorney or trustee, to apply to any magistrate in the district for a warrant of survey, who shall thereupon notify to the defendant the complaint made against him, with the time and place of meeting, and summons three free holders, disinterested persons of the neighborhood or district where the cause of complaint shall lie, one of whom shall be then chosen by the defendant, and in case of his refusal, then by the magistrate, another by the complainant, and the third by the magistrate, who (being first sworn before the magistrate to determine the matter in dispute justly and impartially) shall forthwith proceed to view the obstructions complained of; and if on view thereof the said free holders, or a majority of them shall be of opinion that such obstructions do or may prevent the party complaining from planting his or her crop of rice in proper time, then and in such case it shall and may be lawful for the said free holders or a majority of them, to cause the same to be immediately opened or removed in any way or manner, they shall think necessary for the purpose of giving the most effectual relief to the party complaining, whereupon the defendant shall be obliged to pay all expenses attending such survey: *Provided always,* That nothing herein contained shall extend or be construed to extend to impose any penalty on any person or persons, or to cause his or her dams or banks to be opened, who shall have made through his or her own lands a sufficient drain or drains (of which the said free holders shall be the judges) to carry off the waters passing through the same, in as expeditious a manner as they could have passed through the natural courses or channels, in case no such banks had been erected.

Proviso

Mode of removing obstructions to passing off surplus water.

3. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person, at any time between the said fifth day of March and the first day of November in every year, to apply in manner aforesaid for a warrant of survey, on any obstructions which he or she may conceive to impede the conveying of any surplus water on his or her rice grounds, and which by remaining thereon may prove any way injurious, or shall at any time hereafter make or keep up any dam or dams which shall stop the course of any water, so as to overflow the lands of any other person or persons whatever (without the consent of such person or persons first had and obtained,) and which shall be injurious to the said person or persons, then in either of such cases, the said magistrate and the free holders by him appointed, shall proceed in the same manner as is directed in the foregoing clause: *Provided always,* That if in either of the cases last mentioned the defendant shall neglect or refuse to attend at the survey to choose a free holder as aforesaid, then the three free holders who shall have been summoned by the magistrate shall proceed to determine the

Proviso.

matter in dispute, in the same manner as if the defendant had been present and had chosen a free holder; which said free holders shall in both cases certify to the said magistrate, under their hands, what shall have been by them done in the premises; the expences attending which survey shall be paid by the party against whom the award of the said free holders shall be given.

4. *And be it further enacted by the authority aforesaid,* That if any person, either by himself or herself, or by his or her overseer, agent, attorney or trustee, or servants, or slaves, or any other person or persons acting for him or her, shall presume to stop up any dam or dams, or replace any obstructions in any manner whatsoever, which has or have been ordered to be opened or removed by any free holders as aforesaid, or which has or have been opened or removed by himself or herself, or his or her overseer, agent, attorney or trustee, or by order of either of them, on the said fifth day of March, until the first day of July, every person so offending shall forfeit and pay the sum of two hundred pounds, to be recovered and disposed of in manner aforesaid. And if any person shall presume to obstruct, impede or otherwise hinder or interrupt the opening of any dam or dams, or the removing of any obstructions ordered to be opened or removed by the free holders as aforesaid, every person so offending shall forfeit and pay for every such offence the sum of two hundred and fifty pounds, to be recovered and disposed of in any manner aforesaid.

Persons stopping up dams, opened, or replacing obstructions between the fifth of March and the first of July, shall forfeit two hundred pounds and two hundred and fifty pounds for hindering the opening of dams, &c.

5. *And whereas* the keeping reservoirs of water by insufficient dams, and the want of proper wasteways thereto, is frequently the cause of such dams breaking and overflowing the fields of other persons to their great damage: *Be it therefore enacted by the authority aforesaid,* That where any dam or dams have been made, or shall hereafter be made for the purpose of forming reservoirs of water, without a sufficient wasteway, and which now are or shall hereafter be found inadequate to sustain the weight of water against the same, the owner of such dam or dams shall immediately, or as soon as may be, cause the same to be enlarged and strengthened where they are already made and are insufficient, and such as may hereafter be made to be erected in a substantial manner, with a sufficient wasteway. And if any person shall neglect to strengthen his or her dam or dams already erected for the purpose aforesaid where necessary, or shall hereafter erect any dam or dams for the purposes aforesaid, and which (in either case) in the opinion of three free holders, or a majority of them (to be appointed and proceed in manner herein after mentioned, respecting surveys of dams across rice grounds,) is or are not made and regulated in manner hereby prescribed, every person so offending shall, on complaint of any person or persons liable to be affected thereby, and on conviction thereof in any court of record in the county where such offence is committed, forfeit and pay the sum of one hundred pounds for every such offence which may be sued for, and if recovered, be disposed of in manner aforesaid.

Insufficient dams to be enlarged under penalty of one hundred pounds.

6. *And be it further enacted by the authority aforesaid,* That every person to be summoned as aforesaid, shall be a resident in the county where his attendance shall be required, and who upon being duly summoned and attending any survey as aforesaid, shall be entitled to receive the sum of nine shillings and four-pence per day each for every such attendance, to be paid by the person against whom the verdict of the free holders shall be given; and in case of the non-attendance of any person a resident, and summoned as aforesaid, (unless prevented by sickness or some reasonable excuse to be made upon oath, to the satisfaction of such magistrate) then and in such

Free holders allowed two dollars per day for their services.

Shall forfeit ten pounds for neglecting to attend when summoned.

case every such person so neglecting to attend when summoned as aforesaid, shall forfeit and pay the sum of ten pounds per day for every such neglect or refusal.

By order of the House,

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1787.

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## DEBTORS, INSOLVENT.

*An act for the relief of debtors who may be confined in jail, and are unable to support themselves during such their confinement.*

Preamble.

**W**HEREAS it often happens that debtors are confined in jail, and are through inability to support themselves during their confinement, reduced to great distress and want, and are also often confined, as well by the obstinacy of their creditors, as by their incapacity to pay their debts.

Insolvent debtors in execution, how to be relieved.

1. *Be it enacted,* That immediately after the passing of this act, any prisoner or prisoners charged in execution or imprisoned for any sum or sums of money, and being unable to support him, her or themselves, shall and may petition the chief justice, or justices of the general court of pleas of this province, setting forth their inability to maintain themselves during their confinement, and upon such petition the said chief justice or justices may, and are hereby required by order or rule of the court, to cause the prisoner to be brought up, and the several creditors at whose suit he, she, or they are charged or imprisoned, as aforesaid, to be summoned to appear personally, or by their attorney in court, at a day to be appointed for that purpose, and upon the day of such appearance, if any of the creditors summoned refuse or neglect to appear, upon affidavit of the due service of such rule or order, the court shall in a summary way examine into the matter of such petition, and upon such examination the court may, and are hereby required to administer, or tender to the prisoner an oath to the effect following, and in case the person taking such oath, shall have any real or personal estate, debts, credits, or effects, such person shall deliver to the court, before the tender of such oath, an account thereof. “I, *A, B,* do solemnly swear, in the presence of Almighty God, that I am not possessed of any real or personal estate, debts, credits, or effects whatsoever, (my wearing apparel, bedding, for self and family, and the working tools or implements of my trade and calling excepted) wherewith to maintain or support myself during my imprisonment, (other than are contained in the schedule now delivered) and that I have not directly or indirectly, since my imprisonment, or before, sold, leased, assigned, or otherways disposed of or made over, in trust for myself or otherwise, any part of my lands, estates, goods, stock, money, debts, or other real or personal estate, whereby to have or expect any benefit or profit to myself, or my heirs. So help me God.”—And in case the prisoner shall in court take the said oath, and the creditor or creditors so summoned and being in court as aforesaid, shall notwithstanding, insist upon his or her being detained in prison, such creditor or creditors shall agree by writing, under his, her or their hands, to pay and allow a weekly sum not exceeding seven shillings per week, unto the said prisoner, to be paid weekly, so long as he or she shall continue in prison, at his, her, or their suit, and on refusal of entering into such agreement, or on failure of payment of such

Their oath.

creditor may still detain the prisoner, by paying a weekly allowance of seven shillings.

weekly sum, the said prisoner shall forthwith and upon application to the court, be discharged, by order of the court, and such order shall be a sufficient warrant to the provost marshal, jailor, or keeper of such prisoner, to discharge the said prisoner if detained for the causes mentioned in his, or her petition, and no other; and he is hereby required to discharge and set him or her at liberty forthwith, the prisoner paying his or her fees, nor shall the provost marshal or jailor be liable to any action of escape, or other suit, or information upon that account: *Provided*, That this act shall not extend or be construed to extend, to entitle to such maintenance as aforesaid, or to discharge any debtor or debtors whose trade or occupation may or can be carried on, and can find sufficient employment within the limits of the jail in which he she or they may be confined, by means whereof a sufficient subsistence may or can be earned by him her or them.

This act not to affect persons capable of laboring in prison.

2. *Provided also, and be it further enacted*, That if any such person who shall take such oath as aforesaid, shall, upon any indictment for perjury in any matter or particular contained in the said oath, be convicted by his or her own confession, or by verdict of twelve men, as he or she may be by force of this act, the person so convicted shall stand in the pillory for the space of two hours, and shall never after have the benefit of this act.

Persons convicted of perjury under this act to stand in the pillory and excluded from the benefit of this law.

3. *And be it further enacted*, That this act shall be and continue in force for one year, and from thence to the end of the next session of the general assembly, and no longer.\*

Continuation.

ALEXANDER WYLLY, *Speaker*.  
 JAMES HABERSHAM, *President*.

JAMES WRIGHT.  
 March 6, 1766.

\* Doubts are entertained whether this act has any operative force since the signing of the present constitution.

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DEBTS, OUTSTANDING EVIDENCES OF.

*An act for calling in the outstanding evidences of debts due from this state, and for issuing new ones in lieu thereof, under proper checks and restrictions.*

1. **W**HEREAS abuses may arise from a variety of certificates for debts due by this state having been issued without proper checks: *Be it therefore enacted*, That every person or persons holding any certificate or certificates, issued by either or any of the auditors or treasurers of this state, as well for sums of money due and owing from the state, as for bounties of land issued in favor of the late state troops, shall, within two years from and after the passing of this act, return the said certificate or certificates to the comptroller general, who shall file the same in his office of record, and issue to the holder thereof his certificate for the like amount in lieu thereof: *Provided*, The said certificate or certificates returned as aforesaid, shall appear to the entire satisfaction of the said comptroller general, to be a genuine certificate or certificates, issued by one of the auditors or treasurers of the state agreeable to law, or a concurred resolution of the General Assembly. *And provided also*, That nothing in this act shall extend to authorize the said comptroller general to receive any certificate or certificates under the signature of Wade and O'Bryan, or to issue his certificate in lieu of such certificate or certificates under the signature of the said Wade and O'Bryan.

Preamble. All certificates to be returned to the comptroller general who shall issue new ones in lieu thereof.

Provided said certificates be genuine.

Wade and O'Bryan's certificates excepted.

DEBTS, OUTSTANDING EVIDENCES OF.

Counterfeit certificates to be defaced.

2. *And be it further enacted*, That in case any certificate or certificates issued by any of the auditors or treasurers as aforesaid, which shall be presented to the said comptroller general, shall appear to him to be counterfeit, he shall deface such certificate or certificates, by writing in large letters the word "*Counterfeit*" on the face of the said certificate or certificates, and retain and file the same in his office, and shall not issue any certificate in lieu thereof.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to February 2d, 1798.

JAMES JACKSON, *Governor.*

.....

*An act further explaining and defining the duties and powers of the comptroller general.*

Freignable.

1. **W**HEREAS great abuses have arisen, and the state hath sustained many losses in the revenue for the want of a proper officer to compel persons entrusted with the collection and care of public monies, to account for the same: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That the comptroller general shall, from and after the passing of this act, keep fair and accurate accounts, shewing the several appropriations of money, examine and check all governors, presidents and speakers' warrants, and charge the amount thereof to the funds on which they may be respectively drawn, previous to their being presented to the treasurer for payment; examine and correct all returns of taxable property, settle with the several tax collectors and all other persons indebted to the state, and in all cases where payments may be made at the treasury, give receipts for the same, founded on the treasurer's certificates, which certificates shall specially set forth the amount, on what account, and by whom paid, and be lodged as vouchers in the comptroller's office.

Duty and power of the comptroller general, defined.

He has the power of the treasurer in collecting public monies.

2. *And be it further enacted by the authority aforesaid*, That all the powers heretofore vested in the treasurer, to enforce the collection of public monies, shall be, and the same is hereby declared to be vested in the comptroller general.

3. *And whereas* there are still outstanding many certificates, land-bounties, and other evidences of debt, which have been issued in a vague and unguarded manner, and have not been renewed under proper checks, as required by an act passed at Louisville, on the second day of February one thousand seven hundred and ninety-eight; "for calling in the outstanding evidences of debts due from this state, and for issuing new ones in lieu thereof, under proper checks and restrictions."

All certificates, &c. not renewed in two years pursuant to an act of assembly of February 1798 declared null and forever barred.

*Be it therefore enacted by the authority aforesaid*, That all certificates, land-bounties, and other liquidated evidences of debt, specially designated in the said recited act, which shall not be renewed in manner and form therein prescribed, within the term of two years, from and after the passing of this act, shall from thenceforth be deemed fraudulent and forever barred.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 5, 1799.

JAMES JACKSON, *Governor.*

*An act to prevent the pernicious practice of hunting deer in the night time by fire-light.*

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, That from and immediately after the passing of this act, any person or persons who shall hunt with a gun by fire-light, or kill any deer so hunting by fire-light in the night time, without his or their own enclosures, any such person or persons, being convicted upon the oath of one or more credible witnesses, before any justice of the peace for the county where such offence shall be committed, shall for every such offence forfeit and pay not exceeding the sum of five pounds, one half thereof shall be paid to the informer or informers, and the other half into the clerk's office of the inferior court, and to be applied to the use of the poor of the county where such offence shall be committed. Persons hunting deer by fire-light forfeit five pounds. One half to the informer, the other to the poor.
2. *And be it further enacted,* That the forfeitures incurred by this act as aforesaid, shall be levied by distress and sale of the offender's goods and chattels, lands and tenements, by warrant under the hand and seal of the justice before whom the person or persons so incurring shall be convicted, returning the overplus, if any, to the owner or owners thereof, after deducting the said penalty or forfeiture and lawful charges; and in case the person or persons so offending and convicted shall not have goods and chattels, lands or tenements, sufficient to answer such forfeiture and charges, it shall and may be lawful for such justice, to order such offender or offenders so convicted, severally to receive not exceeding thirty-nine lashes well laid on his or their bare back. To be levied by warrant of distress. Offenders unable to pay shall receive thirty-nine lashes;
3. *And be it also enacted,* That this shall be deemed a public act and given in evidence. Public act.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 10, 1790.



DEPRECIATION, SCALE OF.

*An act to ascertain the various periods of depreciation for the government and regulation of all and every person or persons whom the same may concern.*

**W**HEREAS it is expedient and necessary in order to settle and adjust the various accounts subsisting as well between the public and its debtors and creditors, as between man and man, and the inhabitants of this state, and others concerned in transactions of business since the present war; that some standard of depreciation by comparison between the money formerly circulating, and specie, should be first ascertained and established by law, so that one uniform course of justice take place throughout this state, *And whereas* a scale or table fixing the depreciation of different periods of paper currency by comparison with specie, hath been framed and laid before this house which appears to be founded on principles of justice and equity, *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 the scale or table of depreciation hereunto annexed, declared to be the standard of depreciation of paper money at the several periods therein mentioned. Preamble. Scale of depreciation hereunto annexed, declared to be the standard of depreciation of paper money at the several periods therein mentioned.

ciation framed as aforesaid (a copy whereof is hereunto annexed duly certified by the speaker of this house) be, and the same is hereby declared to be, the standard of depreciation at the different periods therein mentioned of paper currency (by comparison with specie) circulating in and throughout this state; and all judges, justices, juries, auditors, and others are hereby enjoined and required to regard the said depreciation table hereunto annexed, as the true rule of government, in the settlement of all accounts and other transactions, (pecuniary or otherwise) which shall come before them, or any of them, and to conduct themselves respectively according to the true intent and meaning of the same.

Public act.

2. *And be it further enacted*, That this act shall be considered as a public act, and taken notice of as such in all courts whatsoever within this state, without being specially pleaded.

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

Savannah, February 17, 1783.



A TABLE OF DEPRECIATION

For settling contracts and debts made or due in Georgia currency, from the first of January, one thousand seven hundred and seventy-seven, to the first day of June, one thousand seven hundred and eighty. And in continental currency, from the first day of January, one thousand seven hundred and seventy-seven, to the first day of January, in the year of our Lord one thousand seven hundred and seventy-nine.

Those figures on the right hand, in each column, are tenths.

1777.	February	April.	June.	August	Septem.	Novem	January.	March.	May.	June
January.	25 121 6	19 140 8	12 157 7	5 175 3	30 195	23 248 4	15 315 1	9 420 7	2 531 2	27 526 7
1 100	26 122	20 141 1	13 157 3	6 175 6	30 195	24 249 4	16 317 1	10 422 8	3 531 1	28 526 7
2 1 4	27 122 4	21 141 4	14 157 6	7 176	October.	25 250 4	17 319 1	11 424 9	4 531	29 526 6
3 100 7	28 122 8	22 141 7	15 157 9	8 176 3	1 195 4	26 251 4	18 321	12 427	5 530 9	30 526 6
4 101 1	29	23 142	16 158 2	9 176 7	2 196 4	27 252 4	19 323	13 429 1	6 530 9	
5 101 5	March.	24 143 3	17 158 5	10 177 3	3 197 4	28 253 4	20 325	14 431 3	7 530 8	
6 101 9	25 142 6	18 158 8	11 177 4	4 198 4	4 198 4	29 254 4	21 327	15 433 3	8 530 7	July
7 102 3	1 123 1	19 159 1	12 177 7	5 199 4	5 199 4	30 255 4	22 328 3	16 435 3	9 530 6	1 526 5
8 102 7	2 123 5	20 159 4	13 178 1	6 200 4	6 200 4	Decem.	23 330 9	17 437 4	10 530 5	2 526 7
9 103 1	3 123 9	21 159 7	14 178 4	7 201 4	7 201 4	24 332 9	18 439 5	11 530 5	3 526 9	
10 103 5	4 124 3	22 160	15 178 8	8 202 4	8 202 4	1 256 4	25 334 9	19 441 6	4 526 1	
11 103 9	5 124 7	30 144 1	23 160 3	16 179 1	9 203 4	2 257 4	26 336 9	20 443 7	5 527 3	
12 104 3	6 125 1	24 160 7	17 179 5	10 204 4	10 204 4	3 258 4	27 338 8	21 445 8	6 527 5	
13 104 7	7 125 5	May.	25 161	18 179 8	11 205 4	4 259 4	28 340 8	22 447 8	7 527 7	
14 105 1	8 125 9	1 144 4	26 161 4	19 180	12 206 4	5 260 4	29 342 8	23 449 9	8 527 9	
15 105 5	9 125 3	2 144 8	27 161 7	20 180 6	13 207 4	6 261 4	30 344 8	24 452	9 528 1	
16 105 9	10 126 7	3 145	28 162	21 180 9	14 208 4	7 262 4	31 346 7	25 454 1	10 528 3	
17 106 2	11 127 1	4 145 3	29 162 4	22 181 9	15 209 4	8 263 4	February	26 456 2	19 529 3	11 528 5
18 106 6	12 127 5	5 145 6	30 162 7	23 181 6	16 210 4	9 264 4	27 458	3 20 529 8	12 528 7	
19 107	13 127 9	6 145 9	July.	24 182	17 211 4	10 265 4	1 348 1	28 460 3	21 529 1	15 528 9
20 107 4	14 128 3	7 146 2	25 182 3	18 212 4	11 266 4	2 350 4	29 462 4	22 529 6	14 529 1	
21 107 8	15 128 6	8 146 5	1 163	26 182 7	19 213 4	12 267 4	3 352 7	30 464 5	23 529 5	15 529 3
22 108 2	16 129	9 146 8	2 163 3	27 183	20 214 4	13 268 4	4 354 6	31 466 6	24 529 4	16 529 5
23 108 6	17 129 4	10 147 1	3 163 7	28 183 4	21 215 4	14 269 4	5 356 6	February	25 529 4	17 529 7
24 109	18 129 8	11 147 4	4 164	29 183 7	22 216 4	15 270 4	6 358 6	April.	26 529 3	18 529 9
25 109 4	19 130 2	12 147 7	5 164 4	30 184 1	23 217 4	16 271 4	7 360 6	1 468 7	27 529 2	19 530 1
26 109 8	20 130 6	13 148	6 164 7	31 184 4	24 218 4	17 272 4	8 362 5	2 470 8	28 529 1	20 530 3
27 110 2	21 131	14 148 3	7 165 1	Septem.	25 219 4	18 273 4	9 364 5	3 472 9	29 529	21 530 5
28 110 6	22 131 4	15 148 6	8 165 4	26 220 4	19 274 4	10 366 5	4 474 9	4 529 2	22 530 7	
29 111	23 131 8	16 148 9	9 165 8	1 184 8	27 221 4	20 275 4	11 368 5	5 477	31 528 6	23 530 9
30 111 4	24 132 2	17 149 2	10 166 1	2 185 1	28 222 4	21 276 4	12 370 4	6 479 1	June.	24 531 1
31 111 7	25 132 6	18 149 5	11 166 5	3 185 5	29 223 4	22 277 4	13 372 4	7 481 2	July.	25 531 3
February	26 133	19 149 8	12 166 8	4 185 8	30 224 4	23 278 4	14 374 4	8 483 3	1 528 8	26 531 5
1 112 1	27 133 4	20 150 1	13 167 2	5 186 2	31 225 4	24 279 4	15 376 4	9 485 4	2 528 7	27 531 7
2 112 5	28 133 8	21 150 4	14 167 5	6 186 5	Novem.	25 280 4	16 378 3	10 487 5	3 528 6	28 531 9
3 112 9	29 134	22 150 7	15 167 9	7 186 9	26 281 4	17 380 3	11 380 3	11 489 5	4 528 6	29 532 1
4 113 3	30 134 5	23 151	16 168 2	8 187 2	1 226 4	27 282 4	18 382 3	12 491 6	5 528 5	30 532 3
5 113 7	31 134 9	24 151 3	17 168 6	9 187 6	2 227 4	28 283 4	19 384 3	13 493 7	6 528 4	31 532 5
6 114 1	April.	25 151 6	18 168 9	10 187 9	3 228 4	29 284 4	20 386 3	14 495 8	3 528 3	
7 114 5	26 151 9	19 169 3	11 188 3	11 188 3	4 229 4	30 285 4	21 388 2	15 497 9	8 528 2	August.
8 114 9	1 135 4	27 152 2	20 169 6	12 188 6	5 230 4	31 286 4	22 390 2	16 500	9 528 2	1 532 7
9 115 3	2 135 7	28 152 5	21 170	13 189	6 231 4	1 226 4	23 392 2	17 502	16 528 1	2 532 9
10 115 7	3 136	29 152 8	22 170 3	14 189 4	7 232 4	1778.	24 394 2	18 504 1	11 528	3 533 1
11 116 1	4 136 3	30 153 1	23 170 7	15 189 7	8 233 4	January.	25 396 1	19 506 2	12 527 9	4 533 3
12 116 5	5 136 6	31 153 4	24 171	16 190 1	9 234 4	1 287 5	26 398 1	20 508 3	13 527 9	5 533 5
13 116 9	6 136 9	June.	25 171 4	17 190 4	10 235 4	2 289 4	27 400 1	21 510 4	14 527 8	6 533 7
14 117 2	7 137 2	26 171 8	18 190 8	11 236 4	11 236 4	3 291 4	28 402 1	22 512 5	15 527 7	7 533 9
15 117 6	8 137 5	1 153 7	19 191	12 237 4	12 237 4	4 293 4	29	23 514 6	16 527 6	8 534 1
16 118	9 137 8	2 154	20 191 5	13 238 4	13 238 4	5 295 4	March.	24 516 6	17 527 5	9 534 3
17 118 4	10 138 1	3 154 3	21 191 8	14 239 4	14 239 4	6 297 3	25 518 7	18 527 5	10 534 5	
18 118 8	11 138 4	4 154 6	30 173 2	22 192 2	15 240 4	7 299 3	1 404 1	26 520 8	19 527 4	11 534 7
19 119 2	12 138 7	5 155 6	31 173 5	23 192 5	16 241 4	8 301 3	2 406 1	27 522 9	20 527 3	12 534 9
20 119 6	13 139	6 155 3	August.	24 192 8	17 242 4	9 303 3	3 408 2	28 525	21 527 2	13 535 1
21 120	14 139 3	7 155 5	25 193	28 243 4	18 243 4	10 305 2	4 410 3	29 527 1	22 527 1	14 535 3
22 120 4	15 139 6	8 155 8	1 173 9	26 193 6	19 244 4	11 307 2	5 412 4	30 529 2	23 527 1	15 535 5
23 120 8	16 139 9	9 156 1	2 174 2	27 193 9	20 245 4	12 309 2	6 414 5	May.	24 526 9	16 535 7
24 121 2	17 140 2	10 156 4	3 174 6	28 194 3	21 246 4	13 311 2	7 416 6	25 526 8	17 535 9	
25 121 6	18 140 5	11 156 7	4 174 9	29 194 6	22 247 4	14 313 1	8 418 6	15 31 3	26 526 7	18 536 1

DEPRECIATION.

The Table of Depreciation continued.

Augul.	October.	Decemb.	March.	May.	July.	Septem.	Novem.	January.	March.
19 536 3	24 547 1	29 786	1 2247 4	6 2580 4	11 3256 4	15 4010 2	20 5379 2	24 8234 4	30 11524 6
20 536 3	25 547 3	30 790 1	2 2258 4	7 2583 2	12 3274 4	16 4008 6	21 5404 6	25 8236 8	31 11585 4
21 536 7	26 547 5	31 794 2	3 2269 6	8 2586 6	13 3292 6	17 4007 6	22 5430 2	26 8303	
22 536 9	27 547 6		4 2280 6	9 2588 8	14 3310 6	18 4005 6	23 5455 8	27 8427 2	April.
23 537 1	28 547 8	1779.	5 2291 8	10 2591 6	15 3328 8	19 4004 4	24 5481 2	28 8491 6	1 11648 12
24 537 3	29 547 9	January.	6 2303 2	11 2594 4	16 3347	20 4002 4	25 5506 8	29 8555 8	2 11768 8
25 537 5	30 548 1	1 1596 6	7 2314	12 2597 2	17 3365	21 4001 2	26 5532 2	30 8620	3 11949 6
26 537 7	31 548 3	2 1606 6	8 2325	13 2600 6	18 3383 2	22 3999 4	27 5557 8	31 8684 4	4 12100 2
27 537 9		3 1616 8	9 2336 6	14 2602 8	19 3400 2	23 3997 8	28 5583 4		5 12251
28 538 1	Novem.	4 1627	10 2347 2	15 2605 6	20 3419 4	24 3996 6	29 5608 8	February.	6 12401 8
29 538 3	1 548 5	5 1637	11 2358 4	16 2608 8	21 3437 6	25 3994 8	30 5634 4	1 8748 8	7 12552 4
30 538 5	2 552 5	6 1647 2	12 2369 6	17 2611 2	22 3455 6	26 3993 6		2 8783 8	8 12703 8
31 538 6	3 556 6	7 1657 4	13 2380 6	18 2614	23 3473 8	27 3991 6	Decem.	3 8818 8	9 12854
	4 560 7	8 1667 4	14 2391 6	19 2616 8	24 3491 8	28 3990 2	1 5660 2	4 8853 8	10 13004 6
	5 564 8	9 1677 6	15 2402 8	20 2619 6	25 3510	29 3988 6	2 5695 6	5 8888 8	11 13155 4
	6 568 9	10 1687 8	16 2413 8	21 2622 4	26 3528 2	30 3987	3 5731	6 8923 8	12 13306 2
	7 573 8	11 1697	17 2425	22 2625 2	27 3546 2		4 5766 4	7 8958 8	13 13456 8
	8 577	12 1708	18 2436	23 2628	28 3564 4	October	5 5801 8	8 8993 8	14 13607 6
	9 581	1 1718 2	19 2447 2	24 2630 8	29 3582 4	1 3985 6	6 5837 2	9 9028 8	15 13758 4
	10 585 3	2 1728 4	20 2458 6	25 2633 6	30 3600 6	2 4014 8	7 5872 6	10 9063 6	16 13909
	11 589 4	3 1738 6	21 2468 6	26 2636 4	31 3618 8	3 4044 2	8 5908	11 9098 8	17 14058 8
	12 593 5	4 1748 8	22 2480 6	27 2639 2		4 4073 4	9 5943 4	12 9133 8	18 14210 6
	1 597 6	5 1758 8	23 2491 6	28 2642 2	August.	5 4102 8	10 5978 8	13 9168 8	19 14361 2
	2 601 7	6 1769	24 2502 6	29 2644 8	1 3636 8	6 4102 2	11 6014 2	14 9203 8	20 14512
	3 605 8	7 1779	25 2513 8	30 2647 6	2 3649 4	7 4161 4	12 6049 6	15 9238 8	21 14662 8
	4 609 9	8 1789	26 2524 8	31 2650 4	3 3662 2	8 4190 8	13 6085	16 9273 8	22 14813 4
	5 614	9 1799 4	27 2536		4 3675	9 4220	14 6120 4	17 9308 8	23 14964 2
	6 618	10 1809	28 2547	June.	5 3687	10 4240	15 6155 8	18 9338 8	24 1511 6
	7 622	11 1819 6	29 2558 2	1 2653 4	6 3700 4	11 4278 8	16 6090 2	19 9378 8	25 15265 4
	8 626	12 1829 8	30 2569 2	2 2667 4	7 3713 2	12 4308	17 6226 6	20 9913 8	26 15416 4
	9 630	1 1840	31 2580 4	3 2681 4	8 3725 8	13 4337 4	18 6262	21 9448 8	27 15567 2
	10 634	2 1850 6		4 2695 4	9 3738 6	14 4366 6	19 6297 4	22 9483 8	28 15717 8
	11 638	3 1860 2	April.	5 2709 6	10 3751 4	15 4396	20 6332 8	23 9518 8	29 15868 6
	12 642	4 1870 4	1 2591 4	6 2723 6	11 3764 2	16 4425	21 6368 2	24 9553 8	30 16019 4
	1 646	5 1880 4	2 2590 6	7 2737 6	12 3776 8	17 4464	22 6403 6	25 9588 8	
	2 650	6 1890 6	3 2589 8	8 2751 8	13 3789 6	18 4484	23 6439	26 9623 8	May.
	3 654	7 1900 8	4 2589	9 2765 8	14 3802 4	19 4513 2	24 6474 4	27 9658 8	1 16170 2
	4 658	8 1910 8	5 2588 2	10 2779 8	15 3815	20 4542 6	25 6509 8	28 9693 8	2 16312
	5 662	9 1920 8	6 2587 4	11 2794	16 3827 8	21 4572	26 6545 2	29 9728 8	3 16474
	6 666	10 1911	7 2586 6	12 2808	17 3840 6	22 4601 2	27 6580 8		4 16615 8
	7 670	11 1923	8 2585 8	13 2822	18 3853 2	23 4630 6	28 6616	March.	5 16777 8
	8 674	12 1935	9 2585	14 2836	19 3866	24 4660 8	29 6651 4	1 9765	6 16939 6
	9 678	1 1947	10 2584 2	15 2850 2	20 3878 8	25 4689 2	30 6686 8	2 9825 6	7 16181 6
	10 682	2 1959	11 2583 4	16 2864 2	21 3891 6	26 4718 6	31 6722	3 9886 4	8 16183 4
	11 686	3 1971	12 2582 6	17 2878 2	22 3904 2	27 4747 8		4 9947 2	9 16185 4
	12 690	4 1983	13 2581 8	18 2892 4	23 3917 2	28 4777 2	1780.	5 10007 8	10 16187 2
	1 694	5 1995	14 2581	19 2906 4	24 3929 8	29 4806 4	January.	6 10066 6	11 16189 2
	2 698	6 2007	15 2580 2	20 2920 4	25 3942 4	30 4835 8	1 6756 6	7 10129 4	12 16191 2
	3 702	7 2019	16 2579 4	21 2934 4	26 3955 2	31 4865 2	2 6820 2	8 10190 2	13 16193
	4 706	8 2031	17 2578 6	22 2948 4	27 3968		3 6885	9 10250 8	14 16195
	5 710	9 2043	18 2577 8	23 2962 6	28 3980 6	November.	4 6949 2	10 10311 6	15 16196 8
	6 714	10 2055	19 2577	24 2976 6	29 3992	1 4895 4	5 7013	11 10372 4	16 16198 8
	7 718	11 2067	20 2576 2	25 2990 6	30 4006 2	2 4919 8	6 7077 8	12 10433 2	17 16200 6
	8 722	12 2079	21 2575 4	26 3004 8	31 4019	3 4945 4	7 7142	13 10492 6	18 16202 6
	9 726	1 2091	22 2574 6	27 3018 8		4 4970 8	8 7206 4	14 10552 6	19 16204 4
	10 730	2 2103	23 2573 8	28 3032 8	September.	5 4996 4	9 7270 6	15 10613 4	20 16206 4
	11 734	3 2115	24 2573	29 3047	1 4031 8	6 5022	10 7334 8	16 10674 2	21 16208 4
	12 738	4 2127	25 2572 2	30 3061	2 4040 2	7 5047 4	11 7359 2	17 10734 8	22 16210 2
	1 742	5 2139	26 2571 4		3 4058 6	8 5073	12 7493 6	18 10795 6	23 16212 2
	2 746	6 2151	27 2570 6	July.	4 4072	9 5098 4	13 7527 8	19 10856 4	24 16214
	3 750	7 2163	28 2569 8	1 3075 2	5 4085 6	10 5124	14 7591 6	20 10917 2	25 16216
	4 754	8 2175	29 2569	2 3093 2	6 4094 2	11 5149 6	15 7656 2	21 10977 8	26 16217 8
	5 758	9 2187	30 2588 2	3 3111 4	7 4092 4	12 5175	16 7720 4	22 11038 6	27 16219 8
	6 762	10 2199		4 3129 6	8 4091 2	13 5200 6	17 7784 6	23 11099 4	28 16221 6
	7 766	11 2211	May.	5 3147 8	9 4091 4	14 5226	18 7849	24 11162 2	29 16223 4
	8 770	12 2223	1 2566 4	6 3165 8	10 4097 8	15 5251 6	19 7913 2	25 11220 8	30 16225 4
	9 774	1 2235 2	2 2569 2	7 3183 8	11 4091 4	16 5277	20 7977 4	26 11281 6	31 16227 4
	10 778	2 2247	3 2572	8 3202	12 4091 8	17 5302 6	21 8041 8	27 11342 4	
	11 782	3 2259	4 2574 8	9 3220	13 4091 2	18 5328 2	22 8106 2	28 11403	June.
	12 786	4 2271	5 2576 6	10 3233 2	14 4091 6	19 5353 6	23 8170 2	29 11463 8	1 116229 4

THE TABLE OF DEPRECIATION

For selling contracts and debts due in continental currency, from the first day of January, one thousand seven hundred and seventy-nine, to the first day of January, one thousand seven hundred and eighty.

1779.	February	April.	June.	July.	Septemb.	Novem.	1780.	February.	April.
January.	23 1087 5	15 1290 1	6 1361 8	30 1800 3	20 2001 2	11 2574 8	January.	23 4759 4	5 6879 2
1 798 3	24 1093 5	16 1289 7	7 1368 8	31 1809 4	21 2000 5	12 2587 5	1 3378 3	24 4770 9	16 6954 5
2 803 3	25 1099 5	17 1289 7	8 1375 9		22 1999 5	13 2600 5	2 3410 4	25 4794 4	17 7029 4
3 808 4	26 1105 5	18 1288 9	9 1382 9	August.	23 1998 9	14 2612 1	3 3442 5	26 4811 9	18 7105 3
4 813 5	27 1111 5	19 1288 5	10 1389 9	1 1818 4	24 1998 1	15 2625 8	4 3474 6	27 4829 4	19 7180 6
5 818 5	28 1117 6	20 1288 1	11 1397	2 1824 7	25 1997 4	16 2638 5	5 3506 8	28 4846 9	20 7256
6 823 6	29 1123 7	21 1287 7	12 1404	3 1831 1	26 1996 4	17 2651 3	6 3538 9	29 4864 4	21 7331 4
7 828 7		22 1287 3	13 1411	4 1837 5	27 1995 8	18 2664 1	7 3571		22 7400 7
8 833 7	March.	23 1286 9	14 1418	5 1843 5	28 1995 4	19 2676 8	8 3603 3	March.	23 7482 1
9 838 8	1 1123 7	24 1286 5	15 1425 1	6 1850 2	29 1994 3	20 2689 6	9 3635 3	1 4882 5	24 7557 5
10 843 9	2 1129 2	25 1286 1	16 1432 1	7 1856 9	30 1993 5	21 2702 3	10 3667 4	2 4912 8	25 7632 8
11 849	3 1134 8	26 1285 7	17 1439 1	8 1862 9		22 2715 1	11 3699 6	3 4943 2	26 7708 2
12 854	4 1140 3	27 1285 3	18 1446 2	9 1869 3	October.	23 2727 9	12 3731 7	4 4973 6	27 7783 6
13 859 1	5 1145 9	28 1284 9	19 1453 2	10 1875 7	1 1992 8	24 2740 6	13 3763 8	5 5003 3	28 7858 9
14 864 2	6 1151 4	29 1284 5	20 1460 2	11 1882 1	2 2007 4	25 2753 4	14 3793 9	6 5034 3	29 7934 3
15 869 3	7 1157	30 1284 1	21 1467 2	12 1888 4	3 2022 1	26 2766 1	15 3823 1	7 5047 7	30 8009 7
16 874 3	8 1161 5		22 1474 2	13 1894 8	4 2036 7	27 2778 9	16 3860 2	8 5095 4	
17 879 4	9 1168 1	May.	23 1401 3	14 1901 2	5 2051 4	28 2791 7	17 3890 3	9 5125 6	May.
18 884 5	10 1173 6	1 1283 2	24 1488 3	15 1907 5	6 2066 1	29 2804 4	18 3924 5	10 5155 8	1 8085 1
19 889 5	11 1179 2	2 1284 6	25 1495 3	16 1913 9	7 2080 7	30 2817 2	19 3956 6	11 5186 2	2 8086
20 894 6	12 1184 7	3 1286	26 1502 4	17 1920 3	8 2095 4		20 3988 7	12 5216 6	3 8087
21 899 7	13 1190 3	4 1287 4	27 1509 4	18 1926 6	9 2110	November.	21 4022 9	13 5246 3	4 8087 5
22 904 7	14 1195 8	5 1288 8	28 1516 4	19 1933	10 2124 7	1 2830 7	22 4053 1	14 5276 3	5 8088 5
23 909 8	15 1201 4	6 1290 5	29 1523 5	20 1939 4	11 2139 4	2 2847 8	23 4085 1	15 5306 7	6 8089 4
24 914 9	16 1206 9	7 1291 6	30 1530 5	21 1945 8	12 2154	3 2865 5	24 4117 2	16 5337 1	7 8090 3
25 920	17 1212 5	8 1293		22 1952 1	13 2168 7	4 2883 2	25 4149 4	17 5307 4	8 8091 7
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27 930 4	19 1223 6	10 1295 8	1 1537 6	24 1964 9	15 2198	6 2918 6	27 4213 6	19 5428 2	10 8093 6
28 935 2	20 1229 4	11 1297 2	2 1542 1	25 1971 2	16 2212 7	7 2936 3	28 4245 8	20 5458 6	11 8094 6
29 940 2	21 1234 7	12 1298 6	3 1551 8	26 1977 6	17 2227 3	8 2954	29 4277 9	21 5488 2	12 8095 6
30 945 3	22 1240 2	13 1300	4 1564 8	27 1984	18 2244	9 2971 7	30 4310	22 5519 3	13 8096 5
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3 967 5	27 1268 2	18 1307	9 1610		23 2315 3	14 3060 2	2 4391 9	27 5671 2	18 8101 3
4 973 5	28 1273 5	19 1308 4	10 1619 1	Septemb.	24 2329 9	15 3077 9	3 4409 4	28 5701 5	19 8102 2
5 979 5	29 1279 1	20 1309 8	11 1628 1	1 2015 6	25 2344 6	16 3095 1	4 4426 9	29 5731 9	20 8103 2
6 985 5	30 1284 6	21 1311 2	12 1637 2	2 2015 1	26 2359 3	17 3113 3	5 4444 4	30 5762 3	21 8104 2
7 991 5	31 1290 2	22 1312 6	13 1646 3	3 2014 3	27 2373 9	18 3131	6 4461 9	31 5792 7	22 8105 1
8 997 5		23 1314	14 1655 3	4 2013 5	28 2388 9	19 3148 7	7 4479 4		23 8106 1
9 1003 5	April.	24 1315 4	15 1664 4	5 2012 8	29 2403 2	20 3166 4	8 4496 9	April.	24 8107
10 1009 5	1 1295 7	25 1316 8	16 1673 5	6 2012	30 2417 9	21 3184 1	9 4514 4	1 5824 1	25 8108
11 1019 5	2 1295 3	26 1318 2	17 1682 5	7 2011 2	31 2432 6	22 3201 8	10 4531 9	2 5899 4	26 8108 9
12 1021 5	3 1294 9	27 1319 6	18 1691 8	8 2010 5		23 3219 5	11 4549 4	3 5974 8	27 8109 9
13 1027 5	4 1294 5	28 1321	19 1700 1	9 2009 7	November.	24 3257 2	12 4566 9	4 6050 1	28 8110 8
14 1033 5	5 1294 1	29 1322 4	20 1709 7	10 2008 2	1 2447 7	25 3254 7	13 4584 4	5 6125 5	29 8111 8
15 1039 5	6 1293 3	30 1323 8	21 1713 1	11 2008 4	2 2459 9	26 3272 6	14 4601 9	6 6200 9	30 8112 7
16 1045 5	7 1293 3	31 1325 2	22 1727 8	12 2007 4	3 2472 7	27 3290 3	15 4619 4	7 6267 6	31 8113 7
17 1051 5	8 1292 9		23 1736 9	13 2006 6	4 2485 4	28 3308	16 4636 9	8 6351 6	
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19 1063 5	10 1291 7	1 1326 7	25 1755	15 2005 1	6 2511	30 3343 4	18 4671 9	10 6502 3	1 8114 7
20 1066 5	11 1291 3	2 1333 7	26 1764 1	16 2004 8	7 2523 7	31 3361	19 4689 4	11 6577 7	
21 1075 5	12 1290 9	3 1340 7	27 1773 1	17 2003 2	8 2536 2		20 4706 5	12 6653 1	
22 1081 5	13 1290 5	4 1347 7	28 1782 2	18 2002	9 2549 2		21 4724 4	13 6728 4	
	14 1290 5	5 1354 8	29 1791 2	19 2002 2	10 2562		22 4741 7	14 6803 8	

Certified this 17th day of February, 1783.  
By N. W. JONES, Speaker.

*An act to carry into effect the eighth section of the third article of the constitution.*

Secretary of state with two commissioners to digest and arrange the existing laws of the state.

And report the same to the governor.

If approved of by the governor, one thousand copies to be printed by the secretary under the direction of the executive.

Eight hundred copies distributed among the several counties of the state, by the executive.

Two hundred remaining copies subject to the disposition of the state.

Laws passed in future, to be printed, & distributed in the same manner.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That for the more general promulgation of the laws of this state, the secretary of state, with two commissioners who shall be appointed by the legislature for that purpose, shall examine into, digest and arrange the several laws thereof, now in force, and report the same to his excellency the governor, who shall approve or disapprove of the same.

2. *And be it further enacted*, That if his excellency the governor shall approve of such digest of the laws of the state as may be reported to him, in pursuance of this act, that then the secretary of state, shall, under the direction of the executive thereof, cause to be printed in a quarto bound volume, or volumes, one thousand copies of such digest of the laws of this state, as may be reported by the aforesaid commissioners and secretary of state in terms of this act.

3. *And be it further enacted*, That eight hundred copies of the aforesaid volumes of the digest of the laws of this state so reported and approved of as aforesaid, shall be distributed by the executive among the respective counties of this state, agreeably to the rule laid down by the constitution for apportioning the representatives among the several counties. And the proportion which shall be so assigned to the respective county, shall be transmitted by the executive to the justices of the inferior court of such county, by whom the same shall be distributed, in such manner as the said justices may deem most proper for the general information of the citizens.

4. *And be it further enacted*, That the remaining two hundred volumes of the aforesaid digest of the laws of this state, so reported and approved of as aforesaid, shall be reserved by the executive for the future disposition of this state.

5. *And be it further enacted*, That the laws of this state which shall in future be passed, shall at the end of each succeeding session, be printed and distributed in manner and form aforesaid.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 6, 1799.

JAMES JACKSON, *Governor.*

.....  
*In Senate Wednesday December 4, 1799.*

**R**ESOLVED by the Senate and House of Representatives of the state of Georgia in General Assembly met, That it is the sense of the legislature, that an appropriation of two thousand dollars inserted in the act entitled "An act for appropriating money for the year eighteen hundred," in favor of Robert and George Watkins, was solely intended as an advance made to them to carry on a work which they have represented to be a collection of the laws now in force in the state of Georgia, and by no means, nor in any shape, contemplated to establish the same as a digest or constitutional arrangement of such laws; nor to give any legislative sanction to the same, as a code to be received in the courts of law or equity of this state, referring the revision, expulsion or sanctioning the same or any law thereof, to a future session of the legislature.

DAVID MERIWETHER, *Speaker.*

DAVID EMANUEL, *President.*

Approved December 6, 1799.

JAMES JACKSON, *Governor.*

*In Senate, November 10, 1800.*

**Y**OUR committee appointed to prepare and report the form of a bill for the purpose of carrying into effect the eighth section of the third article of the constitution, *Report*, That there is an act now in force to that effect, which appears to your committee amply sufficient if carried into effect, therefore recommend that it be resolved, that on Friday next the two branches of the legislature will convene in the representative chamber, for the purpose of electing two commissioners to arrange and digest the laws of this state, pursuant to the said act, and that an appropriation be made for that purpose.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate,*

In the House of Representatives November 24, 1800.—Read and Concurred.

Attest, HINES HOLT, *Clerk.*

Attest, WILLIAM ROBERTSON, *Secretary.*

Executive Department November 27, 1800.

Presented and approved, *eadem die.*

JAMES JACKSON, *Governor.*

.....

*In the House of Representatives December 1, 1800.*

**R**ESOLVED, That the commissioners appointed to digest the laws of this state, by joint ballot of both branches, do convene at the state house in Louisville, on the eighth day of December instant and proceed to the duties assigned them; *And be it further resolved*, That the said commissioners, previous to entering into the said duties, shall take and subscribe the following oath or affirmation, to wit, “I, A, B, do solemnly swear, that I will to the best of my power and ability, and agreeably to the constitution, revise, digest and arrange, under proper heads the body of the civil and criminal laws of this state, and that I will in no wise or manner whatsoever, insert in the said digest, a certain usurped act, entitled “An act for appropriating a part of the unlocated territory of this state for the payment of the late state troops,” and for other purposes therein mentioned, declaring the rights of this state, to the unappropriated territory thereof, for the protection and support of the frontiers of this state and for other purposes. So help me God.”

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Extract from the journals.

Attest, HINES HOLT, *Clerk.*

WILLIAM ROBERTSON, *Secretary.*

Executive department, December 2, 1800, presented and approved, *eadem die.*

JAMES JACKSON, *Governor.*

.....

*In Senate, December 2, 1800.*

ON MOTION.

**R**ESOLVED, That his excellency the governor, be requested to draw on the contingent fund, from time to time in favor of William H. Crawford, George Watkins,

and the secretary of state, who are appointed to arrange and digest the laws of this state, for such sums as may be necessary to enable them to comply with the trust reposed in them: *Provided*, the sum so drawn shall not exceed the amount of two thousand dollars.

Extract from the journal.

WILLIAM ROBERTSON, *Clerk*.

In the House of Representatives concurred.

GEORGE R. CLAYTON, for HINES HOLT, *Secretary*.  
State-House, Louisville, December 9, 1800.

WE do certify, that the within resolution was concurred in, and agreed to by both branches of the General Assembly; but by some neglect, appears not to have reached the executive department before the rising of the legislature, for the approval of the governor, but which as a joint committee of both branches, we do now certify and now present.

DAVID EMANUEL,  
SOLOMON WOOD,  
JOHN LAWSON,  
B. WHITAKER.

Approved of.

JAMES JACKSON, *Governor*.

.....

*Extract of an act for appropriating money for the year 1802.*

“THE sum of five thousand dollars subject to the order of the governor for printing two thousand copies of “Marbury and Crawford’s Digest of the Laws of Georgia,” which has been compiled and approved agreeably to the direction of the act of the sixth of December one thousand seven hundred and ninety-nine.”

Georgia, Secretary’s office, February 22, 1802.

I do hereby certify that the above contains a true extract from an act entitled “An act for appropriating money for the year eighteen hundred and two,” passed the fifth day of December eighteen hundred and one.

HORATIO MARBURY, *Secretary*.

.....

DIVORCES.

*An act to divorce or separate Andrew Maybank and Mary his wife, and for protecting each of them in their respective estates.*

Marriage contract between Andrew Maybank and Mary his wife dissolved.

Legitimacy of their children established.

1. **BE IT ENACTED** by the Senate and House of Representatives 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 matrimonial connexion, or civil contract of marriage, made between the aforesaid Andrew Maybank, and Mary his wife, late Mary Sandiford, shall be completely annulled, set aside, and dissolved, as fully and effectually, as if no such contract had ever heretofore been made, and entered into between them except that the legitimacy of their children born during their said late con-

cohabitation with each other or within nine months thereafter, shall not be doubted or affected by such dissolution of the marriage civil contract, or mystical union, of the said Andrew Maybank, and Mary Maybank; but the said children shall, and they are hereby declared to be capable of inheriting in common with others of equal degree of consanguinity, the estates of either of their respective parents, or other kindred in case of intestacy.

And capable of receiving property by descent from both parents, &c.

2. *And be it further enacted,* That all the property real and personal, not by him or her sold or disposed of, which the said Andrew Maybank, received with, or acquired by or in virtue of his marriage, or union with the said Mary; shall from henceforth be considered as restored to her the said Mary; and the said property is hereby declared to be completely, fully, and absolutely, to all legal intents, vested in, and confirmed unto her, and to her heirs, executors, administrators and assigns, forever.

Property confirmed to the wife.

3. *And be it further enacted,* That the said Mary Maybank, is hereby declared to be a feme-sole, and she shall not be allowed in future, on any pretence whatsoever, to charge said Andrew Maybank, his heirs executors, or administrators, or his or their estates with any debts or dues of her contracting, or with any actions, of, or for damages for, or by reason of any tort, trespass, or damage whatsoever, which may hereafter be committed, or done by her the said Mary; and she shall not be entitled to dower, thirds or other portion whatever, of or in the estate of the said Andrew Maybank, or to any estate, right, title, interest, or claim therein, either in law or equity, but shall be considered, and held as being barred, and as having forfeited the same.

And declared to be a feme-sole.

And not entitled to dower in the estate of the said Andrew.

4. *And be it also enacted,* That the said Andrew Maybank, and Mary Maybank, shall in future be held, and considered, as distinct and separate persons, altogether unconnected, by any mystical union, or civil contract whatsoever, at any time heretofore made or entered into between them.

The said Andrew and Mary declared to be distinct and separate persons.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 16, 1793.

*An act to divorce or separate Ichabod Bulkeley, and Margaret his wife, and for protecting each of them in their respective estates.*

1. **BE IT ENACTED** by the Senate and House of Representatives 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 matrimonial connexion or civil contract of marriage made between the aforesaid Ichabod Bulkeley, and Margaret his wife, late Margaret Hall Jones, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had ever heretofore been made and entered into between them.

Marriage contract between Ichabod Bulkeley and Margaret his wife dissolved.

2. *And be it further enacted,* That all property real and personal, not by him or her sold or disposed of, which the said Ichabod Bulkeley received with or acquired by or in virtue of his union or marriage with the said Margaret, shall from henceforth be considered as restored to her the said Margaret, and the said property is hereby declared to be completely, fully, and absolutely, to all legal intents vested in, and confirmed unto her, and to her heirs, executors, administrators and assigns forever.

Property of the said Margaret confirmed to her.

Declared to be  
a feme-sole.

3. *And be it further enacted*, That the said Margaret Bulkeley is hereby declared to be a feme-sole, and she shall not be allowed in future on any pretence whatsoever to charge the said Ichabod Bulkeley, his heirs, executors or administrators, or his, or their estates, with any debts or dues of her contracting, or with any actions of or for damages, for or by reason of any tort, trespass, or damage whatsoever, which may hereafter be committed or done by her the said Margaret, and she shall not be entitled to dower, thirds or other portion whatever, of or in the estate of the said Ichabod Bulkeley, or to any estate, right, title, interest or claim therein, either in law or equity, but shall be considered and held as being barred and as having forfeited the same.

And deprived  
of the right of  
dower in the es-  
tate of the said  
Ichabod.

The said Ichabod and Margaret declared to be distinct persons.

4. *And be it further enacted*, That the said Ichabod Bulkeley, and Margaret Hall Bulkely, shall in future be held as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatsoever, at any time hereafter made or entered into between them.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

JARED IRWIN, *Governor.*

February 8, 1796.

.....

*An act to divorce or separate Walter Billingslea and Jane his wife, formerly Jane Watson; and for protecting each of them in their respective estates.*

Marriage con-  
tract, between  
Walter Bill-  
ingslea and  
Jane his wife,  
dissolved

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That from the passing of this act, the matrimonial connexion and civil contract of matrimony, made between the aforesaid Walter Billingslea and Jane his wife, shall be completely annulled, and set aside, and dissolved as fully and effectually as if no such contract had been made and entered into between them.

Property con-  
firmed to the  
said Jane.

2. *Be it further enacted*, That the real and personal property which has not by him the said Walter Billingslea and Jane Watson been sold or disposed of; which the said Walter Billingslea received with or required by or in virtue of his union with the said Jane Watson, shall from henceforth be considered as returned to her the said Jane, and the said property is hereby declared to be completely and absolutely to all legal intents, vested in and confirmed to her the said Jane Watson and her heirs, executors, administrators and assigns forever.

Said Jane de-  
clared to be a  
feme-sole.

3. *Be it further enacted*, That the said Jane Watson is hereby declared to be a feme-sole, and she shall not be allowed in future on any pretence whatever, to charge the said Walter Billingslea, his heirs, executors, administrators, or his or their estate with any debts or dues of her contracting, or with any actions of or for damages, for or by reason of any tort, trespass, or damages whatever, which shall hereafter be committed or done by the said Jane Watson; and she shall not be entitled to dower, of or in the estate of the said Walter Billingslea, but shall be considered and held as being barred, and as having forfeited the same.

And deprived  
of the right of  
dower.

Said Walter &  
Jane to be dis-  
tinct persons  
in law.

4. *Be it further enacted*, That the said Walter Billingslea, and Jane Watson, shall



in future be held as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatever.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

JARED IRWIN, *Governor.*

February 10, 1797.

.....

*An act to divorce Benjamin Butler, and Elizabeth his wife.*

1. **BE IT ENACTED** by the Senate and House of Representatives 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 matrimonial connexion or civil contract of marriage made between the said Benjamin Butler and Elizabeth his wife, formerly Elizabeth Ansley, shall be completely annulled, set aside and dissolved, as fully and effectually to all intents and purposes, as if no such contract had ever heretofore been made and entered into between them.

Contract of marriage between Benjamin Butler and Elizabeth his wife.

2. *And be it further enacted,* That all property real and personal not by him or her sold, or otherwise disposed of, which the said Benjamin Butler received with or acquired by or in virtue of his union or marriage with the said Elizabeth, shall henceforth be considered as restored to her the said Elizabeth, and the said property is hereby declared to be completely, fully and absolutely to all legal intents, vested in and confirmed unto her, her heirs, executors, administrators and assigns, forever.

Property of the said Elizabeth confirmed to her.

3. *And be it further enacted by the authority aforesaid,* That the said Benjamin Butler and Elizabeth, in future shall be deemed and considered as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatever at any time made or heretofore entered into between them.

Said Benjamin and Elizabeth to be distinct persons.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

JARED IRWIN, *Governor.*

February 11, 1797.

.....

*An act to divorce or separate Henry Moore M'Donald and Mary his wife, and for protecting each of them in their separate estates.*

1. **BE IT ENACTED** by the Senate and House of Representatives 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 matrimonial connexion or civil contract of marriage made between the aforesaid Henry Moore M'Donald, and Mary his wife, late Mary Bacon Dixon, shall be completely annulled, set aside, and dissolved, as fully and effectually as if no such contract had ever been heretofore made, and entered into between them.

Contract of marriage dissolved between Henry Moore M'Donald and Mary his wife.

2. *And be it further enacted,* That all property real or personal not by him, or her sold or disposed of, which the said Henry Moore M'Donald, received with or acquired by or in virtue of his union or marriage with the said Mary, shall from henceforth be considered as restored to her the said Mary, and the said property is hereby declared to

Property confirmed to the said Mary.

be completely, fully and absolutely to all legal intents vested in, and confirmed unto her, and to her heirs, executors, administrators and assigns forever

Who is declared to be a feme-sole.

3. *And be it further enacted*, That the said Mary M'Donald is hereby declared to be a feme-sole, and she shall not be allowed in future on any pretence whatsoever, to charge the said Henry Moore M'Donald, his heirs, executors or administrators, or his or their estates with any debts or dues of her contracting, or with any actions of, or for damages, for or by reason of any tort, trespass or damage whatsoever which may hereafter be commenced or done by her the said Mary; and she shall not be entitled to dower, thirds or other portion whatsoever, of or in the estate of the said Henry Moore M'Donald, or to any estate, right, title, interest or claim therein, either in law or equity, but shall be considered and held as being barred, and as having forfeited the same.

And deprived of the right of dower.

Said Henry & Mary to be distinct persons.

4. *And be it further enacted*, That the said Henry Moore M'Donald, and Mary Bacon M'Donald, shall in future be held as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatsoever, at any time heretofore made or entered into between them.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

February 11, 1798.

JARED IRWIN, *Governor.*

• • • • •

*An act to divorce and separate George Mathews and Margaret his wife, and for protecting each of them in their respective estates.*

Marriage contract dissolved between George Mathews and Margaret his wife.

1. **BE IT ENACTED** by the Senate and House of Representatives 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 matrimonial connexion, or civil contract of marriage, made between the aforesaid George Mathews and Margaret his wife, late Margaret Reed, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had never heretofore been made and entered into between them; and they shall in future be held and considered as distinct and separate persons.

And held to be distinct persons.

Property of the said Margaret confirmed to her, upon certain conditions therein contained.

2. *And be it further enacted*, That all the property which the said George Mathews, may have received by or in virtue of his marriage or union with the said Margaret, except such as may have been appropriated to their mutual use, or may have died, or been lost by unavoidable accident, shall from henceforth be considered as restored to her the said Margaret, subject nevertheless to the following restrictions and conditions, viz. the said Margaret shall account for and repay to the said George Mathews, all sums of money he may have advanced for debts due from, or encumbrances on the estate of Robert Reed, deceased, or of her own contracting, (of whom the said Margaret was the widow and relict) likewise all sums of Money that may have been advanced to her use prior to her marriage with the said George Mathews, and all such expenditures, as may have accrued to him previous to removing the said Margaret, and her property from Virginia to the state of Georgia, including such disbursements as may have been made at her special instance and request, with those incurred by removing her property to the state afore-

faid; also to pay and make good all monies advanced by him the faid George Mathews, in discharge of fees and other expenditures on suits against the estate of him the faid Robert Reed deceased, including all judgments that may be recovered against him on that account, the faid Margaret to account for and make good all monies she may have received on any account whatsoever, or may hereafter receive by virtue of an existing decree of the worshipful court of Augusta county in Virginia, bearing date the 17th day of March 1796, and also make good any other sum, or sums of money that may come into her possession, custody or power, by any other decree, or such sums as may come into the hands of any other person, or persons for her use, and to make good all damages done to the estate or property of the faid George Mathews, by being subject to any decree or order, or any court, obtained at her instance, giving at the same time bond with approved security to the faid George Mathews, to indemnify him against all claim or claims, that do now exist, or may hereafter exist against the estate of the faid Robert Reed deceased, by any person claiming as heir to him the faid Robert, or having any right of distribution therein by representation or otherwise; also to indemnify the faid George Mathews against any debt or debts that she may have contracted since the time of her absenting herself from the faid George Mathews, except such as may have been contracted with the house of Gamble and Gratteu, in Staunton in Virginia, where she had a liberal credit extended to her by the faid George Mathews, *And provided also*, That the faid George Mathews shall be accountable to her for all rents and profits that he may have at any time since the faid marriage received and applied to his use.

3. *And be it further enacted*, That the faid Margaret shall be compelled to receive such of her property as now remain in Georgia, at the present place of residence of the faid George Mathews: and to the end, that all matters of dispute and difference may be finally and equitably adjusted, and that exorbitant security may not be demanded of the faid George Mathews, *It is hereby enacted*, That the faid George Mathews shall appoint two disinterested and qualified persons, the faid Mrs. Margaret Mathews two other disinterested and qualified persons, and the governor of the state one other disinterested person, who, or a majority of them, shall be authorized and empowered to decide and settle all matters of dispute, first giving four months notice to Mrs. Margaret Mathews of the time and place of their meeting for the purpose aforesaid, both with regard to any claims exhibited by the faid George Mathews, as well as to the sufficiency of the security to be given by the faid Margaret, and that she may be the better enabled to comply with the terms of this act, the security to be given may be either citizens of Virginia or Georgia.

The said Margaret to receive her property at the plantation of the said George.

Persons to be chosen to adjust all differences between the said George and Margaret.

4. *And be it further enacted*, That the faid Margaret Mathews is hereby declared to be a feme-sole, and she shall not be allowed in future on any pretence whatsoever, to charge the faid George Mathews, his heirs, executors or administrators, or his or their estates, with any debts or dues of her contracting, or with any action of or for damage, or by reason of any tort or trespass whatsoever, which may be hereafter committed by her the faid Margaret, and she shall not be entitled to dower, thirds, or other portion, of or in the estate of the faid George Mathews, or to any estate, right or interest or claim therein, but shall be held and forever considered as being barred, and having forfeited the same.

The said Margaret to be a feme-sole.

And barred of her dower.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

JARED IRWIN, *Governor.*

February 13th, 1797.

*An act to divorce, or separate, Abner Mitchel, and Sally Mitchel, his wife, formerly Sally Mitchel, and for protecting each of them in their respective estates.*

Marriage contract dissolved between Abner Mitchel and Sally his wife.

1. **B**E IT ENACTED by the Senate and House of Representatives, of the state of Georgia, in general assembly met, and by the authority of the same, That from the passing of this act, the matrimonial connexion and civil contract of marriage made between the aforefaid Abner Mitchel and Sally his wife, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had been made between them.

Property of the said Sally confirmed to her.

2. *Be it further enacted*, That the real and personal property which has not by him, the said Abner Mitchel and Sally Mitchel, been sold or disposed of, which the said Abner Mitchel received with or acquired by, or in virtue of, his union with the said Sally Mitchel, shall from henceforth be considered as returned to her the said Sally, and the said property is hereby declared to be completely, fully and absolutely to all legal intents, vested in and confirmed to her, the said Sally Mitchel, her heirs, executors and assigns forever.

And she declared to be a feme-sole.

3. *Be it further enacted*, That the said Sally Mitchel is hereby declared to be a feme-sole, and she shall not be allowed in future, on any pretence whatever, to charge the said Abner Mitchel, his heirs, executors or assigns with any debts, dues, of her contracting, or with any actions of or for damages whatsoever which shall hereafter be committed or done by the said Sally Mitchel, and she shall not be entitled to dower of, or in the estate of the said Abner Mitchel, but shall be considered and held as being barred and as having forfeited the same.

And barred of her dower.

Said Abner and Sally to be distinct persons.

4. *And be it further enacted*, That the said Abner Mitchel, and Sally Mitchel, shall in future be held as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatever.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

JARED IRWIN, *Governor.*

February 13, 1796.

.....

*An act to declare null and void the contract of matrimony between Ignatius Gilpin and Charlotte Vincent, and to protect the said Charlotte in her person and property.*

Preamble.

Marriage contract dissolved between Ignatius Gilpin and Charlotte his wife.

1. **W**HEREAS a certain Ignatius Gilpin imposed himself as a single man upon Charlotte Vincent, a *feme-sole*, and procured her consent to a contract of matrimony, which was afterwards consummated. *And whereas*, the said Ignatius was at that time wedded to another woman, who was still alive and undivorced; by which, the second contract was rendered null and void from the beginning. *Be it therefore enacted*, By the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the said contract of matrimony between Ignatius Gilpin and Charlotte Vincent, shall be, and the same is hereby declared to be null and void to all intents and purposes, and in as complete a manner as though the same had never been made.

2. *And be it further enacted*, That from and immediately after the passing of this act, the said Charlotte Vincent shall be taken, and considered as a *feme-sole*, enjoying

the separate protection of the law, in her person and property, and free from the constraint, and coercion of the said Ignatius Gilpin, forever.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to February 2, 1796.

JAMES JACKSON, *Governor.*

.....

ELECTIONS.

*An act to regulate the general elections in this state, and to appoint the time of the meeting of the General Assembly.*

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That all elections for members to represent this state in the General Assembly thereof, and for representatives in congress, shall be held at the court-house or place appointed for holding the superior courts in the respective counties, and the electors thereat shall vote *viva voce*.\* It shall be the duty of any three or more of the magistrates of each county not being candidates, to preside at, and make returns of all elections for senators and representatives in the General Assembly and representatives in congress; and the sheriff of each county or his deputy is required to attend at such elections for the purpose of enforcing the orders of the presiding magistrates, and preserving good order. That the general election shall be held annually on the first Monday in October, and the time for receiving the votes shall be from six o'clock in the morning until seven o'clock in the afternoon; and when any doubts shall arise with respect to the qualification of the voters, the following oath shall be administered: "I, A. B. do solemnly swear or affirm (as the case may be) that I have attained to the age of twenty-one years, have paid all legal taxes which have been required of me, and which I have had an opportunity of paying agreeably to law, have resided six months within the county, and that I am a citizen of the United States, and an inhabitant of this state."

Elections for members of the legislature and of congress to be held at the court-house in each county—Votes to be given *viva voce*—Three or more justices to preside and make returns, sheriff shall attend his duty.

Elections to be annual on the first Monday in October—to commence at 6 o'clock A. M. and close at 7 P. M.

Oath of voters.

2. *And be it further enacted,* That if the superintending magistrates or officers at such elections shall make a fraudulent return, or they or either of them while superintending at such election, or any candidate shall influence or endeavor to influence or persuade any voter not to vote as he first designed or intended, or shall take any undue means to obtain a vote, he or they shall forfeit for the first offence, one hundred dollars, to be recovered by information in any court having jurisdiction thereof; and if a justice, shall be forever disqualified from serving in the commission of the peace; and if a candidate, shall be thereby incapacitated from serving in the post or place for which he may be elected. That if any person or persons whatsoever; shall on any day appointed for holding such elections, presume to violate the freedom of such election by any arrest, menace or threat, or attempt to overawe, affright or force any person qualified to vote, or offer any bribe to induce him to vote contrary to his inclination; or shall after the said election is over, menace or despitefully use,

Justices making fraudulent returns or candidates using undue means to obtain votes—forfeit one hundred dollars for the first offence.

Justices to be disqualified & candidates incapacitated.

Any person who shall arrest, menace, &c. or bribe any voter on the day of election, or afterwards abuse any voter and shall be bound over to the superior court.

\* Repealed by act of 1799.

And on conviction he fined one hundred dollars and stand committed, till paid.

All persons free from arrest in civil cases on said day.

All processes served contrary to this law, declared null.

Members to congress elected biennially.

Their qualifications.

Returns of electors to be certified, sealed up and sent by the presiding justices to the executive in twenty days after closing the poll.

The governor in five days shall count up the votes and declare the person elected, by proclamation.

And grant a certificate thereof. Proviso.

If two or more persons have an equal and the highest number of votes, the governor shall order a new election. Time within which acceptance is to be signed.

abuse or insult any person, because he hath not voted as he or they might have wished him, every such person so offending, upon sufficient proof of such violence or abuse, menacing or threatening before any justice of the peace, shall be bound over to the superior court, himself in one hundred dollars, and two securities in fifty dollars each, to be of good behaviour and abide the sentence of said court, where if the offender or offenders are convicted of such offence as aforesaid, then he or they shall respectively for each offence, forfeit a sum not exceeding one hundred dollars, and be committed to jail without bail or mainprize, until the same be paid, which said fine so imposed shall be recovered by writ of *scire facias* or *ca sa*, issued and signed by the clerk of said court under and by virtue of the sentence of the same: and the sheriff of the county is hereby required to levy such writ forthwith. That no civil officer shall execute any writ or civil process whatsoever, upon the body of any person qualified to vote at any election as aforesaid, either in his journey to, or return from, or during his stay there upon that account, under a penalty not exceeding five hundred dollars; *Provided*, he shall not be more than four days on his journey going to, returning from, and stay at, the place for holding said election, to be recovered of and from the officer who shall serve any process or arrest as aforesaid, after such manner and form, and to be disposed of as herein before directed; and all such writs or civil processes executed on the body of any person either going to, returning from, or being at the place, where such election is appointed within the time before limited, he being qualified to vote thereat, are hereby declared null and void, that at the general election which shall be held for members of the General Assembly on the first Monday in October one thousand eight hundred, and at every second general election thereafter, the electors at such election shall vote for members to represent this state in the House of Representatives of the United States. That no person shall be elected a representative in congress, who has not been an inhabitant of this state three years next preceding his election, and paid his tax regularly during that time; nor shall he hold any office of profit under this state, or the United States, during the time for which he may be elected a representative. That the names of the several candidates be kept on separate papers, and the number and the names of the voters shall be sealed up together with an accurate state of the poll under the hands of the presiding magistrates, and transmitted by express to his excellency the governor, within twenty days after closing the poll at such election, who is empowered to draw on the treasury for the payment of such express, not exceeding two dollars per day. That the governor or commander in chief, for the time being, shall within five days after the expiration of the said twenty days herein before allowed for making returns, count up the votes from the several counties, or such of them as may have made returns for each person, and immediately thereafter issue his proclamation declaring the persons having the highest number of votes and qualified as aforesaid, to be duly elected to represent this state in the House of Representatives of the United States, and to grant a certificate thereof under the great seal of the state to each of them; *Provided*, no certificate or commission shall issue to or for any such person so elected, until satisfactory proof is produced that the tax of such person has been regularly paid as above mentioned, and that he has actually had the residence herein prescribed. That where any two or more persons have an equal and the highest number of votes, other than those duly elected in the general poll; then, and in that case the governor shall issue his proclamation directing a new election, that in case any person duly elected, being in this state and notified thereof in manner herein directed, shall not within twenty days, and if out of this state within forty days after such notification, signify his acceptance, or shall depart

this life, the governor or commander in chief, shall order a new election to be held in like manner as herein before pointed out. That all writs of elections to fill vacancies that may happen for members of the General Assembly of this state, or House of Representatives of the United States, shall be directed to the justices of the inferior courts of the respective counties, who are hereby required to give public notice thereof, and cause the same to be held in manner and form as herein before pointed out agreeably to such writ. That the presiding magistrates at any election for members of the General Assembly of this state, or representatives in congress, are hereby empowered and required to appoint three clerks to attend the said elections, whose duty it shall be to keep three rolls.

Writs of election to fill vacancies, to be directed to the inferior court, who shall give public notice thereof.

Presiding justices shall appoint three clerks to keep three rolls.

2. *And be it further enacted by the authority aforesaid,* That the General Assembly of this state, shall from and after the passing of this act, meet on the first Monday in November annually.

Legislature shall meet annually on the first Monday in November.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

JAMES JACKSON, *Governor.*

February 11th, 1799.

• • • • •

*An act for the appointment of county officers.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the sheriffs, clerks, coroners and county surveyors, of the respective counties within this state, shall be elected on the third Tuesday in October next, by the \*justices of the inferior court and justices of the peace, or a majority of them, in each of the said counties respectively, and all such elections shall be held by any two or more of the said electors, not being candidates, who shall within thirty days thereafter, transmit under their hands and seals a true return of such elections to his excellency the governor, who is hereby authorized and empowered to commission such person or persons as may be elected.

County officers to be elected on the third Tuesday in October, by the justices of the inferior court and justices of the peace.

Shall be commissioned by the governor.

2. *And be it further enacted,* That the said justices of the inferior court and justices of the peace, or a majority of them, shall meet at the court-houses in their respective counties, in the forenoon of the said third Tuesday in October next, and appoint the aforesaid officers, and shall meet on the said third Tuesday in October in every second year thereafter, and appoint each of the aforesaid officers, in manner herein before prescribed; *Provided always,* That the clerks of the courts shall hold their appointments during good behaviour, agreeably to the constitution.

Elections to be held at the court-house every two years.

3. *And be it further enacted by the authority aforesaid,* That on the representation of two thirds of the justices of the inferior court, and of the county, or by sentence of impeachment, his excellency the governor be and he is hereby authorized to remove any of the aforesaid sheriffs from office; and he shall and may remove from office any coroner or county surveyor, on like representation of two thirds of the justices of the inferior court and of the county, the governor shall and may also remove any of the aforesaid clerks, county surveyors or coroners, from office, on conviction of the offender or offenders, for mal-practice in office.

Clerks hold their offices during good behaviour. Any of those officers may be removed by the governor on the representation of two thirds of the justices of the county, or by impeachment, or conviction of mal-practice in office.

C c

\* All those elections are to be by the people. See act of 4th December, 1799.

Vacancies, how to be filled.

4. *And be it further enacted*, That in case of the death, resignation or removal from office, or other disability of any or either of the aforesaid officers, it shall be the duty of one or more of the justices of the inferior court of the county in which such vacancy shall happen, to give at least ten days' notice, to be published at the courthouse, and at three or more public places in such county, for the meeting of the said justices of the inferior court and justices of the peace, for the purpose of filling up such vacancy; and the said justices of the inferior court and justices of the peace, or a majority of them being so convened, shall proceed to elect a fit and proper person to fill such vacancy, according to the directions of this act.

Inferior court shall appoint constables, who shall give bond and security in one hundred and fifty dollars

5. *And be it further enacted*, That the inferior court shall at their first term in each year, appoint at least one and not more than two fit and proper person or persons in each militia company district to serve as constables, who shall hold their appointments for one year, and until a successor shall be appointed, and before such constables enter on the duties of their appointments, they shall give bond and good security to the governor of this state for the time being, in the sum of one hundred and fifty dollars, for the faithful discharge of their duties, and shall also take the following oath before a justice of the inferior court or justice of the peace: "I do solemnly swear, or affirm, that I will duly and faithfully perform all the duties required of me as constable of the county of——according to the best of my abilities and understanding." And where it shall so happen that no fit and proper person or persons offer themselves as candidates, the said court shall pass an order directing the justices in any district, or one of them, to draw not exceeding two persons from such company, to serve as aforesaid who shall be liable to a fine of forty dollars, to be levied by order of the said inferior court, on refusal to act, or procure some other person to serve for him.

And take an oath.

Forty dollars for refusing to serve as constable  
Justice may authorize some person to act as constable.

6. *And be it further enacted*, That any justice of the peace may in cases where there is no constable in his district, either from death, removal or otherwise, authorize some person to execute the duties of constable until such vacancy is filled.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
ROBERT WALTON, *President of the Senate.*

February 16, 1799.

JAMES JACKSON, *Governor.*

• • • • •

*An act supplementary to an act entitled, "An act to regulate the general elections in this state, and to appoint the time of the meeting of the General Assembly;" passed the eleventh day of February one thousand seven hundred and ninety-nine; and an act entitled, "An act for the appointment of county officers," passed the sixteenth day of February one thousand seven hundred and ninety-nine.*

All elections to be by ballot,

and commence at 7 o'clock A. M. and close at 6 P. M.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That in future, all elections shall be by ballot, and the time of opening the elections for senators, and representatives of this state, shall be at the hour of seven o'clock in the morning, which election shall be kept open until the hour of six o'clock in the afternoon, and then closed.

Elections of county officers to be by the free citizens,

2. *And be it further enacted*, That in future, all elections for county officers, to wit, the clerks of the superior and inferior courts, sheriffs, coroners, and county sur-



veyers, shall be by the citizens of the respective counties, who are entitled by law to vote at elections for representatives, or members of the legislature of this state; and shall be opened, conducted, and closed in the same manner, that elections are for members of the legislature of this state.

3. *And be it further enacted,* That if a vacancy should take place in one of the aforesaid offices, it shall be the duty of the justices of the inferior court, or any two or more of them, to give notice in one or more of the public gazettes, or at the court-house, and three or more of the most public places in the county within which such vacancy may happen, twenty days previous to the election for filling up the said vacancy: and the person so chosen shall continue in office no longer than his predecessor would have done. And where any two or more candidates for any county office shall have the highest and an equal number of votes, the presiding justices shall certify the same to his excellency the governor, who shall be, and he is hereby authorized to appoint one of the persons so having an equality of votes.

Vacancies, how- to be filled.

Continuance in office. If two persons have an equal number of votes, the governor shall appoint one of them.

4. *And be it further enacted,* That such part or parts of the aforesaid acts as shall militate against this act, shall be and is hereby repealed.

Repealing clause.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

JAMES JACKSON, *Governor.*

December 4th, 1799.

.....

EMANCIPATION.

*An act to emancipate and set free Austin, a mulatto; also Harry, a negro fellow.*

1. **W**HEREAS Austin, a mulatto man, at present the property of the estate of Richard Aycock, esq. during the late revolution, instead of advantaging himself of the times to withdraw himself from the American lines and enter with the majority of his color and fellow slaves, in the service of his Britannic majesty and his officers and vassals, did voluntarily enrol himself in some one of the corps, under the command of Col. Elijah Clarke, and in several actions and engagements, behaved against the common enemy with a bravery and fortitude which would have honored a freeman, and in one of which engagements he was severely wounded and rendered incapable of hard servitude, and policy as well as gratitude demand a return for such service and behaviour from the commonwealth. *Be it enacted,* That the said Austin be, and he is hereby emancipated and made free; and he is and shall be hereby entitled to all the liberties, privileges, and immunities of a free citizen of this state, so far as free negroes and mulattoes are allowed; and shall be entitled to the annuity allowed by this state, to wounded and disabled soldiers.

Preamble.

Austin emancipated.

2. *And be it further enacted,* That Col. Elijah Clarke, Zachariah Lamar, and John Talbot, shall be and they are hereby appointed agents for the state to contract and agree with the heirs, executors or administrators, of the said Richard Aycock, for the value of the said Austin, *Provided* the same does not exceed the sum of seventy pounds, and that they give a certificate for such sum to the proper owner of the said Austin, for which sum his honor the governor is hereby empowered to draw on the treasury of this state.

Appointed to purchase said Austin of his owner.

purchase money not to exceed seventy pounds.

Harry the property of William Sherrill, emancipated.

3. *And be it also enacted*, That negro Harry, late the property of William Sherrill, for his meritorious services to this state, be also emancipated and made free, and entitled to the rights of citizenship so far as free negroes and mulattoes are entitled as aforesaid.

By order of the House.

WILLIAM GIBBONS, *Speaker*.

Augusta, August 14, 1786.

.....

*An act to manumit a certain person of color, by the name of Samuel.*

Preamble.

WHEREAS Joseph Thomas, of the county of Oglethorpe, has signified his intentions and design to manumit and set free a certain boy of color, of his own right and property.

Samuel the property of Joseph Thomas, emancipated.

1. *Be it enacted by the Senate and House of Representatives of the state of Georgia and by the authority of the same*, That Samuel, a certain boy of color, the property of Joseph Thomas, be manumitted and made free according to the prayer of the petitioner :

And given all the privileges of free negroes.

2. *Provided nevertheless, and be it enacted*, That nothing in this act contained shall be construed so as to give the said Samuel, any privileges more than other people of color are allowed by the laws of this state, or to the prejudice of any just debts that may be against the said Joseph Thomas, at the time of the passing of this act.

Subject to debts now due by said Thomas

DAVID MERIWETHER, *Speaker of the House of Representatives*.  
DAVID EMANUEL, *President of the Senate*.

Assented to December 1, 1800.

JAMES JACKSON, *Governor*.

.....

*An act to enable the executors of the last will and testament of Daniel Grant, deceased, to carry the same into effect, and for other purposes therein mentioned.*

Preamble.

WHEREAS by the last will and testament of Daniel Grant, deceased, late of the county of Wilkes, the executors therein named, are directed to apply as early as may be to the legislature of this state for an act, enabling them to carry the said will into effect : *And whereas* the said Daniel Grant, deceased, hath by his last will and testament declared, certain negro slaves therein named, free at certain times, and under certain conditions and restrictions therein mentioned : *And whereas*, the executors, to wit ; Thomas Grant, John Crutchfield, and David Meriwether, have petitioned the present legislature, in terms of, and agreeably to the said Will :

Several negroes declared to be free, pursuant to the will of Daniel Grant, deceased.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same*, That the aforesaid Thomas Grant, John Crutchfield, and David Meriwether, executors as aforesaid, the survivor or survivors of them are hereby authorized to carry the said will, with every item and paragraph thereof, fully into effect ; and the several negro slaves therein mentioned, are hereby declared to be freed and liberated, at the times and on the terms and conditions therein expressed ; any law, usage or custom, to the contrary notwithstanding.

2. *And whereas*, Anthony Hayns, late of the county of Columbia, was in his life time possessed of certain negro slaves, to wit, Chany and her nine children, Billy, Sylvia, Francis, John, Polly, Richard, Betsey, Anthony, and Peggy; *And whereas*, the said Anthony Hayns did, on the tenth day of June, in the year of our Lord one thousand seven hundred and ninety-five, make a certain instrument in writing, duly executed, and now entered of record in the clerk's office of the said county, purporting his renunciation of all right, title, interest, and claim of, in, and to the said negro woman Chany, and her aforesaid children, and did thereby publish and declare the aforesaid negro woman Chany, and her nine children, Billy, Sylvia, Francis, John, Polly, Richard, Betsey, Anthony, and Peggy, to be forever manumitted, emancipated and freed, and capable of enjoying all the rights, and privileges of citizenship; and the said Anthony Hayns, did also on the fifteenth day of June, one thousand seven hundred and ninety-five, by his last will and testament duly executed, give and bequeath unto the said negro woman Chany, and her children, Sylvia, Francis, John, Polly, Richard, Betsey, Anthony, and Peggy, certain lands and other property therein prescribed.

Several negroes emancipated agreeably to the will of Anthony Hayns, deceased.

*And whereas*, Thomas Hayns and David Maxwell, executors of the said last will and testament, have applied by petition to the legislature, to confirm the emancipation and freedom of the said negro slaves. *Be it therefore enacted by the authority aforesaid*, That the said negro woman Chany, and her nine children, to wit, Billy, Sylvia, Francis, John, Polly, Richard, Betsey, Anthony and Peggy, they, and each of them, be, and they are hereby emancipated, freed, and enabled to take, hold, and enjoy property of every kind, in like manner as if they were free citizens of this state.

3. *And be it further enacted by the authority aforesaid*, That the property given and bequeathed in the last will and testament of the said Anthony Hayns, to the said negro woman Chany, and her children, Sylvia, Francis, John, Polly, Richard, Betsey, Anthony and Peggy, is hereby declared to be vested and confirmed in them and their heirs and assigns forever, agreeably to the true intent and meaning of the said will.

Certain property vested in them.

4. *And be it further enacted*, That Reuben Going and John Going, of Greene county be, and they are hereby authorized and enabled to take, hold, and enjoy property both real and personal.

Reuben and John Going enabled to hold property.

*Provided nevertheless*, That nothing herein contained shall extend, nor be construed to extend, to entitle the said free mulattoes and negro slaves when liberated as aforesaid, to serve as jurors in any case whatsoever, nor to render them or either of them, a witness in any cause or case where the personal right or property of any white person or persons is or are concerned, nor to entitle them or any of them, to have or hold, directly or indirectly, any office of trust or profit, civil or military, within this state.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 13, 1796.

JARED IRWIN, *Governor.*

.....

*An act to admit Thomas Going, a free person of color, to the privileges of a citizen of this state, so far as is therein expressed.*

**W**HEREAS Thomas Going, a free person of color, has petitioned this legislature, praying to be made a free citizen of this state;

Preamble.

Thomas Going admitted to the rights of citizenship.

Proviso.

Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That from and after the passing of this act, that the aforesaid Thomas Going, of the county of Wilkes, be and is hereby vested with and entitled to all the rights, privileges and immunities belonging to a free citizen of this state; *Provided nevertheless*, That nothing herein contained shall extend or be construed to extend to entitle the said Thomas Going, to serve in the capacity of a juror, in any cause whatever; nor to render him a competent witness in any cause or case where the personal rights or property of any white person are, or is concerned; nor to entitle the said Thomas Going, to vote at elections, nor to have or hold, directly or indirectly, any office of trust or emolument, civil or military, within this state.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 18, 1799.

JAMES JACKSON, *Governor.*

.....

*An act to manumit and exempt from certain penalties, Sylvia, and her son David, now the property of Joseph Gabriel Posner.*

Preamble.

**W**HEREAS Joseph Gabriel Posner, hath, by his petition presented to this present General Assembly, prayed that Sylvia, a woman of color, and David her son, the property of the said Joseph Gabriel Posner, should be manumitted and discharged from slavery.

Sylvia and David her son emancipated.

1. *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That from and after the passing this act, the said Sylvia and David, shall be, and they are hereby declared to be manumitted and made free, an be thereafter utterly, clearly and fully discharged from slavery, as if the said Sylvia and David, had been born free.

Subject to the same punishments for offences and allowed the same defence as free white persons.

2. *And be it further enacted*, That if it shall so happen that the said Sylvia or David, should be charged or accused of any offence or crime whatsoever, the said Sylvia or David, shall be tried for such offence in the same manner, and be entitled to the same defence in the courts of this state, as allowed to free white persons in like cases.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 9, 1799.

JAMES JACKSON, *Governor.*

.....

*An act to admit James Stewart and Judy Eltoft, free persons of color, to the privileges of citizens of this state, as far as is therein expressed.*

James Stewart admitted to the rights of a free citizen.

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That from and after the passing of this act, the aforesaid James Stewart, of the county of Burke, be, and he is hereby vested with and entitled to all the rights, privileges and

immunities belonging to a free citizen of this state: *Provided nevertheless*, That nothing herein contained shall extend, or be construed to extend to entitle the said James Stewart, to serve in the capacity of a juror in any case whatever, nor to render him a competent witness in any cause or case where the personal rights or property of any white person are or is concerned; nor to entitle the said James Stewart to vote at elections, nor to have or hold, directly or indirectly, any office of trust or emolument, civil or military, within this state.

*And whereas*, Judy Eltoft, a free person of color, has petitioned this legislature to be made a free citizen of this state:

2. *Be it therefore enacted*, That the said Judy Eltoft, of the county of Richmond, be and she is hereby vested with and entitled to all the rights, privileges and immunities belonging to a free citizen of this state; with this exception, that she shall not be a competent witness in any cause where the personal rights or property of any white person may be concerned.

DAVID MERIWETHER, *Speaker of the House of Representatives*,

DAVID EMANUEL, *President of the Senate*,

Assented to December 2, 1799.

JAMES JACKSON, *Governor*.

• • • • •

*An act to manumit certain persons therein named.*

**W**HEREAS James King, late of the city of Charleston, deceased, did by his last will and testament, bearing date the twenty-sixth day of March, in the year of our Lord one thousand seven hundred and ninety-seven, direct his executors therein named "to take care of and manumit as soon as possible his two negroes, Lewis and China:"

*And whereas* Alexander King and Joshua Moore, the executors named in the said last will and testament of the said James King, have by petition applied to the present legislature, praying that the benevolent intentions of the said James King, towards the said negroes, be carried into effect:

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That the said negroes, Lewis and China, be and they are hereby manumitted and made free, and they are hereby entitled to the same privileges and immunities as if they had been born free.

*And whereas* Ezekiel Hudnall, has by his petition prayed the legislature to manumit the following slaves: Bridget Waters and her children, Leviny, Nancy, Daniel and Syrus:

2. *Be it enacted*, That the said Bridget, Leviny, Nancy, Daniel and Syrus, be, and they are hereby declared to be free and manumitted, according to the prayer of the said petition.

*And whereas* it appears to this present General Assembly, that a certain Harry M'Clendon, formerly the property of Jacob M'Clendon, and Rose his wife, formerly the property of Andrew M'Lean, have purchased their freedom, together with the freedom of their children, of and from their former owners, and have prayed that their freedom, as purchased, be secured by law:

3. *Be it further enacted*, That the said Harry, Rose, and their children, Betfy and Keziah, be and they are hereby declared to be free,

Provido.

4. *Provided always, and be it further enacted,* That nothing in this act contained, shall be construed to give any person herein manumitted, any privileges, except such as free people of color are entitled to by the laws of this state.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Affented to December 5, 1799.

JAMES JACKSON, *Governor.*

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## ESTRAYS.

*An act concerning estrays and for improving the breed of horses.*

*Estrays how  
to be taken up  
and appraised.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That it shall and may be lawful for any person, upon his own freehold, or other person having charge of such freehold in the absence of the owner thereof, and not elsewhere, to take up all estrays, whether horse, mare, colt, or filly, neat cattle, asses, mules, or sheep, hogs, or goats that may be found straying away from the owners; and any person taking up estrays as above, shall within ten days, in case such estrays have been broke to service, take or drive it or them before a justice of the peace in the county, whose duty it shall be, and he is hereby required to take down in writing a particular description of the marks, natural and artificial, brand, stature, age and color of such estray or estrays, and immediately to issue his warrant to two or more freeholders of the vicinage, commanding them, having been first duly sworn thereto, well and truly to appraise, or ascertain the value of such estray, which appraisement or valuation and description as above, together with the name of the taker up, and the place of his abode, the said justice shall, within ten days thereafter, transmit to the clerk of the superior court in said county, taking special care that the person or persons taking up such estray, do solemnly swear, or affirm, that he or they have not altered or cause to be altered, the marks or brands of such estray, and to the best of his or their knowledge and belief, such marks or brands have, or have not, as the case may be, in any wise been altered, and that the owner is to him or them unknown.

*Valuation and  
description to  
be sent to the  
clerk of the su-  
perior court in  
ten days.*

*Taker up to  
take an oath.*

*Estrayed neat  
cattle sheep,  
&c to be view-  
ed y a free-  
holder.*

*The taker up  
shall go before  
a justice and  
take an oath,  
&c and de-  
scribe the es-  
trays.*

*Justice sha'll  
issue a warrant  
of appraise-  
ment  
Value and de-  
scription sent  
to the clerk in  
ten days  
Justices to  
keep a book of  
entries.*

2. *And be it further enacted,* That in case any person shall take up any such estrayed neat cattle, sheep, goats, or hogs, he shall cause the same to be viewed by a freeholder in the county where the same shall happen, and shall immediately go with such freeholder, before a justice of the said county and make oath before him that the same was taken up at his plantation or place of residence in the said county, and that the marks or brands of such estray or estrays, have not by him, or to the best of his knowledge been altered; and then the justice shall take from the taker up and freeholder, upon oath, a particular and exact description of the marks, color and age of all and every such neat cattle, sheep, goat or hog, and such justice shall, in manner above directed, issue his warrant for the appraisement of such estrays, which description and valuation shall by the said justice, within ten days, be transmitted to the clerk of the superior court, by him to be disposed of as hereafter directed.

3. *And be it further enacted,* That it shall be the duty of every justice of the peace before whom any estray shall be carried as aforesaid, to enter a true copy of the cer-

tificate transmitted by him to the clerk of the court, in a book to be by him kept for that purpose.

4. *And be it further enacted,* That it shall be the duty of the clerk of the superior court in each county in this state, and he is hereby required to receive and enter in a book by him to be provided and kept for that purpose, all such certificates of description and appraisement, as to him shall be transmitted from the respective justices in the county; and it shall also be the duty of the said clerk to affix a copy of every such description and valuation to the court-house of his county, for two terms successively, after the same shall be transmitted to him.

Clerk's duty and power in such cases.

5. *And be it further enacted,* That in case no owner shall appear in the term of twelve calendar months from the time of taking up any horse, mare, colt, ass, mule or neat cattle, in that case it shall be the duty of the clerk, upon giving thirty days previous notice, by advertisement at the court-house, to proceed to sell such estrays for ready money to the highest bidder, which money shall, in the hands of the said clerk, be subject to the order of the superior court, for county purposes, after defraying the charges or fees herein after directed.

Horses, cattle, &c. not claimed in twelve months — to be sold and the money applied to county uses.

6. *And be it further enacted,* That in case any person shall take up as aforesaid, any sheep, goats or hogs, and no person or persons shall appear and make satisfactory proof that the said estrays are his or their property, within three months from the time of taking up such estrays, the clerk having advertised for three months at the court-house, in that case the clerk is hereby directed and authorized to proceed to the sale of such estrays as above directed, and the monies arising therefrom shall also be applied as above.

Other estrays may be sold in three months.

7. *Nevertheless, be it further enacted,* That if any person or persons shall, within the term of twelve months from the time of such sale, prove to the satisfaction of the court, that the property so sold was his or their own, or that of his or their employers, as the case may be, in that case the court shall, after deducting the fees and charges hereafter described, pay the balance of the money arising from such sales to the claimants of such property.

Owners claiming in twelve months after sale, shall receive the amount deducting charges.

8. *And be it further enacted by the authority aforesaid,* That the justice, for his services as above, shall receive from the taker up, at the time such stray or estrays shall be brought before him, or a description and valuation thereof presented to him as above, the sum of three shillings and sixpence for each horse, mare, colt or filly, ass or mule, and the sum of threepence halfpenny for each head of neat cattle, sheep, goats or hogs.

Justice's fees.

9. *And be it further enacted,* That the taker up of such estrays shall, as a compensation for maintaining and keeping of the same, put them to immediate labor, if capable of service; and if incapable, or he should prefer it, receive from the owner if claimed, or from the court if sold, a reasonable satisfaction, to be adjudged by the clerk and a justice of the peace in the county, according to the circumstance of the case: *Provided nevertheless,* That, in case of putting him to labor, he shall be bound to produce them to the owner if claimed, or to the clerk if sold, (casualties excepted) in as good condition as when appraised.

The taker up may work the stray, or be paid for keeping.

Proviso.

10. *And be it further enacted,* That upon the delivery of any such stray to the legal owner, or in case of sale upon the sale thereof, the taker up shall receive from the owner or clerk, as the case may be, the sum of four shillings and eightpence for each horse, mare, colt or filly, ass, mule or ox, in addition to the sum by him paid to the justice; and the sum of sevenpence for each head of neat cattle, sheep, goats

His fees.

or hogs, in addition to the fums above mentioned, for the keeping and maintenance of the fame.

11. *And be it further enacted*, That the clerk shall, for the receiving, entering and publishing every certificate as above directed, and advertising the property for sale, if necessary, the sum of two shillings and fourpence, to be paid by the owner, upon claiming the property, or deducted out of the money arising from such property in case of sale, and the further sum of five per centum upon the balance of such money, as a compensation for selling, collecting and paying.

12. *And be it further enacted*, That it shall be the duty of the superior court \* in each county, at each term, to call upon the clerks of the said counties to give in a full statement of all monies by them collected in consequence of this act; and also to require a just and true account and reckoning of and from all justices, toll-masters or other persons heretofore concerned in taking up or selling estrays, and of the monies that have arisen and not accounted for, or shall arise from the sale of such estrays taken up under the former laws of this state; and such justice, toll-master or other person so concerned is and are required, under the penalties incurred by this law, to render such account, and the balance of monies remaining in their hands, after deducting the legal charges thereon, shall be paid into the hands of the clerks of the superior court, to be applied as herein is provided for.

13. *And be it further enacted*, That any person taking up any estrays as aforesaid, and failing or neglecting to comply with and fulfil the intent and meaning of this act, and being thereof duly convicted before three magistrates, shall, for every such offence, forfeit a sum equal to double the value of such stray so neglected to be tolled and advertised as aforesaid, to be recovered on information before any court having cognizance thereof, one half to the informer, the other half to the use of the county.

14. *And be it further enacted*, That if any justice or clerk shall refuse or neglect to perform the duties required of them by this act, each justice or clerk neglecting or refusing shall, for every such neglect or refusal, forfeit the sum of five pounds, one moiety to be paid to the party informing, and the other moiety to the use of the county where such offence shall be committed, to be recovered by action of debt in any court having cognizance of the same, and shall moreover be liable to an action of damages to the party injured, and upon conviction pay double costs.

15. And for the improvement of the breed of horses within this state, *Be it further enacted*, That if any stone horse, above eighteen months old, shall be found running at large, it shall and may be lawful for any person to take up the same, and having taken him before the nearest justice of the peace in the county, by the permission of the said justice, may geld the same, taking care that the operation is performed by a person usually doing such business in the neighborhood, for which the person so gelding shall receive one dollar, to be paid by the owner of the horse: *Provided nevertheless*, That if any person shall take up and geld any such stone horse, contrary to the true intent and meaning of this act, or without fully pursuing the above direction, he shall, for every such offence, forfeit to the party injured, double the value of such horse, which value shall be ascertained by two respectable freeholders, who were acquainted with such horse, who shall act upon oath, to be recovered in any court having cognizance of the same.

\* Inferior courts vested with this power. See acts of 1796 and 1799.



16. *And be it further enacted*, That all former laws or parts of laws concerning estrays, shall be and they are hereby repealed, so far as respects the taking up such estrays contemplated by this act. All former laws repealed.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
 NATHAN BROWNSON, *President of the Senate.*

Concurred December 20, 1791.

EDWARD TELFAIR, *Governor.*

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*An act to revise and amend an act, entitled "An act concerning estrays, and for improving the breed of horses."*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same*, That from and after the passing of this act, the sale of all estrays, except horses, mares, colts, fillies, asses or mules, shall be in the captain's district in which such estray may have been taken up, and shall be sold by the justices of the district for ready money on their court days; and at least twenty days notice of all sales shall be given at one or more of the most public places in the district. The sale of cattle, sheep, &c. to be in the district where they are taken up and by the justices of the district on their court days.

2. *And be it further enacted*, That the justices of the several company districts shall at the next inferior court after the sale of any estray or estrays, render an account thereof in writing and pay over the monies received by them for estrays sold, to the justices of the said courts respectively; and if any justice of the peace shall fail to pay to the inferior courts the monies for which such estrays may have sold as required by this act, after deducting five per centum commissions and such other charges as are allowed by law, he or they shall be punished by attachment as for a contempt, and shall be committed until the monies aforesaid shall be paid. Justices to pay over the money arising from such sales, to the next inferior court, deducting five per cent. commissions. On failure thereof to be punished by attachment.

3. *And be it further enacted*, That if any person shall presume to sell or dispose of, or apply to his or their own use, any estray, every such person or persons so offending, shall be subject to indictment for a misdemeanor, and on conviction thereof shall forfeit and pay to the justices of the inferior court for the use of the county in which such offence may be committed, double the value of such estray or estrays so sold, applied or converted to his, her or their use. Persons selling estray for their own use, liable to indictment and forfeiture of double the value of such estrays.

4. *And be it further enacted*, That every estray, horse, mare, colt, filly, ass or mule, shall on the day they are to be sold agreeably to law, be brought to the court-house by the person who took them up, and delivered to the clerk of the inferior court by twelve o'clock at farthest, and on failure thereof, unless satisfactory proof can be given in excuse, he, she or they, shall forfeit double the value thereof, to be recovered in the manner herein before pointed out, *Provided nevertheless*, That nothing contained in this law shall be construed as to prevent the original owner from receiving the amount of sales of such estrays, on application and satisfactory proof thereof being made to said inferior court, if such application is made in a term not exceeding two years after such sales; and it shall be the duty of the said inferior court to refund to the said owner the amount sales of such estray or estrays, after deducting all legal cost and charges therefrom. Horses, mares, &c. must be brought to the court-house on the day of sale. On failure to forfeit double the value of such estray. Owner may receive the amount of sale, if he applies in two years after the sale.

EVIDENCES.

Repealing  
Clau. c.

5. *And be it further enacted,* That so much of the act entitled "An act concerning estrays, and for improving the breed of horses," as is repugnant to this act, shall be and the same is hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 15, 1799.

JAMES JACKSON, *Governor.*

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EVIDENCES.

*An act for pointing out the method of compelling persons residing in this state, to give evidence in cases pending in another.*

Preamble.

1. **W**HEREAS much inconvenience has arisen to individuals from no compulsory process having been adopted in the different states, to oblige the citizens or residents thereof, to give evidence in suits pending in other states; for remedy whereof, as far as it might be occasioned by persons residing within the state of Georgia, *Be it enacted,* That if the testimony of any persons residing within the said state shall be required, in any suit pending in any court of record in either of the United States, and he, she or they shall refuse to appear before commissioners appointed to take his or her examination, under a commission properly issued and authenticated agreeably to the laws and rules of the courts of the state from which it shall be sent, or appearing, shall refuse to answer to such legal interrogatories as shall be annexed to the said commission, and exhibited to him, her or them, it shall be lawful for either of the said commissioners, or the party upon whose application the said commission was issued, to apply to any judge of the superior courts of this state, or justice of the inferior court of the county within which such person whose testimony is required may reside, and upon producing before him such commission, and his being satisfied of its regularity, and on affidavit being made of such refusal, he shall issue a subpoena in the usual form, directed to such person or persons as aforesaid, requiring him, her or them to be and appear before the said commissioners at a certain time and place, to answer to such legal interrogatories as may be annexed to the said commission, and then exhibited to him: *Provided,* That he shall not be required to attend such examination, and give answers to the said interrogatories, within less than two days after the service of the said subpoena, neither shall he be obliged to attend for such examination out of the county where he resides, nor more than ten miles from the place of his residence; and upon due service of the said subpoena upon such person or persons, the same shall be returned to the commissioners on or before the time appointed for the examination and the service of such subpoena, proven by the return of the proper officer; and on the refusal or neglect of such person or persons to comply with its mandate, endorsed on or annexed to the said subpoena, and returned to the superior or inferior court, as the case may require, of the county in which such person or persons reside, he, she or they, shall be subject for such neglect or refusal to all the pains and penalties to which such person or persons would have been subject for a similar default in any cases pending in the courts of this state.

Persons residing in this state compellable to give testimony in cases pending in other states.

Proviso.

Entitled to the fees of witness  
Ca.

2. *And be it further enacted,* That the person or persons whose evidence shall be required as aforesaid, shall, if they or any of them shall require the same, be entitled

to the same fees or pay, as persons summoned to give evidence in the superior or inferior courts of this state.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 16, 1794.

GEORGE MATHEWS, *Governor.*

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## ESTATES INTESTATE, EXECUTORS AND ADMINISTRATORS.

*An act to direct executors and administrators, in the manner and method of returning inventories and accounts of their testators and intestates estates, and for allowing them and all other persons who shall or may be entrusted with the care and management of minors and other estates, to charge commissions thereon.*

1. **W**HEREAS, for preventing any fraudulent disposition or embezzlement of <sup>Preamble.</sup> the estates of persons deceased, it is highly expedient that executors and administrators should be obliged to render true and perfect inventories and appraisements of the estates and effects of their testators and intestates come to their hands and possession; *And whereas* it is also fit and reasonable, that, as well executors and administrators, as all guardians and trustees, shall have an allowance for their trouble and care in the management of the estates committed to their trust; *Therefore be it enacted,* That from and after the passing of this act, all and every executor\* and administrator who shall, before the ordinary of this province for the time being, or such person as he shall depute or appoint, qualify him, her or themselves, for the administration of the estate and effects of his, her or their testator or intestate, shall, upon oath, be bound to produce and shew to the appraisers that shall be appointed by the ordinary for that purpose, or any three or more of them, all and singular the goods and chattels of his, her or their testator or intestate, as have or shall come into his, her or their, or either of their hands, possession or knowledge, and within sixty days after such his, her or their qualification, shall cause to be made a true and just appraisement, upon oath, of all and singular the goods and chattels aforesaid, and exhibit, or cause to be exhibited, the said appraisement, certified under the hands of any three or more of the appraisers aforesaid, within four † months after such his, her or their qualification, together with a full and perfect inventory of all and singular the rights and credits of the said testator or intestate, whether the same be in ready money, judgments, bonds, or other specialties, or notes of hand, together with a list or schedule of the books of account of such testator, to which books all parties concerned shall, upon request, and at convenient times, have free access; and every such executor and administrator shall be, and they are hereby made chargeable with the real value of the goods and chattels in the said inventory contained, and with so much of the credits only as he, she or they, after due care and proper diligence, shall recover and receive, in like manner as executors and administrators are made chargeable by the common and statute law of England.
2. *And be it further enacted,* That no letters testamentary, or of administration, shall be granted before the persons applying for the same do severally and respectively take

Executors and administrators, their duty.

Made chargeable with the value of the goods and chattels inventoried.

Oath of administrators & executors.

\* Executors compellable to give security by act of 1792, sect. 1.

† Altered to three months by act of 1792, sect. 2.

the following oath (*mutatis mutandis*): “ You, *A. B.* (if executor) do swear, that you believe this to be the last will of *C. D.* deceased; or, you, *A. B.* (if an administrator\*) do swear, that *C. D.* deceased, made no will, as far as you know and believe, and that you will produce, to shew and inform the appraisers that shall be appointed by the ordinary, all and singular the goods and chattels of the said *C. D.* deceased, as already have or shall, before the day of making the appraisement, come into your hands, possession or knowledge, and that you will well and truly administer all and singular the goods, chattels, rights and credits of the said deceased, and pay his debts and legacies, as far as his estate will extend, and the law charge you; and that you will make a true and perfect inventory of all the rights and credits of the said deceased, whether the same be in ready money, judgments, bonds, or other specialties, or notes of hand, together with a list or schedule of the books of account of such testator and intestate person, and exhibit, or cause to be exhibited, the said inventory and schedule, together with the appraisement of the said deceased’s goods and chattels, certified under the hands of three or more of the appraisers aforesaid, into the secretary’s office of this province, within the time prescribed by law.”

Executors and administrators not allowed to take estates at the appraise value, but must account for the true value thereof.

3. *And whereas*, a custom hath prevailed among executors and administrators of taking estates, or some part thereof, at the appraisement, when such appraisement hath often been under the real value; for prevention whereof for the future, *Be it enacted*, That no executor or administrator shall hereafter be permitted to take any estate, or any part thereof, at the appraisement, and that no appraisement to be made as aforesaid shall be binding or conclusive,† either upon the creditors, legatees, next of kin, or other person interested in such estate, or upon the executors or administrators, but all and every such executor and administrator shall be chargeable and accountable for the true value of such estate, any practice to the contrary notwithstanding.

Forty days notice to be given before the sale.

4. *And be it further enacted*, That all intended sales of goods and chattels belonging to testators or intestates, shall be published in two or more public places in the parish where such effects are to be sold, and in the gazette, at least forty days before the day of such intended sale.

Debtors made by executors, not released from debts, unless expressly released in the will.

5. *And be it further enacted*, That in case any person in the province shall hereafter happen by his will to appoint his debtor to be his executor, such appointment shall not, in law or equity, be construed or deemed to be a release or extinguishment of any debt due to the testator, unless the testator shall in his will expressly declare his intention to devise, bequeath, or release such debt, any law, usage or custom, to the contrary notwithstanding.

Appraisers to be sworn.

6. *And be it further enacted*, That no appraisers, that shall hereafter be appointed to appraise any testator or intestate’s goods and chattels, shall enter upon that office before they shall have taken the following oath, before one of his majesty’s justices of the peace of this province, who is hereby empowered to administer the same: “ You, *A. B. C. D. E. F.* do swear, that you will make a just and true appraisement of all and singular the goods and chattels (ready money only excepted) of *G. H.* deceased, as shall be produced by *I. K.* the executor or administrator of the estate of the said *G. H.* deceased, and that you will return the same, certified under your hands, unto the said *I. K.* executor or administrator, within the time prescribed by law.”

Their oath.

7. *And be it further enacted*, That every person who shall hereafter obtain letters of administration from the ordinary of this province, shall give bond ‡ in the secreta-

Bond and security to be given by administrators.

\* Administrator’s oath prescribed by the 8th sect. of the act of 1792.

† See also 2d sect. of the act of 1792.

‡ Form of the bond prescribed by the 8th sect. of the act of 1792.

ry's office, with sufficient security to be approved of by the ordinary, according to the statute of the twenty-second and twenty-third years of king Charles the second, for the better settling of intestates estates.

8. *And be it further enacted*, That no letters of administration shall hereafter be granted by the ordinary of this province to any person or persons whomsoever, as principal creditor or creditors to any intestate, but upon special trust and confidence, and for the benefit of all and singular the rest of the creditors; and that all debts\* of an equal nature shall be discharged by such administrator or administrators in average and proportion, as far as the assets of the intestate shall extend, and that no preference shall be given among the creditors in equal degree; and that every such administrator and administrators, shall be obliged to sue for such debts which he or they may reasonably expect to recover, or, at the request and proper charges of any of the creditors of the intestate, assign and empower them, or any of them, to sue for the debts outstanding to the estate of such intestate, any law, usage or custom, to the contrary notwithstanding.

Letters of administration may be granted to a principal creditor in trust for the other creditors.

Debts of equal degree to be discharged in average as far as assets.

9. *And*, That no creditor or creditors, to be appointed administrator or administrators in trust, as herein before mentioned, may retain, in his or their hands the monies he or they shall receive by virtue of such administration, longer than necessary, *Be it further enacted*, That every such administrator or administrators, shall within twelve months after the death of his or their intestate, or after his or their obtaining administration thereon, make a dividend of the monies arising from such intestates' estate, and effects, to and among the several creditors in like proportion as aforementioned: and in case such estate and effects shall not then be wholly divided, a second dividend thereof shall be made within two years from the death of the intestate, which second dividend shall be final, unless any suit shall be then depending, or any part of the intestates' estate standing out, or unless some future estate of the intestate shall afterwards come to the hands of such administrator or administrators, in which case he or they shall, as soon as may be, convert such future estate into money, and shall within three months after, divide the same, to which effect it shall be inserted in the condition of the bond to be given as aforementioned, on obtaining letters of administration.

Intestate estates to be distributed in 12 months from the death of intestate, or date of the letters.

Second dividend to be made in two years.

10. *And be it further enacted*, That every executor and administrator who shall not, within the time aforesaid, or within such further or other reasonable time as the ordinary shall think fit to give, make and return into the secretary's office aforesaid, such inventory and appraisement as is herein before directed to be made and returned, and who shall make default in mentioning or inserting therein all or any of the credits or effects of his, her, or their testator, or intestate as aforesaid, which came into their hands to be administered, every such executor or administrator shall be, and they, and each of them, are hereby made chargeable with and subject to the payment of all and singular the said testators' and intestates' debts, legacies, and bequests, in the same manner as executors of their own wrong are subjected and made chargeable by the common or statute law of England.

Executors and administrators neglecting their duty, made chargeable as executors in their own wrong.

11. *And be it further enacted*, That it shall and may be lawful to and for all and every executor and administrator, guardian and trustee, for his, her, and their care, trouble and attendance, in the execution of their or either of their several duties and trusts, to take, receive, or retain, in his or their hands, a sum not exceeding fifty shillings for every hundred pounds which he, she or they, shall hereafter receive, except on the appraised value of any estate that shall come into their hands; and the like sum of fifty shillings for every hundred pounds which he, she or they, shall pay away in debts,

Commissions of executors, &c.

Two and an half per cent. on money received, and two and a half per cent. on all money paid away.

\* The 10th sect. of the act of 1792 prescribes the order in which debts shall be paid.

legacies, or otherwise, (excepting also the delivering up any such estate to the person or persons entitled to the same, during the course and continuation of their, or either of their management or administration,) and so in proportion for any sum, less than one hundred pounds; *Provided nevertheless*, That no executors or administrators, guardian, or trustee, shall, where they have power so to do, for his, her, or their trouble, in letting out and lending any sum or sums of money upon interest, and again receiving the monies so lent and let out, be entitled to receive, take or retain any sum exceeding the sum of twenty shillings for every ten pounds for all sums arising by monies lent to interest, so to be by them received, and in like proportion for a larger or lesser sum: *And provided also*, That no executor, administrator, guardian or trustee, who is or may be creditors of any testator or intestate, or to whom is or may be left or bequeathed any sum or sums of money, or other estate or effects, shall be entitled to any reward or commissions for the payment or retaining to themselves any such debts or legacies, any law, usage or custom to the contrary notwithstanding.

Proviso.

Ten per cent. on interest arising on money lent out by them.  
Proviso.

Executors and administrators may bring suit in the general court for additional commissions.

12. But, as it may be very difficult to ascertain the proper and adequate allowance to be made in all cases, and as the sums herein before allowed may not be sufficient compensation for the care, trouble, and pains which executors, administrators, guardians, or trustees, may take in the management of their respective trusts, in some particular cases: *Be it further enacted*, That if any executors, administrators, guardians or trustees, who shall have had extraordinary trouble in the management of the estates under their care, and shall not be satisfied with the sums herein before mentioned, such executors, administrators, guardians, or trustees, shall and may be at liberty to bring an action in the general court of pleas for their services, and the verdict of the jury, and judgement of the court thereupon, shall be final and conclusive in such cases; *Provided always*, that no verdict shall be given for more than fifty shillings per cent. over and above the sums allowed by this act.

They shall not recover more than two and an half per cent. Commissions to be divided among them according to their services.

13. *And be it further enacted*, That the commissions given by this act shall be divided amongst executors, administrators, guardians and trustees, according to the proportion of the services by them respectively performed, to be rated and settled by the chief justice and two of the justices of the general court of pleas, in case the executors, administrators, guardians and trustees cannot agree amongst themselves concerning the same.

Continuation.

14. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force for the term of seven years, and from thence to the end of the next session of Assembly, and no longer.\*

By order of the Commons House,  
LEWIS JOHNSON, *Speaker*.  
By order of the Upper House,  
JAMES HABERSHAM, *President*.

Council Chamber—Assented to 29th February, 1764.  
JAMES WRIGHT.

\* Continued by act of 1773, and by the other reviving acts down to 1784.  
.....

*An act to carry into effect the sixth section of the fourth article of the constitution, touching the distribution\* of intestate estates, directing the manner of granting letters of administration, letters testamentary, and marriage licenses.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That the true construction of the sixth

\* See act of 1799, pointing out the mode of compelling distribution.

section of the fourth article of the constitution, shall and is hereby declared to be as follows: When any person holding real and personal estate, shall depart this life, intestate and without will, the said estate, real and personal, shall be considered as altogether of the same nature, and upon the same footing; so that in case of there being a widow and children, or child, they shall draw equal shares thereof; unless the widow shall prefer her dower; in which event she shall have nothing further out of the real estate than such dower; but shall nevertheless receive her proportionable part or share out of the personal estate. In case any of the children shall have died before the intestate, their lineal descendants shall stand in their place and stead; in case of their being a widow, and no child or children, or legal representatives of children; then the widow shall draw a moiety of the estate, and the other moiety shall go to the next of kin in equal degree and their representatives. If no widow, the whole shall go to the child or children. If neither widow, child, or children, the whole shall be distributed among the next of kin in equal degree, and their representatives; but no representatives shall be admitted among collaterals, further than the child or children of the intestate's brothers and sisters. If the father or mother be alive, and a child dies intestate, and without issue, such father (or the mother, in case the father be dead, and not otherwise) shall come in on the same footing, as a brother or sister would do. The next of kin shall be investigated by the following rules of consanguinity, that is to say, children shall be nearest; parents, brothers and sisters shall be equal in respect to distribution, and cousins shall be next to them: The half blood shall be admitted to a distribution share of the real and personal estate in common with the full blood.

Construction of the sixth section of the fourth article of the constitution

Real and personal estates of persons dying intestates considered of the same nature with regard to distribution.

Dower. Lineal descendants of deceased children to stand in their places.

If there is a widow and no children, she shall have one moiety, the rest to the next of kin.

If neither widow or children, the whole to be divided among the next of kin and their representatives.

Rules of consanguinity.

Half blood equally with the whole.

Same rules in granting letters of administration.

In cases of intermarriages since 22d of February, 1785 the real estate of the wife vested in the husband.

Duty and power of register of probates in granting letters of administration and proving wills.

Superior court to hear and determine all controversies about proving wills, granting letters.

2. *And be it further enacted*, That the same rules shall obtain in regard to the granting letters of administration on intestate estates, as are before mentioned for the distribution thereof: and should any case arise, which is not expressly provided for by this act, respecting intestate estates, the same shall be referred to and determined by the common law of this land, as it hath stood since the first settlement of this state, except only, that real and personal estate shall always be considered in respect to such distribution as being precisely on the same footing: And in cases of intermarriage, since the twenty-second day of February, one thousand seven hundred and eighty-five, the real estate belonging to the wife shall become vested in, and pass to the husband; in the same manner as personal property doth; and in case of the death of the husband thereafter, intestate and without will, the said estate shall descend and become subject to distribution, in the same manner as personal property.

3. *And be it further enacted by the authority aforesaid*, That all letters of administration shall be granted, letters testamentary issued by, and the proving of wills, be before the register\* of probates of the county; and where applications are made for letters of administration, the register shall give thirty days' notice thereof in some public gazette, and by advertisement at the court-house in each county, before such letters shall be granted: But such register shall or may at his discretion, grant letters to collect, and take care of the estate and effects of the deceased, as well during the thirty days, as pending any suit touching the right of granting such administration or otherwise, as the occasion shall require, taking good and sufficient security from the person or persons to whom he shall grant such temporary letters.

4. *And be it further enacted by the authority aforesaid*, That the judge or judges of the superior court shall be, and they are hereby authorized and empowered to take

\* This power is now vested in the court of ordinary. See act of 16th February, 1799.

cognizance of, to hear and determine all controversies respecting the proving of wills and testaments, the granting letters testamentary, and letters of administration; and that in all cases wherein a caveat has been before entered, and is yet undetermined, or wherein a caveat may hereafter be entered, to prevent the proving of a will, granting letters testamentary, or letters of administration, the register of probates shall, twenty days before the first meeting of the superior court of each county, make up the record of all proofs and allegations touching the matter in dispute before him, and lay the same before the judge or judges of the superior court, who, after hearing the parties, and considering the proofs exhibited, or to be exhibited, shall proceed to determine on such caveat, agreeably to the rules and principles of law and equity.

Register must send up all caveats to the superior court.

Clerk of the county to grant letters, &c to the register.

5. *And be it further enacted,* That where the register of probates applies for letters of administration or letters testamentary, the same shall, in such case only, be granted by the clerk of the county, under the regulations herein contained: *Provided always,* That a record of such proceedings shall nevertheless be made in the office of such register after the proceedings are completed.

Register shall grant marriage licenses.

Banns may be published.

6. *And be it further enacted,* That the register of probates in each county, shall grant marriage licenses to any minister of the gospel, or justice of the peace, to join persons of lawful age, and authorized by the levitical degrees, to be joined together in the holy state of matrimony; and where such persons, intending to marry, shall have the banns of the marriage published three times in some public place of worship, it shall be lawful for such minister or justice, to marry the persons so published aforesaid; and any persons marrying without such license or publication, the person marrying them shall forfeit one hundred pounds, to be recovered for the use of the academy of the county.

Persons marrying them otherwise to forfeit one hundred pounds to the use of the academy.

SEABORN JONES, *Speaker of the House of Representatives.*  
NATHAN BROWNSON, *President of the Senate.*

Concurred December 23, 1789.  
EDWARD TELFAIR.

.....

*An act to authorize and empower executors and administrators to make titles to land in certain cases.*

Titles to lands and tenements may be made by executors or administrators, where their testator or intestate had entered into bonds or other agreements for that purpose, and died without complying with the same. Obligees must petition the court of ordinary.

1. **BE IT ENACTED** by the Senate and House of Representatives, of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That where it shall clearly and indisputably appear, that any person or persons hath, or have entered into any bond, obligation, or other agreement in writing, whereby they were bound to make titles to any lands, tenements or hereditaments, and shall die without having performed the same, or making provision thereof by will, the person or persons to whom such bond, obligation or other agreement in writing as aforesaid was given, shall petition the court of ordinary in which the executors or administrators reside, and annex a copy of such bond, obligation, or other agreement thereto, praying the court to direct the executors of such testator, or administrator of such intestate, to make titles for the lands, tenements or hereditaments, expressed in the said bond, obligation, or other agreement; whereupon the said court shall give at least three months' notice, in one of the public gazettes, and in the public places of the county, of such applications; and that the executors or administrators will be directed, at the court to be held at the next term, to make titles agreeably to such bond, obligation or agreement; and if no objection shall be made thereto during the said next term, it shall and may be lawful for the executors of such testator, or the administrators of such in-

who shall publish a notice thereof.



testate, upon application made to him or them for that purpose; and upon its being made known to his, her or their satisfaction, that the contract hath been carried fairly into effect, on the part of the person or persons to whom such bond, obligation or other agreement in writing was made, or their legal representatives, and the amount of the purchase money or the consideration for which the said contract was entered into shall be fully paid or performed, with the concurrence of the court of ordinary of the county in which the intestate died or resided at the time of his or her decease; to make and execute titles in fee simple for such lands or tenements, and fully and completely perform the contract and agreement of the deceased, as perfectly and effectually, to all intents and purposes, as the party having made the said contract might or could have done when in life, any law to the contrary notwithstanding: *Provided always nevertheless, and be it further enacted,* That if any of the heirs or legal representatives of the deceased, shall oppose or dissent to the making of such titles by the executor or administrator, such executor or administrator shall withhold and forbear to make such title or titles, until a suit shall be instituted against him or them, and a verdict of a jury, or judgment of the court, shall pass against him for that purpose.

If title to be made under the direction of the court.

If the heirs dissent, an action must be brought.

2. *And be it further enacted,* That it shall be the duty of such executor or executors, administrator or administrators, in all cases where titles to lands are made in virtue of this act, to make a fair statement thereof, describing the boundaries and situation of the land, and return the same, together with the bond, obligation or other agreement in writing, which may have been taken up upon making such titles, to the court of ordinary, to be filed in the clerk's office of that court, subject to the inspection of all persons interested.

Description of the land and the bond must be filed in the clerk's office of the said court.

DAVID MERIWETHER, *Speaker of the House of Representatives*

ROBERT WALTON, *President of the Senate.*

Assented to February 15, 1799.

JAMES JACKSON, *Governor.*

*An act to carry into effect the sixth section of the third article of the constitution, and to amend an act, entitled "An act to carry into effect the sixth section of the fourth article of the constitution," touching the distribution of intestate estates, directing the manner of granting letters of administration, letters testamentary, and marriage licenses, and to prevent entails.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same it is hereby enacted, That from and after the passing of this act, the inferior courts in each county shall have jurisdiction and authority to hear and determine all causes, matters, suits and controversies, testamentary, which shall be brought before them, touching the proof of wills; and shall examine and take the proof of wills; grant probate thereof, and shall hear and determine the right of administration of estates of persons dying intestate, and to do all other things touching the granting letters testamentary and letters of administration, according to law and right, and shall appoint its own clerk, who shall be commissioned by the governor, and before he enters on the duties of his office, shall take an oath, well and truly to perform the duties required of him as clerk of the court of ordinary, to be administered by one of the judges thereof.

Jurisdiction of the court of ordinary.

The court shall appoint a clerk.

Applications for letters of administration to be made to the clerk, who shall give notice thereof, thirty days before the sitting of the court. Clerk may grant temporary letters,

2. *And be it further enacted,* That all applications for letters of administration shall be made to the clerk of such ordinary, who shall give notice thereof in one of the public gazettes of this state, and by advertisement at the court-house of such county, at least thirty days before the sitting of the said court of ordinary; and such clerk may at his discretion grant letters to collect and take care of the effects of the deceased, until the meeting of such court; and the said court shall also grant such letters in all cases where there shall be an appeal from the determination thereof to the superior court, and in either case, the person obtaining such temporary letters of administration, shall give bond and security for the faithful performance of the trust reposed in such person or persons.

and marriage licenses, directed to any judge, justice or minister of the gospel.

3. *And be it further enacted,* That the clerks of the courts, or ordinary, in the several counties, shall grant marriage licenses, directed to any judge, justice of the inferior court, justice of the peace, or minister of the gospel, to join persons of lawful age, and authorized by the Levitical degrees to be joined together in matrimony; and where such persons intending to marry shall have the banns of marriage published three times in some public place of worship, it shall be lawful for such judge, justice of the inferior court, justice of the peace, or minister of the gospel, being duly certified thereof, to marry the persons whose banns have been so published; and any person marrying any couple without such license, or publication of such banns, shall forfeit five hundred dollars, to be recovered for the use of the academy of the county, by action of debt in any court having cognizance thereof, in the name of the commissioners of such academy.

Or banns may be published.

Five hundred dollars forfeiture for any person to marry a couple without license or banns, to be applied to the use of the academy.

Clerk's fees.

4. *And be it further enacted,* That the fees of the clerk of the court of ordinary shall be the same as the fees heretofore allowed to registers of probates.

Estates not to be entailed. Repealing clause.

5. *And be it further enacted,* That estates shall not be entailed.  
6. *And be it further enacted,* That so much of the said recited act as comes within the purview of this, shall be, and the same is hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
ROBERT WALTON, *President of the Senate.*

Assented to February 16, 1799.

JAMES JACKSON, *Governor.*

*An act, to be entitled an act to protect the estates of orphans, and to make permanent provision for the poor.*

Preamble.

WHEREAS there is no law in this state which sufficiently points out the manner in which the estates of deceased persons shall be ascertained, and the duty of executors and administrators prescribed, whereby orphans and others are injured in their just rights: for remedy whereof,

Executors and administrators to account annually with the register

1. *Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That every executor and administrator shall annually, whilst the estate shall remain in his or their care or custody, on the first day of January, or within ten days thereafter, render to the register of probates in the county in which they obtained probates of will, or letters of administration, a just and true account, upon oath, of the receipts and expenditures of such estates the preceding year, which, when examined and approved, shall be deposited with the inventory and appraisement, or other papers belonging to such estate, in the said office, there to be kept for the

upon oath

Accounts to be deposited in the office.

inspection of such persons as may be interested in the said estate; and that no charge shall be made for such search and inspection by persons interested; and if any executor or administrator shall neglect to render such annual accounts, he shall not be entitled to any commissions for his trouble in the management of the said estate, and shall moreover be liable to be sued for damages by any person or persons interested in the said estate; and in all cases wherein probate of will or letters of administration have been at any time heretofore obtained, and letters dismissory have not been had thereupon, every such executor or administrator shall, within twelve months after the passing of this act, render into the register of probates' office, in the county wherein the said probate of will or letters of administration had been obtained, a just and true account, upon oath, of the receipts and expenditures of such estate for the time he or they hath or have had the charge, care or custody of the same, and in case such executors or administrators shall neglect to render such accounts fairly stated, together with a copy of the several vouchers to establish such accounts, such executor or administrator shall not be entitled to any commissions for his trouble in the management of such estate, and shall moreover be liable to be sued for damages by any person or persons interested in the said estate; and in such several cases of neglect the charge of commissions shall not be admitted in any court of record in this state: And in cases where any person shall die testate, and appoint an executor or executors to his will, against which executor or executors there shall be any charge of neglect or mal-practice, by any devisee, legatee or creditor, that the superior court shall hear and determine such charge and complaints and if the judge of such court shall determine in favor of the application, then and in such case the judge of the court shall order and direct that the executor so complained of, shall give security, in the discretion of the court, for the faithful execution of the trust.

Shall forfeit their commissions for neglect.

Superior court may on complaint compel executors to give security.

2. *And be it further enacted by the authority aforesaid,* That when any will shall be proved, or application is made for administration for any person dying intestate, the register shall direct the executors or administrators, to make out an exact inventory of the personal estate of the deceased, and shall appoint three or more respectable freeholders, who shall appraise the same on oath, which inventory and appraisement shall be returned within three months into the register's office; and every appraisement made as aforesaid, may be given in evidence in any action against such executors or administrators, to prove the value of the estate, but shall not be conclusive, if it shall appear on the trial of the cause that the estate was really worth or *bona fide* sold for more or less than such appraisement.

Estate to be inventoried and appraised in three months.

Appraisement not to be conclusive evidence of the value.

3. *And be it further enacted,* That when any person shall make a will in writing, without appointing any executor or administrator therein, or such executor or executors shall refuse to qualify, the register of probates of the county wherein such will shall be proved, shall on application, grant letters of administration with the will annexed, to such person or persons as would have been entitled thereto, if the deceased had died intestate. And if any person shall die intestate, the register of the county wherein the will of such person (had he or she left one) would have been proved, shall grant letters of administration to them who would have been entitled thereto.

In what cases letters of administration shall be granted with the will annexed.

4. *And be it further enacted,* That if any person having in possession the will of a deceased person, shall neglect to produce the same to be proved, upon application to the superior court of the county where such will ought to be proved, process as for contempt shall issue, and the person shall be fined and imprisoned until the will shall be delivered.

Persons detaining a will liable to fine and imprisonment.

An oath to be taken by executors and administrators with the will annexed.

5. *And be it further enacted*, That every executor or administrator, with the will annexed, at the time of proving the will, or granting administration, shall take the following oath:

“ I do solemnly swear, that this writing contains the true last will of the within named *A. B.* deceased, so far as I know or believe; and that I will well and truly execute the same, by paying first the debts, and then the legacies contained in the said will, as far as his goods and chattels will thereunto extend, and the law charge me; and that I will make a true and perfect inventory of all such goods and chattels.

So help me God.”

Bond made by administrator to give bond and security. Form of the condition.

6. And the administrator with the will annexed, shall enter into bond, with good and sufficient security, in a sum equal to the value of the estate at least, the condition of which bond shall be in form following, to wit: “ The condition of this obligation is such, that if the above bound *C. D.* administrator (with the will annexed) of the goods, chattels and credits of *E. F.* deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hands, or possession, or knowledge of the said *C. D.* or into the possession of any other person for him; and the same so made, do exhibit to the superior court of the county, or to the register of probates thereof, at such time as he shall be thereunto required by the said court of register, and the same goods, chattels and credits do well and truly administer according to law, and make a just and true account of his doings and doings, when by law required; and further do well and truly pay and deliver all the legacies contained and specified in the said will, as far as the said goods, chattels and credits will extend, or the law require, then this obligation to be void, else to remain in full force.” Which bond shall be made payable to the register of probates for the county, and his successors in office, and recorded in the clerk's office of the superior court, and may be sued for from time to time by any person injured by the breach thereof, until the whole penalty be recovered, and damage sustained; being assessed on such suit by the verdict of a jury, may be levied by execution, and paid to the party for whom they were assessed.

Bond made payable to the register and his successors, and recorded in the clerk's office.

Administrator's Oath.

7. Every administrator when letters are granted to him, shall take the following oath or affirmation, as the case may be, before the register of probates: “ I do solemnly swear or affirm, that *A. B.* deceased, died without any will, as far as I know or believe, and that I will well and truly administer on all and singular the goods and chattels, rights and credits of the said deceased, and pay all his just debts, as far as the same will extend, and the law requires me; and that I will make a true and perfect inventory of all and singular the goods and chattels, rights and credits, and a just return thereof, when thereunto required. So help me God.”

shall give bond and security.

Form of the condition.

8. And such administrator shall also enter into bond with good security, to be appointed by the register, in a sum equal to the full value of the estate, with a condition following, to wit: “ The condition of the above obligation is such, that if the above bound *A. B.* administer to the goods, chattels and credits of *C. D.* deceased, do make a true and perfect inventory of all and singular the goods, chattels, and credits of the said deceased, which have or shall come to the hands, possession or knowledge of the said *A. B.* or into the hands or possession of any other person or persons for him; and the same so made, do exhibit into the said court of \_\_\_\_\_, when he shall be thereunto required; and such goods, chattels and credits, do well and truly administer according to law, and do make a just and true account of his doings and doings thereon, when required by the superior court or register of probates for the county. And all the rest of the goods, chattels and credits, which shall be found remain-

ing, upon the account of the said administration, the same being first allowed by the said court, shall deliver and pay to such persons respectively, as are entitled to the same by law. And if it shall hereafter appear, that any last will and testament, was made by the said deceased, and the same be proved before the court, and the executors obtain a certificate of the probate thereof, and the said *A. B.* do in such case, if required, render and deliver up the said letters of administration, then this obligation to be void, else remain in full force." Which bond shall be made payable to the register of probates, for the county in which the same shall be given, and to his successors in office, and recorded in the clerk's office of the superior court, and may be sued in like manner as is prescribed in the preceding clause of this act, in the case of bonds given by executors with the will annexed; and in case the register shall fail to take bond with sufficient security as aforesaid, such register shall be liable to be sued for all the damages arising from such neglect, by any person or persons interested in the estate. If the sureties for administrators conceive themselves in danger of being injured by such suretyship, they may petition the superior court of the county wherein they stand bound, for relief; which court shall summon the administrator to appear, and thereupon make such order or decree as shall be sufficient to give relief to the petitioner.

Made payable and recorded in like manner.

If the register takes bond with insufficient security, he is liable to damages.

Securities of administrators may be relieved.

9. That if any widow, after having obtained letters of administration, shall marry again, it shall be in the discretion of the judge of the superior court, to revoke the administration to her granted, or join one or more of the next of kin to the intestate, in the administration with her.

Letters of administration granted may be revoked on her marriage, or next of kin joined with her.

10. The debts due by any testator or intestate, shall be paid by executors or administrators in the order following, viz. funeral and other expences of the last sickness; charges of probate and will, or of the letters of administration; next debts due to the public; next judgments, mortgages and executions, the eldest first; next rent; then bonds or other obligations; and lastly, debts due on open accounts; but no preference whatever shall be given to creditors in equal degree, where there is deficiency in assets, except in the cases of judgments, mortgages that shall be recorded, from the time of recording, and executions lodged in the sheriff's office, the eldest of which shall be first paid; or in those cases where a creditor may have a lien on any part of the estate. Every executor or administrator shall give six weeks' notice by advertisement in one of the public gazettes in this state, or at three different places of the most public resort in the county, for creditors to render an account of their demands; and they shall be allowed twelve months to ascertain the debts due to and from the deceased, to be computed from the probate of the will or granting letters of administration. And creditors neglecting to give in a state of their debts within the time aforesaid, the executors or administrators shall not be liable to make good the same, nor shall any action be commenced against any executor or administrator for the recovery of the debts due by the testator, or intestate, until twelve months after such testator or intestate's death.

Debts, in what order to be paid.

Executors, &c. to give six weeks' notice to creditors.

Creditors must make a demand in twelve months.

11. That all and every the executors and administrators of any person or persons, who as executor or executors in his or their own wrong, or administrators, shall waste or convert any goods, chattels, estate or assets of any person deceased to their own use, shall be liable and chargeable in the same manner as their testator or intestate would have been if they had been living.

Executors in their own wrong, how chargeable.

12. *And be it further enacted,* That it shall and may be lawful for the inferior courts in the several counties of this state, to order a sale, which shall be at public auction, and on the first Tuesday of the month, at the place of public sales in the

Inferior courts may order the sale of real estate after nine months' public notice.

faid county, first giving sixty days' notice thereof in one of the gazettes, and at the door of the court-house in the county where such application shall be made, of such part or the whole of the real estate of every testator or intestate, on the application of the executor or executors, administrator or administrators, of such testator or intestate, where it is made fully and plainly appear that the same will be for the benefit of the heirs or creditors of such estate: *Provided*, That a notice of such application for sale be first made known in one of the gazettes in this state, and at least nine months before any order absolute shall be made thereupon.

*Proviso.*

The act of 29th February, 1764, and the act of 23d December, 1789, are in force, but shall not operate against this act.

13. *And be it further enacted*, That an act, entitled "An act to direct executors and administrators in the manner and method of returning inventories and accounts of their testators and intestates' estates, and for allowing them, and all other persons who shall or may be interested with the care and management of minors and other estates, to charge commissions thereon," passed the twenty-ninth day of February, one thousand seven hundred and sixty-four; and an act, entitled "An act to carry into effect the sixth section of the fourth article of the constitution, touching the distribution of the intestate estates, directing the manner of granting letters of administration, letters testamentary, and marriage licenses," passed the twenty-third day of December, one thousand seven hundred and eighty-nine, be, and the same are hereby declared to be in force, in cases where they apply; but no clauses therein shall be admitted to operate against this present act.

Justices of the inferior court are to provide for the poor, bind out orphans, appoint guardians, overseers, &c.

14. *And to the end that permanent provision be made for the poor, Be it further enacted*, That the inferior courts in the several counties in this state, shall have power to enquire into the circumstances of the poor, bind out orphans, and appoint guardians, in the manner pointed out by law, and appoint overseers over the poor, *Provided*, That no justice of the inferior court shall be appointed an overseer of the poor.

May levy a poor tax.

And the said justices and overseers of the poor, shall have power to levy annually a tax, and assess all taxable property returned in their respective counties, not exceeding one fourteenth part of the general tax of such county annually, which shall be collected by the tax collector of the county, who shall be allowed at and after the rate of five per centum on the net amount of such collection, and who shall at the first inferior court, after the first Monday in May annually, make to the justices of the inferior court a true return of the state of the collection of such tax, and a report in writing of his proceedings, and shall therein fairly state the amount of his collection; and that the tax collectors' statements and collections so made up, shall be filed of record in the clerk's office, open to the inspection of any person interested therein.

Collectors to receive five per cent.

Mode of collection.

And in case any person or persons shall refuse or neglect to pay such tax, it shall and may be lawful for the sheriff of the county to distrain for the same, in like manner as the collectors are authorized to distrain for the general tax, and shall have the like commissions therefor, and the money arising from the said tax shall be paid into the hands of the said overseers, for the relief of the poor; and the said overseers shall, once in every year, make up their accounts and lay the same before the justices of the said court, who shall express their approbation or disapprobation of the same, on the back of the said accounts so to be produced.

15. *And whereas* the justices of the inferior court were authorized in and by an act, entitled "An act for regulating the judiciary department of this state", to make assessments for the relief of the poor, in the several counties, in this state, and no mode was therein expressed in which a statement should be made for the same.

16. *Be it enacted*, That all monies raised by such assessment shall be accounted for within six months after the passing of this act, and the tax collector shall bring a fair statement of the same into his first report, and in case the person or persons who shall have received the said monies, and upon demand, and due notice by the said collector, shall refuse or neglect to account for such monies as aforesaid, then, in that case, the collector shall procure such evidence as may be necessary to substantiate such account, and shall thereupon apply to the attorney or solicitor general, to commence suit or suits at law for the recovery of the money so withheld, and the delinquent shall moreover be subject to treble cost.

Monies heretofore raised for the poor, how to be accounted for, and recovered.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 18, 1792.

EDWARD TELFAIR, *Governor.*

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*An act for the better protection and security of orphans and their estates.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority aforesaid it is hereby enacted, That from and after the passing of this act, it shall be the duty of the clerks of the courts of ordinary, in the respective counties, to enter into a book to be kept for that purpose, the names of all the executors, administrators and guardians, which may have been or shall in future be appointed in the several counties, together with the names of their securities, which book shall at all times be subject to the examination of the inferior court, and of such other person or persons, as may be interested therein.

Clerks of the courts of ordinary to enter the names of all executors, administrators & guardians, with the names of their securities.

2. *And be it further enacted*, That all guardians, executors and administrators, heretofore appointed, and which shall hereafter be appointed, shall at the next inferior court, after the expiration of nine months in the respective counties after the passing of this act, exhibit an account on oath of all the estate of such orphan or deceased person, which he or they shall have received to be entered by the clerk of the court of ordinary, in a book to be kept for that purpose only; and when such court shall know or be informed that any such guardian, executors, or administrators, shall waste or in any manner mismanage the estate of such orphan or deceased person, or does not take due care of the education, and maintenance of such orphan according to his, her, or their circumstances, or where such guardian, executor or administrator, or his, her or their securities are likely to become insolvent, such court may make such order for the better managing and securing such estate and educating and maintaining such orphan, as they shall think fit.

All such persons shall at the first court in every year, return an account on oath, of such estate, which shall be entered by the clerk in a book kept for that purpose.

Waste of such estates, how to be prevented.

3. *And be it further enacted*, That it shall be the duty of all such guardians, executors and administrators, to render a full and correct account of the state and condition of such estates as they may severally have in their possession, to the first term of the inferior court in the respective counties, in which they shall severally be appointed in every year, which account shall contain a statement of the transactions of the estate to the last day of December preceding such court, and the said courts shall yearly at the court aforesaid, examine the accounts of such guardians, executors and administrators, so to be exhibited, and shall direct process to issue returnable to the next court against

Full accounts to be rendered annually.

To be examined by the court. Process to issue against all those in default.

all guardians, executors and administrators then failing to appear, and render such account whether he, she, or they, be resident in the same or any other county; and shall also enquire into the abuses or mismanagements of all guardians, executors and administrators; and whether they or their securities are likely to become insolvent or not, and thereupon to proceed according to the powers herein before given by this act: *Provided*, That nothing herein contained shall be construed to restrain the said inferior courts from enquiring as often as they shall think proper, into the abuses and mismanagement of guardians, executors and administrators, but they may exercise such powers at any time when it shall appear necessary.

Inferior court shall enquire into abuses, & correct them.

Proviso.

Guardians to be allowed reasonable disbursements & expences. If the annual profit of the estate of an orphan is not sufficient to maintain him or her, the court must bind him out, upon such terms as to the court shall seem proper. Upon breach of the terms the court shall take such orphan & bind him or her to some other person.

4. *And be it further enacted*, That all guardians shall be allowed, in their account, to charge all reasonable disbursements and expences suitable to the circumstances of the orphan committed to his care. And where it shall appear to the said court that the annual profits of the estate of any orphan is not sufficient for the education and maintenance of such orphan, for the whole or such part of the time of such orphan's minority as to them shall seem best, and the person to whom such orphan shall be bound, shall undertake to clothe and maintain such apprentice in such manner as the said court may direct, and shall cause such apprentice to be taught to read and write the English language, and the usual rules of arithmetic. And in all cases where it shall appear to the court that any person to whom any orphan shall be bound in manner aforesaid, shall misuse or ill treat such orphan, or shall fail to comply with the condition on which such orphan was bound, it shall be the duty of the said court, on due notice and proof thereof, to take the said orphan out of the possession of such person, and bind him or her to some other person.

If any guardian, executor, &c. chargeable with the estate of any orphan or deceased person shall die, his, her or their executors, &c. shall pay the same.

5. *And be it further enacted*, That when any guardian, executor or administrator, chargeable with the estate of any orphan or deceased persons, to him, her or them committed, shall die so chargeable, his, her or their executors or administrators, shall be compellable to pay out of his, her or their estate, so much as shall appear to be due to the estate of such orphan or deceased person, before any other debt of such testator or intestate.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 18, 1799.

JAMES JACKSON, *Governor.*

## FEES OF PUBLIC OFFICERS.

*And act to revise and amend "An act for ascertaining the fees of the public officers of this state."*

Fees of the public officers ascertained.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the fees of the different public officers herein after mentioned, may be by them respectively received, as follows:

Governor.

### GOVERNOR'S FEES.

For signing a grant for five hundred acres or under, four shillings and eightpence.  
For signing a grant above five hundred acres, and not exceeding one thousand acres, nine shillings and fourpence.



On all grants above one thousand acres, at and after the rate of nine shillings and fourpence for every thousand acres therein contained.

Ordering the great seal of the state to any paper of a private nature, four shillings and eightpence.

Which sums shall be paid into the treasury for public use, before any such grant or other paper is signed by the governor.

## SECRETARY OF STATE'S FEES.

Secretary of state.

For a grant of land, and preparing and affixing the seal thereto, if five hundred acres or under, four shillings and eightpence; if above five hundred acres, nine shillings and fourpence.

For registering a grant, two shillings and fourpence.

For a bond, two shillings and fourpence.

For a testimonial with the great seal, seven shillings.

For every search, sevenpence.

For every militia commission, to be paid for by the public, two shillings and fourpence.

Preparing and countersigning a dedimus potestatem two shillings and fourpence.

Entering satisfaction on every mortgage, one shilling and twopence.

Drawing and engrossing a proclamation, four shillings and eightpence.

Fixing the great seal of the state to any other paper, four shillings and eightpence.

For a certified copy of a grant or other paper, per copy sheet, threepence halfpenny.

## SURVEYOR GENERAL'S FEES.

Surveyor general.

For examining a plat, two shillings and fourpence.

For recording a plat, not exceeding five hundred acres, three shillings and sixpence; if exceeding five hundred acres, seven shillings; if exceeding a thousand acres, fourteen shillings.

Recording a plan of a town, township or village, forty-six shillings and eightpence.

Transmitting a caveat to the governor, and attending thereon, four shillings and eightpence.

A certified copy of an original record, three shillings and sixpence.

A certified copy of an original warrant, two shillings and fourpence.

A search, sevenpence.

Recording and issuing a certificate of a town lot, two shillings and fourpence.

## COUNTY SURVEYOR'S FEES.

County surveyor.

Surveying a town lot and returning a certificate thereof to the surveyor general's office, four shillings and eightpence.

Surveying a tract of land, of or under one hundred acres, twelve shillings and sixpence.

Each hundred acres after the first, two shillings and sixpence.

Making a plat, recording, advertising and transmitting to the surveyor general's office, four shillings and eightpence.

Entering a caveat, advertising and giving a certified copy thereof, seven shillings; attending trial of the same, three shillings and sixpence; each postponement, two shillings and fourpence; to be paid by the person postponing the same.

Recording judgment and giving a certified copy thereof, two shillings and fourpence.

Entering an appeal and giving a certified copy thereof, four shillings and eightpence.

For a re-survey of land by order of court, of or under one hundred acres; twelve shillings and sixpence for the first one hundred acres; for every hundred acres after the first, two shillings and sixpence.

For making and certifying a plat thereof, and transmitting the same, four shillings and eightpence.

And for any other re-survey, the same as aforesaid.

#### SHERIFF'S FEES IN CIVIL CASES.

For serving a copy of a process, and returning the original, seven shillings; if more than one defendant, for each additional copy served, two shillings and fourpence.

Levying execution on the body or property, seven shillings.

Summoning each witness, two shillings and fourpence.

On all sums where the execution does not exceed fifteen pounds, five per centum, on the amount of property sold; on all sums above fifteen pounds, and where the execution does not exceed one hundred pounds, two and a half per centum; on all sums where the execution exceeds one hundred pounds, one per centum; and that no commission shall be demanded, where property is not actually sold.

Making out and signing a bill of sale of other property, four shillings and eightpence: *Provided*, That fees shall be allowed only for one bill of sale, where the same will be sufficient to convey the property sold to one person or joint purchasers; unless the purchaser or purchasers, shall choose more than one.

Conducting a debtor under confinement before a judge or court, four shillings and eightpence.

Summoning a jury to try a caveat, and attendance, four shillings and eightpence.

Summoning a special jury, and all other services, attending trial of an appeal, four shillings and eightpence.

For a bail bond, four shillings and eightpence.

Making out and executing titles to land, fourteen shillings (if wrote by the purchaser, four shillings and eightpence.)

#### SHERIFF'S FEES IN CRIMINAL CASES.

For re-committing any person, when a habeas corpus is brought to his relief, four shillings and eightpence.

Summoning a jury, four shillings and eightpence.

On every copy of a mittimus, one shilling and twopence.

For every mile a prisoner shall be removed on a habeas corpus, one shilling and twopence,

For removing a prisoner by habeas corpus, when no milage is paid, per day, four shillings and eightpence.

Executing a criminal, thirty-seven shillings and fourpence.

Attending a person taken by a warrant, to the judges' chambers, three shillings and sixpence.

Conducting a prisoner before a judge or court to and from jail, four shillings and eightpence.

Executing a warrant of escape, three shillings and sixpence.

Each mile to serve the same, twopence.

Executing and returning a bench warrant, four shillings and eightpence.

Each mile to serve the same, twopence.

Putting a person in the stocks, two shillings and fourpence.

For whipping, cropping or branding a criminal, four shillings and eightpence.

Apprehending a person suspected, if committed or held to bail, four shillings and eightpence.

Sheriff in civil cases.

In criminal cases.

For each person not exceeding two, who may be employed to guard a prisoner to jail, per day, four shillings and eightpence.

JAILOR's FEES.

Jailor.

Receiving a prisoner or debtor, two shillings and fourpence.

Turning the key or discharging a prisoner in virtue of a habeas corpus, or by order of the court, judge or justice, two shillings and fourpence.

Dieting a prisoner per day, allowing two pounds of bread, one and a half pound of beef, or one pound of pork, with a sufficiency of water, all wholesome provisions, one shilling and ninepence.

Turning the key on commitment of any person, two shillings and fourpence.

Dieting negroes, allowing one quart of rice or corn meal per day, sevenpence.

NOTARY PUBLIC's FEES.

Notary public.

For every protest and oath included, not exceeding sixteen copy sheets of ninety words, nine shillings and fourpence.

Administering an oath in any other case, one shilling and twopence.

For each attendance on any person, to prove any matter or thing as notary public and certifying the same, two shillings and fourpence.

Every other certificate, one shilling and twopence.

Noting a protest, four shillings and eightpence.

Registering a protest, per copy sheet, one sixteenth of a dollar.

Copy of a protest, per copy sheet, one sixteenth of a dollar.

CORONER's FEES.

Coroner.

For summoning an inquest on a dead body, and returning the inquisition, forty-six shillings and eightpence.

For providing a coffin, and burial expences, fourteen shillings.

In all other cases, the same as the sheriff.

REGISTER OF PROBATE's FEES.

Register of probates.

Receiving application and granting citation, four shillings and eightpence.

Signing a warrant of appraisement, two shillings and fourpence.

Signing the probate of a will, four shillings and eightpence.

Recording a will or other paper, per copy sheet, threepence halfpenny.

A certified copy of a will or other paper, per copy sheet, threepence halfpenny.

Receiving an appraisement, and recording the same, if under one hundred dollars, two shillings and fourpence; if above one hundred dollars, four shillings and eightpence.

Receiving an application and granting letters dismissory, four shillings and eightpence.

Granting citation to shew cause why administration should not be repealed or set aside, nine shillings and fourpence.

For granting letters of administration, or letters testamentary, nine shillings and fourpence.

For entering a caveat against administration being granted, or will proven, four shillings and eightpence.

For every marriage license, four shillings and eightpence.

Attending judges for determining a caveat, per day, four shillings and eightpence.

FEES OF THE GOVERNOR's SECRETARIES.

Governor's secretaries.

A copy of any paper, not exceeding two copy sheets, one shilling and twopence.

A copy of any paper, exceeding two copy sheets, seven pence per copy sheet.

Administering an oath of office to any person where the profits thereof amounts to upwards of twenty-five pounds per annum, and giving a certificate thereof, four shillings and eightpence.

Certifying a copy or extract, one shilling and twopence.

For entering a testimonial, one shilling and twopence.

Attorney general.

### FEES OF THE ATTORNEY GENERAL.

Drawing a *capias* against a person indicted and not bound over, or against a person presented by a grand jury, one shilling and twopence.

Drawing a *capias* against a defaulting juror, two shillings and fourpence.

Drawing an indictment against a person presented by the grand jury, and bound over, four shillings and eightpence.

Entering a *noli prosequi*, sevenpence.

Attending at judges' chambers, to take the affidavit of any person, in criminal cases; four shillings and eightpence.

Drawing an affidavit, or any other instrument of writing, per copy sheet, threepence halfpenny.

For a subpoena in criminal cases, one shilling and twopence.

Retaining fee against persons indicted, fourteen shillings.

Treasurer.

### TREASURER'S FEES.

For every search, sevenpence.

An extract, two shillings and fourpence.

Attornies.

### ATTORNIES' FEES.

On each cause commenced and tried in the superior or inferior courts, eighteen shillings and eightpence.

On each appeal prosecuted to judgment, except appeals from a justice's court, eighteen shillings and eightpence.

Where the defendant prevails, to receive the fee in lieu of the plaintiff's attorney.

Jurors and witnesses.

### JURORS AND WITNESSES' FEES IN CIVIL CASES.

To the petit jury for each cause tried, to be paid by the plaintiff and taxed in the bill of costs, four shillings and eightpence.

Special jury for each appeal tried, to be paid by the appellant and taxed in the bill of costs, four shillings and eightpence.

To each witness per day, for his or her attendance, for coming and returning, allowing thirty miles for a day, not allowing for more than three witnesses, to be paid by the person summoning the same, and taxed in the bill of costs, three shillings and sixpence; the witnesses to have the same allowance in criminal cases, where the person prosecuted is found guilty.

### CLERK'S FEES IN CRIMINAL CASES.

Clerk in criminal cases.

Every writ and seal, one shilling and twopence.

Every pannel of a jury, one shilling and twopence.

Order for fine on a juror, (unless excuse made) and entering the same, one shilling and twopence.

Ordering a fine preemptory, entering and reading, one shilling and twopence.

Copying the same for the attorney general, one shilling and twopence.

Fee on a writ of *capias* and seal, one shilling and twopence.

The clerk's attendance in hearing a motion in arrest of judgment, or at the judges' chambers on a petition preferred, or a *habeas corpus*, or to take the examination or information of any person, three shillings and sixpence.

Taking an examination, information, or affidavit, per copy sheet, one sixteenth part of a dollar.

Drawing a warrant, one shilling and twopence.

- A commitment or liberate, one shilling and twopence.  
 Taking an acknowledgment of bail before the judge, or in court, and drawing recognizance thereof, two shillings and fourpence.  
 Every subpœna ticket, sevenpence.  
 Every indictment if the criminal be found guilty, two shillings and fourpence.  
 Every arraignment, or charging a defendant with indictment, if found guilty, one shilling and twopence.  
 Entering a plea, sevenpence.  
 Calling a jury, sevenpence.  
 Clerk's attendance on every cause tried, one shilling and twopence.  
 Every sentence or judgment, and entering the same, one shilling and twopence.  
 Copy of every indictment or other paper, fourpence.  
 Copy of judgment to the sheriff and order thereon, one shilling and twopence.  
 Calling a traverse or discharging a recognizance, one shilling and twopence.  
 Recording the proceedings of a cause, per copy sheet, one sixteenth part of a dollar.  
 Every person acquitted by proclamation, one shilling and twopence.  
 Every search, sevenpence.  
 A writ, dedimus potestatem, four shillings and eightpence.  
 Renewal of capias, one shilling and twopence.

#### FEES OF THE CLERK IN THE SUPERIOR COURT, IN CIVIL CASES. in civil cases.

- Every suit commenced therein, if settled before judgment and each non-suit, seven shillings.  
 For each copy of a writ, where there are more than one defendant, after the first copy, two shillings and fourpence.  
 Every suit so commenced and prosecuted to judgment, including every service to entering up satisfaction, fourteen shillings.  
 For each appeal, if settled before verdict, four shillings and eightpence.  
 For each appeal prosecuted to judgment, including every service to entering up satisfaction, nine shillings and fourpence.  
 For every writ of subpœna and ticket, sevenpence.  
 For a writ of partition of land, fourteen shillings.  
 For issuing a commission to examine witnesses, four shillings and eightpence.  
 For making out letters of guardianship and taking security, four shillings and eightpence.  
 For every order for the sale of land, and copy thereof, two shillings and fourpence.  
 Recording any instrument of writing, per copy sheet, one sixteenth part of a dollar.  
 Each search, sevenpence.  
 A certified copy of any record, per copy sheet, threepence halfpenny.  
 For every foreclosure of any mortgage, and recording proceedings, four shillings and eightpence.  
 Every enquiry of title respecting property levied on by the sheriff and claimed by a third person, four shillings and eightpence.  
 For every tavern license, including every service therein, four shillings and eightpence.

#### CLERK OF THE INFERIOR COURT. Clerk of the inferior court.

- For each cause settled before judgment, and each appeal to the superior court, seven shillings.  
 For each copy of a writ where there are more than one defendant after the first copy, two shillings and fourpence.

Each cause commenced therein and prosecuted to judgment, not appealed from, including every service to entering up satisfaction, fourteen shillings.

For subpoena tickets, commissions and letters of guardianship, and enquiries respecting property claimed, non-suits, and any other service performed, the same fees as allowed to the clerk of the superior court.

Each appeal prosecuted to judgment from a justices' court, four shillings and eightpence, if settled by the parties, two shillings and fourpence, including every service to entering satisfaction.

Clerk of the House of Representatives, and secretary of the senate.

### FEES OF THE CLERK OF THE HOUSE OF REPRESENTATIVES AND SECRETARY OF THE SENATE.

For every extract of a private nature, threepence halfpenny per copy sheet.

For certifying an extract of a private nature, one shilling and twopence.

For an act passed for the benefit of an individual, or to incorporate a private society, nine shillings and fourpence.

Constable.

### FEES OF A CONSTABLE.

Serving a warrant, summons or attachment in civil cases, one shilling and twopence.

Returning the same and attending the justices' court, one shilling and twopence.

Summoning every witness, one shilling and twopence.

Levying an execution and advertising the sale, one shilling and twopence.

For selling to satisfy an execution from a justice, five per centum on the amount of the debt.

For attending a grand jury, for each bill found, to be paid by the delinquent, one shilling and twopence.

Serving a warrant in criminal cases, four shillings and eightpence.

For carrying a prisoner to jail, twopence per mile.

For keeping and maintaining a prisoner before examination, not exceeding twenty-four hours, one shilling and ninepence.

Powder receiver.

### FEES OF THE POWDER RECEIVER.

Every barrel of powder of one hundred pounds weight lodged in the public magazine, and delivered out, to be paid by the owner, one shilling and ninepence, and in proportion for any other quantity:

In what cases the public to be accountable for fees.

2. *And be it further enacted*, That none of the fees herein before set down or expressed, shall in any case (jailor's fees for dieting prisoners, and coroner's fees for summoning an inquest, and returning an inquisition, and providing a coffin and burial expences of a person found dead, and the sheriff's fees for executing a criminal, excepted) be charged to the public; for or on account of any inability in the person who ought to have paid the same.

Public officers to give a statement of their fees.

3. *And be it further enacted*, That every public officer and person herein mentioned, or their deputy or agent, and every person acting as such, shall, if thereunto required, be obliged to give a statement of the fees demanded, and a receipt for the same, to any person paying any lawful or pretended fee or fees of office, claimed by and paid to any such public officer, or person herein before mentioned, his deputy or agent, or person acting as such, under pain that every public officer, or person herein before mentioned; his deputy or agent, or person acting as such, shall for every neglect or refusal, forfeit the sum of twenty-five shillings, with costs of suit, to be sued for, recovered and applied in manner herein after directed. *Provided always nevertheless*, That all suits and actions which shall be brought or commenced by virtue of this act, shall be instituted before the end of twelve months; and not otherwise.

Article.

4. *And be it further enacted,* That if at any time after the passing of this act, any public officer or person herein mentioned, or his deputy or agent, or any person acting as such, shall, under pretence of any matter or thing done, transacted or performed by any such public officer or person, or his deputy or agent, or any person acting as such, demand any other or greater fee than is set down in the table hereunto annexed, every such person so offending shall, for every such offence, forfeit and pay four fold to the party aggrieved, for the sum so unjustly demanded or taken, to be recovered with costs of suit, before any justice of the peace. *Provided,* the sum does not exceed his jurisdiction, or in any court of record within this state.

To forfeit four-fold for over charges.

5. *And be it further enacted,* That every public officer or person herein named, and every deputy, agent or person acting as such, shall within ninety days after the passing of this act, cause a true and exact copy of the table or docket of his fees, as the same is established by this act, such table or docket to be in fair words and figures, without any abbreviation, except sums, to be placed up, and to be constantly kept in a conspicuous part of the room or place where he shall usually execute the business of his office or employment, under pain of forfeiting two shillings and fourpence for each day's neglect of fixing up the same.

Tables of fees to be set up in public offices, fifty cents per day forfeiture for neglect.

6. *And be it further enacted,* That in case any public officer, or any person herein before mentioned, shall be sued or prosecuted for, or by reason of any fee of office whatever, and verdict shall be given for such public officer or other person; or if the plaintiff or prosecutor shall discontinue such suit or prosecution, or shall be nonsuited, then such public officer or other person shall recover double costs.

Officers may recover double costs.

7. *And be it further enacted,* That all fines, penalties, and forfeitures, incurred under and by virtue of this act, shall be recovered, by action in the superior or inferior courts, without any delay; and shall be applied, one moiety to the use of the state, and the other to the person or persons carrying on the prosecution to the conviction of the offender; except such as come within the jurisdiction of a justice of the peace, and except also those forfeitures, which are declared payable to the party aggrieved.

How fines, &c. are to be recovered and applied.

8. *And be it further enacted,* That any public officer who shall charge or take fees not allowed by this act, shall on conviction thereof, be dismissed from office.

Officers may be dismissed for over charging.

9. *And be it further enacted,* That the state fees in the executive department may be paid in the paper medium of this state.

State fees to be paid in paper medium.

10. *And be it further enacted,* That the clerks of the courts respectively shall make a return on oath, of the fees collected on behalf of the state, designating the paper medium from the specie, received by them previous to the passing of this act, and shall settle with the treasurer agreeably thereto.

Clerks to account for state fees heretofore collected.

11. *And be it further enacted,* That any public officer, who shall presume on any pretence whatever, to charge, demand, or receive fees for services not done or performed, every such person so offending, shall forfeit and pay to the party aggrieved, four fold the sum so illegally charged, demanded or received, and shall be immediately dismissed from office.

Officers charging for services not performed, to forfeit four-fold and be dismissed.

12. *And be it further enacted,* That no justice or justices of the peace, shall tax any costs for the attendance of witnesses in any cause tried before him or them.

Witnesses to have no costs in justices' courts.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 18th, 1792.

EDWARD TELFAIR, *Governor.*

*An act appropriating money for the year one thousand seven hundred and ninety-five.*

Part of the first section, all the rest being obsolete:—That the secretaries of his excellency the governor shall be entitled to receive of the grantee, upon each grant that shall pass, the sum following: On all grants of and under five hundred acres, one quarter of a dollar; on all grants above five hundred acres, three quarters of a dollar.

The treasurer, the sum of one quarter of a dollar on all plats certified by him, to be paid by the applicant.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred January 7, 1795.

GEORGE MATHEWS, *Governor.*

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*An act to vest further powers in the inferior courts of this state, respecting the fees of sheriffs and jailors.*

Preamble.

**W**HEREAS sundry applications are yearly made to the legislature of this state, by sheriffs and jailors, for fees which are unpaid, and which greatly impede the progress of legislative deliberations:

Inferior courts may levy a county tax, to defray jailors fees and other expences relating to prisoners.

1. *Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That the inferior courts of the several counties in this state, are authorized and required to levy annually a county tax, equal to the amount of all fees which are due, or that may become due, and unpaid the respective sheriffs and jailors within the several counties in this state, from the insolvency of prisoners or criminals; or where an expence accrues from the guarding of prisoners or criminals, where there shall be no jail in any county in this state.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 22, 1796.

JARED IRWIN, *Governor.*

.....

FELONS.

*An act to prevent felons, transports from other states, coming into or residing in this.*

Felons, transported from other governments, ineligible to any office or privilege of a freeman in this state.

**B**E IT ENACTED *by the freemen of the state of Georgia, in General Assembly met, and by the authority of the same,* In order to prevent the dangerous evils arising from communication with felons, transported from other states or nations, whereby the morals of many, who would otherwise be good citizens, may be corrupted, That from and immediately after the passing this act, no person or persons, felons from other countries, transported or banished for any crime or charge whatever, shall be eligible to any post or office of trust or profit, or be otherwise entitled to any of the privileges, immunities or liberties of a freeman or freemen of this state;



and on proof of the same by one legal evidence, or by the authentic certificate, under seal, of any state, nation, corporation or court, from whence he, she or they may be banished or transported, such felon or felons shall be, by warrant and mittimus, under the hand of the chief justice of the state, or one of the justices of the court where such proof shall be established, committed to the common jail of the county, without bail or mainprize, there to remain until a convenient opportunity may be procured by the honorable the executive, to ship or otherwise send off such felon or felons, from and without the limits of this state, never thereafter to return. And in case such felon or felons should, after such shipping or sending off, return within the limits of the same, he, she or they shall, on conviction, suffer death without benefit of clergy: *Provided nevertheless*, on such first proof of transportation, such offender or offenders charged as felons as aforesaid, shall not be debarred the right of trial by jury, and shall be allowed every right of evidence to counteract such proof.

To be committed to jail, and shipped or sent off.  
To suffer death upon returning.  
Provide.

By order of the House.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 10, 1787.

.....

FENCES.

*An act for the better regulating fences in the province of Georgia.*

WHEREAS an act passed the seventh day of March, one thousand seven hundred and fifty-five, in the first session of the first General Assembly of this province, entitled "An act to regulate fences in the province of Georgia," has been found very ineffectual for the purposes thereby intended.

Preamble.

And whereas, the fixing and establishing fit and proper dimensions for all fences and enclosures to be erected, and made in and about the several plantations and settlements of this province, would not only prevent the several owners and occupiers thereof, so fenced and enclosed, from receiving any damage from the irruption, straying or breaking in of cattle, horses, sheep, goats or swine, but would likewise obviate any doubts or disputes, happening or arising as to the strength and sufficiency of such fences and enclosures, in case of any irruption or trespass to be committed within the same.

Be it enacted, That from and after the twenty-ninth day of March, one thousand seven hundred and fifty-nine, all fences or enclosures, commonly called worm fences, that shall be erected and made around, or about any garden, orchard, rice ground, indigo field, plantation or settlement in this province, shall be six feet high when staked and ridged, and from the ground to the height of three feet of every such fence or enclosure, the rails thereof shall not be more than four inches distant from each other; and that all fences or enclosures that shall consist of paling, shall likewise be five feet high from the ground, and the pales thereof not more than two inches asunder: *Provided always*, That where any fence or enclosure shall be made with a ditch or trench, the same shall be four feet wide, and in that case the fence shall be six feet high from the bottom of the ditch.

Dimension: of fences and enclosures.

2. And be it further enacted, That if any trespass or damage shall be committed in any garden, orchard, rice ground, indigo field, plantation or settlement, not be-

Owners of cattle, &c. not liable for any damage by breaking into any place not properly secured.

ing fenced and enclosed in manner as herein before is directed, by the irruption, breaking in or straying of any cattle, horses, sheep, goats or swine, the owner of such cattle, horses, sheep, goats or swine, shall not be liable to answer for such trespass, or to make good or satisfy any damage or injury that shall happen or be committed by reason thereof: and in case any person or persons shall kill, maim, hurt or destroy, or cause to be killed, maimed, hurt or destroyed, any cattle, horses, sheep, goats or swine, so trespassing, straying or breaking into any garden, orchard, rice ground, indigo field, plantation or settlement, not fenced and enclosed in manner as by this act is directed, all and every such person and persons shall answer and make good to the owner or owners thereof all such injury and damages as he or they shall sustain thereby, the same to be recovered on due proof thereof, before any two justices of the peace for the district where the offence shall be committed, and to be levied by warrant of distress and sale of the offender's goods.

Justices to appoint three freeholders, to appraise the damage done by cattle, &c.

3. *And be it further enacted*, That in case any cattle, horses, sheep, goats or swine, shall break into any garden, orchard, rice ground, indigo field, plantation or settlement, being fenced and enclosed according to the directions of this act, then, on application of the party aggrieved, it shall be lawful for any of his majesty's justices of the peace in the said province to appoint any three indifferent freeholders to view and appraise the damage so committed and sustained, and the appraisement made and signed by the said freeholders, shall be delivered to the justice, or any other, who is hereby authorized and empowered to cause the sum so appraised, to be levied by warrant of distress and sale of the offender's goods.

Shall forfeit forty shillings for refusal.

4. *And be it further enacted*, That in case any freeholder, appointed by any justice to view and appraise any damage said to be committed, shall neglect or refuse to make such view and appraisement in manner as directed by this act, every such freeholder, so refusing, or neglecting, shall forfeit and pay, for every such offence, a sum not exceeding forty shillings, to be levied by distress and sale of the offender's goods, to be for the use of the party injured.

Stakes, &c. not to be fixed in enclosures, under twenty shillings penalty.

5. *And be it further enacted*, That no planter or other person, not having a lawful fence, shall fix in any of his enclosures, any canes, or stakes, or any thing that shall, or may kill, maim, hurt, or destroy, any cattle, horses, sheep, goats or swine, under the forfeiture of twenty shillings sterling for every such offence, on being convicted thereof before any justice of the peace of the district or place where such offender shall dwell, upon confession of such offender, or proof by one or more credible witnesses or witnesses upon oath, one half thereof to be paid to the informer, and the other half to the poor of the said district, the same to be levied by distress and sale of the offender's goods, by warrant of the justice, before whom such offender shall be convicted, returning to the owner the overplus, if any, after all charges deducted.

Title of land not to be disputed in trial for damages.

6. *Provided always, and be it further enacted*, That in all trials to be had before one or more justices of the peace by virtue of this act, the right of the party to the lands on which the trespass or damage shall be said to be done, shall not be brought in question, but the same shall be taken for granted to all intents and purposes whatsoever.

Repealing clause.

7. *And be it further enacted*, That the act for regulating fences in the province of Georgia, passed the seventh of March, one thousand seven hundred and fifty-five, in

the first session of the first General Assembly of the said province, shall be, and is hereby repealed, revoked, disannulled and forever made void.

DAVID MONTAIGUT, *Speaker.*

By order of the Upper House.

PATRICK HOUSTOUN, *President.*

Assented to March 27, 1759.

HENRY ELLIS.

.....

FERRIES.

*An act for establishing several ferries in this province, and for vesting the same in the persons therein mentioned.*

**W**HEREAS the establishing of the several ferries herein after mentioned, will be greatly to the advantage and conveniency of persons travelling through this province, *Be it therefore enacted,* That immediately from and after the passing of this act, a public ferry shall be, and the same is hereby established, from the town of Ebenezer, upon Savannah River, to the bluff on the opposite shore; also two ferries over Brier Creek, one at a place called Milltown, and the other at the upper public roads; also a ferry from the centre of the town of Augusta, upon Savannah River, to the bluff on the opposite shore, in the province of South Carolina; and also a ferry over the river Alatamaha at fort Barrington.

Ferry established on Savannah, opposite Ebenezer. One at Milltown. One in Augusta and one at Fort Barrington, on the Alatamaha.

The remainder of this act is obsolete or expired.

By order of the Commons House of Assembly.

ALEXANDER WYLLY, *Speaker.*

By order of the Upper House of Assembly.

N. JONES.

Council Chamber, April 11, 1768.

Assented to.

JAMES WRIGHT.

.....

*An ordinance to establish a ferry between the island of Skidaway and the isle of Hope, in the county of Chatham, and for other purposes therein mentioned.*

1st Section establishes a ferry for five years. Obsolete.

2. *And be it further ordained by the authority aforesaid,* That a ferry shall be established at M'Gowans old ferry on Savannah River, about a mile above the Coldwater Creek; also a ferry at Seneca Oldtown on Keowee River; \* also a ferry at the mouth of Choga Creek; and the said ferries shall, and they are hereby put under the same restrictions and regulations as the other ferries on Savannah River.

A Ferry established at M'Gowans, on Savannah, another on Keowee and another at the mouth of Choga Creek.

3. *And be it further ordained by the authority aforesaid,* That a ferry shall be established at Reed's bluff, on the Alatamaha River, under the same restrictions and regula-

A Ferry established on Reed's bluff, on the Alatamaha.

\* Ceded to South Carolina by convention at Beaufort.

tions as those established on Savannah River, and the right of the same is hereby vested in George Handley, and Christopher Hillary, the proprietors of the said bluff.

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 13, 1786.

.....

*An act for establishing a ferry from the plantation of Nichol Turnbull, near Savannah, to the plantation late the property of Jermyn and Charles Wright, known by the name of Rochester, in the state of South Carolina, and for vesting the same in the said Nichol Turnbull, his executors, administrators and assigns, for and during the term of ten years.*

Preamble.

**W**HEREAS, a law has passed in the state of South Carolina, for the establishment of a road and ferry at the plantation late the property of Jermyn and Charles Wright, known by the name of Rochester, situated on the north side of Savannah River, in the said state; *And whereas* it is necessary that a ferry should be established on the south side of the said river, as near opposite the ferry before mentioned as may be, which will tend to the conveniency of, and promote a speedy communication between both states:

A ferry established on Savannah River.

1. *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That a public ferry shall be, and the same is hereby established, upon Savannah River, from the plantation of Nichol Turnbull to the plantation late the property of Jermyn and Charles Wright, known by the name of Rochester, on the opposite side of the said river; which said ferry is hereby vested in the said Nichol Turnbull, his executors, administrators and assigns for the space of ten years next ensuing the passing of this act.

Vested in Nichol Turnbull.

Subject to certain regulations.

2. *And be it further enacted by the authority aforesaid,* That the said Nichol Turnbull, his executors, administrators or assigns, shall, and he or they are hereby required to make and keep in repair the road and causeway on his plantation aforesaid, leading to the river Savannah, and to provide and keep one or more good and substantial boat or boats, fit to carry six horses at the least; and one white man and also a sufficient number of slaves or servants to attend the said ferry, as well by night as by day, to carry over the said passengers, their servants, slaves, horses, cattle and carriages; and that it shall and may be lawful to and for the said Nichol Turnbull, his executors, administrators or assigns as aforesaid, to ask, demand and receive for the said ferriage, the several prices and rates following, and no more, that is to say: For every foot traveller, the sum of twenty-five cents; for each person and horse, the sum of sixty-two and an half cents; for every wheel carriage; the sum of twenty-five cents per wheel; for every single horse, the sum of thirty-one and an half cents; for neat cattle, the sum of thirty-one and an half cents per head; for calves, sheep or hogs, the sum of six cents and half per head.

Rates of ferriage.

Penalty for delay of passengers.

3. *And be it further enacted,* That in case any person or persons going to the said ferry in order to pass the same, shall (tendering the ferriage, as settled by this act) meet with delay, proceeding from negligence or other improper conduct, in not giving the due attendance required by this act, the said Nichol Turnbull, his executors administrators or assigns, shall forfeit and pay for every time such delay shall happen, to the person or person so delayed, a sum not exceeding three dollars for every hour,

to be recovered upon proof thereof, before any justice of the peace for the district of White Bluff, by warrant under the hand and seal of the said justice; *Provided*, That the person so delayed, shall make complaint within one month next after such delay shall have happened.

4. *And be it further enacted*, That the governor for the time being, and all messengers sent in the service of this state, and all postmen, be and they are hereby declared to be exempt from paying any ferriage for themselves, their servants, horses, carriages or baggage, for passing and repassing the same; and in case of any unnecessary and improper delay, the said Nichol Turnbull, his executors, administrators or assigns, shall forfeit and pay the aforesaid sum of three dollars for every hour, to be recovered as before directed, any thing in this act to the contrary notwithstanding.

Exemptions from payment of ferriage

5. *And be it further enacted*, That the commissioners of the road leading from Savannah eastwardly to the island of Skidaway, shall, and they are hereby empowered, from time to time, to inspect the state of the ferry-boat or boats, the sufficiency of the servants or slaves attending the same, and the condition of the road, causeway and landing, and upon any insufficiency or damage, to give notice to the said Nichol Turnbull, his executors, administrators or assigns, to repair or make good the same; and if within ten days after such notice so given as aforesaid, upon proof thereof made before the majority of the said commissioners, he the said Nichol Turnbull, his executors, administrators or assigns, shall neglect to make good such insufficiency or damages, to be recovered by warrant, under the hands and seals of the said commissioners, to be applied to the repair of the bridges, roads and causeways, within the eastern road before mentioned.

Commissioners to superintend the ferry.

THOMAS STEVENS, *Speaker of the House of Representatives.*  
 BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 8, 1796.

JARED IRWIN, *Governor.*

.....

*An act vesting certain commissioners with power to establish a public ferry on Savannah River, opposite the city of Augusta, under certain restrictions and provisions.*

**W**HEREAS in and by an ordinance passed by the General Assembly of the Preamble, state of Georgia, on the sixth day of December, one thousand seven hundred and ninety, the exclusive right of erecting a bridge over the river Savannah, at the city of Augusta, was vested in Wade Hampton, his heirs and assigns, upon certain conditions therein expressed; and also by "An act to revise and amend an act, supplementary to an act, for regulating the town of Augusta," and to amend an act, entitled "An act for regulating the town of Savannah and hamlets thereof, and for other purposes," passed on the thirteenth day of February, one thousand seven hundred and ninety-seven, the before recited ordinance was revised and declared to be in full force and operation, and the time therein limited for rebuilding a bridge across the said river was extended to the term of two years, from and after the passing the said act, and no longer:

And whereas, the said Wade Hampton has failed to rebuild and keep a bridge across the said river, within the time by the before recited ordinance and law prescribed, whereby the exclusive right granted to the said Wade Hampton is forfeited: And whereas it is necessary that a ferry should be established and kept as near as may be to the north end of the cross street in the said city of Augusta, leading from the market, and opposite to Picken's warehouse, upon the public road on the Carolina side of Savannah River:

Commissioners appointed to establish and superintend the public ferry in Augusta,

1. *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That Abraham Jones, George Graves, James Perrie, Lewis Harris and James Fox, be appointed commissioners, and they, or a majority of them, and their successors in office, are hereby fully and absolutely vested with power to establish a public ferry at or near the place where the former ferry was established and kept, as nearly opposite the cross street in the town of Augusta, leading from the market as aforesaid, as they may find most convenient, upon the following terms and conditions: that is to say, That the said commissioners, or their successors in office, shall, on or before the first day of January next, provide good and sufficient boat or boats, for the passage of all such persons as may call for the purpose, with carriages of any kind in common use, horses and other stock; that they also provide that the said ferry be kept with diligence and attention, so that travellers meet with no delay (unavoidable accidents excepted) in passing the same; that they also permit the passage of all persons and carriages going to Augusta with any article of produce or stock, for sale in said town, and returning therefrom after sale of such produce or stock, and also all persons coming to or going therefrom who reside in the said city, or within five miles thereof, free from any charge for ferriage, and without any hinderance or unnecessary delay.

upon certain terms.

Certain persons to pass free from the payment of ferriage.

Rates of ferriage.

2. *And be it further enacted,* That the aforesaid commissioners, and their successors in office, shall and may legally demand and receive from all and every person and persons passing the said ferry (except those herein before excepted) a ferriage upon the following rates: that is to say, for every loaded waggon or other four-wheel carriage, one hundred cents; for every empty waggon, fifty cents; for every loaded cart or dray, twenty-five cents; for every man and horse, twelve and an half cents; for a foot passenger, six and a quarter cents; for all black cattle, per head, six and a quarter cents; for hogs, sheep and goats, three cents per head: And the said commissioners, and their successors in office, shall and may have the free, quiet and exclusive use and enjoyment of the said ferry on the Georgia side, for and during the term of ten years from and after the first day of January next, and all the profits arising therefrom shall be, and the same is hereby appropriated to and for the use of the academy of Richmond county.

No other ferry to be established within a certain distance

3. *And be it further enacted,* That no other ferry or bridge between Wallican's ferry opposite Fort Moore's bluff, and Ray's ferry opposite Campbleton shall be established or permitted on any pretence whatever, during the continuance of the right of the said commissioners and their successors in office to the privilege hereby vested in and confirmed to them.

Commissioners to pay the commissioners of Richmond academy the profits of the ferry.

4. *And be it further enacted,* That the said Abraham Jones, George Graves, James Perrie, Lewis Harris, and James Fox, and their successors, are hereby required to pay over to the commissioners of the Richmond academy, or their successors in office, all balances remaining in their hands, after deducting all expences and charges which may accrue in keeping the said ferry, in manner and form aforesaid, on the

first day of January in every year, during the term they are hereby vested with a right to keep the same; and also deposit with the said commissioners of the academy a statement of their accounts, shewing the balances paid over as aforesaid: *Provided*, That the commissioners herein named shall, previous to their entering upon the duties herein requested of them, give bonds to his excellency the governor, for keeping the aforesaid ferry, according to the true intent and meaning of this act. shall give bond and security to the governor.

5. *And be it further enacted*, That in case of death, resignation or removal of either of the said commissioners, it shall be and is hereby made the duty of the justices of the inferior court of the county of Richmond, to fill such vacancy or vacancies. vacancies how to be filled.

6. *And be it further enacted*, That this act shall be deemed, adjudged and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same. Public act.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 5, 1800.

JAMES JACKSON, *Governor.*

.....

FIRE ARMS.

*An act for the better security of the inhabitants by obliging the male white persons to carry fire arms to places of public worship.*

**W**HEREAS it is necessary for the security and defence of this province from internal dangers and insurrections, that all persons resorting to places of public worship shall be obliged to carry fire arms. Preamble:

1. *Be it enacted*, That immediately from and after the passing of this act, every male white inhabitant of this province, (the inhabitants of the sea port towns only excepted who shall not be obliged to carry any other than side arms) who is or shall be liable to bear arms in the militia, either at common musters or times of alarm, and resorting, on any Sunday or other times, to any church, or other place of divine worship within the parish where such person shall reside, shall carry with him a gun, or a pair of pistols, in good order and fit for service, with at least six charges of gun-powder and ball, and shall take the said gun or pistols with him to the pew or seat, where such person shall sit, remain, or be, within or about the said church or place of worship, under the penalty of ten shillings for every neglect of the same, to be recovered by warrant of distress and sale of the offender's goods, under the hand and seal of any justice of the peace for the parish where such offence is committed, one half to be paid into the hands of the church wardens, or where there is no church wardens, to any justice for the use of the poor of the said parish, and the other half to him or them that shall give information thereof. All male white inhabitants to carry arms to places of worship under penalty of ten shillings. How to be recovered and applied.

2. *And for the better and more effectual carrying this act into execution*, *Be it further enacted*, That the church warden or church wardens of each respective parish, and the deacons, elders or select men, of other places of public worship, shall be obliged, and they are hereby empowered to examine all such male persons, either in or about such places of public worship, at any time after the congregation is assembled, on Christmas and Easter days, and at least twelve other times in every year, and if, up-

on finding any person or persons liable to bear arms, and being then to places of public worship as aforesaid, without the arms and ammunition by this act directed, and shall not, within fifteen days after such offence is committed, inform against such person or persons so offending, in order to recover the penalty as aforesaid, such church warden or church wardens, deacons, elders, or select men, shall, for every such neglect of duty, or giving information as aforesaid, forfeit and pay the sum of five pounds, to be recovered and applied as in this act is before directed.

Persons refusing to be examined so forfeit ten shillings, to be recovered and applied as aforesaid.

3. *And be it further enacted,* That any such person or persons thus liable to bring their arms, and being at any church or place of public worship, as aforesaid, that shall refuse to be examined in or about such places of public worship, or neglect, on demand of the church warden or church wardens, deacons, elders, or select men respectively, to produce and shew his or their arms and ammunition by this act required to be brought by such person or persons, to the intent it may be known whether the same be fit for immediate use and service, such person or persons so refusing or neglecting shall severally, and for every such offence, forfeit the sum of ten shillings, to be recovered and applied in such manner as the penalty for not bringing such arms in and by this act directed.

Continuation.

4. *And be it further enacted,* That this act shall be and continue in force for and during the term of three years, and from thence to the end of the next session of the General Assembly, and no longer.

N. W. JONES, *Speaker.*  
JAMES HABERSHAM, *President.*

JAMES WRIGHT.  
February 27, 1770.



FIRE COMPANY.

*An act to authorize the raising and establishing a fire company in the city of Savannah, and one in the town of Augusta.*

Preamble.

**W**HEREAS the citizens of Savannah, have provided two fire engines for the use of the said city, and the inhabitants of the town of Augusta intend also to provide another engine in addition to the one already provided by them for the use of the said town:

A fire company established in the city of Savannah.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That it shall and may be lawful for any number of persons not exceeding thirty, who shall be citizens of this state and inhabitants of the city of Savannah, to form and associate themselves together as a fire company, under the style and denomination of "The Fire Company of the City of Savannah," at any time after the passing of this act, and they are further authorized to elect from among themselves, in like manner as provided in the militia law, officers to command them, not exceeding four, who shall be commissioned by his excellency the governor.

Their officers to be elected & commissioned.

Another established in Augusta.

2. *And be it further enacted,* That it shall and may be lawful for any number of persons not exceeding thirty, who shall be citizens of this state and inhabitants of the town of Augusta, to associate and form themselves into a fire company in like manner as above, under the style of "The Augusta Fire Company," who shall elect from among themselves any number of officers, not exceeding four, to command

Officered in like manner.



said company, which officers shall be commissioned by his excellency the governor.

3. *And be it further enacted*, That the officers and men of the said fire company shall be exempted from militia duty, except in times of actual invasion, insurrection or alarm. Exempted from militia duty

4. *And be it further enacted*, That the recorder or city treasurer, marshal of the said city, the messenger and clerk of the council, and the city constable be, and they are hereby exempted from militia duty, except in cases of invasion, insurrection or alarm. Other exemptions in Savannah.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIM TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 29, 1794.

FOREIGNERS.

*An act for the security of foreigners who may lend money at interest, on real estates.*

1. **W**HEREAS the borrowing of money on interest from foreigners may benefit this state, and it is but reasonable, that any foreigner lending money should be secured on real estates by way of mortgage, and at liberty to institute suits for the recovery of all sums, as well principal as interest, so loaned: *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same*, That it shall and may be lawful for every and all persons, being aliens, to lend money at an annual interest of seven per centum, on freehold or leasehold security, by way of mortgage, on any estate within this state, and such money, whether the kingdom or state of which such money-lender is a subject or alien, shall be at peace or in war with the United States, to recover, sue for, by attornies or otherwise, in the courts of this state, and where judgment is obtained, execution shall be awarded for the sale of such mortgaged premises, for payment of the debt and interest due thereon, with costs of suit, as is common with the citizens of this state, (except such foreigner be entitled to the right of entry or actual possession of any such mortgaged premises by purchase, or by any process for foreclosing any equity of redemption, by order of any court whatever) any law or custom to the contrary notwithstanding. Preamble.

Foreigners authorized to take mortgages of land, for security of money lent to citizens of this state.

2. *And be it further enacted*, That this act shall be, and is hereby declared to be a public act, and shall be judicially taken notice of as such in the courts of record in this state. Public act.

JOSEPH HABERSHAM, *Speaker.*

Savannah, February 21, 1785.

*An act to enable the subjects of his most christian majesty, to transfer and settle such of their estates and property as is or shall happen to fall within this state; and also to perfect the grant of twenty thousand acres of land in this state, to the vice admiral the count D'Estaing, and to encourage the settlement thereof.*

1. **W**HEREAS the congress of the United States of America, on the fourteenth day of January, one thousand seven hundred and eighty, did resolve, That Preamble.

it be recommended to the legislatures of the aforesaid United States, to make provision, where not already made, for conferring on the aforesaid subjects of his most christian majesty, the privilege of disposing and settling their estates agreeably to the form and spirit of the thirteenth article of the treaty of amity and commerce between his most christian majesty and the United States of America: *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 the subjects of his most christian majesty shall be, and they are hereby empowered to transfer and dispose of such of their estates and property as shall happen to be within the limits of this state, and that the estates and property of such of said subjects as are or may be deceased, and who were not citizens of this state, being within the state, shall descend to and become the estate of the heirs and legal representatives of such deceased person, according to the laws, usage and custom of the kingdom of France relative thereto, and such estate so descending shall and may be settled agreeably to the laws that are or shall be made relative thereto, without being obliged to obtain letters of naturalization; and that the aforesaid subjects of his most christian majesty shall have, hold and enjoy, on their part, within this state, the privileges and immunities mentioned in said articles of treaty, according to the form and spirit thereof.

French subjects enabled to dispose of their estates, which are descendible according to the laws of France. And said subjects entitled to all the rights specified in the treaty.

2. *And whereas* the General Assembly of this state resolved, that grants of twenty thousand acres of land should issue to the vice admiral the count D'Estaing, in testimony of their respect for his meritorious services, *Be it therefore enacted,* That the vice admiral the count D'Estaing be, and he is hereby empowered and qualified to receive and hold the grants of land aforesaid, and he is hereby admitted to all the privileges, liberties and immunities of a free citizen of this state, agreeably to the constitution.

Twenty thousand acres of land granted to count D'Estaing, who is vested with all the rights of a free citizen of this state.

3. *And (to encourage and promote the settlement of the said land)* *Be it further enacted,* That any person or persons, being a subject of his most christian majesty, who is properly introduced, with a design to become an inhabitant of this state, such person or persons, shall after three years' residence, or in case of intermarriage, with a citizen of this state, or either of the United States, after one year's residence and taking the oath of allegiance and fidelity, be admitted to all the liberties, privileges and immunities of natural born citizens of this state, any law, usage or custom, to the contrary notwithstanding.

French subjects, how to become citizens of this state.

By order of the House.

JOSEPH HABERSHAM, *Speaker.*

Savannah, February 22, 1785.

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FORGERY.

*An act for the more effectually preventing and punishing forgery.*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That from and after the passing of this act, if any person or persons shall falsely make, forge, alter or counterfeit, or cause or procure to be falsely made, forged, altered or counterfeited, or willingly act or assist in the falsely making, forging, altering or counterfeiting any audited certificate, issued by the auditor general, or any order or warrant issued by his excellency the governor,

To forge certain instruments and papers.

or the honorable the president of the Senate, or speaker of the House of Representatives of this state, on the treasurer thereof, for any money or other thing, or any warrant for land issued by the justices of any land court within this state, or any certificate, draft, warrant or order from any of the public officers of this state, issued under, or by virtue of any act or resolve of the General Assembly, or any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note, or order for money or goods, or acquittance, or receipt for money or goods, or any endorsement or assignment of any bond, writing obligatory, bill of exchange, promissory note, or order for money or goods, with intent to defraud any person or persons whatsoever, or shall utter or publish as true, any false, forged, altered or counterfeited audited certificate, governor's, president's, speaker's, or other public officer's certificate, draft, warrant or order, so as aforesaid issued under or by virtue of any act or resolve of the General Assembly of this state, or any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note, or order for money or goods, or acquittance or receipt for money or goods, or any endorsement or assignment of any bond, writing obligatory, bill of exchange, or promissory note, or order for money or goods, with intent to defraud any person or persons whatsoever, knowing the same to be so falsely made, forged, altered or counterfeited, every such person or persons so offending, and being thereof convicted according to the due course of law, he, she or they shall be deemed guilty of felony, and suffer death without the benefit of clergy.

Or to utter or publish the same as true.

Declared to be felony without benefit of clergy.

2. *And be it further enacted*, That if any person or persons shall falsely make, forge, utter or pass any base metal as gold or silver coin, within this state, knowing the same to be false, base or forged, and being thereof convicted, shall suffer death without the benefit of clergy.

To forge and pass base metals declared to be the same offence.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 14, 1792.

EDWARD TELFAIR, *Governor.*

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FRAUDS IN SELLING BEEF, PORK, PITCH, &c.

*An act to prevent frauds and deceits, in selling beef, pork, pitch, tar, turpentine, and firewood.*

1. **W**HEREAS the preventing frauds and deceits in packing of beef and pork and in selling pitch, tar, turpentine and firewood, will greatly increase the credit and repute of those commodities of this province, and also be for the particular benefit and emolument of the purchasers or exporters of the same: *Be it therefore enacted*, That from and after the first day of February next, all and every cask or casks, in which any beef or pork shall be packed and exposed to sale within this province, shall be made of sound, dry, and well seasoned white oak timber, free from sap, the heads as well as bodies of which casks shall be made tight so as to hold pickle, and the said casks shall be proved, before the same shall be packed with any beef or pork, and shall gauge thirty gallons.

Preamble.

2. *And be it further enacted*, That from and after the said first day of February aforesaid, every barrel of beef or pork packed and sold, or exposed to sale in this province, shall contain two hundred pounds weight of wholesome, well cured meat in

Barre's of beef, &c. to contain two hundred pounds.

the same, after being ten days salted and well packed with salt and pickle, and not more than one shank, one shin, and one half of the neck, and no head in each barrel of beef, and not more than two heads in each barrel of pork; and the same shall be weighed and inspected by some of the packers and inspectors herein after mentioned, who shall brand the same with his respective brand.

And be weighed  
&c by the in-  
spectors.

To be inspected  
under penalty  
of twenty shil-  
lings.

3. *And be it further enacted*, That from and after the said first day of February aforesaid, no merchant, factor, trader, or other person, shall ship for exportation on board any ship or vessel whatever, any beef or pork for a foreign market, before the same be packed by some packer or inspector of the port or place where the same is intended to be shipped, and by the said packer and inspector branded, under pain of such person so shipping, forfeiting the sum of twenty shillings sterling for every such cask so shipped, to be recovered and applied as herein after directed.

Barrels of pitch,  
&c to contain  
three hundred  
and twenty-  
two pounds  
gross.

Tar to contain  
thirty two gal-  
lons.

Turpentine to  
weigh four  
hundred and  
sixty pounds  
gross.

Persons ship-  
ping, unmark-  
ed to forfeit five  
pounds for ever-  
y barrel.

4. *And be it further enacted*, That from and after the said first day of February aforesaid, every barrel of pitch which shall be made and sold in this province, shall contain three hundred and twenty-two pounds gross weight, and the staves of the said barrels not to exceed half an inch in thickness; every barrel of tar made and sold as aforesaid, shall contain at least thirty-two gallons, clear of dirt, dross, chips or water; and every barrel of turpentine so made and sold as aforesaid, shall weigh four hundred and sixty pounds gross, clear of dirt, sand or water; and that no merchant, factor, trader, or other person whatever, shall ship, or put on board any ship or vessel, for exportation from this province, any tar, pitch or turpentine, before the same is marked by some packer or inspector, under pain of forfeiting, for every barrel so shipped, the sum of five shillings sterling, to be recovered and applied as herein after directed.

Barrels may be  
opened on sus-  
picion of fraud.

Pitch condem-  
ned as fraudu-  
lent, to be for-  
feited, and also  
five shillings for  
each barrel so  
condemned.

Proviso.

5. *And be it further enacted*, That if any fraud or abuse shall be suspected in any barrel or barrels of pitch, which shall be brought to market, or exposed to sale, the person who shall treat for the purchase of such pitch, shall be at liberty to cut open as many barrels of the same as he shall think proper, which shall be liable to be viewed, judged and forfeited, as herein after directed, and where any pitch shall be condemned as fraudulent, by the person or persons empowered to view and judge the same, all such condemned pitch shall be forfeited and sold by the treasurer and applied to such uses as is herein after directed, and the owner or person exposing such pitch to sale, shall also forfeit the sum of five shillings sterling, for each barrel so fraudulently brought to market, and exposed to sale, and the same may be recovered against him, as is provided by the act, for the more easy and speedy recovery of small debts and damages, and shall be applied to uses as herein after directed. *Provided always*, That when any pitch shall be ordered to be cut open as aforesaid, without the consent of the owner, or person offering, or exposing the same to sale, the same shall be done at the risk of the person who shall cause such pitch to be so cut open (that is to say) if such pitch shall not be condemned as fraudulent, by the person or persons empowered to view and judge the same, that then the person who caused the pitch to be so cut open and examined, shall take to himself every such barrel so cut open, and which shall not be condemned, as aforesaid, and shall pay to the owner or person offering the same to sale, the current sum or price, which good pitch shall then bear at that port or place, any thing herein contained to the contrary notwithstanding.

Inspectors or  
packers to be  
sworn.

6. *And be it further enacted*, That such persons as shall be appointed packers or inspectors, by ordinance or otherwise of the governor, council and Commons House of Assembly, in General Assembly met, shall be, and they are hereby directed, before they enter into the execution of their offices, severally and respectively,

to take the following oath before some justice of the peace, for the parish where such port shall be, who shall grant such packer and inspector a certificate thereof: "I, A. B. do solemnly swear, that I will faithfully and impartially execute the business and duty of a packer, and inspector, in the town and port of . . . to the best of my skill and judgment, without favor or prejudice, and without any delay, agreeable to an act of the General Assembly of this province, entitled "An act to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine and firewood. So help me God."

Their oath.

7. *And be it further enacted*, That the packers and inspectors so to be appointed, shall receive for their trouble from the seller or owner of any beef, pork, pitch, tar, or turpentine, the sum of sixpence for every barrel of beef or pork, and the sum of twopence for every barrel of pitch, tar, or turpentine, which they shall view, inspect, mark or brand, as aforesaid. And the said packers and inspectors, are hereby severally directed to have and make use of a separate brand, with the initial letters of the name of such packer and inspector, and in case of refusal or neglect, to do and perform any of the duties by this act required to be done and performed by such packer and inspector, he or they so refusing or neglecting, after he or they, shall have accepted such office, shall for every such offence forfeit the sum of ten shillings.

Inspectors, &c  
secs.

Must brand all barrels with their initials, under penalty of ten pounds.

8. *And be it further enacted*, That if any packer or inspector, shall mark or brand any beef, pork, pitch, tar or turpentine, not weighing or containing the weights or measures, directed by this act, such packer or inspector shall, for every barrel so marked or branded, forfeit the sum of forty shillings sterling, to be recovered and applied as hereinafter directed.

Packers, &c  
forfeit forty shillings for marking beef, &c. improperly.

9. *And whereas* many frauds are committed in the sale of firewood, *Be it further enacted by the authority aforesaid*, That from and after the first day of February aforesaid, every cord of firewood which shall be sold in this province, shall measure eight feet in length, four feet in height, and four feet in breadth, and in case any person or persons whatever, having any firewood sold and delivered them by the cord, as aforesaid, shall suspect a deficiency therein, such person or persons, shall and may apply to any of the packers and inspectors to be appointed as aforesaid, to cord and measure the same; and in case any deficiency shall appear, the person or persons selling the same, shall for every cord that shall be so deficient, forfeit the sum of ten shillings; and the packer and inspector measuring the same, shall be paid the sum of sixpence for every cord so measured by the seller thereof, in case of deficiency, and in case no deficiency shall appear, then to be paid the sum of sixpence by the person or persons applying.

Firewood, size of cord

Persons selling a less quantity for a cord to forfeit ten shillings for every such cord.

10. *And be it further enacted*, That all the fines and forfeitures by this act inflicted, shall be recovered, upon proof of the offence, before any justice of the peace for the parish where the same shall be committed, by warrant under the hand and seal of such justice, directed to any constable of the said parish, and be to the informer.

Fines to be recovered before justices of the peace, and go to the informer.

11. *And be it further enacted*, That this act shall continue and be in force for and during the term of three years, and from thence to the end of the next session of the General Assembly, and no longer.\*

Continuation of this act.

By order of the Upper House.

JAMES HABERSHAM, *President*.

By order of the Commons House of Assembly.

ALEXANDER WYLLY, *Speaker*.

Council Chamber, March 6, 1776.

Assented to.

JAMES WRIGHT.

\* Revived and continued indefinitely by acts of 1783 and 1784.

*An act for amending an act, entitled "An act to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine and firewood."*

Preamble.

1. **W**HEREAS, the act of the General Assembly passed the sixth day of March, in the year of our Lord, one thousand seven hundred and sixty-six, entitled "An act to prevent frauds and deceits in selling beef and pork, pitch, tar, turpentine and firewood, is found to be deficient in respect of the regulations therein directed; as to the packing and inspecting beef, and pork, for remedy whereof, *Be it enacted*, That from and after the first day of May next ensuing, every barrel in which beef, or pork, shall be packed and exposed for sale in this province, shall contain and gauge thirty-two gallons, and be made of seasoned timber, as directed by the said recited act, and shall have on each barrel, not less than twelve found and sufficient hoops.

Barrels of  
beef and pork  
to contain thirty-  
two gallons.

And shall  
weigh two  
hundred and  
twenty pounds,  
&c.

2. *And be it further enacted*, That from and after the said first day of May, every barrel of beef, or pork, packed and sold in the province, shall contain two hundred and twenty pounds weight, of wholesome well cured meat in the same, after being salted at least ten days, and carefully packed with a sufficient quantity of dry salt, and well pickled, and not more than one shank, half the neck, and no head, in each barrel of beef, and not more than two heads in each barrel of pork.

And be branded  
with the name  
of the parish, &  
of the inspectors  
at full  
length.

3. *And be it further enacted*, That the brands to be used by the several packers and inspectors, according to the directions of the said act, shall have the name of the parish where the beef or pork is inspected under that of the province, and also the names of the inspectors at full length; and such inspectors and packers are hereby directed to furnish themselves with such brands, and to brand the several barrels of beef and pork by them inspected, on the head, according to the directions of, and under the penalty in the said act mentioned and inflicted.

Continuation  
of this act.

4. *And be it further enacted*, That the before recited act, and this act, shall continue and be in force for and during the term of three years, and from thence to the end of the then next session of the general assembly, and no longer, any thing contained in the said recited act to the contrary notwithstanding.

By order of the Commons House of Assembly.

NOBLE W. JONES, *Speaker*.

By order of the Upper House.

JAMES HABERSHAM, *President*.

Council Chamber, 24th December, 1768.

Assented to. JAMES WRIGHT.

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## GAMING.

*An act to suppress lotteries, and prevent other excessive and deceitful gaming.*

Preamble.

1. **W**HEREAS many good and wholesome statutes of Great-Britain have, from time to time, been enacted and established to prevent lotteries and gaming, and great mischiefs are daily found to arise from such practices, both to trade and the community in general, as many idle, loose and disorderly persons find means thereby to support themselves in a dishonest, dissolute course of life, and the younger sort of people, and others, are frequently drawn in and deceived, to the loss of their time and ruin of their fortunes: *Be it therefore enacted*, That from and after the

passing of this act, if any person or persons shall erect, set up, or expose to be played, drawn, or thrown at, or shall cause or procure to be erected, set up, exposed to be played, drawn, or thrown at, any lottery, under the denomination of a sale, or sales of houses, lands, plate, jewels, ships, goods, or other things, or for money, or any undertaking whatsoever in the nature of a lottery, by way of chances, either by dice, lots, cards, numbers, figures, or tickets, or shall make, print, advertise, or publish, or cause to be made, printed, advertised, or published, proposals or schemes for advancing small sums of money, by several persons, amounting in the whole to large sums, to be divided among them by chances of prizes, or shall deliver out, or cause, or procure to be delivered out, tickets to the persons advancing such sums, to entitle them to a share of the money so advanced, according to such proposals or schemes, or shall expose to sale any houses, lands, plate, jewels, ships, or other goods or chattels, by any game, method or device whatsoever, depending upon, or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine, engine, or device of chance of any kind whatsoever, or shall be adventurers in, or pay any monies or other consideration, or any ways contribute unto any of the said games, lottery, or lotteries, sale, or sales, such person, or persons, and every, or either of them, on being convicted thereof, on the oath, or oaths of one or more credible witness or witnesses, or on the confession of the party or parties accused, shall forfeit and lose the sum of five hundred pounds lawful money of this province, to be recovered by action of debt, or information, in the general court of pleas, the one moiety of such forfeiture to be to his majesty, for the support of the government of this province, and the other moiety to the informer: And all, and every such sale, or sales of houses, lands, plate, jewels, ships, goods, and other things, by any game, lottery, or lotteries, machine, engine, or device whatsoever, depending upon, or to be determined by chance, or lot, shall, and are hereby declared to be void, to all intents and purposes; and whatever shall be so set up, and exposed to sale, shall be forfeited to such person or persons who shall sue for the same, by action, bill, plaint, or information, in his majesty's general court of pleas of this province, wherein no effoign, protection, wager of law, or more than one emparlance, shall be allowed: And in case of any offender against this act, not having sufficient goods and chattels, whereon to levy the penalty hereby inflicted, or not immediately paying the said penalty, or giving security for payment thereof, it shall and may be lawful for the justices, before whom such person or persons shall be convicted, to commit him or them to prison, there to continue and remain for any time not exceeding twelve months.

Persons erecting lotteries shall forfeit five hundred pounds.

Sales, &c. declared void.

And every thing set up shall be forfeited.

2. *And be it enacted*, That from and after the passing of this act, all bills, bonds, judgments, mortgages, notes of hand, or other securities or conveyances whatsoever, given, granted, drawn, or entered into, or executed by any person or persons whatsoever, where the consideration of such conveyance or securities shall be for any monies or other valuable things whatsoever, won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game or games, bet or bets, chance or chances of any kind whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such play to any person or persons so gaming or betting as aforesaid, or who shall during such game so play or bet, shall be utterly void and of none effect to all intents and purposes whatsoever, any statute or usage to the contrary thereof notwithstanding; and where such mortgages, securities, or other conveyances, shall be of lands, tenements, or hereditaments, or shall be such as encum-

Bonds, bills, &c. given to secure gaming debts, void.

ber or affect the same, such mortgages, securities, or other conveyances, shall inure and be to and for the sole use and benefit of, and shall devolve upon such person or persons as should or might have, or be entitled to such lands, tenements, or hereditaments, in case the said grantor or grantors thereof, or the person or persons so encumbering the same, had been naturally dead, and as if such mortgages, securities, or other conveyances, had been made to such person or persons so to be entitled after the decease of the person or persons so encumbering the same; and all grants and conveyances to be made for the preventing such lands, tenements or hereditaments, from coming to, or devolving upon such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect.

Money lost at gaming how to be recovered.

3. *And be it further enacted*, That any person or persons whatsoever, who at any time or times, sitting or fittings, within the space of twenty-four hours, by playing at cards, dice, tables, or other game or games, or by betting on the sides or hands of such as do play at any of the games aforesaid, shall lose to any one or more person or persons so playing or betting, in the whole, the sum or value of five shillings lawful money of this province; and shall pay or deliver the same, or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty, within three months then next following, and not after, to sue for and recover the monies or goods so lost and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs, by a warrant from a justice of the peace, in nature of a warrant for debt, founded on this act, in case the monies or goods so lost and paid or delivered, shall not exceed the value of eight pounds lawful money of this province; and in case the monies or goods so lost and paid or delivered, shall exceed that sum, the loser shall and may recover the same from the winner or winners, with costs, by action of debt, founded on this act, to be prosecuted in his majesty's general court of pleas in this province; in which suit no essoin, protection, wager of law, privilege, or more than one imparlance, shall be allowed, and in which action or suit it shall be sufficient for the plaintiff to alledge, that the defendant or defendants are indebted to him, or received to the plaintiff's use the monies so lost and paid; or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this act, without setting forth any special matter; and in case the person or persons who shall lose such money or other things as aforesaid, shall not, within the time prescribed, really and *bona fide* sue, and with effect prosecute for the monies or other things so by him or them lost and paid or delivered as aforesaid, it shall and may be lawful to and for any person or persons, by any such action or suit as aforesaid, to sue for and recover the same, with full costs of suit, against such winner or winners as aforesaid, unless such winner or winners, within ten days after the winning such money or things, shall repay or redeliver to the loser such money or things so won and delivered to the loser as aforesaid, together with such costs of suit as may have accrued before the repayment or redelivery of such money or thing, the one moiety of the money or thing so recovered, shall be to the use of the person or persons (other than the person losing) who shall sue for the same, and the other moiety to the use of the poor of the parish where the offence shall be committed.

Gamesters sued to recover back money won by gaming; compelled to discover the amount on oath.

4. And for the better discovery of the monies or things so won and received, and to be sued for and recovered as aforesaid, *It is hereby further enacted*, That all and every the person or persons, who by virtue of this present act shall or may be liable to be sued for the same, shall also be obliged and compellable to answer upon oath such bill or bills in equity as shall be preferred against him or them, for discovering



the sum or sums of money or other things so won and received at play as aforesaid: *Provided nevertheless*, That upon the discovery and repayment of the money or other thing so to be discovered and repaid as aforesaid, together with the costs that may have accrued, such person or persons shall be acquitted, indemnified and discharged from any further or other punishment, forfeiture or penalty inflicted by this act.

5. *And be it enacted*, That if any person or persons whatsoever, at any time or times after the passing of this act, by fraud, shift, cozenage, circumvention, deceit or unlawful device, or ill practice whatsoever, in playing at or with cards, or dice, or any of the games aforesaid, or in bearing a share or part in the stakes, wagers or adventures, or in or by betting on the sides or hands of such as do or shall play as aforesaid, do or shall win, obtain or acquire to him or themselves, or to any other or others, any sum or sums of money or other valuable thing or things whatsoever, then every such person or persons so winning by such ill practice as aforesaid, being convicted thereof, upon an indictment to be exhibited against him or them for that purpose, shall forfeit four times the value of the sum or sums of money, or other things so won as aforesaid, to the person or persons prosecuting, and also shall suffer such corporeal punishment as the court before whom the same shall be tried shall think fit to inflict, not extending to the loss of life or member.

Gamesters winning by fraudulent practices shall forfeit fourfold.

6. *And for preventing such quarrels as shall or may happen upon the account of gaming*, *Be it further enacted*, That in case any person or persons, upon account of any money won by gaming, playing or betting at any of the games aforesaid, shall assault and beat, or challenge or provoke to fight any other person or persons, such person or persons so assaulting, beating, challenging or provoking to fight, on being thereof convicted, upon an indictment or information to be exhibited against him or them for that purpose, shall forfeit to his majesty, his heirs and successors, the sum of twenty pounds lawful money of this province, for the use of the said province, and shall also suffer imprisonment, not exceeding six months, without bail or mainprize.

Persons fighting upon account of gaming shall forfeit twenty pounds and be imprisoned.

7. *And whereas* the occupiers of many licensed public houses, and of other houses wherein liquors are sold, frequently suffer gaming therein, and apprentices, overseers, journeymen, laborers and servants, by means thereof, not only mispend their time, but are often reduced to poverty and distress, *Be it therefore enacted*, That from and after the first day of June next, after the passing of this act, if any person or persons licensed to sell any sorts of liquors, or who shall sell or suffer the same to be sold in his, her or their house or houses, or in any out houses, grounds, or apartments thereto belonging, shall knowingly suffer any gaming with cards, dice, draughts, shuffle boards, billiard tables, skittles, nine-pins, or at or with any other games, or implements of gaming, in his, her, or their houses, out houses, ground, or apartments thereunto belonging, by any apprentices, overseers, journeymen, laborers or servants, and shall be convicted of the said offence, or their own confession, or on the oath of one or more credible witnesses or witnesses, (exclusive of the person giving information thereof) before any justice or justices of the peace of the parish or place where the offence shall be committed, within thirty days after such offence, he, she or they, so offending, shall forfeit for the first offence the sum of twenty shillings lawful money of this province, and for every like offence he, she or they, shall be afterwards convicted of the sum of forty shillings, to be levied by distress and sale of the offender's goods, by warrant from the justice or justices, before whom such offender or offenders shall be convicted; one moiety of which said forfeitures shall be paid to the church wardens and vestry of the parish or place where the offence shall be committed, for the use of the poor there, and the other moiety thereof to the person

Tavern keepers liable to a fine, for suffering gaming in their houses.

or persons on whose information such offender shall be convicted; and for want of sufficient distress, it shall and may be lawful for such justice or justices to commit such offender or offenders to prison, not exceeding ten days, or until the money so forfeited shall be paid.

8. *And be it further enacted*, That from and after the said first day of June next, if any apprentice, overseer, journeyman, laborer, or servant, shall game in any house, out house, ground, or apartments thereto belonging, wherein any liquors shall be sold, and shall be thereof convicted, by the oath of one or more credible witness or witnesses, or on his or their own confession, every such offender shall forfeit and pay the sum of ten shillings for every such offence, to be levied by distress and sale, and applied as aforesaid; and in case no sufficient distress can be found shall be committed to prison, not exceeding the space of five days, or until the money so forfeited shall be paid.

9. *And be it further enacted*, That it shall and may be lawful to and for any justice or justices of the peace of any parish or place in this province, and he and they is and are hereby required upon complaint, on oath, of any offence committed against this act, to issue his or their warrant to some constable of the parish, where the offence shall be charged to have been committed, or where the offender shall reside, for bringing before him or them, or some other justice of the same parish, the person or persons charged with such offence, and such justice or justices are authorized to hear and determine the matter of such complaint, and to proceed to judgment thereupon; and if it shall appear by oath of any credible person, that any one within the said justices' jurisdiction, can give material evidence as to any offender against this act, or on behalf of the person accused, and will not voluntarily appear to be examined, such justice or justices may and shall issue his or their summons, to convene every such person before him or them to be examined on oath, touching the premises; and in case of refusal to be examined without just cause, it shall be lawful for such justice or justices to fine such person or persons in a sum not exceeding forty shillings; and in default of payment thereof in five days, to commit such person to prison for a term not exceeding ten days, or until the said fine shall be paid, and the expence attending such commitment shall be borne and paid by the party or parties offending against this act, if of ability to pay the same, and if not, the same shall be paid by the public, in like manner as is done for conveying criminals to jail.

10. *Provided always, and be it enacted*, That in all proceedings pursuant to this act, any inhabitant of the parish or place where the offence shall be committed shall be deemed a competent witness, and shall give evidence, notwithstanding his, her or their being an inhabitant of such parish or place.

11. *And be it also enacted*, That if any justice of the peace or constable shall receive information from any credible person, or shall himself know, or have reasonable or just cause to suspect that any such persons as aforesaid are gaming, contrary to the intention of his act, in any licensed public house, or other house selling liquors, it shall and may be lawful for such justice or constable, taking with him two credible persons, to enter into the same, demand being first made for so doing; and in case of refusal, to break open the doors of such houses, and to search for, seize and apprehend any person or persons so gaming as aforesaid, in order to his or their being proceeded against for such offence according to law.

12. *Provided always, and it is further enacted*, That any person or persons who shall think him or themselves aggrieved by the determination of any justice or justices of the peace, may appeal therefrom to the general court of pleas, and the party ap-

Apprentices overseers, &c. liable to fine and imprisonment for gaming in public houses.

The duty and power of justices of the peace in the execution of this act.

Competent witnesses under this act.

Justices may break open doors to seize offenders

Appeal allowed to the general court.

pealing shall give reasonable notice thereof to the prosecutor, and enter into a recognizance with two sureties for prosecuting the same with effect; and in case the judgment or conviction of such justice or justices shall be confirmed, the party appealing shall pay treble costs.

13. *And be it further enacted*, That this act shall be deemed a public act, and shall be taken as such by all judges, justices and magistrates, and in all courts within this province, without special pleading; and shall continue in force for the space of seven years, and from thence to the end of the next session of the General Assembly, and no longer.

By order of the Commons House.

LEWIS JOHNSON, *Speaker*.

By order of the Upper House.

JAMES HABERSHAM, *President*.

JAMES WRIGHT.

February 29th, 1764.

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*An additional act to an act entitled "An act to suppress lotteries, and to prevent other excessive and deceitful gaming."*

**W**HEREAS it hath been found by experience that the above mentioned act hath not altogether answered the several good ends and purposes thereby intended, *Be it therefore enacted*, That from and after the passing of this act, any person or persons whatsoever, who at any time or times, sitting or sittings within the space of twenty-four hours, by playing at cards, dice, tables, or any other game or games, or by betting on the fides or hands of such as do play at any of the games afore said, or any game whatever, shall lose to any one or more person or persons so playing or betting in the whole the sum or value of five shillings lawful money of this province, and shall pay or deliver the same or any part thereof; the person or persons so losing and paying or delivering the same, shall be at liberty at any time within six months then next following, and not after, to sue for, and recover the monies or goods so lost and paid or delivered; or any part thereof, from the respective winner or winners thereof, with costs, by a warrant from a justice of the peace, in nature of a warrant for debt, founded on this act, in case the monies or effects so lost and paid or delivered, shall not exceed the value of eight pounds\* lawful money of this province; and in case the monies or goods so lost and paid or delivered shall exceed that sum, the loser shall and may recover the same from the winner or winners, with costs, by action of debt founded on this act, to be prosecuted in his majesty's general court of pleas in this province, to which action or suit, no essoign, prosecution, wager of law, privilege, or more than one emparlance shall be allowed, and in which action or suit it shall be sufficient for the plaintiff to alledge, that the defendant or defendants are indebted to him, or received to the plaintiff's use, the monies or effects so lost and paid, or converted, the monies or effects so won of the plaintiff, to the defendant's use, whereby the plaintiff's action accrued to him, according to the form of this act, without setting forth any special matter; and in case the per-

\* Justices' jurisdiction restrained to thirty dollars.

After that time any other person may sue for and recover the same; one half to himself, the other to the poor.

son or persons, who shall lose such money or effects as aforesaid, shall not within the time prescribed, really and *bona fide*, sue, and with effect prosecute for the monies or effects so by him or them lost and paid or delivered as aforesaid, it shall and may be lawful to and for any person or persons, by any such action or suit as aforesaid, to sue for and recover the same with full costs of suit, against such winner or winners as aforesaid, unless such winner or winners within ten days after the winning such money or effects, shall repay or redeliver to the loser such money or effects, so won and received as aforesaid, together with such costs of suit as may have accrued before the repayment or redelivery of such money or effects, the one moiety of the money or effects so recovered, shall be to the use of the person or persons (other than the person losing) who shall sue for them, and the other moiety to the use of the poor of the parish where the offence shall be committed, any thing in the herein before mentioned law to the contrary thereof in any wise notwithstanding.

Sellers of spiritous liquors, not to suffer gaming in their houses under the penalty of five pounds for the first, and ten pounds for every offence afterwards.

2. *And be it further enacted*, That from and after the passing of this act, if any person or persons licensed to sell any sorts of spiritous liquors or who shall sell or suffer the same to be sold in his, her, or their house or houses, or in any out houses, ground or apartments thereunto belonging shall knowingly suffer any gaming with cards, dice, draughts, shuffle boards, billiard tables, skittles, ninepins, or at or with any other games or implements of gaining, in his, her, or their houses, or out houses, grounds or apartments thereunto belonging, by any apprentice, overseers, journeymen, laborers, or servants, or any other person or persons whatsoever, and shall be convicted of the said offence on their own confession or on the oath of one or more credible witness or witnesses (exclusive of the person giving information thereof) before any justice or justices of the peace of the parish or place where the offence shall be committed within thirty days after such offence, he, she or they, so offending shall forfeit for the first offence the sum of five pounds lawful money of this province, and for every like offence, he, she or they, shall afterwards be convicted of the sum of ten pounds to be levied by distress and sale of the offender's goods by warrant from the justice or justices before whom such offender or offenders shall be convicted, one moiety of which said forfeitures shall be paid to the church wardens and vestry of the parish or place where the offence shall be committed, for the use of the poor there, and the other moiety thereof to the person or persons on whose information such offender or offenders shall be convicted, and for want of sufficient distress, it shall and may be lawful for such justice or justices to commit such offender or offenders to prison, not exceeding thirty days, or until the money so forfeited shall be paid, any thing in the herein before mentioned law to the contrary thereof in any wise notwithstanding.

Public act.

3. *And be it further enacted*, That this act shall be deemed a public act, and shall be held and taken as such by all judges, justices and magistrates, and in all courts within this province without specially pleading the same, and shall continue and be in force for and during the term of six years, and from thence to the end of the next session of the General Assembly, and no longer,

By order of the Commons House of Assembly.

ALEXANDER WYLLY, *Speaker*.

By order of the Upper House.

JAMES HABERSHAM, *President*.

Council Chamber, March 25, 1765.  
Assented to, JAMES WRIGHT.

*An act to prevent gaming and horse racing.*

1. **W**HEREAS the pernicious practice of gaming is carried to a great length in this state, to the great detriment and hurt thereof; to prevent which as much as may be, and to enhance the fines and penalties to be levied by several laws heretofore made to suppress and to prevent such gaming, *Therefore be it enacted by the representatives of the freemen of the state of Georgia in Assembly met, and by the authority of the same,* That every person or persons liable to penalties and forfeitures, as are pointed out in the said acts, shall be further subject to be fined in the following sums: That is to say, every person keeping a billiard table\*, with intent to game or lose money or other things, the sum of one hundred pounds. All persons licensed to keep public houses, or other houses where liquor is sold, suffering any game knowingly to be played for money, or other things to be lost or won, by any person or persons whatever, in the house, apartment, ground or enclosure of the said person or persons so keeping public houses or other houses, either by cards, dice, draughts, shuffle boards, billiards, skittles, ninepins, or at and with any other game or games, or implements of gaming, shall, for every such game so played as aforesaid, forfeit and pay upon conviction the sum of twenty pounds.

Prenable.

Additional forfeitures for gaming.

Tavern keepers to forfeit other twenty pounds for permitting gaming.

2. *And be it enacted by the authority aforesaid,* That every person or persons who shall run, or cause to be run, any race by any horse, mare or gelding in this state, for, or by reason or means of gaming, or of losing money or other things by the said race, shall, for every such offence, forfeit and pay the sum of one hundred pounds.

One hundred pounds forfeiture for horse racing.

3. *And be it further enacted by the authority aforesaid,* That all fines and penalties heretofore ordered to be levied on the offenders against the aforesaid acts of Assembly now of force in this state, and also the fines, penalties and forfeitures directed by this act shall be recovered and appropriated in like manner as is directed and pointed out by the said acts of Assembly, any thing to the contrary in any wise notwithstanding.

Forfeitures, how to be recovered and applied.

4. *And be it enacted by the authority aforesaid,* That this act shall continue and be in force until the first day of January, one thousand seven hundred and seventy-eight, and from thence to the end of the next session of Assembly.

Continuation of this act.

By order of the House of Assembly.

N. W. JONES, *Speaker.*

Savannah, June 7, 1777.

\* Permitted by paying a tax of one hundred dollars. See tax act of the year 1801.

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*An act to regulate taverns, and to suppress vice and immorality.*

1st, 2d and 3d Sections respects the regulation of taverns, repealed by act of 1791.

4. *And be it further enacted,* That if any tavern-keeper shall permit or suffer any person or persons whatever to gamble or play at cards, dice or billiards\* in his or their tavern, with an intention of winning or losing money or other property, or any other house to them belonging, he, she or they shall be adjudged incapable of keeping

Fines and disabilities of tavern keepers.

\* Repealed by act of 1791.

a tavern; and for every such offence shall forfeit, to the use of the informer, the sum of five pounds, recoverable with costs in any court of record in the county wherein such taverns be kept.

Fines for profane swearing.

5. *And be it further enacted*, That if any public officer shall take a profane oath, he shall forfeit the sum of five shillings for every such offence. And any other person or persons whatsoever, not being a public officer, for such offence shall forfeit two shillings and sixpence; and any person convicted in the court of conscience of trading with slaves without a permit, shall be liable to pay ten pounds.

By order of the House.

WILLIAM GIBBONS, *Speaker*.

Augusta, August 14, 1786.

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*An act more effectually to punish persons guilty of stealing horses, asses or mules.*

Horse stealing felony, without benefit of clergy.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That if any person or persons, after the passing of this act, shall feloniously steal, lead, take or drive away any horse, gelding, mare, colt, filly, ass or mule, or be accessory thereto, and being thereof duly convicted, shall be adjudged guilty of felony, such person or persons, convicted as aforesaid, shall suffer death without the benefit of clergy, by being hanged by the neck till he, she or they be dead.

Treatment of persons apprehended. The duty of justices therein.

2. *And be it further enacted*, That when any person or persons shall be charged and apprehended for the offence or offences aforesaid, it shall be the duty of the justice or justices before whom he, she or they are brought, to take in writing the examination of such prisoner or prisoners, or persons so accused, and also the oath or affirmation of him or those who accuse; and if upon such examination it shall appear to such justice or justices, that the prisoner or prisoners accused are guilty of the charge or charges alledged against him, her or them, it shall be the duty of the justice or justices aforesaid to commit the prisoner or prisoners, or persons accused, to the common jail of the county where such person or persons have been apprehended; and where there shall be no jail in any county, to the nearest substantial jail in any adjacent county in the state; and it shall be the duty of the keeper or keepers of such jail to receive and detain in close confinement, without bail or other enlargement, such person or persons until discharged or liberated by due course of law.

The duty of the jailor.

Persons committed under this act not bailable.

3. *Be it enacted by the authority aforesaid*, That this act shall not extend, or be construed to extend, to authorize any judge or judges of the superior courts, or justices of the inferior courts of this state, upon a writ of habeas corpus; or any other writ whatever, to admit to bail, discharge, or otherwise enlarge any person or persons committed as aforesaid, against whom oath has been made, that he, she or they are guilty of any of the crimes before recited in this act.

Property of criminals subject to jailor's fees--proceedings therein.

4. *And be it further enacted by the authority aforesaid*, That in future it shall be the duty of the justices of this state, and they are hereby severally required, on issuing a warrant to apprehend any person or persons charged with any criminal offence, to direct the peace officer executing the same, to make diligent enquiry as to the property of which any person, charged as aforesaid, may be possessed at the time he or she was apprehended, and such officer is hereby required, within ten days thereafter, to ren-

der an account thereof to the justice before whom such criminal may be brought, who is hereby directed (in case the prisoner is not discharged) to make a return of such property to the clerk of the superior court, at or before the term when the criminal is to be tried, which property is hereby made liable, in the first instance to the payment of jailers' fees for dieting the criminal, to whom it may belong as aforesaid; and if any justice or peace officer, shall fail to perform the duties hereby required, he shall himself be subject to the payment of the costs with which such criminal may be chargeable as aforesaid, which may be levied by execution on the property of the justice or officer so offending, in the same manner as if the judgment had been against himself.

5. *And in all cases* where bail is admitted, the person or persons becoming security shall, if required, make it appear to the satisfaction of the court, that he, she or they, are amply sufficient for the sum for which such bail is taken. Bail may be required to justify.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 19, 1793.

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## INDIANS.

*An act to prevent private persons from purchasing lands from the Indians, and for preventing persons trading with them without license.*

**W**HEREAS the safety, welfare and preservation of this province of Georgia, Preamble, doth in great measure depend on the maintaining a good correspondence between his majesty's subjects and the several nations of Indians in amity with the said province: *And whereas* many inconveniences have arisen, from private persons claiming lands, included in the charter granted to the late honorable trustees for establishing the colony of Georgia by his present majesty, and since reinvested in the crown, under pretence of certain purchases made of them from the Indians, which have given occasion for disputes with those people; for remedy whereof, and for preventing any differences or disputes with the Indians for the future, and also for preventing persons trading with them without license, *Be it enacted,* That from and after the fifteenth day of February, one thousand seven hundred and fifty-eight, if any person or persons whatsoever shall attempt to purchase or contract for, or cause to be purchased or contracted for, or shall take or accept of a grant or conveyance of any lands or tracts of land from any Indian, or body of Indians, upon any pretence whatsoever, (except for the use of the crown and that by permission for this purpose, first had and obtained from his majesty, his heirs or successors, or his or their governor or commander in chief of the said province for the time being) every such purchase, contract, grant and conveyance, shall be, and is and are hereby declared to be null and void, to all intents and purposes whatsoever; and all and every person and persons so offending shall, for every such offence, forfeit the sum of one thousand pounds sterling money of Great-Britain, the one half thereof to his majesty, \* his heirs and successors, for the use of the province, and the other half to him or them who Contracts for lands with the Indians, unless for the public, void and the purchaser to forfeit one thousand pounds.

K k

INDIANS, MURDER OF.

shall sue for the same, by action of debt, or information in the general court of this province, in which no protection, effoign, privilege, or wager of law, or more than one emparlance shall be allowed. \*

The remainder of this act, regulating trade and intercourse with the Indians, repealed by act of congress.

By order of the Commons House of Assembly.

DAVID MONTAIGUT, *Speaker.*

By order of the Upper House.

PATRICK HOUSTOUN, *President.*

Council Chamber, February 15, 1758.

Affented to.

HENRY ELLIS.

\* Same subject treated of by act of 1784.

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INDIANS, MURDER OF.

*An act declaring, that to murder any free Indian in amity with this province is equally penal with the murdering of any white person, and that to rescue a prisoner committed for such offence, is felony.*

Preamble.

**W**HEREAS it has been represented that some Indians in amity with this province, have been barbarously murdered, to the great scandal of society, and the danger of involving this province in a bloody and expensive war; and there is reason to believe that several ill disposed persons have not considered such inhuman actions in a proper light, but being influenced by the ill grounded prejudices which ignorant minds are apt to conceive against persons differing in color from themselves, and unaware of the consequences, have rather looked on those murders as meritorious; to discourage therefore as much as may be such unchristian like and cruel practices, and to explain and set forth the great danger thereof, *It is declared,* That to murder any free Indian, in amity with this province, is by the law of the land as penal to all intents and purposes whatsoever as to murder any white person.

The murder of an Indian in amity, as penal as the murder of a free white person. Felony to rescue a person committed for such murder.

2. And to the end that all persons may know the consequence of rescuing any prisoner committed for the murder of any free Indian in amity with this province, *It is also declared,* That by the law of the land any person rescuing any such prisoner so committed, is guilty of felony.

JAMES WRIGHT.

June 20, 1774.

WILLIAM YOUNG, *Speaker.*

N. JONES.

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INDIAN HUNTING-GROUND.

*An act for the appointment of commissioners to run the line designating the Indian hunting-ground.*

Preamble.

**W**HEREAS disorderly persons, regardless of the lives and happiness of the good citizens of this state, who are settled on the frontiers, and in open vio-



lation of the law, have presumed to survey and mark lands beyond the temporary line between the white inhabitants and the Indians:

*And whereas*, at the late treaty with the Creek Indians, it was among other things agreed, that commissioners should be mutually appointed clearly to mark, in every part, the temporary line designating the Indian hunting-ground:

1. *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same*, That James White, Joseph Habersham, Arthur Fort, James Armstrong, and Jared Irwin, esqrs. be and they are hereby appointed in behalf of this state, in conjunction with the commissioners on the part of the Creek nation, without delay to trace and mark, in a plain and conspicuous manner, the temporary boundary line as heretofore established, that is to say: From the Canokee mountain, in the direction of the present temporary line from Tugalo River, till the same shall strike the head or source of the main direct stream of the south branch of Oconee River, called also Appalachee, by which is to be understood the main fork of Oconee River, next above Little River, to which said south branch aforesaid the General Assembly, in laying out the counties of Washington and Franklin, in one thousand seven hundred and eighty-four, first gave the name of south branch of Oconee, thus known and established by law, and regarded as such by the good and faithful citizens of this state; down the said south branch of Oconee to the mouth of the Oakmulgee, where the same empties into the Oconee; and from the mouth of the Oakmulgee as aforesaid, in a direct line to the head or source of the St. Mary's River. The said commissioners, in the execution of this law, are not to regard any lines, surveys or grants of designing and dishonest speculators, made by tortured and perverse construction of the land laws of this state, but are to govern themselves by the plain and direct expression of this act, and shall return to the executive a list of the names of all persons who shall have surveyed or marked lands beyond the line herein described, so far as the same shall come to their knowledge.

2. *And be it further enacted by the authority aforesaid*, That any person or persons who shall hereafter be guilty of marking, surveying, or attempting to survey or obtain grants for any lands beyond the temporary line designating the Indian hunting-ground, in addition to the pains and penalties provided in the land law of one thousand seven hundred and eighty-three, to which they are subject, shall be liable to fine and corporeal punishment, at the discretion of the court before which they are convicted: *Provided*, the same shall not exceed five hundred, nor be less than one hundred lashes for the first offence, and for the second offence shall be held and adjudged guilty of felony. The commissioners herein appointed shall, before they enter upon the business of their appointments, take an oath, to be administered by his honor the governor, truly and faithfully to discharge the duties required of them in this act.

3. *And whereas*, notwithstanding the most positive laws to the contrary, many persons, from design or accident, have run large quantities of land, and obtained grants for the same, southward of the present temporary line between the good citizens of this state and the Indians, and expect to hold the same when a cession of said land can be obtained: *Be it therefore enacted by the authority aforesaid*, That the surveys or grants for such land be considered, and they are hereby declared to be null and void, and of no effect whatever; and the persons who from design aforesaid have been guilty of running the said lands, or any wife concerned therein, are hereby declared to have incurred all the pains, penalties and forfeitures, mentioned in the land acts of one thousand seven hundred and eighty-three, and one thousand seven hun-

Commissioners appointed to run the temporary boundary line in conjunction with the Indian commissioners

Direction of the line pointed out.

Lines or surveys are not to be regarded in the execution of this act.

Persons surveying lands without the boundary line, or attempting to obtain grants for the same, liable to further punishment, by fine and corporeal punishment at discretion, and not less than 100 or more than 500 lashes for the first offence, & declared guilty of felony for the second.

All such surveys or grants declared null & void, and the offenders liable to the penalties of the acts of 1783 and 1784.

The names of the surveyors and chain carriers to be annexed to all plats hereafter to be made within the line. The act of 1786 to appoint agents to reside in the Indian nation, repealed.

dred and eighty-four; and in all surveys that may or shall hereafter be made within the temporary line of this state, the name or names of the surveyor and chain carriers shall be annexed to each plat.

4. *And be it further enacted,* That the law, dated the thirteenth day of February, one thousand seven hundred and eighty-six, so far as respects the appointment of agents in the Indian nation, be, and the same is hereby repealed.

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1787.

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## INDIAN VIOLENCES, PREMIUM FOR SUPPRESSION OF.

*An act for suppressing the violences of the Indians.*

Creek Indians declared to be out of the protection of this state; lawful to kill or capture them.

1. **BE IT 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 Creek Indians shall be considered as without the protection of this state, and it shall be lawful for the government and people of the same to put to death or capture the said Indians wheresoever they may be found within the limits of this state, except such tribes of the said Indians which have not, or shall not hereafter commit hostilities against the people of this state, of which the commanding officer shall judge.

Fifteen hundred men to be enlisted and officered.

2. *And be it further enacted,* That fifteen hundred men be enlisted as soon as may be, to serve until peace is established with the Indians, to be formed into two regiments, consisting of seven hundred and fifty men each; each regiment to be divided into ten companies, and that a colonel, lieutenant colonel and major be appointed to a regiment, and a captain, two lieutenants, four sergeants, and one drummer and one fifer to a company, and to act for the defence of the state, and shall be subject to the orders of the governor for the time being; and all other their superior officers: *Provided,* That at the time of enlistment each man shall take and subscribe the following oath: "I, *A. B.* acknowledge and solemnly swear that I have voluntarily enlisted in the — company of the state troops of Georgia, to serve until peace shall be established with the Indians, and that I will be faithful to the state, and obedient to my officers."

Soldiers' oath.

3 Prescribes rules for the government of the troops. Obsolete.

The governor may raise two regiments of volunteers of seven hundred and fifty men each.

4. *And whereas* from the remote distance of the residence of congress from this state, it may so happen that other and more numerous forces may be necessary to be raised before the aid of the Union may arrive, for suppressing the violences of the Indians: *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for his honor the governor in council to raise two regiments of volunteers, to consist of seven hundred and fifty men each, and to have officers conformable to the rules pointed out as aforesaid, which said officers and men shall at all times, when in actual service, be entitled to the rations herein after established, and the officers and men intended to be embodied as aforesaid shall be under the following rules and regulations.

5. These rules are obsolete.

6 and 7 Prescribe rules for the government of the troops. Obsolete.

8. *And whereas* it may so happen, that certain persons have run and surveyed lands without the limits of the respective counties of this state as established by law, and for which grants may have been surreptitiously claimed: *Be it enacted*, That all lands without the limits aforesaid are hereby declared to be vacant, any warrant, survey or grant to the contrary notwithstanding; and that a tract of land laying and comprehended within a line to be drawn from the most southern stream of the south fork of Oconee, commonly called the Appalachee, in the nearest direction to the head or source of the main stream of Flint River, down the said river including all the islands of the same to the confluence of the Chatahouchee and Flint River, thence eastwardly to the head or source of St. Mary's, to the confluence of the rivers Oconee and Oakmulgee, and thence up the river Oconee to the head or source of the most northern stream of the Appalachee, or south fork where this line begins, shall be reserved and at the cessation of the hostilities with the Indians, appropriated to and for the allowances and bounties of and for the said officers and troops; and no warrant, survey or grant, shall be obtained for any part of the lands within the said reserve by any person whatever, until such hostilities shall cease, and all such officers or troops shall have a preference in laying their bounties within the said reserve.

All lands without the limits of any county, declared to be vacant. Land reserved for the bounties of the officers and soldiers.

Who shall have a preference therein.

9. *And be it also enacted*, That the said bounties shall not interfere with a certain quantity of land in the vicinity of those Indian towns which are and shall continue to be friendly, which quantity shall be determined by a future legislature.

Said bounties shall not interfere with the towns of friendly Indians.

10. *And be it further enacted by the authority aforesaid*, That all the allowances and bounties to the officers, and bounties to the said troops, shall be made and allotted in the following proportions: to a colonel, one thousand two hundred acres: to a lieutenant colonel, one thousand one hundred acres; to a major, one thousand acres; to a captain, nine hundred acres; to a first lieutenant, eight hundred acres; to a second lieutenant, seven hundred and fifty acres; non-commissioned officers, seven hundred acres; and to privates well armed and accoutred, six hundred and forty acres: and any general officer or officers called into the service — for — being — shall have — further allotments made to him or them in the following proportions: to a major general, one thousand five hundred acres; and to a brigadier general, one thousand four hundred acres: and that the staff officers taken from the line, say brigade majors, adjutants and quarter masters, be allowed in addition two hundred and fifty acres each for extra services; the aids-de-camp to the commander in chief be allowed the rank and emoluments of a lieutenant colonel: aids-de-camp to major and brigadier generals be allowed the rank and emoluments of a major; that an adjutant general be appointed by the executive with the rank and emoluments of a colonel; and such allowances and bounties shall be made in good faith to the different officers and soldiers as soon as may be after the cessation of hostilities and restoration of peace.

Bounties, in what proportion allotted.

An adjutant general appointed, with the rank and pay of colonel, with bounty.

11. *And be it enacted by the authority aforesaid*, That it shall and may be lawful for his honor the governor, with the advice of the executive council for the time being, to enter into such engagements with the people in Franklin as may be considered necessary for suppressing the said hostilities of the Indians, and to engage on the part of the state, that for all the officers and privates that shall be actually engaged in the accomplishing the above purpose, the same bounties shall be made and given, as are herein before directed by this act, to the officers and troops to be raised for this state; also an additional bounty of fifty acres on every one hundred acres, in lieu of rations, and all other claims against the state, out of and upon the tract of country commonly called the bent of Tennessee, within this state: *Provided*, That

The governor, &c. may raise fifteen hundred men in Franklin, who shall have bounties in the bent of Tennessee.

the number do not exceed fifteen hundred in addition to those already empowered to be raised upon this act: *And provided also*, That the right of pre-emption on all surveys heretofore made by the authority of this state, shall be first set apart.

One inspector general, with the rank, pay, &c. of colonel. And commissary of issues with the same rank, &c.

12. *And be it further enacted*, That an inspector general, with the rank and emoluments of a colonel, shall be appointed.—That part of this section which prescribes the duty of the inspector general, obsolete. And a commissary of issues, with the rank and emoluments of colonel, shall also be appointed. The remainder, pointing out the duty of the commissary, obsolete.

A director general with the same rank, &c.

13. *And be it also enacted*, That a director general in the medical department, with the pay and emoluments of a colonel, shall be appointed, who shall have power to nominate and recommend the surgical assistance necessary in this department, and who shall report the number to the executive for their approbation of that body. He shall keep a fair and correct register to be made up the last day in each month, in which he shall enter the name of each person to whom medical or surgical assistance may be administered, together with the company and regiment to which he belongs, and each assistant as shall be approved as aforesaid, shall have the pay and emoluments of a lieutenant colonel, and each shall make monthly returns of all official transactions in his department to the inspector general.

His assistants to have the rank, pay, &c. of lieutenant colonel.

14, 15. Obsolete—Pointing out the command of officers and protection of friendly traders.

The governor may raise a troop of cavalry.

16. *And be it further enacted*, That his honor the governor, with the advice of the executive council, shall make such arrangement of the forces to be raised, as may admit of corps of artillery and cavalry, where such officers and men shall find horses without charge to the state, artillery and horses for the same excepted.

Soldiers not entitled to bounties who do not rendezvous armed and equipped. Deserters not entitled to bounty. This act to be perpetual, as far as it respects bounties.

17. *And be it further enacted by the authority aforesaid*, That no state soldier be allowed a bounty as aforesaid, who does not rendezvous at such place as the executive may appoint, completely armed and accounted, on or before the first day of February next: *And provided always*, That no person deemed a deserter shall be entitled to any bounty named in this act. And that this act shall be and continue in force for the government of the said troops, until a peace with the Indians is established and ratified by the legislature of this state, and so far as the same respects bounties shall be standing and perpetual.

By order of the House.

WILLIAM GIBBONS, *Speaker*.

Augusta, October 31, 1787.

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*An act to amend and repeal certain parts or clauses of an act, entitled "An act for suppressing the violences of the Indians," passed the thirty-first day of October, one thousand seven hundred and eighty-seven.*

1 Relates to clothing furnished the troops. Obsolete.

Time for inlisting, prolonged.

2. *And be it further enacted*, That the time for inlisting the state soldiers be prolonged, from the first day of February next, to the thirtieth day of March next, any thing in the afore recited act notwithstanding.

Persons furnishing substitutes exempt from militia duty.

3. *And whereas* it will tend to fill up the regiments intended to be raised, and ease the citizens of this state, to suffer persons liable to military service under the militia law, to inlist substitutes: *Be it further enacted*, That any such three persons liable as aforesaid, who will furnish an able bodied recruit, to serve during the war, well armed and

accounted as aforesaid, such as shall be approved of by the inspector general, shall be exempt from all militia duty during the present war with the Indians, any thing in the militia act to the contrary hereof in any wise notwithstanding : And the said recruits shall be allowed a bounty of land in like manner as the state troops, and become a part thereof, after being delivered up to some officer belonging to the said regiments ; and that those soldiers received as substitutes in the volunteer regiments, be annexed to the state troops. The remainder of this act is obsolete.

By order of the House.

N. BROWNSON, *Speaker.*

February 1, 1788.



*An act for making compensation to the troops in the service of this state, for discharging the said troops, and for collecting and securing the public arms.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met and by the authority of the same, That the pay of the officers and soldiers in the service of the state, shall be the same as the militia when in actual service, and that the auditor be directed to liquidate their respective claims, upon proper vouchers being produced ; and shall grant each officer and soldier a certificate for the amount of pay due to them, which said certificates shall be received at the treasury, as other audited certificates are.

Officers and soldiers entitled to the same pay as the militia.

The auditor to liquidate their claims, and give certificates.

2. And to the intent, that no officer or soldier who is not actually in the service of the state at this present time, shall receive pay, *Be it enacted*, That there shall be a general muster of the said regiment at the town of Washington, within three months from the passing of this act, and that no officer or soldier shall be entitled to receive his pay, unless he makes his appearance at the said muster, or sends a sufficient excuse on oath or affirmation, that he has been prevented from attending, by sickness, or some other unavoidable calamity. *Provided* That no man who is now returned a deserter, shall be entitled to pay, nor any person who has served as a substitute.

A general muster of the troops appointed; all failing to attend deprived of their bounty and pay.

3. *And be it further enacted*, That on the day of general muster as aforesaid, the troops shall deposit their arms in the public storehouse, and the store keeper shall immediately forward a certificate, of the number of arms with the names of the privates depositing the same, to the auditor, and that no private soldier shall be entitled to receive pay for any time previous to the date of his captain's commission ; and the captains, or commanding officers of the respective companies, are hereby required to make a return of the number of men in their respective companies, with the dates of their enlistment, which shall be sworn to before the auditor in the words following :

Troops to deposit their arms in the public storehouse.

Officers commanding companies to make return of the number of men on oath.

“ I, *A. B.* captain or commanding officer of \_\_\_\_\_ company of the state troops, do solemnly swear, that the return I now give in, is a just and true return of all the non-commissioned officers and soldiers in my company, with the dates of their enlistments, in which I have distinguished between those who have been received, or served as substitutes from those who were not, and that I have not returned a man who has been absent more than thirty days without leave; at any one time, from the regiment of state troops, all which I declare without any equivocation, or mental reservation whatever. So help me God,” which said oath the auditor is hereby empowered and required to administer to the captains or commanding officers of said companies respectively ; and be-

The oath.

Auditor, to ad-  
minister the  
same.

for the auditor proceeds to give any non-commissioned officer or private soldier a certificate, such non-commissioned officer or private shall take an oath, that the date of his enlistment returned by his captain or commanding officer is just and true, and that he has never been absent more than thirty days without leave, at any one time, from the service of the state, and that he has not been a substitute. *Provided*, That nothing herein contained shall extend to debar the substitutes in the said regiment from receiving the bounty in land engaged to them by "An act to amend and repeal certain parts of an act for suppressing the violences of the Indians," passed the first day of February one thousand seven hundred and eighty-eight.

Substitutes to  
receive boun-  
ties of land.  
Troops not to  
receive pay or  
bounty till  
they deliver  
their arms and  
other public  
property by  
them received.

4. *And be it further enacted*, That the said troops shall be allowed the same bounty of land as is pointed out to them respectively, in "An act for suppressing the violences of the Indians." *Provided nevertheless*, That all officers and soldiers who have been intrusted with any species of public property, shall be accountable for the same, and shall not be entitled to receive either his pay or bounty as aforesaid, until he shall return the arms so received by him or them; and a receipt or acquittance for such public property be produced to the auditor.

Representatives  
of deceased  
persons, enti-  
tled to their  
pay and boun-  
ty.

5. *And be it further enacted*, That in case of the death of any of the soldiers, then the captain or commanding officer of the company, shall give a certificate of the same to the legal representative of such person, who shall be entitled to his pay and other emoluments, on producing the same to the auditor.

The governor  
may discharge  
the troops, &c.

6. *Be it also enacted by the authority aforesaid*, That from and after the passing of this act the governor shall have full power to discharge the said troops, and take such further order as he may deem necessary to secure the public property, which may be forth coming; and that he also be directed and required to cause the commanding officers of the different brigades of militia within this state, to have immediate returns made from each brigade, of the persons exempted from militia duty therein, under the law authorizing the enlistment of substitutes, together with a copy of the certificates given to the individuals claiming such exemption; and that the inspector general be also required to make a return of the substitutes actually received, and that have been in service.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 24, 1789.

*An act for appropriating a part of the unlocated territory of this state for payment of the late state troops, and for other purposes therein mentioned,*

Lands, how to  
be granted.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That on the expiration of two months after the Indian claims shall be extinguished to the territory herein after described, it shall be lawful for any person or persons to obtain a warrant of survey from his excellency the governor for the time being, under the regulations and restrictions herein after mentioned, that is to say: There shall be a commissioner of locations, appointed by the legislature, in each county within this state, whose duty it shall be to keep a fair book of entries, in the

Commissioner  
of locations.

form to be prescribed by the secretary of the state and the surveyor general, and to receive applications for warrants in terms of this act; but previously to making any entry therein, such commissioner of locations shall require a certificate of two or more freeholders, together with the oath or affirmation of the person applying, taken before him in writing, setting forth the number and description of his family entitled to head rights, and that they do intend to settle the lands applied for agreeably to the tenor of this act; which oath or affirmation the said commissioners are severally authorized and required to administer: a copy of which entry, together with the certificate and affidavit aforesaid, shall be transmitted, under the hand and seal of such commissioner, to his excellency the governor, who shall thereupon issue his warrant to the person making the entry as aforesaid, or to his, her or their legal representatives, under a proper check, directed to all and singular the surveyors to be appointed under this act. And the said commissioners of locations shall be, and they are hereby entitled to demand and receive of the persons applying for and obtaining entries as aforesaid, the sum of half a dollar for every entry so made by him. And such commissioners of locations shall, before they enter upon the duties of their office, be respectively sworn before one or more of the justices of the inferior court of the county in which they shall reside, and enter into bond, with sufficient security, in the sum of one thousand pounds each, payable to his excellency the governor and his successors, for the due and faithful performance of the duties required of them by this act, which bonds shall be taken by the clerks of the inferior courts of the several counties, and be by them transmitted to the executive. And his excellency the governor shall be entitled to receive on every warrant issued by him, the sum of half a dollar,\* and his secretaries half a dollar; and all grants issued in pursuance of this act shall be free from state fees.

2. *And be it further enacted,* That all such warrants may be located to any part or parcel of land south of the Oconee, and within the boundary line described in and by an act passed and dated at Augusta, on the thirty-first of October, in the year of our Lord one thousand seven hundred and eighty-seven, entitled "An act for suppressing the violences of the Indians:" and after such warrant is obtained, it shall be the duty of either of the surveyors of the districts herein after mentioned, or their deputies, to survey the same in the order in which such warrants may be delivered to them, and in the manner following, to wit: The said surveyors shall make two fair plats of all surveys made by them, the scale whereof to be inserted in such plats, and shall plainly and distinctly designate thereon the beginning, angles, distances, marks and water-courses, and other remarkable places crossed or touched, or near to the lines of such lands, and also the quantity of acres, and shall transmit such plats to the surveyor general's office, together with the warrant or order of survey, one of which with the warrant shall be filed by the surveyor general, and the other annexed to the grant. And no survey shall be made without chain carriers, who shall actually measure the land surveyed, and shall be paid by the party for whom the survey shall be made; and such chain carriers shall be first sworn to measure justly and truly, and to deliver a true account thereof to the surveyor, which oath every surveyor is hereby empowered and required to administer. And every survey shall be bounded by natural boundaries or right lines, and shall be an exact square, unless where such lines interfere with lands already granted or surveyed, or unless where any sur-

The order in which surveys are to be made.

Directions for surveyors.

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\* Annulled by the constitution. See 1st section of 2d article.

vey shall be made on any river or water course above the width of fifty feet, in which last case the water shall form one side of the survey, and the breadth on such water shall not be more than one half of the distance back from the water; and the lines of every survey shall be plainly and distinctly marked, leaving no part thereof open; and there shall be one or more station trees plainly marked with a blaze and three chops in every line, except where it is rendered impracticable by swamps or water-courses: *Provided nevertheless*, That nothing herein contained shall be construed to extend to prevent any person from obtaining a survey of any island or islands in the navigable waters, the quantity of which shall not exceed what is allowed by this act to be contained in one survey: *Provided also*, That no person or persons shall be allowed to obtain a warrant for more than three hundred acres for his or their head right, and fifty acres for his wife, and fifty acres for every free-born child, he or they, may have under the age of sixteen; and all unmarried persons from that age and upwards, shall be entitled to a warrant of three hundred acres: *And provided also*, any person or persons obtaining such warrant, and making such survey, the surveyor making the same shall, within two months thereafter, advertise the same in two or more public places adjoining such district, and also in one of the gazettes in the town of Augusta, at least three months before the same shall be sent to the surveyor general's office, in order to obtain a grant.

Proviso.  
Islands in navigable rivers may be surveyed and granted.

Head rights allowed.

Proviso.

Surveys to be advertised.

Warrants to be issued in lieu of the state troop bounties.

3. *And be it further enacted*, That the officers and soldiers of the late state troops, and their representatives, shall be, and they are hereby entitled to receive a warrant from his excellency the governor, in like manner with the citizens aforesaid, on producing the genuine original bounty warrant issued under and by virtue of the aforesaid act, for such quantity as is therein expressed; and the said surveyors to be appointed as aforesaid, shall not locate or survey any lands in the said districts under any other warrant or warrants whatever, than those issued agreeably to the directions of this act.

One acre in every hundred to be cultivated in twelve months.

4. *And be it further enacted*, That every person or persons making such survey or surveys, shall within twelve months settle in said district, and cultivate at least one acre for every hundred acres he may so locate, and that no one person shall obtain a warrant in his own name, for any larger quantity than is herein before specified.

Settlers exempt from taxes for four years.

5. *And be it further enacted*, That for the encouragement of persons desirous of settling on the said lands, and to extend the limits and increase the population of this state; the said district or county shall be exempt from taxes for the space of four years from and after this act shall take effect; and no person or persons shall be bound to pay for such land more than the usual and customary office fees.

Surveyors to give bond and security and be sworn.

6. *And be it further enacted*, That the surveyors to be appointed by this act, for the faithful performance of their duty, shall each and every of them give bond and sufficient security to his excellency the governor for the time being, in the sum of three thousand pounds, and shall take and subscribe the oath usually administered to surveyors. Any person or persons, or surveyor, who shall presume to survey land in the said district, not duly authorized, each and every such person or persons, shall for every survey made, forfeit and pay the sum of ten shillings for every acre so surveyed, one half to the informer, and the other half to, and for the use and benefit of this state, which sum shall be prosecuted for, by the department of the attorney general, on the information of any person, and all such surveys shall be and they are hereby declared to be null and void.

Illegal survey declared void.

7. *And whereas* many persons have surveyed lands contrary to the laws and welfare of this state; *Be it enacted*, That all such survey or surveys, and the grants found



ded thereon, be, and the same and each and every of them, are hereby declared to be null and void.

8. *And be it further enacted,* That the sum of twenty thousand dollars be, and the same is hereby appropriated for the purpose of extinguishing the Indian claims to such territory, (should any there be.) And the senators and representatives of this state in the congress of the United States are required to apply, without loss of time for a treaty to be held, with such tribes or nations of Indians who may claim the right of soil to such lands; and this law shall begin to operate within two months after the extinguishment of such claim or claims.

Twenty thousand dollars appropriated to extinguish Indian claims.

Application to congress to hold a treaty.

9. *And be it further enacted,* That three commissioners be appointed to attend any treaty to be held under the authority of the United States for the purpose of extinguishing the Indian claims to the territory aforesaid, who shall be entitled to receive six dollars per day each, as a compensation for their services, and they shall be allowed a secretary, who shall receive three dollars per day for his services.

Commissioners to be appointed, their salary, and their secretaries.

10. *And whereas* the Indian claims to that tract of country, called and known by the name of Tallisee, lying between the rivers Alatamaha and St. Mary's, were extinguished by commissioners appointed by the legislature of this state, in October one thousand seven hundred and eighty-five, by treaty. *Be it therefore enacted,* That all that tract of country known by the name of Tallisee, be, and the same is hereby annexed, and set a part for location in the same manner, and under the same rules and regulations, as the lands described in this act, any law to the contrary notwithstanding. *Provided,* That no location on the lands herein described, shall take place, until the assent of the general government shall be first obtained.

Tallisee county to be granted in the same manner.

11. *And be it further enacted,* That the territory lying between the rivers Oconee, the branch thereof called the Appalachee, and the Oakmulgee, shall be laid off into five districts, in the manner following, viz. All that part from the confluence of the Oconee and Oakmulgee, rivers, up to a line to be run directly from Carr's bluff on the Oconee, to the place where the Cuffeta path crosses the Oakmulgee River, shall form the first district: All that part lying between the said line, and a parallel line, to be run directly from the mouth of Shoulderbone to the Oakmulgee River, shall form the second district: All that part lying between the said last mentioned line, and a parallel line to be run from the mouth of Jack's Creek on the Appalachee River, to where the same shall intersect the northernmost or main branch of the Oakmulgee River, shall form the third district: All that part lying between the north and south branches of the Oakmulgee River, that is to say; from the fork thereof, up the said northern or main branch of the said Oakmulgee, to the place where the Bloody Trail crosses the same, thence a due west course to the Chatahouchee River; thence down the said river to a point on the same, from which a due east line shall strike the head or source of the main southernmost branch of the said Oakmulgee; thence down the same to the place of beginning, shall form the fourth district. And all the remaining part of the said territory, shall form the fifth district.

Certain parts of the vacant territory laid out into districts.

First district.

Second.

Third.

Fourth.

12. *And be it further enacted,* That all the district of territory called Tallisee, shall form one other district; and that a surveyor shall be appointed by the legislature for each and every of the districts above mentioned, who shall give bond and approved security to his excellency the governor, in the sum of three thousand pounds each, for the faithful and impartial performance of their duty, agreeably to the principles of this act; and no surveyor shall be at liberty to employ any person as a deputy in either of the said districts, until he shall have passed the examination of the surveyor general, and be approved by the governor, nor shall any surveyor retain in his service more

Fifth. Tallisee forms another district.

A surveyor to be appointed to each district, who shall give bond and security in three thousand pounds.

Deputies to be examined by the surveyor general and approved by the governor.

than two deputies, and each surveyor shall be responsible for the conduct of his deputies.

A plot of each district to be first recorded in the surveyor general's office.

13. *And be it further enacted,* That it shall be the duty of the surveyors to be appointed under this act, to ascertain the quantity of land contained in their respective districts as nearly as may be, to make a fair plan or plat thereof, marking the several water courses and remarkable places contained therein, and to return the same to the surveyor general's office, which shall be there entered of record, before any survey shall be made for any person or persons whatsoever.

And certain tracts laid out for public uses.

14. *And be it further enacted,* That his excellency the governor shall, previously to his issuing any warrant of survey to the citizens of this state, or any other persons whatsoever, cause three thousand acres of land to be laid off on the south side of the Alatomaha River, on the bluff lying nearest to the confluence of the Oconee and Oakmulgee rivers; two thousand acres on the south side of the Oconee River, on the most advantageous bluff near the Rock Landing, together with one thousand acres in addition to the foregoing, in each of the districts contemplated by this act, in the most advantageous parts of the said districts, for public uses; and the plats of such surveys shall be recorded in the surveyor general's office, and from thenceforward shall be completely held and vested in his excellency the governor for the time being, in trust to and for the use of the public.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 28, 1794.

GEORGE MATHEWS, *Governor.*



*An act to provide a fund in aid of the act of the last session of the legislature, entitled "An act for appropriating a part of the unlocated territory of this state, for the payment of the late state troops, and for other purposes therein mentioned."*

Preamble.

WHEREAS the executive authority of the United States has authorized a treaty to be held for the extinguishment of the Indian claims to certain lands within the limits of the state of Georgia, agreeably to the act of the last legislature, entitled "An act for appropriating a part of the unlocated territory of this state, for the payment of the late state troops, and for other purposes therein mentioned;" which treaty the state is desirous of furthering to the utmost of her power and ability:

Additional appropriation to extinguish Indian claims.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That the sum of fifteen thousand six hundred and fifty-six dollars and nineteen cents, of the stock of the United States, the property of this state, and funded in the name of George Jones, together with the interest due or to grow due on the six and three per cent. proportions of the said stock, be, and the same is and are hereby appropriated in aid of the sum of twenty thousand dollars appropriated by the afore recited act, entitled "An act for appropriating a part of the unlocated territory of this state for the payment of the late state troops, and for other purposes therein mentioned," for carrying a treaty with the Creek Indians into execution, and for extinguishing the said Indian rights to the territory in the said act mentioned and contemplated to be extinguished; and his excellency is hereby empowered to cause the same to be assigned and set over on the books of the treasury, or

on the books of the commissioners of loans of the United States for this state, for this special purpose and no other. And in order that no difficulty may arise from deficiencies of appropriation for the desirable object of carrying into execution the said treaty, and the extinguishment of the Indian rights under it:

2. *Be it further enacted*, That his excellency the governor, in case he shall deem the same necessary, shall be, and he is hereby empowered to cause so much confiscated property which may have reverted to the state, or which may have remained yet unfold, to be disposed of at his option, either at public or private sale, as may appear to him most advantageous to the state, as will raise the sum of ten thousand dollars cash, and which sum is hereby appropriated for that special purpose and no other, any thing in any former law to the contrary notwithstanding.

The governor empowered to sell confiscated property to the amount of ten thousand dollars.

3. *And be it further enacted*, That so soon as and immediately after the extinguishment of the Indian claims as afore mentioned to the lands contemplated to be obtained under the treaty, shall have taken place, the further operation of the said act, entitled "An act for appropriating a part of the unlocated territory of this state, for the payment of the late state troops, and other purposes therein mentioned," shall cease and stand suspended until the meeting of the General Assembly, which his excellency the governor is hereby required to convene so soon as the treaty shall be ratified by the Senate of the United States, and for twenty days thereafter.

Former act to be suspended, as soon as the Indian claims are extinguished.

4. *And be it further enacted*, That no survey shall be made, or grant shall issue for any land so extinguished, until the same shall be laid off into counties, agreeably to the constitution.

To be divided into counties.

5. *And be it further enacted*, That three discreet and proper persons shall be appointed by joint ballot of both branches of the General Assembly, as commissioners on the part of this state, to attend the said treaty; and all appointments of commissioners or surveyors heretofore made under and by virtue of the act aforesaid, are hereby declared null and void.

Three commissioners to be appointed.

THOMAS STEVENS, *Speaker of the House of Representatives.*  
 BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 12, 1796.

JARED IRWIN, *Governor.*



*An act to repeal an act, entitled "An act allowing further time to the officers and soldiers of the late state troops, who have received no compensation for their services, to make their claims, and have them liquidated by the auditor," passed the seventeenth day of September, one thousand seven hundred and ninety-two.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the act entitled "An act allowing further time to the officers and soldiers of the late state troops, who have received no compensation for their services, to make their claims, and have them liquidated by the auditor," passed the seventeenth day of September, one thousand seven hundred and ninety-two, be, and the same is hereby repealed.

The act giving further time to the officers and soldiers to liquidate their claims repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 DAVID EMANUEL, *President of the Senate.*

Assented to December 6, 1799.

JAMES JACKSON, *Governor.*

*An act for reducing the interest of money in this province.*

Preamble,

**W**HEREAS the high rate of interest in this province of Georgia, is a great discouragement to planters and others from improving their landed estates therein, by reason that the profits arising from such improvements do not equal the sum paid for money so laid out and employed; *And whereas*, many planters and others, by failure of crops and other misfortunes, do become unavoidably indebted, and are therefore made chargeable with the said high rate of interest, to the detriment of the said planters, and others, and to the great hinderance of the improvement and settlement of the said province: for remedy whereof, and for preventing the like mischief for the future: *Be it enacted*, That no person or persons whatsoever, from and after the twenty-ninth day of March, in the year of our Lord one thousand seven hundred and fifty-nine, upon any contract that shall be made from and after the said twenty-ninth day of March, shall take directly or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of eight pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, and that all bonds, contracts, and assurances whatsoever made after the time aforesaid, for the payment of any principal or money, to be lent covenanted, to be performed upon, or for any usury, whereupon or whereby there shall be reserved or taken above the rate of eight pounds in the hundred as aforesaid, shall be utterly void; and that all and every person or persons whomsoever, who shall after the time aforesaid, upon any contract to be made after the said twenty-ninth day of March, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, chevifance, shift, or interest of any wares, merchandize, or other thing or things whatsoever; or by any deceitful way or means, or by any covin, engine, or deceitful conveyance for the forbearing or giving day of payment for one whole year of, and for their money or other thing, above the sum of eight pounds, for the forbearing of one hundred pounds, for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose for every such offence, the treble value of the monies, wares, merchandizes and other things so lent, bargained, exchanged, or shifted, any law, usage or custom to the contrary thereof, in any wise notwithstanding.

DAVID MONTAIGUT, *Speaker.*

By order of the Upper House.

PATRICK HOUSTOUN, *President.*

Assented to March 27, 1759.

HENRY ELLIS.

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### INDIGO WEED, AN ACT TO BURY.

*And act to oblige the planters of indigo, after steeping the weed, to bury or destroy it within a limited time.*

Preamble,

1. **W**HEREAS it has been represented by several persons concerned in planting and making indigo, that many pernicious effects arise from the number of flies which are engendered by leaving the weed, after having been steeped, to rot above ground; *Be it further enacted*, That immediately from and after the passing

of this act, all persons who may be concerned in the planting and making of indigo, shall after the weed has been steeped and taken out of any vat or vats, cause the same to be buried at least two inches under the surface of the earth, or otherwise effectually destroyed within forty-eight hours after such weed shall be taken out of any vat or vats as aforesaid.

Indigo weed to be buried in forty-eight hours after being steeped.

2. *And be it further enacted by the authority aforesaid,* That if any person or persons planting or making indigo, shall neglect to cause the weed, after being steeped, to be buried or otherwise effectually destroyed, within forty-eight hours after the same has been taken out of any vat or vats as aforesaid, such person or persons so offending shall forfeit and pay for every such offence, the sum of five pounds sterling, to be recovered as directed by an act entitled “An act for the more easy and speedy recovery of small debts, and damages;” and such acts of assembly and parts of acts of assembly as have been made to explain and enlarge such act.

Under a penalty of five pounds.

3. *And be it further enacted,* That one half of such forfeiture shall be paid to the person or persons who shall sue for the same, and the remaining half to the poor of the parish where any such offence shall be committed.

One half to the informer, the other to the poor.

4. *And be it further enacted by the authority aforesaid,* That this act shall be and continue in force for two years from the passing thereof, and from thence to the end of the then next session of the General Assembly and no longer.

Continuation of this act.

WILLIAM YOUNG, *Speaker.*  
JAMES HABERSHAM, *President.*

JAMES WRIGHT.  
March 12, 1774.



JUDICIARY SYSTEM.

*An act to revise and amend the judiciary system of this state.*

1. **B**E IT ENACTED *by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That there shall be three judges of the superior courts in this state, which judges shall, before they enter on the duties of their office, take the following oath or affirmation, either before the governor or commissioners by him appointed for that purpose, to wit: “I do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge and perform all the duties incumbent on me, as a judge of the superior courts of this state, according to the best of my abilities and understanding, and agreeable to the laws and constitution of this state, and the constitution of the United States. So help me God.”

Three judges of the superior courts.

Their oath.

2. *And be it further enacted,* That the state shall be divided into three circuits, in the following manner, to wit: The counties of Camden, Glynn, McIntosh, Liberty, Bryan, Chatham, Effingham and Bullock, shall form the eastern circuit: the counties of Scriven, Burke, Montgomery, Washington, Warren, Richmond, Columbia and Jefferson, shall form the middle circuit; and the counties of Greene, Jackson, Franklin, Hancock, Oglethorpe, Elbert, Wilkes and Lincoln, shall form the western circuit.

Division of the state into three districts.

The judges to alternate.

3. *And be it further enacted*, That the said judges shall preside in each circuit alternately; so that no two terms be held by the same judge in the same circuit successively.

Courts to be held twice a year in each county.

4. *And be it further enacted*, That the judges of the superior courts, or one of them shall hold the said courts in each county twice in every year, at the respective times, and in manner following, to wit:

#### IN THE EASTERN CIRCUIT.

Times for holding the same in the eastern circuit.

On the first days of March and September in each year, in the county of Glynn; on the seventh days of March and September, in Camden; on the fourteenth days of March and September, in McIntosh; on the twenty-first of March and September, in Liberty; on the thirtieth of March and September, in Bryan; on the fourth of April and October, in Chatham; on the ninth of May and twenty-fourth of October, in Effingham; on the sixteenth of May and thirty-first of October, in Bullock.

#### IN THE MIDDLE CIRCUIT.

In the middle.

On the first day of March and September, in the county of Burke; on the fourteenth of March and September, in Scriven; on the twenty-second of March and September, in Montgomery; on the twenty-eighth of March and September, in Washington; on the eleventh of April and October, in Jefferson; on the sixteenth of May and seventeenth of October, in Warren; on the twenty-third of May and November, in Richmond; on the fifteenth of June and twelfth of December, in Columbia.

#### IN THE WESTERN CIRCUIT.

And in the western circuit.

On the first of March and September, in Hancock; on the fourteenth of March and September, in Greene; on the twenty-eighth of March and September, in Oglethorpe; on the fourth of April and October, in Jackson; on the eleventh of April and October, in Franklin; on the eighteenth of April and October, in Elbert; on the twentieth of May and November, in Wilkes; on the first of June and December, in Lincoln. *Provided*, That in case any of the aforesaid court-days shall happen on Sunday, then and in that case, such court shall commence on the next day thereafter.

Proviso.

Judges, attorney and solicitor general to meet annually at Louisville on the tenth of July, &c.

5. *And be it further enacted*, That the judges, attorney general and solicitors, shall meet annually at Louisville on the tenth day of July,\* for the purpose of forming rules for the government of the superior court, determining on such points of law as may be referred for argument, and may require an uniform decision, and for giving their opinions on such constitutional and legal points as may be referred for their consideration by the executive department: *Provided always*, That nothing herein contained shall extend to or be construed to authorize the judges to enter upon any proceeding which may affect any cause in its progress to final decision, agreeably to the constitution, in the county wherein the defendant or defendants reside; nor shall any order or decision of the said judges be promulgated, or tend to preclude the admission of any new evidence which may arise in the progress of any cause, prior to the final decision and entering up judgment thereon, in such county; and that it shall be the duty of the judge or judges presiding in the respective circuits, to make a report of the trial of every criminal case of a capital nature, which shall be published in one of the public gazettes, within sixty days after such trial shall have taken place.

Proviso.

Judges to report all criminal cases tried before them. Jurisdiction of the superior courts.

6. *And be it further enacted*, That the said superior courts shall have full power and authority to hear and determine, by a jury of twelve men, all pleas, civil and criminal, and all causes of what nature or kind soever, according to the usages and cus-

\* Altered by act of 1799, to the second Monday in January.

tooms of courts of law and equity; (except such as are hereby referred to inferior jurisdiction) on the days and times before mentioned. And that it shall and may be lawful for the said judge or judges to proceed with a jury, on petition and process directed to the said judges in all disputes of a civil nature, cognizable by original jurisdiction in the said court, for any debt or damages or any sum of money above thirty dollars; and if any case or matter in dispute requires equitable interposition, and a common law remedy is not adequate, the judge presiding shall exercise all the powers of a court of equity, competent to compel the parties, plaintiff and defendant in a cause, to discover on oath all requisite points necessary to the investigation of truth and justice; which proofs when obtained, shall be submitted to a special jury, whose verdict shall be final, and execution thereupon may be issued.

Equitable powers.

7. *And be it further enacted,* That the said superior courts shall have power to issue writs of scire facias, mandamus, habeas corpus, and all other writs which may be necessary for the exercise of their jurisdiction, and agreeable to the principles and usages of law and equity.

May issue all necessary writs.

8. *And be it further enacted,* That the superior courts shall, in all cases respecting the discovering the transactions between co-partners and co-executors, compelling distribution of intestate estates, or payment of legacies, be competent to sustain a suit by bill and proceedings therein, until the setting down of the cause for hearing; such superior court shall then submit the merits of the suit with the evidence thereon, which in all cases shall be given *viva voce* in court, (or otherwise within the rules of the common law) and all matters respecting the same, to a special jury, who shall give their verdict on the same; but if either party shall be dissatisfied with such verdict, an appeal may be entered in the clerk's office within ten days after trial, when a hearing of such cause shall again be had before another special jury, and such trial shall be final and conclusive.

Bills may be sustained in certain cases.

Proceedings therein.

9. *And be it further enacted,* That in case of unavoidable accident, if the said courts, or any of them, shall fail to be held at the times respectively appointed for holding the same, the proceedings shall not be discontinued; but the clerk of the said courts respectively shall and may adjourn the said superior courts from day to day, not exceeding four days, until the said court shall meet; and in case the said courts shall not meet and sit in that time, the said clerk of the court as aforesaid, shall adjourn the same to the next term of the said court, to which time all causes then depending shall be continued over. And for the more speedy determination and orderly conducting of all causes in the said superior courts,

Clerks may adjourn the courts from day to day, for four days upon the non-attendance of the judge.

10. *Be it enacted,* That the judges, with the attorney and solicitors general, or a majority of them, shall frame and agree upon a set of rules of proceedings and practice for all parties, practitioners and others, in the said courts, which shall be the same in all the counties, and which shall in no case be altered, but at a meeting of the said judges, attorney and solicitors general, as aforesaid. And the said judges shall have power to administer all necessary oaths or affirmations, and to punish by usual fine and imprisonment, at the discretion of the judge or judges presiding, all contempts of authority in any cause or hearing before the said court.

Judges and attorney general, &c. shall make all necessary rules, &c.

The courts shall administer all necessary oaths and punish contempts.

PROCESS.

11. *And be it further enacted,* That the mode of proceeding in all civil causes in the superior courts shall be by petition with process annexed; which petition shall contain the plaintiff's charge, complaint, allegation or demand, plainly, fully and directly set forth, and be signed by the party and his attorney; and all petitions, writs

Proceedings in civil cases to be by petition and process.

and processes of whatsoever nature or kind they may be, issuing out of the said courts, shall be drawn, (if required) issued and signed by the clerk of each court respectively, and bear test in the name of one of the judges of the said courts, and directed to the sheriff of the county, returnable to the next succeeding term, and be executed by serving a copy of the same on the defendant or defendants, or leaving such copy at his or their usual and notorious place of abode, at least twenty days before the first day of the meeting of the court; but that no special plea, demurrer, or rejoinder shall be admitted or allowed of in either of the said courts; and if either of the parties are not prepared to proceed to trial, the court shall, upon sufficient cause being shewn on oath, grant a continuance thereon until the next term; and no writ, petition, return, process, judgment or other proceeding in civil causes shall be abated, arrested, quashed or reversed for any defect or want of form, or for any clerical mistake or omission, not affecting the real merits of the cause; but the judge presiding shall cause the same to be amended on motion in court, without any additional costs, and proceed to give judgment according to the right of the cause and matter in law, as shall appear unto said judge, without regarding any imperfections, defects, want of form, clerical mistake or omission in such writ, return, process, petition, judgment, or cause of proceeding whatsoever; and all causes in the said courts shall be managed by counsel or the party or parties themselves, under such order as the courts shall establish.

To be signed by the clerk, bear test in the name of one of the judges.

No special plea demurrer, &c shall be admitted.

Defect in form may be amended on motion.

Causes to be managed by counsel or the parties, bonds, notes, &c to be denied only on oath.

No cause to be continued more than three terms.

Executors and administrators exempt from suit twelve months.

Suits not to abate by death of the parties, if the cause of action survives.

Distress for rent to be replevied on oath.

Bail.

12. *And be it further enacted,* That no person shall be permitted by the court to deny his bond, note, or bill for money or other thing, unless he shall make affidavit of the truth of such denial.

13. *And be it further enacted,* That no cause instituted as aforesaid, be suffered to lay over or be depending more than two terms, unless very special cause be shewn by affidavit of the party applying to put off the cause, to induce the judge presiding to lengthen or protract the time, which shall not in all extend to more than three terms.

#### EXECUTORS AND ADMINISTRATORS.

14. *And be it further enacted,* That no suit shall be instituted or execution issue against an executor or administrator for any debt or demand, due or owing by any testator or intestate, until the expiration of twelve months from and after the death of such testator or intestate; and all suits depending in any court within this state at the time of his or her death, shall remain undetermined until the time limited as aforesaid shall expire; and to prevent delays no process shall abate by reason of the death of a testator or intestate; but such death being suggested of record, the suit shall not be discontinued, provided the cause of action shall survive, either for or against such executor or administrator, as the case may happen.

#### DISTRESS FOR RENT.

15. *And be it further enacted,* That in all cases where distress for rent shall take place, no replevin shall be granted unless oath be made by the person or persons applying for the same, that he, she or they, are not indebted to the person so making distress in the sum distrained for. *Provided,* That nothing herein contained shall debar the person or persons so applying for a writ of replevin to bring suit again the person levying the distress, in any court of this state, for or on account of illegality therein.

#### BAIL.

16. *And be it further enacted,* That in all cases where bail shall be required the amount of the debt or damages shall appear by the oath of the plaintiff or plaintiffs, or his or their agent or agents, before any judge or justice of the peace, which shall be filed of record in the clerk's office, and a copy thereof fixed to the copy or copies of



the process; and thereupon the sheriff shall take a bail bond, with sufficient security, for the appearance of the defendant or defendants, at the court to which such writ or process may be returnable; and if the defendant or defendants shall not appear agreeably to the tenor of the said bond, or to enter special bail to answer the action, and to pay the condemnation money thereof, or render the defendant into court, it shall be the duty of the sheriff, on application therefor, to endorse or make an assignment of the bail bond to the plaintiff or plaintiffs, who may recover the amount due and owing by the defendant, with legal interest, by action of debt founded on the same, against the principal and bail: *Provided*, That any person or persons becoming bail for any defendant's appearance at court, shall be exonerated from such engagement, by surrender of such defendant in court, or in case there should be no court, by delivering him to the sheriff, at any time during the time allowed for holding such court: *And provided*, That the said bail on paying costs, shall be at liberty to enter special bail at any time before trial; but no emparlance, advantage or delay shall be had or taken thereupon; but the proceedings thereon shall be made up immediately, and come on in the same course and order as such original action stood on the docket of the court; and the proceedings against special bail shall be in the form now used in the course and practice, of the said courts respectively.

May enter special bail at any time on payment of costs.

MORTGAGES.

17. *And be it further enacted by the authority aforesaid*, That the method of foreclosing mortgages in this state shall be as follows: Any person applying and entitled to foreclose a mortgage, or his or their attorney, shall petition the superior court of the county wherein such mortgaged property may be, stating the cause and the amount of his, her, or their demand, and describing such mortgaged property; and the court shall grant a rule that the principal, interest and costs be paid into court within twelve-months thereafter; which rule shall be published in one of the public gazettes of this state, or served on the mortgager or his attorney, at least nine months previous to the time when the money may be directed to be paid; and unless the principal, interest and costs be so paid, the equity of redemption shall be from thence foreclosed: In case of any dispute as to the amount due on any mortgage, the court shall on application, appoint one or more fit persons to audit and liquidate the same with liberty of an appeal thereon, or the said court may submit any other matter respecting the same to a special jury, which shall be taken from the grand inquest as in other appeals, whose decisions shall be final.

Foreclosure of mortgages.

18. *And be it further enacted*, That in all cases of foreclosure of mortgages (except where the state may be a party) the plaintiff shall be compelled to take out execution against such property, and the sheriff shall seize and sell such property at public outcry, with like notice, and under the same rules as are prescribed for the sale of such property by virtue of a common execution, and after paying the plaintiff the amount of his debt and costs, shall pay over the overplus (if any there be) to the defendant, or if the defendant be not in the state, shall pay such overplus to the clerk of the court, to be kept and secured for such defendant.

Property to be sold under execution, except where the state is a party.

ATTACHMENTS.

19. *And be it further enacted*, That it shall and may be lawful for the judges, or either of them, upon complaint on oath by any person, that his debtor resides, or is actually removing without the limits of this state, or absconds and conceals himself, or stands in defiance of a peace officer, so that the ordinary process of law cannot be served upon him, to grant an attachment against the estate of such debtor, or so much thereof as shall be of sufficient value to satisfy the plaintiff's demand and costs; which

Attachments, how to be issued and served.

attachment shall be directed to and served by the sheriff of the county where the property may be found, or his deputy, or any constable of such sheriff or deputy, or any constable, to serve and levy the same upon the estate, both real and personal, of such debtor, wherever the same shall be found, either in the hands of any person or persons indebted to or having effects of such debtor, and to summon such person or persons to appear at the next court to be held for the said county, and to which the said attachment may be returnable, there to answer upon oath what he is indebted to, or what effects of such party he hath in his hands, or had at the time of serving such attachment, which being returned executed, the court may by order compel such person to appear and answer as aforesaid: *Provided*, That the said judges, before granting such attachment, shall take bond and security of the party for whom the same may be granted, in double the sum to be attached, payable to the defendant, for satisfying and paying all costs which may be incurred by the defendant, in case the plaintiff suing out such attachment shall discontinue or be cast in his suit, and also all damages which may be recovered against the said plaintiff for suing out the same; which bond shall be returned to the court to which the attachment may be made returnable, on or before the last day of the term; and the party entitled to such costs any damages may bring suit, and recover thereon; and every attachment issued without such bond taken, or where no bond shall be returned as aforesaid, is hereby declared to be illegal, and shall be dismissed with costs: *Provided always*, That every attachment which may be issued as aforesaid, shall be attested by the judge issuing the same, and be by the sheriff, or person authorized to serve the same, publicly advertised at the court-house of the said county, at least thirty days before the sitting of the court; and if any attachment shall be issued within thirty days of the next court, such attachment shall be made returnable to the court to be held next after the expiration of the said thirty days, and not otherwise; and all attachments issued and returned in any other manner than is herein before directed, shall be, and the same are declared to be null and void; and all goods, chattels, lands and tenements, subject to such attachments, shall be repleviable by appearance and putting in special bail, or by the defendant's giving bond, with good and sufficient security, to the sheriff or other officer serving the same, which bond he is hereby empowered and required to take, compelling the defendants to appear at the court to which such attachment shall be returnable, and to abide by and perform the order and judgment of such court: *Provided always*, That all goods and effects attached and not replevied as aforesaid, where the same shall appear to be of a perishable nature, on motion of the plaintiff or his attorney, the court may, and is hereby authorized and required to order a sale of such perishable property, and the monies arising from such sales shall be deposited in the clerk's office by the sheriff or other officer selling the same, to answer the demands of the plaintiff, if established, and the balance, if any, after satisfying such demand and all costs, shall, by order of the said court, be returned to the defendant or his attorney.

Proviso.

Proviso.

Property attached may be replevied.

If not replevied and is of a perishable nature it may be sold by order of court.

Subsequent proceedings thereon.

20. *And be it further enacted*, That if any attachment shall be returned executed, and the property attached shall not be replevied as aforesaid, the subsequent proceedings thereon shall be the same as on original process against the body of the defendant, where there is a default of appearance; and all such goods and chattels, lands and tenements, not replevied, shall, after the plaintiff has established his demand, be by order of the court sold and disposed of, for and towards the satisfaction of the plaintiff's judgment, in like manner as if the same had been taken under execution; and when any attachment shall be returned served in the hands of a third person, it shall

be lawful, upon his appearance and examination in the manner herein before directed, to enter up judgment as against the original debtor, and award execution against such third person for the monies due by him to the absent debtor, and against such effects or property as may be in his hands or keeping, belonging to such debtor, or so much thereof as will be of value sufficient to satisfy the judgment thereon and costs.

EVIDENCE AND SETTS-OFF.

21. *And be it further enacted*, That where any witness resides out of the state, or out of any county wherein his testimony is required in any cause, it shall be lawful for either party, plaintiff or defendant, or his attorney, on ten days' notice given to the adverse party, or his attorney, accompanied with a copy of the interrogatories intended to be exhibited, to obtain a commission from the clerk of the said court, directed to certain commissioners, to examine all and every such witness or witnesses on such interrogatories as the parties may exhibit; and such examination shall be read at the trial of the cause, if either party shall think proper.

Evidences may in certain cases be taken on interrogatories.

22. *And be it further enacted*, That the said courts shall have power on the trial of all causes, on motion and due notice thereof given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the case in question, and under circumstances where they might be compelled to produce the same by ordinary rules of proceedings in equity; and if a plaintiff shall fail to comply with such order to produce such books or writings, it shall be lawful for the said courts, on motion, to give like judgment for the defendant as in cases of nonsuit; and if the defendant shall fail to comply with such order to produce books or writings, it shall be lawful for the said courts, on motion, as aforesaid, to give judgment against him or her by default.

The court may order books & papers to be produced on trial.

23. *And be it further enacted*, That the said superior courts shall have power to perpetuate testimony, on the usual terms, practised in courts of equity; and also to establish copies of lost papers, deeds and other writings, under such rules and precautions as are and have been customary and according to justice.

May perpetuate testimony, and establish lost papers.

24. *And be it further enacted by the authority aforesaid*, That in case of mutual debts and setts-off, where the jury shall find a balance for the defendant, such defendant shall be at liberty to enter up judgment and take out execution thereupon: *Provided*, notice of such setts-off be served on the plaintiff or his attorney on or before the last day of the first term.

Mutual debts and sett-off.

25. *And be it further enacted*, That the said courts shall be courts of record, and witnesses necessarily going to, returning from, and attending on the same, shall be free from all arrests by any civil action.

Courts of record. Witnesses free from arrest.

SPECIALTIES.

26. *And be it further enacted*, That all bonds and other specialties, and all promissory notes and other liquidated demands, bearing date at any time since the ninth day of June, one thousand seven hundred and ninety-one, whether for money or specific articles, shall be of equal dignity, and be thereafter negotiable by endorsement, and may be sued by the endorsee or assignee, in his, her or their name, any law to the contrary notwithstanding: *Provided*, That nothing herein contained shall prevent the party giving any bond, note or other writing, from restraining the negotiability thereof, by expressing in the body thereof such intention.

All bonds, notes &c since the ninth of June, 1791, are of equal dignity & negotiable.

JURIES.

27. *And be it further enacted*, That the clerks of the superior courts of the respective counties shall procure from the tax collector of such county, and furnish to the

Proviso. Jury lists to be made only qualification of jurors—may be discharged on challenge, but not after being sworn.

court (within two months) a list of persons liable and qualified to serve as grand and petit jurors, agreeable to the qualifications herein after prescribed; and all free white male citizens above the age of twenty-one years and under sixty years, are declared to be qualified and liable to serve as petit jurors for the trial of all civil causes, for recovery of debts or damages to any amount whatever; but no person shall be capable to be of a jury for the trial of treason, felony, breach of the peace, or any other cause of a criminal nature, or of any estate of freehold, or of the right or title to any lands or tenements, in any court of record within this state, who shall not be qualified to vote at elections for members of the legislature; and if any person not qualified as aforesaid, shall be returned on any jury, he shall be discharged on the challenge and proof thereof, of either of the parties to such suit, or on his own oath of the truth thereof: *Provided*, That no exception against any juror, on account of his qualification, shall be allowed after he is sworn.

The lists to be annually corrected by the clerks under the direction of the judge and grand jurors, to be selected.

Construction of the box in which the names of jurors are to be kept.

The manner of drawing juries.

28. *And be it further enacted*, That the clerks of the several courts are required in presence and under the direction of the judge or judges of such court, to regulate and correct the several jury lists annually, by particularly specifying, in distinct columns the persons most able, discreet and qualified as herein mentioned, to serve as grand jurors; which list, so corrected, shall be committed to the safe keeping of the clerks of such courts respectively; and the clerks of such courts shall immediately after receiving such list fairly enter the same in a book for that purpose to be provided by such clerk, (at his own expence) distinguishing in separate columns the persons selected to serve as grand jurors, and those for the trial of civil and criminal causes as aforesaid; and the names of the several persons so selected, shall be written on separate pieces of paper, and put into the different apartments of a jury box, to be provided by the clerk at the public expence, in the construction and manner herein after prescribed, to wit: There shall be an apartment in the said jury box, marked number one, in which shall be placed the names of all the persons selected as grand jurors, and another apartment marked number two, in which shall be put the names of all the persons selected for trial of civil and criminal causes as aforesaid; which box shall be kept locked, and no jury shall be drawn or empanelled, but in the presence of one or more of the judges and the clerk of the court; nor shall any clerk of the court or other person having the custody of the jury box, presume on any pretence whatever; to open the said jury box, transpose, or alter the names, except it be in the presence of the judge or justices officially attending for the purpose of drawing jurors, or correcting the lists, under penalty of being dealt with in the manner herein pointed out for mal-practice in office.

29. *And be it further enacted*, That the said judge or justices and clerk of the court, or person having the custody of the key, shall previous to the adjournment of any superior court, or at least two months prior to the sitting of the next court, cause to be drawn out of the apartment of the said box marked number one, not less than twenty-three, or more than thirty-six names as grand jurors; and out of the apartment marked number two, not less than forty-eight, or more than seventy-two, names as petit jurors for the trial of civil and criminal causes as aforesaid; which names so drawn out shall after an account is taken of them, at each term or time of drawing, be carefully rolled up again, and deposited in two other apartments to be provided in such jury box, marked number three and four, (to wit) the names of the grand jurors in the division number three, and the names of the petit jurors in the division number four; and when all the names shall be drawn out of the apartments number one and two as aforesaid; they shall then commence drawing from the apartments

number three and four, and return them into the numbers one and two, and so on alternately.

30. *And be it further enacted,* That no grand jury shall consist of less than eighteen or more than twenty-three, but twelve may find a bill, or make a presentment, and that the names of the several jurors to be drawn as aforesaid, shall immediately after they are drawn out, be entered by the clerk on the minute book of such court; and if it shall so happen that from any unavoidable circumstance the judge shall not attend at the time appointed for holding the superior court in any county, he shall nevertheless attend in person for the purpose of drawing jurors, or shall transmit to the justices of the inferior court of such county, a request in writing, that they or any two of them attend at the clerk's office, on some convenient day, at least two months preceding the next term, for the purpose of drawing grand and petit jurors in manner herein before directed; and the said judges of the superior courts, are declared to be responsible for the legal and regular drawing of juries in the respective circuits in which they may preside: And in case of such unavoidable circumstance specially stated by any judge of the superior court, the said justices or any two of them shall, and are hereby required to conform to such requests, by attending and drawing juries agreeably to this act: *Provided nevertheless,* That where juries have already been drawn in any county for the next term under the late judiciary act, such jury shall stand over and be considered as the legal juries under this law.

A grand jury to consist of not less than eighteen or more than twenty-three.

Justices of the inferior court may draw juries in the absence of the judge of the superior court.

Provide;

31. *And be it further enacted,* That the clerk of the court shall annex a pannel of the jury containing the names of the persons drawn to serve on the grand inquest, exactly transcribed from the minute book, to the precept for summoning such grand jury; and shall also annex another pannel containing the names of the persons drawn as petit jurors, for the trial of civil and criminal cases, exactly transcribed as aforesaid, to the precept for summoning the petit jurors, in the mandatory part of which precept shall be written, the words following, viz. "The several persons named in the pannel hereunto annexed;" which precept with their several pannels annexed as aforesaid, shall be delivered by the clerk of the court within three days after the drawing of such juries as aforesaid, to the sheriff of the county or his deputy.

Precept for summoning juries.

Its form.

32. *And be it further enacted,* That the sheriff or his lawful deputy for the time being, upon the receipt of any precept for summoning grand or petit jurors, shall cause the several persons whose names are written in the pannel thereunto annexed, to be served with a summons at least ten days before the sitting of the court for which they are drawn and empannelled, which summons shall be in the following words, or words to that effect: "By virtue of a precept to me directed, you are hereby commanded to appear before the judge of the superior court, at the next superior court, to be held at the court-house in and for the county of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next, at ten o'clock in the forenoon of that day, to be sworn on the grand jury (or as a juror for the trial of civil and criminal causes then and there depending, as the case may be.)" Which shall be signed by the sheriff or his lawful deputy for the time being; which sheriff or lawful deputy aforesaid, shall make return of all such precepts, in each of which he shall set forth the names of all such persons as shall have been summoned by virtue of such writs or precepts, and the time when they were summoned, and also the names of those persons whom he may not have summoned, together with the reasons why they were not summoned, on pain of being fined by the court.

To be served by the sheriff or his deputy ten days before court.

Form of the sheriffs summons.

33. *And be it further enacted,* That the clerk of the court shall make due entry in the minute book of such court, of the appearance of all jurors, and likewise shall

Jurors in default, in what manner to be fined.

enter and make report of the names of all such as shall make default in appearing; that if any person who shall be drawn, empannelled, summoned and returned to serve as jurors at any court as aforesaid, shall neglect or refuse to appear, or after appearance shall refuse to serve, or shall absent himself without leave of the court, then and in that case, it shall be lawful for the court to fine such person, if a petit juror, a sum not exceeding twenty dollars, and if a grand juror, in a sum not exceeding forty dollars, unless such juror shall shew good and sufficient cause of excuse, to be made on oath before any justice of the peace, and filed in the clerk's office of such court, within thirty days after opening the said court, the merits of which excuse shall be determined by the next succeeding court; and when from challenge or otherwise, there shall not be a sufficient number of jurors to determine any civil or criminal cause, the court may order the sheriff or his deputy, to summon by-standers or others, qualified as herein before required, for the trial of such cause or causes, sufficient to complete the pannel; and when the sheriff or his deputy are disqualified from acting in the manner herein expressed, jurors shall be summoned by the coroner, or such other disinterested person as the court shall appoint.

Taleman.

Coroner when to act as sheriff.

Petit jurors' oath.

34. *And be it further enacted*, That the oath to be administered to petit jurors in civil cases, shall be in the form following: "You, *A. B.* shall well and truly try the cause depending between the parties at variance, and a true verdict give according to law and the opinion you entertain of the evidence. So help you God."

## SPECIAL JURY.

Special jurors to be taken from the pannel of the grand jury, how to be struck.

35. *And be it further enacted*, That all special jurors shall be taken from the grand jury list of the county, and struck in the presence of the court, in the following manner: The clerk shall produce a list of the grand jurors present and there empannelled, from which the party, plaintiff and defendant, or their attorney, shall strike out one alternately, until there shall be but twelve jurors left, who shall forthwith be empannelled and sworn as special jurors to try the appeal cause; and in all cases the appellants shall strike first; and in case of refusal in either, to strike such special jurors after due notice given for such special jury to be empannelled, shall, on behalf of such absent party or his attorney, proceed in the same way and manner as if the party absent or refusing had been present or consented to the same.

Their oath.

36. *And be it further enacted*, That the oath to be administered to special jurors shall be in the words following, to wit: "You shall well and truly try the cause now depending between *A. B.* appellants, and *C. D.* respondents, and a true verdict give according to equity, and the opinion you entertain of the evidence produced to you to the best of your skill and knowledge, without favor or affection to either party. So help you God."

## VERDICTS, JUDGMENTS AND APPEALS.

Property bound from the date of the first verdict.

37. *And be it further enacted*, That the plaintiff or his attorney shall not be at liberty to sign judgment within four days after verdict, within which time the party against whom such verdict shall pass, upon giving security may stay the execution sixty days after the end of the court; but all the property of the defendant shall nevertheless be bound from the day of obtaining the first verdict, which shall bear interest until paid; and in case either party shall be dissatisfied with the verdict of the jury, that then and in such case, either party may within four days after the adjournment, of the court (in all cases) enter an appeal in the clerk's office, which shall be admitted and a new trial granted, and tried the next term by a special jury, *Provided* the person or persons so appealing shall, previous to obtaining such appeal, pay all costs that may have arisen on the first trial, and give security for the eventual condemnation money, or to ren-

der the defendant in discharge thereof, and that no executor or administrator, as such, shall be liable to give such security; but if, on hearing such appeal and new trial, it shall appear, and the court shall certify, that the appeal was frivolous or intended for delay only, then the court shall direct the jury trying the appeal cause, to assess damages to the party aggrieved for such delay, not exceeding ten per centum; and in case of a jury committing contempt, or breaking up before giving in their verdict in civil cases, the court may declare the same to be a mis-trial.

38. *And be it further enacted,* That no confession of judgment shall hereafter be entered up, but in the county wherein the defendant or defendants reside, nor unless the cause hath been regularly sued out and docketed in the usual way, as in other cases, nor until such cause be called in order by the court for trial.

39. *And be it further enacted,* That no verdict shall be received on any unliquidated demand, where the jury have increased their verdict on account of interest, nor shall interest be given on any open account in nature of damages.

ARBITRATION.

40. *And be it further enacted,* That in all matters submitted to reference by parties Arbitration. in suit, under a rule of court, or other agreement in writing, signed by the parties, judgment shall be entered up by the party in whose favor the award is given, and execution shall issue for the sums awarded, to be paid as they respectively become due, and be levied on the property of the party against whom the judgment shall have been entered up, and such other proceedings shall be had thereon by the court, as in cases of judgments entered up on verdicts of juries: *Provided,* That no judgment shall be entered up on an award, where it shall appear any other cause or causes stand on the docket of the court against the defendant or defendants undetermined, before the cause in which a rule or other agreement in writing for arbitration is entered into.

EXECUTION.

41. *And be it further enacted,* That all executions shall be directed to all and singular the sheriffs of the state, be signed by the clerks, and bear test in the name of one or more of the judges of the court; and may be levied on the estate, both real and personal, of the defendant, or issue against the party cast, in any county of this state. Executions in what manner to issue.

42. *And be it further enacted,* That no injunction on any judgment obtained in the superior courts shall be issued or allowed of; but in all cases where execution shall issue illegally on matters which shall have arisen subsequent to judgment, or the sheriff shall execute property claimed by any person other than him against whom such execution issued, in which latter case it shall appear by the oath of the person so claiming, or by the oath of his attorney, it shall be the duty of the sheriff to postpone the sale or further execution of the judgment, until the next adjourned court or term of the superior court, whichever may first happen; and such court shall itself determine on the legality of the execution, and shall cause the right of property to be decided on by a jury at such court (if in term time,) or at the next court thereafter, if such report be made at an adjourned court: *Provided,* the person claiming such property, No injunction to be granted. Illegality and claims of property levied on, how to be tried. or his attorney, shall give bond to the sheriff, with security, in a sum equal to the amount of the execution, conditioned to pay to the plaintiff all damages which the jury, on the trial of the right of property, may assess against him, in case it should appear that such claim was made for the purpose of delay; and every juror on the trial of such claim shall be sworn, in addition to the oath usually administered, (to Jury to be sworn to assess damages, if the claim was for delay.

give such damage as may seem reasonable and just to the plaintiff against the claimant in case it shall be sufficiently shewn that such claim was intended for delay only;) and it shall be lawful for such jury to give verdict in manner aforesaid, by virtue whereof execution may issue against such claimant: *And provided also;* That the burthen of the proof shall lay with the plaintiff in the execution.

The burthen of the proof on the plaintiff in execution. Sheriffs sales to be on the first Tuesday in each month; with thirty days' previous notice.

43. *And be it further enacted,* That no sales in future shall be made by sheriffs of property taken under execution, but on the first Tuesday in every month, and between the hours of ten and three o'clock of the day; and it shall be the duty of the sheriffs to give thirty days' notice in one of the public gazettes of this state, of all sales of lands and other property executed by him, and also advertise the same in three of the most public places in the county where such sales are to be made; and shall give a full and complete description of the property to be sold, making known the name of the defendant; and the person who may be in possession of the property (except horses, hogs and cattle,) which may be sold at any time by the consent of the defendant; and in which case it shall be his duty to give the plaintiff ten days' notice thereof, and also advertise the same in three or more of the most public places in the county where such property may be, at least ten days before the sale.

#### OFFICE OF ATTORNEY GENERAL.

Office and duty of attorney general vested in three persons; one for each circuit.

44. *And be it further enacted,* That the office of attorney general shall be, and is hereby declared to be vested in, and the duties thereof shall be performed by three persons to be styled the attorney and solicitors general: one to attend the eastern, one the middle, and the other the western circuit, who shall execute their office jointly or severally, and shall be sworn to the faithful execution of the duties thereof; and the said attorney and solicitors general shall, previous to their entering into the duties of their respective appointments, severally give bond to his excellency the governor and his successors in office, with two good and sufficient securities, which shall be approved of by his excellency the governor, or one of the judges of the superior court, in the sum of five thousand dollars, conditioned for the true and faithful performance of the duties of their respective appointments; which bonds shall be taken by his excellency the governor, or either of the judges of the superior courts, and shall be deposited in the secretary of states office; and it shall be their duty to prosecute all delinquents for crimes and other offences cognizable by the said court, and all civil actions in which this state shall be concerned, and to give advice or opinion in writing to his excellency the governor, in questions of law in which the state may be interested.

In the absence of the solicitor or attorney general, the court may appoint some other attorney.

45. *And whereas,* it may happen that neither the attorney general or either of the solicitors can attend at some of the said courts: *Be it therefore enacted,* That in such case the judge presiding may, and he is hereby authorized and required to appoint some attorney at law, or other fit and proper person, to prepare and prosecute endictments and other business of the state; and such person so appointed, shall be entitled to the same fees and emoluments therein as the attorney or solicitors general would be entitled to, and the attorney and solicitors general shall be allowed a salary of one hundred and fifty dollars each per annum.

#### CLERKS OF THE SUPERIOR COURTS.

Clerks of the superior courts.

46. *And be it further enacted,* That the clerks of the said superior courts shall, before they enter upon the duties of their office, take the following oath or affirmation before one of the judges of the said court or justices of the inferior court, to wit, "I do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders and decrees, judgments, and proceedings of the superior court for the county of—— and all other matters and things, which may be brought to me, as by law

Their oath.



ought to be recorded, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." And that the clerks of the said superior courts, shall keep a regular and fair minutes and dockets of all court business which shall be signed by the presiding judge or judges on the bench, as far as the same may be gone through prior to the adjournment from day to day, and shall give bond, with two securities, to the governor or commander in chief, and his successors in office, in three thousand dollars, for his good conduct while in office, which bond shall be deposited in the public treasury; and that the clerks of the superior and inferior courts, throughout this state be, and they are hereby declared to be justices of the peace, ex-officio, so far as to authorize them to administer all oaths which relate to business appertaining to their said offices.

Their duty.

Shall give bond and security.

Are justices of the peace ex-officio.

47. *And be it further enacted,* That if any clerk shall be guilty of extortion or other mal-practice in the execution of his office, upon complaint made on oath to the attorney or solicitors general, it shall be the duty of such attorney or solicitors general to exhibit a bill of indictment against the person so offending; who upon conviction thereof, shall be fined or removed from office and suffer such other punishment as the law directs.

And punishable for mal-practice in office.

48. *And be it further enacted,* That no clerk of a court or other person employed in his office shall act as an attorney in his own name or the name of any other person, or be allowed to plead or practise in any of the courts of this state, during the time he is in such office.

Clerks shall not act as attorneys.

49. *And be it further enacted,* That the sum of two dollars\* shall be paid on all suits commenced in the superior courts when the debt or damages sued for exceed the sum of five hundred dollars, and the sum of one dollar and fifty cents, when the sum sued for does not exceed that amount, to be paid to the clerk by the plaintiff before the suit or process issues, for the use of the state, which sums shall be charged in the bill of costs; and the clerks of the respective courts of all the counties in this state, are hereby required to make annual returns to the treasury on oath, on or before the first day of January in every year, of the number of suits commenced, and the sums received thereon, and shall at the same time remit to the treasurer the amount of such return, deducting three per centum; and any clerk failing to make such returns and to pay or remit the monies as aforesaid, shall on complaint made by the treasurer to the judge or justices of their respective courts, be liable to a writ of attachment for contempt, and fined at the discretion of the court; and continuing in default may be dismissed from office, and suffer execution from the treasurer in like manner as tax collectors; and the said clerks of the several courts shall be entitled to fifty cents for each execution by them issued.

State fee on suits.

50. *And be it further enacted,* That any attorney, or attorneys, who shall commence an action or actions in any of the courts of this state, for any person or persons whatever residing out of the county wherein such suit may be commenced, shall be considered liable; and such attorney or attorneys, are hereby made liable to pay to the clerk, sheriff and defendant's attorney their respective fees.

In what cases an attorney shall pay fees.

SHERIFFS.

51. *And be it further enacted,* That the sheriffs of the several counties, shall attend the superior and inferior courts in their respective counties when sitting, and by themselves or deputies, execute throughout the counties all writs, warrants, precepts and

Sheriffs, their duty.

\* Repealed by act of 1799--and re-enacted by the tax act of 1800.

processes directed to them, and issued under the authority of any judge or justice of the said superior or inferior courts, or the clerk of either of the courts; and the said sheriffs or their deputies shall have power to command all necessary assistance in the execution of their duty, and to appoint, as there shall be occasion, one or more deputies; and before any sheriff shall enter on the duty of his appointment, he shall be bound for the faithful performance of his duty by himself and his deputies, before any one of the said judges, to the governor of the state, for the time being, and his successors in office, jointly and severally, with two good and sufficient securities, inhabitants and freeholders of the county, to be approved of by the justices of the inferior court, or any three of them, in the sum of twenty thousand dollars; and the said bond shall remain in the office of the clerk of the superior court of such county, and may be sued for by order of said court, for the satisfaction of the public, or persons aggrieved by the misconduct of the sheriff or his deputy; and the said sheriff shall take and subscribe the following oath, before one of the judges of the superior or justices of the inferior courts, and the same shall be entered on the minutes of the said court, and before such sheriff shall enter on the duties of his office, to wit: "I do solemnly swear or affirm (as the case may be) that I will faithfully execute all writs, warrants, precepts and processes directed to me as sheriff of the county of——, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of sheriff of——during my continuance in office, and take only my lawful fees: So help me God." And an oath to the same purport shall be taken by each of the deputies of said sheriff in like manner.

Shall give bond and security.

Their oath.

Deputies to take the same oath.

Writs, &c. to be directed to and served by the coroner in certain cases.

In vacancies by the death of a sheriff his deputies to act till the vacancy is filled.

In what manner sheriffs are to turn over unfinished business to their successors.

52. *And be it further enacted*, That in all cases wherein the sheriff of any county, or his deputy, shall be a party or interested, the writs, precepts and processes, shall be directed to the coroner of the county; and the said coroner is hereby authorized to execute and return the same; and in case of the death of either of the said sheriffs, the deputy or deputies shall continue in office, unless otherwise specially removed, and shall execute the same in the name of the deceased, until another sheriff shall be appointed and qualified; and the defaults and misfeasance in office of such deputy or deputies in the mean time, as well before as after the death of such sheriff, shall be adjudged a breach of the condition of the bond given as before directed by the sheriff who appointed such deputy or deputies; and the executor or administrator of the deceased sheriff shall have the like remedy for the misconduct, or misfeasance, or default in office of such deputy or deputies, during such intervals, as he would be entitled to (if the sheriff had continued in life and in the execution of his office) until his successor was appointed and sworn.

53. *And be it further enacted*, That the sheriff of each county shall, at the expiration of his appointment, turn over to the succeeding sheriff, by indenture and schedule, all such writs and processes as shall remain in his hands unexecuted, who shall duly execute and return the same; and in case any sheriff shall neglect or refuse to turn over such processes in manner aforesaid, every such sheriff so neglecting or refusing, shall be liable to make such satisfaction, by damages and costs, to the party aggrieved, as he, she or they, shall sustain by reason of such neglect or refusal; and every sheriff, at the expiration of such his appointment, shall also deliver up to his successor the custody of the jail, and the bodies of such persons as shall be confined therein, with the precepts, writs, or cause of such detention; and such succeeding sheriff shall be empowered and required to sell and carry into effect any levy made by his predecessor in office, in like manner as such sheriff could have done had he

continued therein, and shall make titles to the purchasers for all property sold under execution, and not conveyed by his predecessor.

54. *And be it further enacted,* That the sheriffs of the several counties in this state shall have like powers and authorities; and they and their under sheriffs and jailors, constables, and other officers belonging to the court, be subject and liable to all actions, suits, fines, penalties and disabilities whatsoever, which they or either of them may incur, for or on account of the escape of prisoners, or for or in respect of any other matter or thing whatsoever, relating to or concerning their respective officers, in the same manner as they have heretofore been liable by the laws in force in this state; and no sheriff, under sheriff, deputy or other sheriff's officer, shall act as an attorney at law, in his own name, or in the name of any other person, or be allowed to plead or practise in any of the courts of this state, during the time he is in such office.

Sheriffs and other officers, liable for neglect of duty.

Shall not act as attorney.

55. *And be it further enacted,* That the sheriff shall be liable either to an action on the case, or an attachment for contempt of court, at the option of the party, where-ever it shall appear that he hath injured such party, either by false returns, taking insufficient bail, or by neglecting to arrest the defendant, or to levy on his property, or to pay over to the plaintiff or his attorney the amount of any sales which shall be made under or by virtue of any execution.

Shall be liable to suit or attachment for contempt.

56. *And be it further enacted,* That if any sheriff, or his deputy or under sheriff, shall be guilty of extortion or other mal-practice in the execution of his office, upon complaint made on oath to the attorney or solicitor general, it shall be the duty of such attorney or solicitor general to exhibit a bill of indictment against the person so offending, who upon conviction thereof, shall be fined by the court in treble the amount which he may have extorted from any person; which shall be applied, one moiety to the injured person, and the other moiety to the use of such county, and shall likewise be removed from office, and suffer such other punishment as the law directs.

And may be indicted for mal-practice in office.

57. *And be it further enacted,* Whenever the sheriff of any county within this state, shall fail to make due and proper return of all writs, executions and other process put into his hand, or shall fail or neglect to pay up all monies received on such executions on his being required by the court so to do, he shall be liable to an action as for contempt, and may be fined, imprisoned or removed from office at the discretion of the judge of the superior or the justices of the inferior court, as the case may be.

And fined and imprisoned or removed from office.

58. *And be it further enacted,* That whereany person heretofore or now appointed commissioners of the academy in any county of this state, have received or may receive monies or other funds into their hands, and have not or shall not apply such funds to the purposes intended, such commissioners may be removed or displaced by the legislature on proper representation of the facts, and others appointed to succeed them; which successors may commence and maintain an action or actions against their predecessors in office for any monies or other funds unapplied or unaccounted for as aforesaid, and may receive judgment and sue out execution thereon, in any court of law within this state, having cognizance thereof.

Commissioners of academies may be removed from office and liable to an action for mis-application or detention of the funds.

FOR REGULATING THE PROCEEDINGS IN THE INFERIOR COURTS OF THIS STATE.

59. *Whereas* the constitution of this state authorizes the establishment of courts of inferior jurisdiction, *Be it therefore enacted,* That in every county within this state, a court shall be held once in every six months, and shall be called inferior county courts, and shall be held and administered by the first five justices named in the commission of the peace, or any three of them, who being qualified in like manner as the judges of the superior courts, shall have full power and authority to hold the said courts, and

Inferior courts to be held twice a year in every county. Five justices to preside.

to hear and determine causes and controversies, and other matters properly appertaining and referred by law to their jurisdiction.

Their jurisdiction, appeal allowed to the superior court.

60. *And be it further enacted,* That the said inferior courts shall have full and concurrent jurisdiction with the superior courts in all civil cases whatsoever, except in trial of causes of real estate, which shall be tried in the superior courts only, and where either party in any cause tried and determined in any of the said courts shall be dissatisfied with the trial and determination thereof, an appeal shall be allowed to the superior court, there to be tried by a special jury, in like manner as other appeals are tried therein.

The times of holding the said courts.

61. *And be it further enacted,* That the terms of the said courts, shall commence, and be held in manner and at the times following, that is to say :

#### THE EASTERN CIRCUIT.

In the eastern circuit.

On the first day of June and November, in Camden ; on the eighth day of June and November, in Glym ; fifteenth day of June and November, in M'Intosh ; twenty-first day of June and November, in Liberty ; twenty-seventh day of June and twenty-eighth day of November, in Bryan ; fifth day of July, and fifteenth of December, in Chatham ; eighteenth of July and nineteenth of December, in Effingham ; twenty-fifth day of July and twenty-seventh of December, in Bullock.

#### THE MIDDLE CIRCUIT.

In the middle circuit.

On the first day of June and November, in Burke ; thirteenth of June and fourteenth of November, in Scriven ; twentieth of June and twenty-first of November, in Montgomery ; twenty-seventh of June and twenty-eighth of November, in Washington ; eleventh of July and seventh of December, in Jefferson ; eighteenth of July and nineteenth of December, in Warren ; twenty-fifth of July and twenty-eighth of December in Richmond ; the first day of August and eleventh of January, in Columbia.

#### THE WESTERN CIRCUIT.

In the western circuit.

On the first of June and November, in Hancock ; fourteenth of June and November, in Greene ; twenty-eighth of June and November, in Oglethorpe ; fifth of July and December, in Wilkes ; nineteenth of July and December, in Elbert ; twenty-sixth of July and December, in Franklin ; first of August, and second of January, in Jackson ; the eighth of August and ninth of January, in Lincoln : And the justices of the inferior courts may adjourn from day to day, until they get through the docket.

Officers of the inferior courts to take the same oaths and be under the same rules as those of the superior court.

62. *And be it further enacted,* That the clerks of the inferior courts shall take a like oath, give a like bond and security, and be liable and subject to the like pains and penalties for mal-practice and neglect of duty as the clerks of the superior courts ; and that the sheriff and his deputies, as well as constables and all officers of the courts, shall be subject and liable to the rules and orders of the inferior court for all mal-practices or neglects of duty, touching or relating to suits or other proceedings in such courts, in like manner as such officers are subject and liable in the superior courts.

Appointment of constables.

63. *And be it further enacted,* That the justices of the inferior courts shall, at the first term in every year, appoint not exceeding two fit and proper persons in each captain's district for the respective counties as constables, who shall hold their appointments for one year, and shall take and subscribe the following oath or affirmation, that is to say, " I, A. B. do solemnly swear or affirm, (as the case may be) that I will faithfully execute and return all summons, warrants, precepts and executions, directed to me as constable for the county, and in all things well and truly, to the utmost of my power, without malice or partiality, perform the duties of a constable,

Their oath.

for the time I may continue in office. So help me God." And that previous to their entering on the duties of their respective appointments, shall severally give bond to his excellency the governor, and his successors in office, with security which shall be approved of by one of the said justices of the inferior court of their respective counties, in the sum of two hundred and fifty dollars, conditioned for the true and faithful performance of the duties of their respective appointments; which bonds shall be taken by one of the justices of the inferior court, and deposited in the clerk's office of their respective counties. *Provided always*, That where it may so happen, To give bond and security. no fit and proper person or persons offer themselves as candidates, the said justices may draw not exceeding two persons as constables for each captain's district, who shall be liable to a fine of thirty dollars in case of refusal to perform the duties of such appointment. Provide.

64. *And be it further enacted*, That any justice of the peace may, in cases where there is no constable in his district, either from death, removal or otherwise, authorize some person to execute the duties of constable until such vacancy is filled. Justices may appoint them in certain cases.

65. *And be it further enacted*, That the said justices, or any one of them in each county, may, in the absence of the judges of the superior court, grant a writ of habeas corpus, in the same manner and under like regulations, as a judge of the superior court is empowered to do; and in all cases not capital, such justices may discharge, admit to bail, or remand to jail a prisoner at his discretion, according to law and justice; but in all cases of a capital nature, it shall be necessary that one or more justices of the said county court, do associate with such justice granting the writ of habeas corpus, at the return thereof, and that a majority of said justices do concur in opinion. Inferior courts may issue writs of habeas corpus.

66. *And be it further enacted*, That the said courts shall have the same power to hold to bail in all cases cognizable before them, to draw, empanel and fine petit jurors for the trial of causes referred to their jurisdiction, to exercise a like authority over the subordinate officers of the said courts, to grant writs of attachment, and in all cases cognizable before them as aforesaid, be subject to the same rules and regulations as may be established by the judges and attorney and solicitors general, for the ordering and conducting suits in the superior courts; and in all respects shall be governed by that part of this act respecting the superior courts in matters submitted to their decision. And have the same power as the superior courts as to bail, trial of causes, and government of subordinate officers, according to the rules of practice in the Superior courts.

67. *And be it further enacted*, That the sum of fifty cents shall be paid by the plaintiff or his attorney, to the clerk, on issuing the process in all suits under one hundred dollars, and the sum of one hundred cents on all suits above that sum, to be divided among the presiding justices at each term, which sum shall be charged in the bill of costs. Fees of presiding justices.

JUSTICES' COURTS.

68. For the more speedy recovery of small debts, *Be it enacted*, That the justices of the peace in the respective company districts, or any one or more of them, shall have authority and jurisdiction to hear and determine all suits for any debts or liquidated demands, or on account for any sums of money not exceeding thirty dollars, by summons or warrant: *Provided*, That no justice of the inferior court, or clerk, sheriff or attorney, being a justice of the peace, shall try any warrant, or give judgment thereon in any civil case whatsoever. And the said justices are hereby authorized and empowered to give judgment and award execution thereupon: *Provided nevertheless*, That the party cast may stay the levy of execution forty days, or be allowed an appeal on payment of costs, and giving security within three days after judgment for the payment of the eventual condemnation money, or the delivery of the body in discharge thereof; but no stay of execution shall be allowed after an Jurisdiction of justices of the peace thirty dollars Exceptions. The party cast may stay execution, or appeal.

appeal trial for a longer term than twenty days, in which case the securities on the appeal shall be liable for the debt and costs.

Appeals to be tried by five jurors.

69. *And be it further enacted,* That all such appeals shall be tried before any one or more justices of the peace in the company district in which the defendant resides, by five jurors, to be drawn, empannelled and sworn, as herein after particularly directed, and in no other manner whatsoever; whose verdict shall be final and conclusive between the parties: *Provided always,* That no justice or justices of the peace shall hold any justices' court, or pass any judgment (except by consent of parties) on any other or more than one day in each month; which day they may appoint in their respective districts; nor at any other place than that specially mentioned in the warrant or summons, which warrant or summons shall be served by a constable duly appointed and sworn to the faithful execution of his office, either on the person of the defendant, or by leaving a copy thereof at his usual and notorious place of abode, at least ten days before the day of trial; and it shall be the duty of the constables in serving summons or warrants, to make an entry of service thereon in writing, and to sign such return.

Their courts to be held monthly at a fixed place.

May hold to bail.

70. *And be it further enacted,* That the said justices shall have the like power and authority to hold to bail, for debts within their jurisdiction, and under like restrictions as herein before pointed out for the superior and inferior courts.

And issue attachments.

71. *And be it further enacted,* That it shall be lawful for any justice of the peace on complaint to him made on oath, by any person, that his debtor is removing out of the county privately, or absconds and conceals himself so that a summons or warrant cannot be served upon him, to grant an attachment against the goods and chattels of such debtor, or so much thereof as shall be sufficient to satisfy the debt and costs of the complainant; and such attachment shall be publicly advertised by the constable levying the same, at two or more public places in the district, at least fifteen days; and shall be made returnable to the next succeeding justices' court thereafter, and shall be conducted and held by them for debts within their jurisdiction, in like manner as attachments issuing out of the superior and inferior courts, except that the time of trying such attachment before a justice of peace, shall be at or before the second justices' court for the district which shall happen after issuing such attachment; and the said justices respectively may, and are hereby fully authorized and empowered, to issue attachments returnable to the superior or inferior courts, under like circumstances and in like manner as the judges or justices of the said courts are empowered to do.

Evidence to be required on trials.

72. *And be it further enacted,* That in all cases brought before any justices court, the best evidence the nature of the case will admit of shall be required, nor shall any person be permitted to prove his own account by his own oath before such court, without making oath in writing, that he hath no other evidence whereby the same can be established, and in all cases of mutual debts and setts-off, the said justices may enter up judgment for the defendant, where it shall satisfactorily appear that there is a balance due him, and on motion and good cause being shewn on oath by either party, the said justices may postpone the trial of any cause brought before them, not exceeding in all three months; and where any dispute may arise touching property levied on, it shall be the duty of said justice to issue his summons to three freeholders of the district, whose duty it shall be to attend, and after being sworn, well and faithfully to try the cause in dispute, to decide thereon; and the place for holding courts in each captain's district shall be fixed on by the justices thereof, and shall be as nearly in the centre of such district as conveniently may be. And no

Setts-off.

Disputes respecting property levied on, how to be tried.

Justices shall appoint their own places for holding courts.

person shall be permitted by the said justices to deny his bond, note or bill for money or other thing, unless such person shall first make affidavit to the truth of such denial.

No bond, note, &c. to be denied but on oath.

73. *And be it further enacted,* That in case any person, after being summoned to answer any complaint for debt before any justice of the peace, shall before the sitting of such court, remove out of the district, such justice may nevertheless give judgment against him; and if any person after judgment of such court, shall remove out of the district or county before satisfaction made, such justice may issue execution against such person, which execution being backed by any justice of the county where such person may be found, may be levied by any constable of such county.

Judgment may be given against persons removing out of the district after being summoned.

74. *And be it further enacted,* That if any person shall live or reside within any county, for the space of ten days or upwards, the same shall constitute and be considered a sufficient residence within the same, so as to authorize the justices of such county to proceed against him before any company district court, as herein before pointed out, for all debts within their jurisdiction, which may be contracted during such residence.

Executions sent out of the county, must be backed by a justice. Ten days constitute a residence in a district.

75. *And be it further enacted,* That in case there be no justice of the peace resident in any district, then it shall and may be lawful for the next nearest justice to proceed in like manner as if the defendant was an inhabitant of his district; and all cases in which a justice of the peace may be a party, shall be tried in the nearest adjacent company district, and not within the district in which he may reside.

Persons residing in districts which have no justice may be sued in the next nearest district.

76. *And be it further enacted,* That it shall be the duty of the constables of the several districts, to levy all executions put into their hands, agreeably to the tenor thereof, and to make due returns of the same, together with all summons or warrants, to the court to which they may be made returnable; and if any constable shall fail to execute and make such returns, or to pay to or account with any person for whom he may have received money on execution, within ten days after the receipt thereof, the person so injured as aforesaid, may, upon application to any justice within the district, obtain a warrant against him; and such justice shall, upon proof thereof, award judgment and execution for the same, and all costs against such constable, and also fine him for such abuse in a sum not exceeding ten per cent. on the amount so withheld; and in case of neglect or refusal to serve and return any warrant or summons as aforesaid, may fine the constable so offending in a sum not exceeding the amount of the debt due by the defendant; and all constables shall moreover be subject to be prosecuted and tried for mal-practice in office, in like manner as herein pointed out for justices of the peace, and liable to like pains and penalties.

Constables to levy executions put in their hands and return the same.

And for default therein, subject to an action & fine of ten per cent. on all monies retained.

77. *And be it further enacted,* That the method of drawing juries for the trial of appeals before justices of the peace, shall be this: The justices residing in each captain's district shall procure from the clerk of the superior court a list of all the persons liable to serve as petit jurors residing in such district, and shall write each name on such list on a separate piece of paper, which shall be deposited in an apartment of a box to be provided by such justices, marked No. 1; and shall draw such number of names therefrom, not less than five nor exceeding seven, as they may deem necessary from time to time, to try the causes depending before them: which names so drawn shall be entered in a book by the justices presiding at the drawing thereof, and shall be put into an apartment of such box marked No. 2; and after all the names are drawn from No. 1, they shall commence drawing from No. 2, and so on alternately: *Provided,* That no justice shall presume to draw any jury but on a court day, and in

Justices shall draw juries for the trial of appeals.

To be drawn on a court day in public.

And summons  
five days before  
court.

public; and that such jurors shall be drawn by a person not interested in any suit to be tried; and any person so drawn, and being summoned by a constable five days before such court, neglecting to appear at such court, may be fined by the justice or justices presiding, in a sum not exceeding three dollars, unless he shall shew sufficient cause of excuse, on oath, at the succeeding court for such district: And in case of deficiency of jurors to try any cause; the justices may direct a constable to fill and complete such jury from the by-standers: *Provided*, That there shall not be less than three of the original pannel on such jury: And the constables' fees for summoning a jury shall be fifty cents for every trial had before such jury, and shall also receive such other fees as are given to constables by the fee bill now in force; and such jury shall, for every verdict by them given, be entitled to twenty-five cents, to be paid by the party in whose favor the verdict may be, and to be taxed in the bill of costs.

Constables' fees  
for summoning  
juries.

Juries' fee.

Jurors' oath.

78. *And be it further enacted*, That the oath to be administered to the jury on the trial of appeals before justices' courts, shall be the same as is prescribed for special jurors in the superior courts.

Justices' fees.

79. *And be it further enacted*, That the justices shall be allowed the following fees: For making out a summons or warrant and hearing and determining the cause, fifty cents; for writing and taking a bond or recognizance, twenty-five cents; for issuing an execution, twenty-five cents; for writing an affidavit and swearing a party or deponent where no suit is depending, twenty-five cents.

Costs in criminal cases subject to their order.

80. *And be it further enacted*, That when any person charged with any offence and brought before a justice of the peace shall be discharged for want of sufficient cause of commitment, the justice or justices may in his or their discretion discharge the party without costs, or direct the cost to be paid by the prosecutor.

Justices subject to indictment for mal-practice.

81. *And be it further enacted*, That the justices of the respective counties shall be, and they are hereby declared to be liable to a prosecution and trial, by indictment for mal-practice in office: And it shall be the duty of the attorney and solicitors general on complaint made to them or either of them, on oath by any person or persons, to frame and prefer an indictment to the grand jury of the county in which the justice or justices complained of may reside, containing the merits of the complaint specially set forth; which indictment if found by the grand jury, after hearing the parties and their evidences shall be tried by a jury, and if convicted on such indictment, the judgment of the court may extend to fine or removal from office or either at discretion.

Witnesses compelled to attend.

82. *And be it further enacted*, That a justice of the peace may issue summons for witnesses in any cause to be tried before him, which being served three days before the day of trial, such witness shall be subject to a fine of three dollars for default, and the justice may issue an execution for the amount, provided sufficient excuse shall not be made, at or before the next court day; and all fines shall be paid into the hands of the inferior court for the use of the county.

Regulations of sales of property under execution.

83. *And be it further enacted*, That no sales of property taken under execution shall hereafter be made by any constable, except on the justices' court day in every month, and between the hours of ten and three o'clock in the day; and it shall be the duty of constables to advertise all intended sales at three or more of the most public places in the proper district, and at one or more of the most public places in the county, at least fifteen days before any sale, and shall give a full and clear description of the property to be sold: *Provided*, That nothing herein contained shall extend to prevent sales of horses, hogs, or cattle, at any time by consent of the defendant; but all sales of property by constables shall be at the place of holding the justices' court in the several company districts; except in such as include the place appointed for



holding the superior courts, in which case the sales to be made in such districts shall be made at such public place.

84. *And be it further enacted*, That the respective constables shall be allowed twelve and one half cents per day, for the proper care and sustenance of each horse, six and a fourth cents for each head of cattle, and two cents each, for hogs and sheep executed by them. Constables fees for keeping stock.

85. *And be it further enacted*, That no constable shall be authorized to sell any lands, but shall, where no other species of property can be found, levy on any lands of the defendant, and deliver over the execution to the sheriff of the county with a return of the land levied on, who shall proceed to sell the same with such formalities as are prescribed for sales of real estates. May levy, but not sell lands. Such sales to be by the sheriff.

86. *And be it further enacted*, That all former acts for regulating the judiciary department of this state, be, and they are hereby repealed. Repealing clause.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 9, 1797.

JARED IRWIN, *Governor.*

.....

*An act to ratify the resolution of congress, explanatory of the judicial power of the United States.*

**W**HEREAS congress at their session began and held at the city of Philadelphia, on Monday the second day of December, one thousand seven hundred and ninety-three, have in virtue of the powers vested in them by the fifth article of the constitution of the United States, deemed it expedient, to propose to the legislatures of the several states an explanatory amendment of the said constitution in the words following, "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another, or by citizens or subjects of any foreign state, *And whereas* this legislature doth entirely concur therewith, deeming the same to be the only just and true construction of the said judicial power, by which the rights and dignity of the several states can be effectually secured.

*Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That this legislature have assented to ratified and adopted, and by these presents do for, and in behalf of the said state of Georgia fully assent to, ratify and adopt the afore said proposed explanatory amendment in terms thereof. Amendment ratified.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred November 29th, 1794.

GEORGE MATHEWS, *Governor.*

.....

*An act to give concurrent jurisdiction to the superior courts of this state, with the inferior courts thereof in civil cases.*

**1. BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, two thirds of both houses concurring therein,

Concurrent jurisdiction given to the superior courts.

That from and after the passing of this act, the superior courts of this state shall have concurrent jurisdiction with the inferior courts thereof, in all civil cases.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 7, 1799.

JAMES JACKSON, *Governor.*

• • • • •

*An act to amend an act, entitled "An act to revise and amend the judiciary system of this state."*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, it is hereby enacted, That the superior and inferior courts shall be held in the several counties at the respective times appointed by an act, entitled "An act to revise and amend the judiciary system of this state, so far as relates to the first terms which shall happen after the passing of this act;" and from and after the expiration of the said first term in each county, the said superior courts shall be held in each county in the respective districts twice in every year, by one or more of the judges of the superior courts, at the several times herein after mentioned, to wit: In each county in the

Superior courts to be held twice a year in each county.

#### EASTERN DISTRICT,

Court days in the eastern district.

On the first Monday in October, in the county of Camden; the Monday thereafter, in the county of Glynn; the Monday thereafter, in the county of McIntosh; and the Monday thereafter, in the county of Liberty. On the third Monday in November, in the county of Bryan; the Monday thereafter, in the county of Bullock; the Monday thereafter, in the county of Effingham; and the Monday thereafter, in the county of Chatham.

#### SPRING CIRCUIT.

Spring circuit.

On the third Monday in March, in the county of Camden; the Monday thereafter, in the county of Glynn; the Monday thereafter, in the county of McIntosh; and the Monday thereafter, in the county of Liberty. On the first Monday in May, in the county of Bryan; the Monday thereafter, in the county of Bullock; the Monday thereafter, in the county of Effingham; and the Monday thereafter in the county of Chatham.

And the said superior courts shall be held at the respective times following in the

#### MIDDLE DISTRICT.

In the middle district.

On the first Monday in March and September, in Columbia; the third Monday in March and September, in Richmond; on the first Monday in April and October, in Burke; on the third Monday in April and October, in Scriven; on the fourth Monday in April and October, in Jefferson; on the second Monday in May and November, in Montgomery; on the third Monday in May and November, in Washington; and on the second Monday in June and December, in Warren.

And the said several courts shall be held at the respective times following in the

#### WESTERN DISTRICT.

In the western district.

On the last Monday in February and August, in Hancock; on the second Monday in March and September, in Greene; the third Monday in March and September, in Oglethorpe; the fourth Monday in March and September, in Jackson; the

first Monday in April and October, in Franklin; the second Monday in April and October, in Elbert; the third Monday in April and October, in Lincoln; and the fourth Monday in April and October, in Wilkes.

2. *And be it further enacted,* That from and after the expiration of the said first term after the passing of this act, the inferior courts shall be held twice in every year in each county, by the justices of the said inferior courts, or a majority of them, at the several times herein after mentioned, that is to say: In the several counties in the  
**EASTERN DISTRICT.**

On the first Monday in January, in Camden; on the Monday thereafter, in Glynn; on the Monday thereafter, in McIntosh; on the Monday thereafter, in Liberty; on the Monday thereafter, in Bryan; on the Monday thereafter, in Bullock; on the Monday thereafter in Effingham; and on the Monday thereafter in Chatham; on the first Monday in June in the county of Camden; the Monday after in Glynn; the Monday after in McIntosh, the Monday after, in Liberty; the Monday after, in Bryan; the Monday after in Chatham; the second Monday thereafter in Effingham; and the Monday thereafter in Bullock. And the said inferior courts shall be held at the respective times following in the

**MIDDLE DISTRICT.**

On the third Monday in June and December, in Columbia; the fourth Monday in June and December, in Richmond; the first Monday in July and January, in Burke; the second Monday in July and January, in Scriven; the third Monday in July and January, in Jefferson; the fourth Monday in July and January, in Montgomery; the first Monday in August and February, in Washington; and the second Monday in August and February, in Warren; and the said inferior courts shall be held at the respective times following in the

**WESTERN DISTRICT.**

On the first Monday in January and June, in Hancock; on the second Monday in January and June, in Greene; on the third Monday in January and June, in Oglethorpe; on the fourth Monday in January and June, in Jackson; on the first Monday in February and July in Franklin; on the second Monday in February and July, in Elbert; on the third Monday in February and July, in Lincoln; and on the fourth Monday in February and July, Wilkes: And the justices of the inferior courts may adjourn from day to day until they accomplish the business of the term.

**POWERS COMMON TO BOTH.**

3. *And be it further enacted,* That the said superior and inferior courts, shall have full power and authority to hear and determine all causes both civil and criminal, of which they shall severally have jurisdiction according to the constitution and laws of this state, by a jury of twelve men, to be taken from the county, in such manner as shall herein after be prescribed, according to the usages and customs of law.

4. *And be it further enacted,* That in case of unavoidable accidents, whereby the said superior courts in any county, shall not be held at the time appointed for holding the same, it shall be the duty of the clerk of such court to adjourn the same from day to day, not exceeding two days; and if the said court should not sit within the two days as aforesaid, such clerk shall then adjourn the same to the next term.

5. *And be it further enacted,* That the said superior and inferior courts shall be courts of record, and have power to administer oaths, and exercise all other necessary powers appertaining to their jurisdictions respectively, according to law; and where any of the said courts shall fail to meet; the proceeding in such courts shall not thereby be discontinued, but shall stand continued over in the same manner as if such fail-

Witnesses free from arrest.

ure had not been ; and all witnesses going to, attending on, and returning from any of the said courts, shall be free from arrest on any civil process.

Courts may compel the production of books, papers, &c on trial.

6. *And be it further enacted,* That the said courts shall have power on the trial of causes cognizable before them respectively on ten days' notice, and proof thereof being previously given to the opposite party, or his, her, or their attorney, on motion to require either party to produce books and other writings, in his, her, or their possession, power or custody, which shall contain evidence pertinent to the cause in question, under circumstances where such party might be compelled to produce the same by the ordinary rules of proceeding in equity ; and if the plaintiff shall fail or refuse to comply with such order, it shall be lawful for the court on motion to give judgment against such plaintiff as in case of non-suit ; and if the defendant shall fail or refuse to comply therewith, the court on motion shall give judgment against such defendant as in case of judgment by default ; and the said courts respectively shall have power and authority to establish copies of lost papers, deeds or other writings, under such rules and precautions as are or may have been customary and according to law and equity.

And establish copies of lost papers.

Habeas corpus.

7. *And be it further enacted,* That the judges of the superior courts, or any one of them, and the practices of the inferior courts or any of them in the absence of the judges of the superior courts, shall have power to issue writs of habeas corpus, and in all cases to discharge, admit to bail or remand to jail, any prisoner, according to their discretion and the law of the land: *Provided,* That in all cases of a capital nature where a writ of habeas corpus shall be issued by a justice of the inferior court, it shall be necessary that one or more of the justices of such inferior court shall associate with the justice granting the same, at the return thereof, and a majority of such justices shall concur in opinion on any decision or order aforesaid: And it shall be the duty of such justices to attend, on one day's notice being given of the time and place of the return of such writ.

#### PROCESS.

Petition and process.

8. *And be it further enacted,* That all suits of a civil nature cognizable in the said courts respectively, shall be by petition to the court, which petition shall contain the plaintiff's charge, allegation or demand, plainly, fully and distinctly set forth, and be signed by the plaintiff, or his, her or their attorney, and to which petition the clerk shall annex a process, signed by such clerk, and bear test in the name of one of the judges or justices of such court, directed to the sheriff, requiring the defendant or defendants to appear at the court to which the same shall be made returnable, and shall be served on the defendant or defendants at least twenty days before the return thereof, by delivering a copy of such petition and process to the defendant or defendants, or leaving such copy at his, her or their most notorious place or places of residence. And if any process shall be delivered to the sheriff or other officer, whose duty it shall be to execute the same, so late that it cannot be served in manner aforesaid, twenty days before the sitting of the court to which it shall be returnable, such process shall not be executed, but the officer shall return the same, with the truth of the case. And if any original civil process shall be taken out within twenty days of the next court, the same shall be made returnable to the next court to be held after the expiration of the said twenty days, and not otherwise. And all process issued and returned in any other manner than that herein before directed, shall be, and the same is hereby declared to be null and void.

By whom issued and to whom directed.

9. *And be it further enacted,* That all process issued by the clerks of the said courts respectively, where the sheriff who ought to execute the same shall be any wise interested, shall be directed to the coroner of such county, and served and returned by him

in the same manner as is required of sheriffs. And for the more orderly and regular proceeding in the said courts, the following rules and methods shall be observed, to wit: The defendant or defendants shall appear at the court to which the petition and process shall be returnable, and on or before the last day of the said court shall make his, her or their defence or answer in writing, which shall plainly, fully and distinctly set forth the cause of his defence, and be signed by the party making the same, or his, her or their attorney; which said answer may contain as many several matters, as such defendant or defendants may think necessary for his, her or their defence: *Provided*, That no person shall be permitted to deny any deed, bond, bill, single or penal, note, draft, receipt or order, unless he, she or they, shall make affidavit of the truth of such answer at the time of filing the same: And the said petition and answer shall be sufficient to carry the same to the jury, without any replication or other course of proceedings: And no petition, answer, return process, judgment, or other proceeding in any civil cause, shall be abated, arrested, quashed or reversed, for any defect in matter of form, or for any clerical mistake or omission, not affecting the real merits of the cause; but the court, on motion, shall cause the same to be amended without any additional cost at the first term, and shall proceed to give judgment according to the right of the cause and matter of law, as it shall appear to the said court, without regard to such imperfections in matter of form, clerical mistake or omission; and no dilatory answer shall be received or admitted, unless affidavit be made of the truth thereof.

Answer or defence.

Bonds, notes, &c. to be denied on oath.

Writes not to abate for defect in form, but shall be amended at the first term.

Dilatory to be received on oath.

Judgment by default.

10. *And be it further enacted*, That where any defendant shall fail to appear and answer in manner aforesaid, the court, on motion of the plaintiff or his counsel, shall enter a judgment by default, and the plaintiff's claim, allegation or demand, shall be tried in all cases of judgment by default, by a jury; but no such trial shall in any case be had at the first term; and no cause whatsoever depending in the said courts shall be continued more than one term, at the instance of the same party.

Continuance.

Actions against joint obligors.

11. *And be it further enacted*, That in all cases where a suit shall be instituted in any of the said courts, on any bond, note or other written obligation, subscribed by several persons, who reside in different counties, the plaintiff shall have his option to institute his suit in either of the said counties, and the clerk shall issue the original petition and process, and a copy or copies in such county, against the defendant or defendants who may reside therein, in manner directed by this act; and shall also issue another original and copy or copies thereof for the defendant or defendants, resident in other county or counties: and it shall be the duty of the plaintiff, his agent or attorney, to cause such original and copies to be delivered to the sheriff or other officer in such other county or counties, who shall execute and return the same to the court from whence they issued, in such manner as is herein before directed, and on such return the plaintiff may proceed as in other cases.

EXECUTORS AND ADMINISTRATORS.

12. *And be it further enacted*, That no suit or action shall be issued against any executor or administrator for any matter or cause against the testator or intestate of such executor or administrator in any of the said courts, until the expiration of twelve months after probate of the will of such testator, or letters of administration, granted on the estate of such intestate.

Executors and administrators exempt from suit twelve months.

Suits shall not abate by death of parties if the cause of action survives.

And no suit in any of the said courts shall abate by the death of either party, where such cause of action would in any case survive to the executor or administrator, whether such cause of action would survive in the same, or any other form, but the same shall proceed as if such testator or intestate had not died, under the restrictions and regulations following; When a plaintiff shall die, in any case aforesaid, the executor

or administrator of such plaintiff shall, within three months after taking out probate of the will, or letters of administration, give notice to the defendant or defendants by scire facias, to issue out of the clerk's office, returnable in the manner herein before prescribed for the issuing and return of process; and in cases where the defendant shall die, it shall and may be lawful for the plaintiff to issue a scire facias in manner aforesaid, immediately after the expiration of twelve months, requiring such executor or administrator to appear and answer to the said cause.

scire facias.

Feme-sole.

And where a feme-sole, being plaintiff, shall marry pending any suit, the same shall not abate by reason of such intermarriage, but the same being suggested on the record, such cause shall proceed in the name of the husband and wife.

Bail.

## BAIL.

Plaintiff shall make oath of the amount due.

13. *And be it further enacted*, That in all cases where bail is requirable, and the plaintiff in any action shall require bail, such plaintiff shall make affidavit before any judge, justice of the inferior court, or justice of the peace within this state, or any judge or justice of a superior court of any one of the United States, shall have annexed thereto the seal of the state from whence it shall come, and a certificate of the governor certifying that the person taking such affidavit is one of the judges or justices of a superior court of that state, of the amount claimed by him, and that he has reason to apprehend the loss of the said sum, or some part thereof, if the defendant or defendants is or are not held to bail, which affidavit shall be filed in the clerk's office, and copies thereof affixed to the original petition and process, and to the copy or copies thereof and the amount sworn to, shall be endorsed on the petition and process.

And that he expects to lose the same unless bail is taken.

Sum, sworn to, endorsed on the petition. Sheriff's duty with regard to bail.

14. *And be it further enacted*, That when any civil process shall issue out of any of the said courts whereby bail shall be required to be taken in manner aforesaid, of any person or persons to answer any action in any of the said courts, the sheriff or other officer shall take a bond with one or more sufficient security or securities, for double the sum sworn to, and shall return such bond with the petition and process: And in case the sheriff or other officer shall fail or neglect to take such bail, or the bail taken shall be deemed insufficient by the court, on exceptions taken thereto and entry thereof made at the first term, to which the said petition and process shall be returned, such sheriff or other officer, and his or their security, or securities in either of the said cases shall be deemed and stand as special bail, and the plaintiff may proceed to judgment according to the provisions of the act herein after mentioned. And in all cases where any defendant or defendants of whom bail shall be required, shall refuse to give good and sufficient bail, it shall be the duty of such sheriff or other officer to commit such defendant or defendants to the common jail of the county, or if there should be no jail in the county or the same shall be insufficient, it shall and may be lawful for the said sheriff or other officer to confine such defendant or defendants in some private house: *Nevertheless*, such person or persons shall be allowed all the benefits of appearance and defence, as if he, she or they, were personally present, and shall not be discharged out of custody but by putting in bail, or by order of court.

Shall be bail himself if he neglects to take bail, or takes insufficient bail.

All bail, declared to be special bail.

proceedings against bail. Ca-sa. Sci-fa.

15. *And be it further enacted*, That all bail taken according to the directions of this act, shall be deemed, held and taken as special bail, and as such be liable to the recovery of the plaintiff; but the plaintiff, after final judgment, shall not take out execution against such bail, until a capias ad satisfaciendum shall be first issued thereon, and the principal cannot be found, and shall also issue a scire facias, returnable to the said court, which shall be served on the bail at least twenty days before the return thereof; and after the return of such ca sa against the principal, and scire facias against the bail, and judgment thereon, execution may issue against the prin-

principal and bail, or either of them, or either of their estates, unless the bail shall surrender the principal at or before entering up final judgment on the scire facias, either in open court in term time, or to the sheriff of the county in which such principal shall reside, at any time in vacation: And it shall be the duty of the court to order such principal into the custody of the sheriff, and the duty of the sheriff in time of vacation to receive into his custody such principal, and in either case to commit him, her or them to jail according to the directions of this act, any law, usage or custom, to the contrary notwithstanding.

16. *And be it further enacted,* That when any scire facias issued according to the directions of this act, shall be by the proper officer returned served, the bail shall appear and answer, and the matter be tried at the first term to which the scire facias shall be returned; unless the bail shall shew very special cause to induce the court to continue the same for one term and no longer; and in case such bail shall not appear and answer in manner aforesaid, the court on motion of the plaintiff, or his counsel, shall enter final judgment at the first term: But if it shall appear to the court, to which any scire facias may be returned served on the bail, that the principal is confined in any jail of this state, by virtue of any civil process, on proof thereof, and on motion of the plaintiff, or bail, the said court shall order and direct, that such principal be retained in jail, where he, she or they, shall remain a prisoner or prisoners, until he, she or they, shall have paid the plaintiff's judgment and costs, or be otherwise discharged according to law; a copy of which order being served on the jailor or keeper of such prison before such prisoner's releasement, shall be a sufficient authority for him to retain such prisoner, until such order shall be complied with, and shall also be deemed a surrender of such principal, and as such shall discharge the bail: *Provided,* That nothing herein contained shall be so construed as to prevent any person, who shall be surrendered by the bail, pending any action, from putting in other good and sufficient bail, who shall be subject to the like proceedings, and allowed the same advantages as are herein before prescribed.

Proceedings on a scire facias against bail.

Surrender of the principal, what will be sufficient.

Principal surrender pending the action, may give other bail.

#### MORTGAGES ON REAL ESTATES.

17. *And be it further enacted,* That the method of foreclosing mortgages on real estates in this state, be as follows: Any person applying and entitled to foreclose such mortgage, or his, her or their attorney, shall petition the superior court of the county wherein such mortgaged property may be, stating the case, and the amount of his, her, or their demand, and describing such mortgaged property; and the court shall grant a rule, that the principal, interest and cost shall be paid into court within twelve months thereafter, which rule shall be published in one of the public gazettes of this state, at least once in every month, until the time appointed for payment, or served on the mortgager or his special agent, at least six months previous to the time the money is directed to be paid; and unless the principal, interest and costs be so paid, the court shall give judgment for the amount which may be due on such mortgage, and order the property mortgaged to be sold in such manner as is prescribed in cases of execution, and the money shall be paid to the mortgagee or his attorney; but where there shall be any surplus, the same shall be paid over to the mortgager or his agent: And in case of any dispute as to the amount due on any mortgage, if the mortgager shall appear within the time prescribed by this act, and make affidavit that he hath made payments which have not been credited on the said mortgage, or that he is entitled to set-off which in equity ought to be allowed, the court shall appoint one or more fit person or persons to credit and liquidate the same; but either party shall be

Foreclosure of mortgages on real Estates.

entitled to a new trial therefrom, which shall be tried in like manner as shall be prescribed for the trial of appeals in other cases.

#### MORTGAGES OF PERSONAL PROPERTY.

On personal  
estates.

18. *And be it further enacted*, That mortgages of personal property shall be foreclosed in the following manner: Any person or persons holding a mortgage on personal property, and wishing to foreclose the same, shall make application to one of the judges of the superior or justices of the inferior courts, and make affidavit before him of the amount of principal and interest due on such mortgage, which affidavit shall be annexed to such mortgage, and thereupon the clerk of the superior or inferior courts shall issue execution as on a judgment, which execution being delivered to the sheriff, it shall be his duty to levy on the property wheresoever the same may be found, and after advertising the same in one or more of the public gazettes of this state at least sixty days, the sheriff shall set up and expose the same to sale, and the money arising from such sale shall be first applied to discharge the amount due on such mortgage and all legal costs, and the overplus, if any, to be paid to the mortgager: *Provided always*, That if any dispute shall happen as to the sum due on any mortgage, that it shall and may be lawful for the said judges or justices of the inferior courts, on affidavit, to order such sale to be postponed, the mortgager giving bond with good and sufficient security in double the sum sworn to be due, for returning such property when called for by the sheriff, which bond shall be assigned by the sheriff to the mortgagee, who may sue and recover thereon; but the jury shall be sworn to give at least twenty-five per cent. damages, in case it shall appear that such application was intended for delay only. And in all cases where application has been heretofore made to the inferior courts for the foreclosure of mortgages of personal property, it shall and may be lawful, and they are hereby required to proceed to the foreclosure thereof, in like manner and order as herein pointed out for the foreclosure of mortgages on personal property.

#### WITNESSES.

Witnesses.

19. *And be it further enacted*, Where the attendance of any person shall be required as a witness in any of the courts aforesaid, in any cause depending therein, it shall be the duty of the clerks of the said courts respectively, on application, to issue writs of subpoena, directed to the persons whose attendance shall be required, where such persons reside within the county in which such cause may be depending, which writ of subpoena shall express the cause, and the party at whose suit it shall be issued, and shall be served on such witnesses at least five days before the court to which it shall be returnable: and which writ shall be served by a sheriff, constable or some private person, and the return of a sheriff or constable of such service, or the affidavit of any private person, shall be sufficient evidence that such subpoena was duly executed.

Subpoena five  
days before  
court.

Attachment for  
non-atten-  
dance.

20. *And be it further enacted*, That where it shall appear in manner aforesaid, that a witness in any cause shall have been duly summoned, and such witness shall fail to appear, it shall be the duty of the court, on motion, to issue an attachment against such defaulting witness, returnable to the next court, and shall fine such witness in a sum not exceeding three hundred dollars, unless he or she shall make a sufficient excuse for such non-attendance, which shall be judged of by the court; but shall nevertheless be subject to the action of the person at whose suit such witness shall have been summoned, for any damage which he, she or they may have sustained by reason of such non-attendance.

And liable to  
damages.



21. *And be it further enacted,* That when a subpoena shall be served on any witness in conformity to this act, it shall be the duty of such person so summoned, to attend from time to time, until the cause in which such witness shall have been summoned is tried, or be otherwise discharged by the court. Must attend till discharged.

22. *And be it further enacted,* That on the last day of the attendance of any witness in each term, it shall and may be lawful, on application of such witness, to exhibit his account for attendance, against the person or persons at whose suit he or they may have been summoned, and the judge or presiding justice shall examine and certify the same under his hand, which shall be countersigned by the clerk, whereupon such account so certified shall have the force and effect of an execution, and may be levied by the sheriff or constable, according to the amount thereof, off the goods and chattels of such party, in like manner as in cases of other executions: *Provided nevertheless,* That where any witness shall claim and levy for more than is really due, such witness shall forfeit and pay to the party injured four times the amount of the sum so unjustly claimed. And no party cast in any suit shall be taxed for more than the cost of two witnesses to any material point in any cause which shall be specially certified by the court trying the same; nor shall any party be allowed to tax costs for different witnesses to different material points, where the same witnesses shall be sufficient, in the opinion of the court, to prove such material points. Their fees and mode of payment. Two witnesses to every material point.

23. *And be it further enacted,* That where any witness resides out of the state, or out of any county in which his testimony may be required in any cause, it shall be lawful for either party, on giving at least ten days' notice to the adverse party, or his, her or their attorney, accompanied with a copy of the interrogatories intended to be exhibited, to obtain a commission from the clerk of the court in which the same may be required, directed to certain commissioners to examine all and every such witness or witnesses, on such interrogatories as the parties may exhibit; and such examination shall be read at the trial on motion of either party. Interrogatories may issue, where witnesses reside out of the county.

SETTS-OFF AND SPECIALTIES.

24. *And be it further enacted,* That in all cases of mutual debts and setts-off, where the jury shall find a balance for the defendant, such defendant may and shall enter up judgment for the amount, and take out execution in such manner as plaintiffs may do by this act: *Provided,* such defendant shall at the time of filing his answer, also file therewith a true copy or copies of the subject matter of such setts-off; and where the plaintiff shall be indebted to the defendant on open account for dealings between themselves, and where the defendant shall hold and possess in his own right, by assignment, endorsement or otherwise according to law, any bond, note, bill or other writing, for money or other thing of the said plaintiff's, such defendant shall and may offer the same as setts-off, and on due proofs shall be allowed the same. Setts-off.

25. *And be it further enacted,* That all bonds, and other specialties, and promissory notes and other liquidated demands, bearing date since the ninth day of June, one thousand seven hundred and ninety-one, whether for money or other thing, shall be of equal dignity, and be negotiable by endorsement, in such manner and under such restrictions as are prescribed in the case of promissory notes. *Provided,* That nothing herein contained shall prevent the party giving any bond, note or other writing from restraining the negotiability thereof, by expressing in the body thereof such intention. Bonds, notes, &c negotiable since the ninth of June, 1791.

VERDICTS AND JUDGMENTS.

26. *And be it further enacted,* That in all cases where a verdict shall be rendered, the party in whose favor it may be, shall be allowed to enter and sign judgment thereon. Verdicts and judgments.

- at any time within four days after the adjournment of the court, at the clerk's office, for the amount of such verdict and all legal costs are recoverable thereon, and no execution shall issue on any verdict, until such judgment shall be entered, signed by the party or his attorney; and all the property of the party against whom such verdict shall be entered, shall be bound from the signing of the first judgment; but where several judgments shall be of equal date, the first execution delivered to the sheriff shall be the first satisfied: *Provided always*, That any party against whom such judgment shall be entered, may enter good and sufficient security, either in open court, or in the clerk's office, within the time aforesaid for the payment of the judgment and costs within sixty days, and if such party shall not pay the same agreeably thereto, execution may issue against such party, and the security without any other proceeding thereon: *And provided also*, That in case either party shall be dissatisfied with the verdict of the jury, then, and in all such cases, either party may, within four days after the adjournment of the court in which such verdict was obtained, enter an appeal in the clerk's office of such court (as matter of right) and if such verdict shall be obtained in the inferior court, it shall be the duty of the clerk thereof to transmit such appeal to the clerk of the superior court of the county in which such verdict shall be obtained, who shall enter the same on the appeal docket, which appeal shall be admitted and tried by a special jury. *Provided*, The person or persons so appealing shall previous to obtaining such appeal, pay all costs which may have arisen on the former trial, and give security for the eventual condemnation money, except executors and administrators, who shall not be liable to give such security, but if on hearing such appeal, it shall appear to the jury that appeal was frivolous and intended for delay only, they shall assess damage to the party aggrieved by such delay, not exceeding twenty-five per centum on the principal sum which they shall find due; and such damages as shall be so assessed shall be specially noted in the verdicts of such jurors, and no person shall be allowed to withdraw an appeal after it shall be entered but by the consent of the parties. And in case of a jury committing a contempt, or breaking up before giving in their verdict in any civil case, the court may declare the same a mis-trial, and shall fine each of the offending juror or jurors in a sum not exceeding one hundred dollars. And if any party, plaintiff or defendant, be hereafter non-suited or cast by reason of the neglect or misconduct of the attorney, who shall hereafter bring or be employed in such suit, in all cases the said attorney, shall pay all costs that may accrue thereby, and the court shall immediately enter up judgment accordingly for the same.
- Stay of execution** 27. *And be it further enacted*, That no confession of judgment shall hereafter be entered up, but in the county where the defendant or defendants may reside, or unless the cause hath been regularly sued out and docketed in the usual way as in other cases, nor until such cause be called in order by the court for trial.
- Appeal.** 28. *And be it further enacted*, That no verdict shall be received on any unliquidated demand where the jury have increased their verdict on account of interest, nor shall interest be given on any open account, in the nature of damages.
- Upon payment of costs and entering security.** 29. *And be it further enacted*, That where any attorney shall institute a suit in any of the said courts, for and in behalf of any person who resides out of the state, or out of the county in which the plaintiff or plaintiffs may reside, such attorney shall be liable to pay all costs, in such manner as such plaintiff would be, were he, she, or they resident in this state, and if any attorney shall retain any monies received by him after being ordered by the court to pay over the same to his principal, he shall be by the court struck from the list of attorneys, and never after suffered to plead in any court of this state.
- Attorney liable to costs in certain cases.** *Twenty-five per cent. damages may be given where the appeal was for delay only.*
- His trial.**
- Confession of judgment.**
- Interest, illegal on unliquidated demands.**
- Attorney to pay costs, if the plaintiff resides out of the county.**

ARBITRATION.

30. *And be it further enacted,* That in all matters submitted to reference by parties, in a suit under a rule of court or other agreement in writing signed by the parties, judgment shall be entered up by the party in whose favor the award is given, and execution shall issue for the sums awarded to be paid as they respectively become due, and to be levied on the property of the party against whom the judgment shall have been entered up, and such other proceedings shall be had thereon by the court, as in cases of judgments entered up on verdicts of juries. *Provided,* That no judgment shall be entered up on an award, where it shall appear any other cause or causes stand on the docket of the court against the defendant or defendants, undetermined, before the cause in which a rule or other agreement in writing for arbitration is entered.

Arbitration,

EXECUTIONS.

31. *And be it further enacted,* That all executions shall be issued and signed by the clerks of the several courts in which judgment shall be obtained, and bear test in the name of one of the judges or presiding justices of such courts, and shall be directed to all and singular the sheriffs of this state, and may be levied on the estate both real and personal, of the defendant or defendants, or issue against the body of the defendant at the option of the plaintiff; which execution shall be of full force until satisfied; without the same being obliged to be renewed on the court-roll from year to year as heretofore practised. And where the defendant shall point out any property on which to levy the execution, being in the hands and possession of any person, not a party to such judgment, the sheriff shall not levy thereon, but shall proceed to levy on such property as may be found in the hands and possession of the defendant, who shall nevertheless be at liberty to point out what part of his property he may think proper, which the sheriff shall be bound to take and sell first. *Provided,* The same is in the opinion of the sheriff sufficient to satisfy such judgment.

Executions, by whom to be issued and to whom directed.

32. *And be it further enacted,* That in all cases where execution shall issue illegally, and the person against whom such execution may be shall make oath thereof, and shall state the causes of such illegality, such sheriff shall return the same to the next term of the court out of which the same issued, which court shall determine thereon, at such term. And where any sheriff shall levy an execution on property claimed by any person not a party to such execution, such person shall make oath to such property, and it shall be the duty of the sheriff to postpone the sale or future execution of the judgment, until the next term of the court from whence the execution issued, and such court shall cause the right of property to be decided on by a jury at the same term, unless special cause be shewn to induce the court to continue the same for one term and no longer: *Provided,* The person claiming such property, or his attorney, shall give bond to the sheriff, with security in a sum equal to the amount of the execution, conditioned to pay to the plaintiff all damages which the jury on the trial of the right of property may assess against him in case it should appear that such claim was made for the purpose of delay; and every juror on the trial of such claim shall be sworn in addition to the oath usually administered to give such damages, not less than ten per cent. as may seem reasonable and just, to the plaintiff against the claimant, in case it shall be sufficiently shewn that such claim was intended for delay only; and it shall be lawful for such jury to give verdict in manner aforesaid, by virtue whereof judgment may be entered up and execution issued against such claimant: *And provided also,* The burthen of the proof shall lay on the plaintiff in execution.

Proviso.

Illegality in executions.

Claim of property.

Claimant to give bond and security.

And subject to ten per cent. damages for frivolous claims.

Burthen of proof to be on the plaintiff in execution.

Sales by execution, to be on the first Tuesday in every month.

33. *And be it further enacted,* That no sales in future shall be made by sheriffs of property taken under execution, but on the first Tuesday in each month, and between

the hours of ten and three in the day; and it shall be the duty of the sheriffs to give thirty days' notice in one of the public gazettes of the state, of all sales of lands and other property executed by him, and also advertise the same in three of the most public places in the county where such sales are to be made, and shall give a full and complete description of the property to be sold, making known the name of the defendant, and the person who may be in possession of the property, except horses, hogs and cattle, which may be sold at any time by the consent of the defendant; and in which case it shall be his duty to give the plaintiff ten days' notice thereof, and also to advertise the same in three or more of the most public places in the county where such property may be, at least ten days before the sale.

## CLERKS.

Clerks, their duty.

34. *And be it further enacted*, That the clerks of the several courts in this state, shall copy into a book of record, all the proceedings in all civil cases in the said courts respectively, which entry of record shall be made within forty days after the determination of any cause; and the said clerks shall be allowed the sum of ten cents for every hundred words of recording such proceeding, to be taxed in the bill of cost. And the said clerks shall also keep regular and fair minutes of all the proceedings in any of the said courts, which shall be signed by the judge of the superior, or presiding justices of the inferior courts (as the case may be) prior to the adjournment from day to day.

Must be sworn and give bond and security.

Their oath.

35. *And be it further enacted*, That the clerks of the said superior and inferior courts, hereafter to be appointed, shall, before they enter upon the duties of their appointments, and after being commissioned by the governor, take the following oath before one of the judges of the superior courts, or a justice of the inferior court of the county: "I do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders, decrees, judgments, and other proceedings of the superior (or inferior) court of the county of \_\_\_\_\_, and all other matters and things which by law ought by me to be recorded, and that I will faithfully and impartially discharge and perform all the duties required of me, to the best of my understanding." And shall also enter into bond, with one or more good and sufficient security or securities, to the governor for the time being, in the sum of three thousand dollars, conditioned for the faithful discharge of the duties required of them: And the said clerks shall in virtue of their offices be justices of the peace, so far as to administer all oaths appertaining to the business of their office.

Not to act as attorney.

May be clerks of both courts.

36. *And be it further enacted*, That no clerk of a court or other person employed in his office, shall act as attorney in his own name, or the name of any other person, or be allowed to plead or practise in such courts, during the time he shall be employed in such office: And that the same person may be clerk of the superior and inferior court of the same county: *Provided*, That nothing herein contained shall extend to prevent any officer of the court from prosecuting or defending any suit to which he is a party.

## LAW DEPARTMENT.

State's attorney and solicitors, their duty.

37. *And be it further enacted*, That it shall be the duty of the state's attorney and solicitors, or one of them, to prosecute all delinquents for crimes and other offences, cognizable by the said courts, and all civil actions in which this state shall be concerned, and to give advice or opinion in writing to his excellency the governor, in questions of law in which the state may be interested. And in case it should so happen, that neither the state's attorney or solicitors, or either of them, can attend the said courts, then the judge presiding may, and he is hereby authorized and required to appoint

some attorney at law, to prepare and prosecute the endiements and other business of the state; and such person so appointed shall be entitled to the same fees and emoluments therein, as the state's attorney or solicitors would have been entitled to.

JURIES.

38. *And be it further enacted,* That the clerks of the superior courts of the respective counties, shall procure from the tax collector of such county, and furnish to the court (within two months) a list of persons liable and qualified to serve as grand and petit jurors, agreeable to the qualifications herein after prescribed; and all free male white citizens above the age of twenty-one years and under sixty years, are declared to be qualified and liable to serve as petit jurors for the trial of all civil causes for recovery of debts or damages, to any amount whatsoever; but no person shall be capable to be of a jury for the trial of treason, felony, breach of the peace, or any other cause of a criminal nature, or of any estate of freehold, or of the right or title to any lands or tenements, in any court of record within this state, who shall not be qualified to vote at elections for members of the legislature; and if any person not qualified as aforesaid, shall be returned on any jury, he shall be discharged on the challenge and proof thereof, of either of the parties to such suit, or on his own oath of the truth thereof: *Provided,* That no exception against any juror, on account of his qualification, shall be allowed after he is sworn. Juries.  
Their qualifications.

39. *And be it further enacted,* That the clerks of the several courts are required in presence, or under the direction of the judge or judges of such court, to regulate and correct the several jury lists annually, by particularly specifying in distinct columns, the persons most able, discreet and qualified as herein mentioned to serve as grand jurors; which list so corrected, shall be committed to the safe keeping of the clerks of such courts respectively; and the clerks of such courts shall immediately after receiving such lists, fairly enter the same in a book for that purpose, to be provided by such clerk (at his own expence) distinguishing in separate columns the persons selected to serve as grand jurors; and those for the trial of civil and criminal causes as aforesaid; and the names of the persons so selected shall be written on separate pieces of paper, and put into the different apartments of a jury box, to be provided by the clerk at the public expence, in the construction and manner herein after prescribed, to wit: There shall be an apartment in the said jury box, marked No. 1, in which shall be placed the names of all the persons selected to serve as grand jurors; and another apartment, marked No. 2, into which shall be placed the names of all the persons selected for the trial of civil and criminal causes as aforesaid; which box shall be kept locked, and no jury shall be drawn or empannelled, but in the presence of one or more of the judges and clerk of the court; nor shall any clerk of the court, or other person having the custody of the jury box, presume on any pretence whatsoever, to open the said jury box, transpose or alter the names, except it be in the presence of the judge or justices officially attending for the purpose of drawing jurors, or correcting the lists, under penalty of being dealt with in the manner herein pointed out for mal-practice in office. How to be drawn.

40. *And be it further enacted,* That the said judge or justices and clerk of the court, or person having custody of the key, shall previous to the adjournment of any superior court, or at least two months prior to the sitting of the next court, cause to be drawn out of the apartment of the said box marked No. 1, not less than twenty-three, or more than thirty-six names as grand jurors; and out of the apartment marked No. 2, not less than forty-eight or more than seventy-two names as petit jurors, for the trial of civil and criminal causes as aforesaid; which names so drawn Not less than twenty-three or more than thirty-six grand jurors.  
Not less than forty-eight or more than seventy-two petit jurors.

out shall after an account is taken of them, at each term or time of drawing, be carefully rolled up again, and deposited in the two other apartments to be provided in such jury box, marked No. 3; and 4; to wit: The names of the grand jurors in the division No. 3; and the names of the petit jurors in the division No. 4; and when all the names shall be drawn out of the apartments No. 1, and 2, aforefaid, they shall then commence drawing from the apartments No. 3, and 4, and return them into the Nos. 1, and 2, and so on alternately.

Grand jury to consist of not less than eighteen or more than twenty-three.

Juries may be drawn by the inferior court.

41. *And be it further enacted*, That no grand jury shall consist of less than eighteen or more than twenty-three, but twelve may find a bill or make a presentment, and that the names of the several jurors to be drawn as aforefaid shall immediately after they are drawn out, be entered by the clerk on the minute book of such court; and if it shall so happen, that from any unavoidable circumstance the judge shall not attend at the time appointed for holding the superior court of any county, he shall nevertheless attend in person for the purpose of drawing jurors, or shall transmit to the justices of the inferior court of such county a request in writing, that they, or any two of them, attend at the clerk's office, on some convenient day, at least two months preceding the next term, for the purpose of drawing grand and petit jurors in manner herein before directed; and the said judges of the superior courts are declared to be responsible for the legal and regular drawing of juries in the respective circuits in which they may preside: And in case of such unavoidable circumstance, specially stated by any judge of the superior court, the said justices, or any two of them, shall and are hereby required to conform to such requests, by attending and drawing juries agreeably to this act; *Provided nevertheless*, That where juries have already been drawn in any county for the next term, under the late judiciary act, such juries shall stand over, and be considered as the legal juries under this law.

And summoned by the sheriff.

42. *And be it further enacted*, That the clerk of the court shall annex a pannel of the jury containing the names of the persons drawn to serve on the grand inquest, exactly transcribed from the minute book to the precept for summoning such grand jury; and shall also annex another pannel containing the names of the persons drawn as petit jurors for the trial of civil and criminal cases, exactly transcribed as aforefaid, to the precept for summoning the petit jurors, in the mendatory part of which precept shall be written the words following, viz. "The several persons named in the pannel hereunto annexed," which precept with the several pannels annexed as aforefaid, shall be delivered by the clerk of the court within three days after the drawing of such juries as aforefaid, to the sheriff of the county or his deputy.

Ten days before court.

Form of the summons.

43. *And be it further enacted*, That the sheriff or his lawful deputy for the time being, upon the receipt of any precept for summoning grand or petit jurors, shall cause the several persons whose names are written in the pannel thereunto annexed, to be served with a summons, at least ten days before the sitting of the court for which they are drawn and empannelled; which summons shall be in the following words, or words to that effect: "By virtue of the precept to me directed, you are hereby commanded to appear before the judge of the superior court, at the next superior court, to be held at the court-house in and for the county of —, on the — day of —, at ten o'clock in the forenoon of that day, to be sworn on the grand jury (or as a juror for the trial of civil and criminal causes then and there depending, as the case may be):" which shall be signed by the sheriff or his lawful deputy for the time being; which sheriff or lawful deputy aforefaid, shall make return of all such precepts, in each of which he shall set forth the names of all such persons as shall have been summoned by virtue of such writs or precepts, and the time when they were summoned, and also the names of the

persons whom he may not have summoned, together with the reasons why they were not summoned on pain of being fined by the court.

44. *And be it further enacted,* That the clerk of the court shall make due entry in the minute book of such court of the appearance of all jurors, and shall likewise enter and make report of the names of all such as shall make default in appearing; that if any person who shall be drawn, empannelled, summoned and returned to serve as jurors at any court as aforesaid, shall neglect or refuse to appear, or after appearance shall refuse to serve, or shall absent himself without leave of the court, then and in that case, it shall be lawful for the court to fine such person, if a petit juror, in a sum not exceeding twenty dollars, and if a grand juror, in a sum not exceeding forty dollars, unless such juror shall shew good and sufficient cause of excuse, to be made on oath before any justice of the peace, and filed in the clerk's office of such court, within thirty days after opening the said court; the merits of which excuse shall be determined by the next succeeding court; and when from challenge or otherwise there shall not be sufficient number of jurors to determine any civil or criminal cause, the court may order the sheriff or his deputy, to summon by-standers or others, qualified as herein before required, for the trial of such cause or causes, sufficient to complete the pannel; and when the sheriff or his deputy are disqualified from acting in the manner herein expressed, jurors shall be summoned by the coroner, or such other disinterested person as the court may appoint.

Defaulting jurors.

may be fined if a petit juror twenty dollars and forty dollars if a grand juror.

45. *And be it further enacted,* That the oath to be administered to petit jurors in civil cases shall be in the form following: "You (A. B.) shall well and truly try the cause depending between the parties at variance and a true verdict give according to evidence: So help you God."

Oath of the petit jurors.

SHERIFFS.

46. *And be it further enacted,* That the sheriffs of the several counties shall attend the superior and inferior courts in the respective counties when sitting, and by themselves or deputies, execute throughout the counties all writs, warrants, precepts and processes directed to them, and issued under the authority of any judge or justice of the said superior or inferior courts or the clerk of either of the courts; and the said sheriffs or their deputies shall have power to command all necessary assistance in the execution of their duty, and to appoint, as there shall be occasion, one or more deputies; and before any sheriff shall enter upon the duty of his appointment and being commissioned by the governor, he shall be bound for the faithful performance of his duty, by himself and his deputies before any of the said judges, to the governor of the state for the time being, and to his successors in office, jointly and severally with two good and sufficient securities, inhabitants and freeholders of the county, to be approved of by the justices of the inferior court or any three of them in the sum of twenty thousand dollars, and the said bond shall remain in the office of the clerk of the superior court, of such county, and may be sued for by order of the said court, for the satisfaction of the public or persons aggrieved by the misconduct of the sheriff or his deputy, and the said sheriff shall take and subscribe the following oath, before one of the judges of the superior, or justices of the inferior courts, and the same shall be entered on the minutes of the said court, before such sheriff shall enter on the duties of his office, to wit: "I do solemnly swear (or affirm as the case may be) that I will faithfully execute all writs, warrants, precepts, and processes directed to me as sheriff of the county of \_\_\_\_\_ and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of sheriff of \_\_\_\_\_ during my contin-

Sheriffs, their duty.

shall give bond and security.

Their oath.

uance in office, and take only my lawful fees: So help me God." And an oath to the same purport shall be taken by each of the deputies of the said sheriff in like manner.

Liab. for the  
conduct of  
their deputies.

47. *And be it further enacted,* That in case of the death of either of the said sheriffs, the deputy or deputies shall continue in office, unless otherwise specially removed, and execute the same in the name of the deceased, until another sheriff be appointed and qualified; and the defaults and misfeasance in office of such deputy or deputies in the mean time, as well before as after the death of such sheriff, shall be adjudged a breach of the condition of the bond given as before directed, by the sheriff who appointed such deputy or deputies; and the executor or administrator of the deceased sheriff, shall have the like remedy for the misconduct, or misfeasance, or default in office of such deputy or deputies, during such intervals, as he would be entitled to if the sheriff had continued in life, and in the execution of his office, until his successor was appointed and sworn.

Shall turn over  
to their successors  
all unfinished  
business, who shall  
compt. to the  
same

48. *And be it further enacted,* That the sheriff of each county shall, at the expiration of his appointment, turn over to the succeeding sheriffs, by indenture and schedule, all such writs and process as shall remain in his hands unexecuted, who shall duly execute and return the same; and in case any sheriff shall neglect or refuse to turn over such process in manner aforesaid, every such sheriff so neglecting or refusing, shall be liable to make such satisfaction, by damages and costs, to the party aggrieved, as he, she or they, shall sustain by reason of such neglect or refusal; and every sheriff, at the expiration of such his appointment, shall also deliver up to his successor the custody of the jail, and the bodies of such persons as shall be confined therein, with the precepts, writs or causes of such detention; and such succeeding sheriffs shall be empowered and required to sell and carry into effect any levy made by his predecessors in office, in like manner as such sheriff could have done had he continued therein, and shall make titles to the purchasers for all the property sold under execution, and not conveyed by his predecessor.

Sheriffs, in  
what cases  
liable.

49. *And be it further enacted,* That the sheriffs of the several counties in this state, shall have like powers and authorities, and they, and their under sheriffs and jailors, constables and other officers belonging to the court, be liable to all actions, suits, penalties and disabilities whatsoever, which they or either of them may incur for or on account of the escape of prisoners, or for or in respect of any other matter or thing whatsoever, relating to or concerning their respective offices, in the same manner as they have heretofore been liable by laws in force in this state; and no sheriffs, under sheriffs, deputy or other sheriff's officer shall act as an attorney at law, in his own name or in the name of any other person, or be allowed to plead or practise in any of the courts of this state, during the time he is in such office.

Shall not act as  
attorney.

50. *And be it further enacted,* That the sheriff shall be liable either to an action on the case, or an attachment for contempt of court, at the option of the party, wherever it shall appear that he hath injured such party, either by false returns, or by neglecting to arrest the defendant, or to levy on his property, or to pay over to the plaintiff or his attorney the amount of any sales which shall be made under or by virtue of any execution, or any monies collected by virtue thereof.

Are subject to  
attachment  
for contempt.

And liable to  
indictment for  
mal-practice in  
office.

51. *And be it further enacted,* That if any sheriff, or his deputy or under sheriffs, shall be guilty of extortion or other mal-practice in the execution of his office, upon complaint made on oath to the state's attorney or solicitors, it shall be the duty of such attorney or solicitor to exhibit a bill of indictment against the person so offending, who, upon conviction thereof, shall be fined by the court in treble the amount which he may have extorted from any person, which shall be applied, one moiety to



the injured person; and the other moiety to the use of such county, and shall likewise be removed from office, and suffer such other punishments as the law directs.

52. *And be it further enacted,* Whenever the sheriff of any county within this state, shall fail to make proper return of all writs, executions and other process put into his hand, or shall fail or neglect to pay up all monies received on such executions, on his being required by the court so to do, he shall be liable to an action as for contempt, and may be fined, imprisoned or removed from office, in the manner prescribed by the constitution.

In what cases liable to action or attachment.

And removable from office.

SPECIAL POWERS OF SUPERIOR COURTS.

53. *And be it further enacted,* That the superior courts in the several counties, shall exercise the powers of a court of equity, in all cases where a common law remedy is not adequate, to compel parties in any cause to discover on oath, all requisite points necessary to the investigation of truth and justice, to discover transactions between co-partners and co-executors to compel distribution of intestate estates and payment of legacies, and to discover fraudulent transactions for the benefit of creditors, and the proceedings in all such cases shall be by bill, and such other proceedings as are usual in such cases until the setting down of the cause for trial, and the courts shall order the proceedings in such manner, as that the same shall be ready for trial at furthest at the third term from the filing such bill inclusive, unless very special cause be shewn to induce the court to continue the same which shall not extend to more than four terms. And all such bills shall be read and sanctioned by one of the judges, and a copy thereof served on the opposite party at least thirty days before the filing of such bill in court, and the party against whom such bills shall be filed, shall appear and answer to the same at the next court, and if he, she or they, shall fail to do so, the facts in the said bill shall be taken pro confesso, and the court may proceed to decree as to justice shall appertain.

Equitable powers of the superior court.

54. *And be it further enacted,* That where either party in any cause in any inferior court shall take exceptions to any proceedings in any case, affecting the real merits of such cause, the party making the same shall offer such exceptions in writing, which shall be signed by himself, or his attorney, and if the same shall be overruled by the court, it shall and may be lawful for such party on giving twenty days' notice to the opposite party or his attorney to apply to one of the judges of the superior court, and if such judge shall deem the said exceptions to be sufficient, he shall forthwith issue a writ of certiorari directed to the clerk of such inferior court, requiring him to certify and send up to the next superior court to be held in the said county, all the proceedings in the said cause, and at the term of the superior court to which such proceedings shall be certified, the said superior court shall determine thereon, and order the proceedings to be dismissed, or return the same to the said inferior court with order to proceed in the said cause.

Exceptions carried before the superior court by certiorari.

55. *And be it further enacted,* That the said superior courts shall have power to correct errors, and grant new trials, in any cause depending in any of the said superior courts in such manner and under such rules and regulations as they may establish, and according to law, and the usages and customs of courts.

Shall correct errors and grant new trials.

56. *And be it further enacted,* That when a cause shall be committed to a special jury, the oath to be administered shall be in the words following, to wit: You shall well and truly try the cause now depending between (A. B.) plaintiff and (C. D.) defendant and a true verdict give, according to equity and the opinion you entertain of the evidence produced to you to the best of your skill and knowledge, without favor

Oath of the special jury.

or affection to either party: So help you God." And the same oath to be administered to juries on appeals.

New trials.

57. *And be it further enacted*, That in any case which has arisen since the signing of the present constitution, or which may hereafter arise of a verdict of a special jury being given contrary to evidence and the principles of justice and equity, it shall and may be lawful for the judge presiding to grant a new trial before another special jury, in the manner prescribed by this act: *Provided*, That twenty days' notice be given by the party applying for such new trial to the adverse party of his intention and the grounds of his application. And the said judge shall in all cases of application for new trials, or correction of errors, enter his opinion on the minutes of the court for his determination on each respective case.

How to be conducted.

58. *And be it further enacted*, That all new trials shall be had by a special jury to be taken from the grand jury list of the county, and struck in the presence of the court, in the following manner: The clerk shall produce a list of the original panel of grand jurors returned to the term in which such trial shall be had, from which the parties or their attorneys shall alternately strike out one until only twelve shall remain, who shall forthwith be empanelled and sworn to try the cause; and in all cases the party applying for such new trial shall strike first; and in case of refusal in either to strike, on the calling of the cause, the judge presiding shall order some officer of the court or other person to proceed to strike the said jury in the same manner as the party refusing might or could have done. And it shall be the duty of all persons summoned on the grand jury, to attend the courts for the purpose of determining such new trials, whether they be sworn on the grand jury or not.

Annual convention of the judges at Louisville on the 2d Monday in January.

59. *And be it further enacted*, That the judges of the superior court shall meet at the seat of government annually, on the second Monday in January, for the purpose of forming rules and regulations for the government or more orderly proceeding in said courts, for determining on such points as may be reserved for argument, and which may require an uniform decision, and to give their opinions on all constitutional questions which may be referred to them by the executive department; and the said judges, or any of them, shall have power to perpetuate testimony on such terms and in such manner as is usually practised in courts of equity.

Testimony to be perpetuated.

Judges to alternate.

60. *And be it further enacted*, That the said judges shall preside alternately in each of the said circuits or districts.

#### REPEALING CLAUSE AND PROVISIO.

Repealing clause.

61. *And be it further enacted*, That the act, entitled "An act to revise and amend the judiciary system of this state," passed at Louisville, on the ninth day of February, one thousand seven hundred and ninety-seven, from the first to the sixty-seventh clause, inclusive, be and the same is hereby repealed: *Provided nevertheless, and be it further enacted*, That the said recited act shall continue in force, so far as relates to proceedings which originated under it; and that any person or persons who has or have applied for an appeal from any verdict rendered in any cause tried since the signing of the constitution, in either of the superior or inferior courts of any of the counties in this state, and offered to pay cost and give security, agreeably to the said recited act, shall be, and they are hereby declared to be entitled to have such appeal entered on the appeal docket of the superior court, in the county where the first trial was had, on payment of costs and entering security, at any time prior to the first day of the next term, in cases where the same has not been done; and it shall be the duty of the said superior court to call and try the same before a special jury of the county, in the order it shall or may stand on the docket, in manner pointed out by the said

Proviso.

act; and all suits returned in any of the said courts prior to signing the constitution, shall be tried, and appeals shall be allowed and tried, in conformity to the provisions of the said act: *And provided also*, That nothing herein contained shall prevent any person or persons aforesaid, from applying for a new trial, if he, she or they may think proper, which the judges, or one of them, shall grant, if the same can be done on proper and legal grounds, as in cases arising under this act. That no justice of the peace shall sustain or try any satisfaction in damages for any trespass on the person or property of such plaintiff.

Justices shall not try trespass.

62. *And be it further enacted*, That his excellency the governor, on application of either party to a caveat depending before him, shall have power to issue commissions to obtain evidence necessary for the determination of such caveats.

Evidence in caveats before the governor.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 16, 1799.

JAMES JACKSON, *Governor.*

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## LANDS AND TENEMENTS.

*An act for establishing and confirming the titles of the several inhabitants of this province to their respective lands and tenements.*

1. **F**ORASMUCH as many suits and contests may arise by means of pretended ancient titles to lands and tenements, derived from and under the late lords proprietors of Carolina, the conditions of which titles have not been complied with, and the lands have since been regranted: for remedy and prevention whereof, *Be it enacted*, That all and every person and persons, that are now possessed of or do hold any lands or tenements whatsoever within the said province of Georgia, by and under grants from the late honorable trustees for establishing the colony of Georgia, or by and under grants from his majesty, obtained since the surrender of his charter of the said trustees, are hereby established and confirmed in the possession of their several and respective lands and tenements; and such grants thereof are hereby accordingly ratified and confirmed, and declared to be good and valid to all intents and purposes whatsoever, against all, and all manner of persons claiming any estate or interest therein, by and under the said lords proprietors of Carolina, or by or under any former grants, obtained before the date of his majesty's charter to the said trustees for establishing the colony of Georgia, any act, law or statute to the contrary notwithstanding.

Preamble.

Grants of the trustees and of his majesty.

By order of the Upper House.

PATRICK HOUSTOUN.

By order of the Commons House of Assembly.

DAVID MONTAIGUT, *Speaker.*

Council Chamber, 24th November, 1759.

Assented to.

HENRY ELLIS.

An act for the better strengthening and settling this province, by compelling the several persons who claim to hold lands within the same, under any grant or grants from his majesty, witnessed by the governor of South-Carolina, to bring or send into this province a number of white persons, or negroes, in proportion to the lands they claim to hold, agreeably to his majesty's royal instructions for granting lands, and to cultivate and improve the same; and for better ascertaining the said several tracts of land, by regulating the surveys and marking the lines thereof, and recording the several plats in the surveyor general's office; also for registering and docketing such grants in the other proper offices in this province.

1. **W**HEREAS sundry persons hold or claim to hold great tracts and quantities of very valuable lands to the southward of the river Alatomaha, within this province, by virtue of or under grants from his majesty, witnessed by the governor of South-Carolina, on pretence that those lands were then in the said province of South-Carolina. And whereas it will be highly prejudicial to this province, in case the said grantees do not bring or send into the same a number of white persons or negroes, in proportion to the lands they hold or claim to hold as aforesaid, agreeable to his majesty's royal instructions for granting lands, in order to cultivate and improve the same, or other lands within this province:

And whereas the surveys, or pretended surveys of the said lands, or the greatest part thereof, were made with so much precipitation, that from various informations received, it appears very few, if any of the said tracts of land were actually surveyed, or the lines run, and trees marked, agreeable to the usual and standing instructions in that particular, and which is absolutely necessary for ascertaining the same, by reason whereof not only great frauds and abuses may be committed as well with respect to his majesty's rights, as in diminution of the public or provincial tax, but also for want of the lines being actually run and marked, the taking up and improvement of the other lands contiguous to those granted in Carolina as aforesaid, is greatly obstructed; for few or no lines appearing, and no records or entry of the said plats and grants being made in any of the offices in this province, by which the situation of the said lands may in any wise be discovered, or ascertained; the surveyor general and his deputies cannot know how, or where to execute or run out such warrants for surveying and laying out the contiguous lands, as are now issued by the governor of this province, to or for any person or persons duly qualified to obtain the same; wherefore for remedy of all frauds, abuses, injuries, and inconveniences in and about the premises: *Be it enacted*, That all and every person and persons whatsoever to whom any lands now within this province, have been granted by any grant or grants from his majesty witnessed by the governor of South-Carolina, or their heirs and assigns respectively, and all others whatsoever, holding, or claiming to hold any lands within this province under such grants as aforesaid, shall and do within six months from and after his majesty's royal approbation of this act shall be received by the governor or commander in chief of this province for the time being, or notified to him and published in the gazette of this province, appear before the said governor or commander in chief in council, in their own proper persons, or by their attorney or attorneys lawfully constituted and appointed, and shall produce his, her and their grant, or grants for from, or under them shall be null and void, and the lands so held, or claimed to be any lands so held or claimed to be held by him, her or them as aforesaid; and if such grantee, or grantees or those claiming under them shall appear personally; then he, she or they, shall make proof upon oath, and in such other and further manner as may be required to the satisfaction of the said governor or commander in chief and council, that he, she or

All grants of lands witnessed by the governor of South Carolina, &c. south of the river Alatomaha, how to be made known and established.

they, respectively have within this province, a family of white persons or negroes, amounting in the whole to the number of one person for every fifty acres of land contained in their respective grant or grants (allowing an hundred acres for the master or head of such family if he shall be come to settle within this province) agreeable to his majesty's royal instructions for granting lands to any of his subjects in this province. And shall also prove upon oath, and give such further satisfaction and assurance to the said governor or commander in chief and council as they shall require, that the negroes so brought into this province by him, her, or them, are brought bona fide, with an intention to settle and improve the lands, so held, or claimed to be held by him, her, or them, or to cultivate and improve other lands within this province, and not with any fraudulent, or secret intention of removing them, or any of them back, or carrying them, or any of them out of the said province again, after having obtained an admission or allowance of his, her, or their qualification in support of the said grant or grants, to and for the lands held, or claimed to be held by him, her, or them respectively.

2. *And be it further enacted by the authority aforesaid,* That if such grantee or grantees, or any or either of them, their heirs or assigns, or any other person or persons whatsoever, holding or claiming to hold any lands within this province, under such grants as aforesaid, shall appear by his or their attorney or attorneys, that then and in such case, every attorney or attorneys shall and do not only produce the grant or grants of his and their constituent or constituents, but also an affidavit made by such constituent or constituents respectively, in the form following, that is to say: "I, A. B. of (inserting the person's name and place of abode) do solemnly and sincerely swear in the presence of Almighty God, that I have sent into the province of Georgia (inserting the number) slaves, my own property, and that the said (inserting the number) slaves are by me bona fide intended to remain and be employed in the cultivation of lands or otherwise, in the said province, and that I have not sent the said negroes into that province with a view, or secret intention to obtain an admission, or allowance of my qualification (as required by the act of assembly of the said province in that case made and provided) in support of my grant from his majesty, witnessed by the governor of South-Carolina, for (insert the quantity) acres of land, to the southward of the river Alatamaha, in the said province of Georgia, and after having so obtained such admission or allowance of my qualification as aforesaid in support of the said grant, then fraudulently to remove the said negroes, or any of them, back again, or to carry or send them, or any of them out of the said province: So help me God;" and which said oath shall be made and taken by every such person and persons as aforesaid, before the chief justice of the said province of South-Carolina, for the time being, or one of the assistant judges in the said province, and shall be attested by such judge, and have a testimonial under the great seal of the said province, in the manner usually done in cases of affidavits, transmitted to be made use of as proof or evidence in other provinces and places; and after being produced before the governor or commander in chief of this province in council as aforesaid, the said affidavit and affidavits shall be lodged and remain with the clerk of the council, and on all future occasions whatever, shall be deemed, held, and allowed as legal evidence, either for or against the said party, in all courts and places whatever, within this province. And such attorney or attorneys, shall also give such further satisfaction and assurances, as the governor or commander in chief and council shall require.

Such grantees shall exhibit their grants, together with an affidavit, to the governor.

Form of the affidavit.

With a testimonial and great seal of South-Carolina annexed.

*Provided nevertheless,* That where any of the said grantees, or those claiming under them, during the time allowed for producing his, her or their grant or grants, and

Absent grantees expelled.

performing the several other matters and things hereby required, shall be absent from the said province of South-Carolina, in Great-Britain or elsewhere, that then such absent person or persons, may be permitted to give proof of, and in the premises aforesaid, under the mayoralty seal of any corporation, or if in any other province, then under the seal of such province, instead of the oath hereby required to be made in, and produced under the seal of the province of South-Carolina; and in all other respects to do and perform as is herein required of those who actually reside in South-Carolina, and yet appear by attorney, any thing herein contained to the contrary notwithstanding.

Where and in what time qualifications and grants are to be recorded.

3. *And be it further enacted by the authority aforesaid,* That upon the qualification of any such person or persons as aforesaid, for the lands contained in any such grant or grants, being admitted and allowed of by the said governor or commander in chief and council, all and every such person and persons shall and do, within three months from the time of allowing and admitting such qualification, record his, her or their plat or plats in the surveyor general's office, and register his, her or their grant or grants in the register's office, and also enter a docket thereof in the auditor's office in this province. And if any of the said grantees, their heirs or assigns, or others claiming by, from or under them, shall refuse or neglect, either personally, or by his, her or their attorney or attornies as aforesaid, to produce his, her or their grant or grants, within the said term of six months as aforesaid, from and after his majesty's royal approbation of this act, shall be received by the governor or commander in chief of this province for the time being, or notified to him and published in the gazette of this province as aforesaid, or either, personally or by his, her, or their attorney or attornies as aforesaid, to make proof and give such assurance as aforesaid, to the satisfaction of the said governor or commander in chief and council as aforesaid, with respect to their qualification, to have and to hold the lands respectively claimed by them as aforesaid, and to cultivate and improve the same, or other lands within this province, or to record their plat or plats, or to register and docket their grant or grants, after his, her, or their claim, or qualification, allowed as aforesaid, within the time limited as aforesaid, for that purpose; that then in any, or either of the said cases of refusal or neglect to do any or either of the matters and things herein and hereby required, the said grant, and grants shall be null and void, and the said lands so held or claimed to be held by such person or persons respectively, is hereby expressly declared to be forfeited to, and vested in his majesty, his heirs and successors, and shall from thenceforth be deemed held, and taken to all intents and purposes as vacant land, and it shall and may be lawful to and for the governor or commander in chief of this province for the time being, with the advice of the council, to order warrants for surveying, and to proceed to grant the same to any person, or persons whatever pursuant to his majesty's royal commission and instruction for that purpose.

All grants declared void and forfeited on forfeiture to comply with this act.

Lands improperly surveyed to be resurveyed.

4. *And be it further enacted by the authority aforesaid,* That if on producing the said grants or any or either of them, it shall appear by the plats annexed to the same, and certified by the surveyor general of South-Carolina, that the said lands have not been actually surveyed and admeasured, the lines and trees thereon not being set down and marked according to the direction of the usual and standing instructions given for surveying and admeasuring lands, and for marking the lines and returning the plats thereof; or if the said governor or commander in chief and council shall have any other cause or reason to believe the said lands have not been actually admeasured as aforesaid, or that any abuse has been committed in the surveying and admeasuring the same, that then, and in either, and every such case, before the said grants are registered and

docketed in the offices aforesaid, it shall and may be lawful for the governor or commander in chief in council, to order the said lands to be resurveyed, and every such tract of land shall within six months thereafter be accordingly resurveyed by the surveyor general of this province, or such person or persons as he shall appoint at the expense, costs, and charges of the respective grantees, or those claiming to hold under them, so that the situation and quantity of land specified in such grant may be known and ascertained, and that all frauds and abuses and other inconveniences may be prevented.

5. *And it is hereby further enacted and declared by the authority aforesaid,* That if any person or persons whose plat or plats annexed to his, her or their grant or grants shall appear irregular and defective as aforesaid, or who shall for any other cause or reason, by order of the governor or commander in chief in council, be directed to get the lands they claim to hold resurveyed as aforesaid, shall refuse, neglect or delay to cause and procure such survey to be made and returned into the said surveyor general's office, within the time limited as aforesaid, for that purpose, that, then and in every such case, the said grant and grants for the lands so held, or claimed to be held by such grantee, or grantees respectively, and all others claiming to hold, by, from, or under them shall be null and void, and the lands so held, or claimed to be held by such person or persons respectively, is hereby expressly declared to be forfeited to, and revested in his majesty, his heirs and successors, and shall from thenceforth be deemed, held, and taken to, all intents and purposes as vacant land, and it shall and may be lawful to, and for the governor or commander in chief of this province, for the time being, with the advice of the council to order warrants for surveying, and to proceed to grant the same to any person or persons whatsoever, pursuant to his majesty's royal commission and instructions for that purpose.

6. *And be it further enacted by the authority aforesaid,* That neither this act, nor any thing therein contained shall be of any force or effect, but the same wholly suspended, until his most sacred majesty's royal approbation and allowance thereof shall be signified to the governor or commander in chief of this province, for the time being, any thing herein before contained to the contrary thereof in any wise notwithstanding.

By order of the Upper House.

JAMES HABERSHAM, *President.*

By order of the Commons House of Assembly.

ALEXANDER WYLY, *Speaker.*

Council Chamber, March 25, 1765.

Assented to. JAMES WRIGHT.

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*An act to prevent frauds and abuses in the admeasuring and laying out his majesty's lands in this province.*

1. **W**HEREAS frauds and abuses have been committed in admeasuring, and laying out his majesty's lands in this province, owing to the practice of bearing the chain by negroes, and by white persons not sworn to the faithful performance of that service, on the several surveys which the deputy surveyors are employed in; whereby it often happens, that the quantity of land directed to be laid out by the warrant of survey, doth, in the field far exceed the number of acres represented by the plat; re-

turned to be annexed to the grant of such land, and tends to defraud the public of the taxes, and his majesty of his quit rents, on the surplus measure of such incorrect and unjust surveys, which abuse in many instances, is not in the power of the surveyor general, or his deputies timely to detect: to prevent therefore the like injurious practices for the future, and for the better enabling all surveyors to be exact in their surveys, *Be it enacted*, That after two months from the passing of this act, no surveyor shall make any survey of his majesty's lands without chain carriers sworn to measure justly and exactly, according to the best of their knowledge, and to deliver their accounts thereof, truly to the surveyor; which oath every surveyor in the several divisions and parishes of this province, is hereby empowered and required to administer accordingly.

Chain carriers  
to be sworn by  
surveyors.

Deputy surveyors  
to be sworn.

Their oath.

2. *And be it further enacted by the authority aforesaid*, That all deputy surveyors already appointed shall, within two months from the passing of this act, take the following oath before the governor or commander in chief for the time being; and all deputy surveyors that may hereafter be appointed shall in like manner take the same oath, before he enters on the execution of his office, viz. "I, A. B. do solemnly and sincerely swear, in the presence of Almighty God, that I will, according to the best of my skill and knowledge, well and faithfully execute the office of a deputy surveyor, and that I will not wittingly or willingly assent to, connive, permit or suffer any fraud or abuse in admeasuring or laying out lands for any person or persons whomsoever; and that I will not postpone executing any warrant, or give undue preference to any person or persons on any account whatsoever; and will in all respects well and truly observe and follow the instructions given me from time to time, by his majesty's surveyor general. So help me God."

Shall give bond  
and security.

Instructions to  
be recorded in  
the secretary's  
office.

Deputy surveyors  
shall forfeit  
one hundred  
pounds for fraudulent  
surveys.

How applied.

Continuation  
of this act.

3. *And be it further enacted*, That every deputy surveyor, before he enters upon the execution of his office, shall give bond to his majesty, with one or more approved securities, in the penalty of two hundred pounds sterling, for the faithful and honest performance of his office, and for the due observance of the instructions given him by the surveyor general, which instructions shall be recorded by the said deputy surveyors in the secretary's office of this province within thirty days after receiving the same.

4. *And be it further enacted*, That where any undue or fraudulent survey of lands shall be made by any deputy surveyor, such deputy surveyor for every such offence, upon due proof thereof upon oath by one or more creditable witness or witnesses, shall forfeit and pay a sum not exceeding one hundred pounds sterling, to be sued for and recovered with full costs of suit, in the general court of pleas of this province, by action of debt, bill, plaint or information, wherein no wager of law, privilege or protection shall be allowed, or any more than one emparlance, which penalty to be recovered shall be one moiety to the person who shall make information thereof, and sue for the same, and the other moiety to the party or parties aggrieved.

5. *And be it further enacted*, That this act shall continue and be in force for the space of three years, and from thence to the end of the next session of the General Assembly, and no longer.

By order of the Commons House of Assembly.  
ALEXANDER WYLY, *Speaker*.

By order of the Upper House.  
JAMES HABERSHAM, *President*.

Council Chamber, 5th March, 1765.  
Assented to, JAMES WRIGHT.



*An act to empower the general court of pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy and tenancy in common, in this province, and appointing the method of proceeding therein.*

1. **W**HEREAS it would be inconvenient in this province to pursue the method of dividing lands and tenements by writ of partition as practised in Great-Britain; and it appears necessary to provide a more easy and less expensive manner of obtaining partitions.

*Be it therefore enacted,* That in all cases where any persons being of full age are seized of lands in coparcenary, joint tenancy, or tenancy in common, or where any lands shall descend, or be given to any person or persons whatever in coparcenary, joint tenancy or tenancy in common, and no provision shall be made by will or otherwise how such lands, or tenements shall be divided; it shall and may be lawful for such persons being of full age, or either of them, immediately, and also for any one of such coparceners, joint tenants, or tenants in common, who may be under age, when, and so soon as he, or she shall attain the age of twenty-one years, to apply to the general court of pleas, for a writ of partition (to be devised and framed in the said court according to the nature of the case) and in case he, or she, so coming of age shall neglect so to do, within the space of twelve months, that then the guardian or guardians of him, her or them, remaining under age, shall be, and he, she or they, is and are hereby empowered, if he, she or they, shall think fit, to apply to the said court for a writ of partition; of which application twenty days' notice shall be given to the other parties concerned, their agents, or attornies; and upon any such application, and affidavit made of due notice having been given as aforesaid; it shall and may be lawful for the said court to examine the petitioner's title and part or share of the premises to be divided, and thereupon to issue a writ of partition directed to any eleven persons whom the court shall think fit, requiring and commanding them, or a majority of them to make partition accordingly; they being first sworn in court, or before one of the judges, or any magistrate; or other person or persons for this purpose nominated and appointed by order of court, duly and impartially to execute such writ: And such partitioners or persons named in such writ, shall give eight days' notice of the time of executing thereof, to all the parties concerned, their attornies or agents, and thereupon shall proceed to make a just and equal partition and division of all such lands and tenements, either in entire tracts or parcels as they shall judge to be in proportion to the shares claimed, and most beneficial to the several coparceners, joint tenants, or tenants in common, according to the best of their knowledge; and shall make return thereof under their hands and seals to the said court within three months after the issuing of such writ there to remain of record; which partition or division so to be made shall by the judgment of the said court be final and conclusive to all the parties contained, any law, statute, usage or custom to the contrary notwithstanding.

*Provided always,* That if the defendant or defendants, or person concerned, or either of them against whom, or their right or title, any judgment is given, shall within the space of twelve months after such judgment is entered; or in case of infancy, coverture, insanity of mind, or absence out of the province, within one year after his, her, or their return, or the determination of such inability, applying themselves to the court where such judgment is entered, by motion, and shew a good and probable matter in bar of such partition, or that the demandant hath not title to so much as he hath recovered; then and in such case the court may suspend, or set aside such judgment, and admit the tenant or tenants to appear and plead; and the cause shall proceed ac-

Preamble

Partition of lands held in coparcenary, &amp;c. how to be obtained.

Twenty days' notice of the application.

Writ shall issue to eleven partitioners

To be sworn.

And make the division.

And return the same in three months under their hands and seals Which shall be the judgment of the court.

Twelve months given to move to set aside the partition.

ording to the due course of law, as if no such judgment had been given. And if the court upon hearing thereof, shall adjudge for the first demandant, then the said first judgment shall stand confirmed, and be good against all persons whatsoever; except such other persons as shall be absent or disabled as aforesaid; and the person or persons so appealing shall be awarded thereupon to pay costs, or if within such time or times aforesaid, the tenants or persons concerned admitting the demandant's title, parts, or purparts, shall shew to the court, any inequality in the partition, the court may award a new partition to be made in presence of all parties concerned, (if the parties appear) notwithstanding the return and filing upon record the former; which said second partition returned and filed shall be good and firm forever, against all persons whatsoever, except as before excepted.

New partition may be awarded.

Compensation of the partitioners.

To be awarded by the court.

2. *And be it enacted by the authority aforesaid,* That the persons making such partitions be allowed and paid a reasonable charge for the same. And in the case the party or parties applying for such writ of partition shall neglect or refuse to allow and pay such charge, the same shall upon application, be settled and awarded by the court.

By order of the Commons House of Assembly.

ALEXANDER WYLY, *Speaker.*

By order of the Upper House.

JAMES HABERSHAM, *President.*

Council Chamber, March 26, 1767.

Assented to.

JAMES WRIGHT.

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## LAND ACTS.

*An act for opening a land-office, and for the better settling and strengthening this state.*

Preamble.

1. **W**HEREAS there remains much vacant and uncultivated land in this state, the settlement of which is of the highest importance, wherefore it becomes necessary that all due encouragement should be given to persons to come and settle in this state, and by that means promote the increase of its inhabitants: *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, an office shall be opened for the purpose of applying and obtaining vacant lands, by persons entitled to the same in this state, under the regulations and rules herein set forth, that is to say: Every free white person or head of a family, shall be entitled to, allotted and granted him, two hundred acres\* of land, and for every other white person of the said family, fifty acres of land, and fifty acres for every negro, the property of such white person or family: *Provided,* the said white person or family shall not have rights for more than ten negroes, and that they have not had land heretofore granted them in virtue of and in right of the said ten negroes; and the governor or commander in chief for the time being, with the advice and consent of the executive council, shall have full power, and are hereby authorized to grant such tracts or lots of land to such person or persons so obtaining lands as aforesaid, under

Land office opened.

Head rights.

Governor shall grant lands

\* Head rights given by act of 1780, sect. 12, also by act of 1783, sect. 1, and by act of 1784, sect. 3.

and by virtue of this act, and he or they shall within six months settle, plant, cultivate and live on the same; or in case such person or persons shall be disturbed in time of alarm or annoyance by any enemy, and obliged to remove from the lands so granted, such person or persons shall return to their respective settlements or plantations, as soon as the enemy shall be repelled or removed, or the situation of affairs will permit.

To be settled in six months.

2. *And be it further enacted by the authority aforesaid,* That all and every person or persons, who heretofore have had allotments of land in the province, now state of Georgia, and have continued and resided in said state, and all and every person or persons who have settled on lands not allotted or granted heretofore, shall be continued on the said lands, and confirmed in a title thereto, in preference to any other person or persons: *Provided,* such person or persons so settled on and possessing such lands, have rights and are entitled to have the same granted him or them, according to the true intent and meaning of this act.

Former allotments of land.

Residence on lands not allotted gives a right of preference.

3.\* *And whereas,* divers persons who have left this state hold allotments, grants and other claims to lands in the said state, have neglected to settle or cultivate the same, as particularly specified in their grants: to remedy which, *Be it further enacted by the authority aforesaid,* That all such person or persons who hold, or pretend to have titles to such lands, either by allotments, grants or otherways, such person or persons so being entitled to land as aforesaid, shall be publicly notified by proclamation to return to this state, within six months from and after the date of such proclamation, to settle and cultivate such lands, otherwise the same shall be, and is hereby deemed to be vacant, and liable to be granted to any person or persons applying for and entitled to the same.

Absentees holding allotments and other claims, to be notified to return, settle, &c. in six months, or to forfeit the same.

4. *And be it further enacted by the authority aforesaid,* That if any person or persons obtaining a confirmation of former allotments of land, or shall obtain a grant for lands now vacant, they, or their heirs or assigns, and shall not continue on the same under the regulations of this act, for and during the term of five years, he or they shall not be allowed to assign the said grants or allotments, and such assignments are hereby declared to be invalid and of no effect: and such lands so assigned shall be deemed vacant, and may be re-granted to any person or persons who shall prove, to the satisfaction of the governor and council, that the former possessors or occupiers of such lands have actually left the same, and this state.

Allotments or grants not to be assigned or transferred till after five years residence thereon.

5. *And be it further enacted by the authority aforesaid,* That no other charge or expence, except the rent of two shillings for each hundred acres of land as heretofore, shall be laid on the said lands, but the expence of surveying and granting the same, for and during the space of one year. And the lands so to be granted shall be surveyed and laid out in the following manner, viz. in either a square or oblong figure, the length not to be more than double the breadth, as the nature of the lands may be, unless such as may lie between lands already granted, or that may hereafter be granted, and be bounded by such lines as may be necessary, or where such lands lie between the forks of rivers or creeks, then to be bounded by the said rivers or creeks; and all persons that have had lands ordered them, and have not taken out grants for the same, or sold their warrants or rights for the same, or are either dead or left the state, such person or persons as have bought such warrants or rights and titles as aforesaid, and continued in this state, shall have such lands granted them, agreeable to such order or warrant so purchased.

Two shillings rent per hundred acres, and fees for surveying and granting the same. How to be surveyed.

Persons building a grist mill on vacant land, entitled to one hundred acres.

6. And in order to encourage the building of mills in this state, *Be it further enacted by the authority aforesaid,* That if any person or persons shall build or cause to be built, a grist mill on any vacant land, he or they shall have one hundred acres of land reserved until the said mill be built and fit for use, and then shall have and be entitled to receive a grant for the same; and every person or persons building or causing to be built a saw mill on vacant land, shall have five hundred acres of land reserved until the said mill be built and fit for use, and then shall have and be entitled to, and receive a grant for the same, as an encouragement for building such saw mill, he she or they, paying the usual fees for surveying and granting the said lands.

A saw mill five hundred acres.

Iron works two thousand acres.

7. \**And be it further enacted by the authority aforesaid,* That any person or persons willing to build a furnace or bloomery for working iron, and that will give security for completing the same, and shall actually continue making iron for the term of five years or upwards, shall be entitled to a reserve of two thousand acres of land in one tract, and at the expiration of said term to have a grant for the same.

Forge for making bar iron two thousand acres.

8. *And be it further enacted by the authority aforesaid,* That every person or persons who shall build a forge for making of bar iron, and give security for completing the said work, and shall actually continue the business of making bar iron for the term of five years, shall be entitled to a reserve of two thousand acres of land in one tract at the expiration of the said term, and shall have a grant for the same.

Persons who have had grants for their head rights, not entitled to any by this act.

9. *And be it further enacted by the authority aforesaid,* That no person or persons who have had lands already granted for their family shall be entitled to land under this act.

Continuation.

10. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in force until the first day of January, in the year of our Lord one thousand seven hundred and seventy-eight, and from thence till the end of the next session of the Assembly.

By order of the House of Assembly.

W. JONES, *Speaker.*

Savannah, 7th June, 1777.

\* See act of 1780, sect. 18.

.....

*An act to amend and repeal part of "An act for opening a land-office, and for the better settling and strengthening of this state."*

Preamble:

1. **W**HEREAS in and by an act of the present Assembly, entitled "An act for opening a land-office, and for the better settling and strengthening of this state," it is ordered, that absentees shall return to this state within six months, or their lands shall be regranted to those persons petitioning for the same: *And whereas,* it appears the time allowed is too short, and many injuries may arise therefrom to such absentees as aforesaid; for the preventing of which, *Be it enacted by the representatives of the freemen of the state of Georgia in Assembly met, and by the authority of the same,* That the clause which respects regulating of lands, be and is hereby repealed; and no lands formerly granted or allotted, shall be regranted or allotted to any person or persons whatsoever.

The clause for regranteeing lands repealed.

Holders of former allotments, &c. to have grants for the same.

2. *And be it enacted by the authority aforesaid,* That if any person or persons have heretofore had allotments of lands within this state, on any special contract

heretofore made, and have paid the deposit money required, such person or persons shall have a grant or grants for the same.

3. *And whereas*, the constitution of this state directs, that each county shall keep the public records belonging to the same, and as a change of government may have rendered it necessary that the grants of land should be audited as formerly: *Therefore be it enacted by the authority aforesaid*, That all surveys which are legally made and returned into the surveyor general's office shall be recorded, and a certified copy thereof delivered to the attorney for the state, so that fiats may be by him prepared and delivered without delay to the secretary's office, that grants may be made out and signed for the said lands, agreeable to the constitution, which said grants shall be registered in the county\* where such land lieth; which record shall be, and is hereby declared to be good and valid in law, any thing herein before to the contrary in any wise notwithstanding.

Grants need not be audited.

Surveys to be recorded in the surveyor general's office.

Grants to be recorded in the county surveyors office.

4. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force until the first day of January next, and from thence to the end of the next session of assembly.

Continuation.

By order of the House.

W. JONES, *Speaker*.

September 16, 1777.

\* Repealed by act of 1786, sect. 2.

.....

*An act for the more speedy and effectual settling and strengthening this state.*

**W**HEREAS in any situation, but more especially in the present, when the counties and towns upon the sea board are in the hands of the enemy, it is highly necessary that some place should be established for the seat of government, and the transaction of business in public offices; and also for the granting of lands, as well to those citizens who have lost possession of their lands in the said counties and towns, as others who may be induced to come into, and settle the rich lands of this state.

Preamble.

1. *Be it therefore enacted by the freemen of this state in General Assembly met, and it is hereby accordingly enacted*, That from and after the day of the passing of this act, the town of Augusta\* in the county of Richmond, shall be considered as the seat of government, until directed otherwise by some future meeting of the legislature, and to which all records and other public papers shall be brought as soon as may be, and the respective offices opened. *Provided*, That in case the said town of Augusta, should at any time in the recess of the legislature, be approached or invested, so as the same shall appear untenable; then his honor the governor and executive council for the time being shall remove to such place as the common safety shall make necessary, which shall be considered as the seat of government, until the recovery of the said town of Augusta.

Town of Augusta to be the seat of government.

2. *And whereas* the lots in the said town of Augusta have been monopolized by a few persons, which most evidently has prevented the full settlement of the same, con-

\* Louisville is now the seat of government.

† From this to the tenth section inclusive, is contained the regulations of the town of Augusta, which not being carried into effect, were re-enacted by act of 1783.

rary to the original intention and terms of the royal grants thereof. *Be it therefore further enacted by the authority aforesaid,* That the proprietor of every lot who shall not build thereon, in the manner as is herein after mentioned, within two years from the passing of this act, shall forfeit the same to the use of this state, to be sold to the highest bidder, who shall engage and give satisfactory security to build thereon.

The vacant land above and below the town to be laid off into lots, and sold at public vendue, by the sheriff; one half paid down, the rest in twelve months.

3. *And whereas* the vacant land above and below the said town of Augusta, lying on Savannah river on the north, and joining the common in a line with the south-street of the town, running parallel with the river, and joining land of M<sup>c</sup>Carten Campbell, on the west and Andrew M<sup>c</sup>Lean on the east, ought to be laid out into lots, and sold for the use of this state, in order to enlarge the limits of the said town: *Be it therefore enacted by the authority aforesaid,* That five commissioners be appointed by this house, and the said commissioners so appointed, or any three of them are hereby empowered to lay out the said vacant land, in lots of one acre each; and also to lay out proper streets, and to arrange them with the others, in the said town of Augusta, and the whole shall be included and called Augusta.

Commissioners to be appointed, &c.

4. *And be it enacted by the authority aforesaid,* That the said commissioners, or any three of them shall cause the said lots to be sold at public vendue in Augusta by the sheriff of the county, giving one month's notice, after the same shall be laid out as aforesaid, receiving one half of the purchase money down, and taking bond with approved security for the payment of the other half within twelve months after every such sale: *Provided,* That no one person shall be allowed to hold more than one lot in his own right, within the term of five years next ensuing, or any other person for him.

The governor to sign grants for the lots; purchasers to give bond and security to build on them.

5. *And be it further enacted by the authority aforesaid,* That his honor the governor in council be, and he is hereby empowered to sign grants for the same, to the respective purchasers, each first giving approved security to settle and build upon the same as is herein after directed.

Commissioners shall straighten the streets.

6. *And whereas* the streets in the town of Augusta, as well as the road on either side up to Rae's Creek and down to the said bar, are not regular or straight: *Be it therefore enacted by the authority aforesaid,* That the said commissioners or any three of them, be empowered and directed to lay out, admeasure, and post the same, in the best and most regular way.

7 Respects the court-house and jail of Richmond county—repealed.

Dimensions of the houses to be built on the said lots.

8. *And be it further enacted by the authority aforesaid,* That no person, proprietor of any lot in Augusta, or any person for him, shall be allowed to erect any dwelling house upon any of the said lots under the dimensions of twenty by sixteen feet, and if the same shall be in wood, it shall be framed and built in a workman like manner, and shall be placed in such part of the lot as shall be pointed out and directed by the said commissioners or any three of them, to the end that the said town may be regularly built.

Seminary of learning.

9. *And be it further enacted by the authority aforesaid,* That the other public lot in board-street be reserved for houses of public seminaries and schools.

Two lots to be reserved for houses of public worship.

10. *And be it further enacted by the authority aforesaid,* That the said commissioners, or any three of them, shall reserve two of the best lots in the centre line of the said town, and distant from each other, for houses of public worship. And also that the said commissioners or any three of them, do lay out two acres of ground in the common, south of the said town, for public cemeteries, each opposite to the respective lots, and to cause the same to be cleared and fenced in, and hereafter no corpse shall be interred in the town.

11. *And be it further enacted by the authority aforesaid,* That the monies arising from the sales of the said lots shall be deposited in the public treasury\* for the support of the expences of the state. Money arising from the sale, to be paid into the treasury.

12. *And whereas* the rich and healthy lands in Wilkes county, and elsewhere in this state, remain unsettled, to the great detriment of the commerce and strength of the same, while many of the citizens of this state are suffering by their lands being in the hands of the enemy; and others being willing to settle and defend the same as heretofore mentioned. *Be it therefore enacted by the authority aforesaid, and it is hereby enacted,* That every citizen of this state, as well as any citizens of any other state shall be entitled to a grant of land in the following manner, viz. two hundred acres of land for the head of a family, and fifty acres for each member of the same, whether white or black; to be laid out any where in this state, not in the possession of the Indians. *Provided,* That every such person before he shall obtain such grant, shall bring the whole of his family into this state, and himself take and subscribe the oaths of government. *And provided also,* That he shall give security to his honor the governor and council for settling the same within nine months next thereafter. Vacant land to be granted on head rights.

13. *And be it further enacted by the authority aforesaid,* That where it shall appear that the commissioners under the former government sold and made allotments to any persons who have settled, and still possess the same, such persons shall have grants in preference to any other persons whatever. Proviso. Persons must bring their families into the state and take the oaths of government, &c. before grants can be obtained. Preference given to allotments under the commissioners.

14. *And to the end,* That every encouragement may be given to induce men to come from other states to settle lands in Wilkes county. *Be it enacted by the authority aforesaid;* That every person so coming from another state and settling in Wilkes county under this act, shall not be compelled to serve in the militia, in any other way or place, but in defending the same during the term of two years. The settlers of Wilkes exempt from militia duty.

15. *And whereas,* it is essentially necessary, for the convenience of suitors and ministers of public justice, that the building a small town at the place appointed for holding courts in the county of Wilkes, should be encouraged: *Be it therefore enacted by the authority aforesaid,* That five commissioners be appointed by this House; and the said commissioners so to be appointed, or any three of them, be empowered to lay out one hundred acres of the land circumjacent to the said place, into a town and common; and that the same be sold and granted in the manner pointed out in this act, respecting the lots in Augusta, and the monies arising from such sales appropriated to the like uses. Commissioners to lay off a town in Wilkes; the lots to be sold and granted as in Augusta, and money applied in the same manner.

16. *And whereas,* many tracts and parcels of land have been laid out and surveyed by persons who have been long out, and yet are absent from this state: *Be it therefore enacted by the authority aforesaid,* That his honor the governor be empowered to issue a proclamation, admonishing every such person to come in and settle the land so laid out and surveyed, within † three months next after the date of such proclamation, otherwise all such lands shall be deemed vacant. The governor, shall by proclamation, call on absentees to return in three months; or forfeit their lands.

17. *And be it further enacted by the authority aforesaid,* That the following shall be the form of all grants of land within this state: Form of grants;

*By authority of the legislature of the state of Georgia.*

I, A. B. governor and commander in chief of the said state, by and with the advice of the executive council of the same, now present, do give and grant unto C. D.

S s

\* Vested in trustees--see act of 1783--sect. 4.

† Extended twelve months by act of 1783, sect. 4.

all that, &c. *To have and to hold* the said tract of land with all the premises and appurtenances, to him the said C. D. his heirs and assigns forever, in fee simple.

*Given under my hand and the great seal of the said state, this*  
day of \_\_\_\_\_ in the year of our Lord God one thousand seven hundred, &c.

By his honor, &c.\*

Two thousand acres granted to persons, giving security to the governor to build iron works.

18. *And whereas*, it will tend greatly to the interest and strength of the state to establish manufactories of iron: to the end therefore of encouraging able and proper persons to undertake the same, *Be it enacted by the authority aforesaid*, That any person or persons who will give approved security to his honor the governor and council, for erecting proper and effectual works for that purpose, shall be entitled to a grant of two thousand acres for a forge, and two thousand acres for a bloomery, and two thousand acres for a furnace.

Warrants and plats lost, how to be established.

19. *And whereas*, it may so be that a number of warrants and returns of plats may be lost in our late confused state: for remedy whereof, *Be it enacted by the authority aforesaid*, That where it shall appear upon oath that any such paper or description of land may have been lost, that grants shall pass for the same notwithstanding, free of new expence.

Surveys, &c. on the Indian lands declared null and void.

20. *And be it further enacted by the authority aforesaid*, That no warrant, survey or plat, made or laid out in the lands yet within the lines of the Indians, shall be held valid, and the same is hereby declared null and void, to all intents and purposes whatever, nor shall any grant which may hereafter be surreptitiously obtained, be deemed legal, or of any effect.

The governor shall sign and pass grants, &c.

21. *And whereas* no grants have yet been signed and passed for many allotments, warrants and returns of land. *Be it therefore enacted by the authority aforesaid*, That his honor the governor in council be empowered to sign, seal, and pass grants for the same as soon as possible; and to all other persons who shall apply for lands in the terms of this act, and of the before mentioned act, commonly called the land act.

Shall issue a proclamation inviting settlers to the state.

22. *And be it enacted further by the authority aforesaid*, That his honor the governor, by and with the advice and consent of the executive council, be empowered to issue a proclamation, pointing out the situation, richness, and convenience of the lands within this state, and inviting them to come and settle the same, upon the terms and conditions herein before mentioned, And that he be also empowered in like manner to send one or more fit persons into other states upon the public expences, the better to carry the intentions of this act into execution.

Claims of Indian traders to lands in Wilkes county, to be examined and adjusted by the assembly.

23. *Whereas* certain persons, citizens of this and the state of South-Carolina, and friends to the independency of the same, claim, that the lands in the county of Wilkes were originally given up and ceded to the government of Great-Britain by the Creek and Cherokee Indians, in satisfaction and discharge of certain debts and arrears due by the said Indians to the said certain persons, commonly called Indian traders: *Be it therefore enacted*, That any person having or pretending to have any claim, do lay their claims and accounts before this or some future House of Assembly to be examined, and whatever claims shall be found just and proper, and due to the friends of America, shall be paid by treasury certificates for the amount, payable in two, three and four years, and carrying six per cent. interest.

Commissioners nominated for Augusta.

24. *And be it further enacted by the authority aforesaid*, That William Glascock, George Walton, Daniel M'Murphy, John Twiggs and George Wells, esqrs. or any

\* The form of grants altered by act of 1783, sect. 12.



three of them, be a board of commissioners for acting under this act, respecting the town of Augusta; and William Downs, Barnard Heard, John Gorham, Daniel Coleman, and John Dooly, esqrs. or any three of them, be a board of commissioners for acting under this act respecting the town, at the court-house in Wilkes county, which shall be called Washington.

25. *And be it further enacted by the authority aforesaid,* That this shall be deemed a public act, and shall be given at any time specially in evidence.

WILLIAM GLASCOCK, *Speaker.*

January 23, 1780.

.....

*An act for opening the land-office, and for other purposes therein mentioned.\**

**W**HEREAS it will tend 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 which he or she then applies, either under the present, or former government of this state.

2. *And whereas* this state hath made engagements to the soldiers 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 honor 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.

3. *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

And for Washington.

A public act.

Land office opened.

Granted on head rights.

Proviso. No person to have a grant for more than one thousand acres, and to live on and cultivate the same twelve months before he obtains the grant.

The governor shall issue warrants to officers and soldiers, agreeably to their certificates.

Settlement and cultivation, necessary to obtain a grant.

\* Some parts of this act repealed by the next act in order.

† To be paid in audited certificates by act of 1783--sect. 3.

‡ Settlement &c. not necessary---see act of 1784---sect. 16.

aforesaid, and shall actually cultivate and clear at the rate of three acres at least for every hundred acres of the said land.

Surveyor general for the state, and a surveyor for each county to be chosen annually by the assembly.

The duty of county surveyors.

Shall record all plats in two months, &c. and transmit a copy thereof in three months to the surveyor general's office.

The duty of the surveyor general.

Proviso. Lands to be lapsed, if the purchase money & office fees are not paid in five months from the date of the warrant.

Proviso. Caveat.

Caveats shall be entered in the county surveyor's office, and advertised thirty days

Mode of trial.

The county surveyors shall send monthly an account of caveats depending, to the surveyor general.

4. *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 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 such caveat.

5. *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 public place of the said county, at least thirty days before a final determination is had on such caveat. And the manner of trying such caveat 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 lands, 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

† Now elected by the people--see act of 1799--sect. 2.

‡ Unnecessary--see act of 1786, sect. 2.

\* Appeal allowed to the governor and council. See act of 1784, sect. 9.

time be laid before his honor the governor and executive council, as a guide in respect to the signing of grants.

6. *And be it further enacted,* That a \*majority of the 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, according to justice and the true 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 or tracts of land within their respective counties, as they shall think fit to grant, under the terms and directions contained in this law.

A majority of the justices in each county may grant warrant on the first Monday in every month.

7. *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 not 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 resided 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 for the county of \_\_\_\_\_ To, *A. B.* county surveyor of 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 special care that the same has not heretofore been laid out to any other person or persons: And you are also hereby directed and required to record the plat of the same in your office, and transmit a copy thereof, together with the 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 \_\_\_\_\_ 178\_\_\_\_\_

Persons applying for warrants to be sworn before the justices.

And produce certificates of their honesty and integrity.

Form of warrants.

8. *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 appro-

The clerk of the land court, his duty.

County surveyor.

His oath.

\* Any five, including an assistant justice, may hold a land-court, by act of 1783, sect. 2. And any three vested with the same power by act of 1789, sect. 3.

† Six months by act of 1785, sect. 8. Two years by act of 1786, sect. 3.

Shall give bond and security in the penalty of five hundred pounds.

Shall execute all orders, &c. of the surveyor general, and swear their chain carriers

Warrants and surveys since the revolution, how to be carried into grants.

Proclamation of 1778, inviting settlers.

Persons entitled to grants under it, shall have the right of preference.

All surveys and grants beyond the temporary boundary line, declared void.

ved security, in the penal sum of five \* hundred pounds specie, to his honor 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 honor 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 orders and instructions, as they shall from time to time receive from the surveyor general, and swear, or cause to be sworn, all chain carriers within their respective counties.

9. *And be it further enacted*, That all warrants heretofore (that is to say, since the revolution) obtained for vacant lands 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 into 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 encumbrances (in consequence of this law) upon the same, except office fees.

10. *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 sat 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, when 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, that 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 any wise notwithstanding.

11. *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 any part of the lands not already laid out into counties, but al-

\* Two thousand pounds by act of 1789, sect. 4.

lowed 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 granting 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 off twenty shillings for every acre of land he, she or they, shall run, or attempt to run, or obtain, or attempt to obtain a grant, 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 shall 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, or her, or them, into close confinement, without bail or mainprize, 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.

Persons having made or attempting to make such surveys, shall forfeit twenty shillings for every acre.

How to be recovered and applied. May be committed if unable to pay.

12. *And be it further enacted,* That the following shall be the form\* of grants of lands within this state.

Form of grants.

### Georgia.

*By the honorable A. B. esq. capt. general, governor and commander in chief in and over the said state.*

To all to whom these presents shall come, greeting.

**K**NOW 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 honorable 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                    situate lying and being in the county of                    in the said state, and butting and bounding                    having such shapes, 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 any wise appertaining; and also all the estate, right, title, interest, claim and demand of the state aforesaid, of, into, 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 178                    and in                    year of American Independence.

Signed by his honor the governor, in council.

E. F. clerk council the                    day of                    178

† See act of 1785, sect. 5. See also act of 1786, sect. 1. And by act of 1787, sect. 2, made liable to corporeal punishment and the second offence declared felony.

\* The governor empowered to direct the form of grants by act of 1789, sect. 1.

13. *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 the 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 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 Chatahouchee; and from the fork of the said river Apalachicola, where the Chatahouchee and Flint Rivers meet, in a direct line to the head or source of the southernmost stream of the river St. Mary; and along the course of the said river St. Mary, to the Atlantic 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, and 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 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.

Boundary and jurisdiction of the state.

Proviso.

Surveyor general and county surveyors, how to be governed.

14. *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 republic, as shall from time to time be expressed by its legislature or executive body.

By order of the House.

W. JONES, *Speaker*.

Savannah, February 17, 1783.

*An act to repeal and amend some part of an act entitled "An act for opening the land-office."*

Preamble:

**W**HEREAS it is found by experience that some part of the act for opening the land-office, does not answer the salutary purpose thereby intended.

1. *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 the clause of the aforesaid act, or that part of it, which requires a majority of the justices of a county to grant a warrant for unlocated lands, be, and the same is hereby repealed, and made null and void.

Repealing clause.

2. *And be it further enacted by the authority aforesaid,* That the justices of the several counties, or any five\* of them, as hereafter mentioned, shall meet in their respective counties on the first Monday in each month, and for as many days following, as they shall find it necessary, to hold a court at the place where the superior courts of such counties respectively are held: And the said justices so met, or any number of them not under five (and of which five or greater number, one or more of the assistant justices of the county shall be a part) shall constitute a board, and be competent to do and transact all and singular the business pointed out and required by the said act, to be done by a board of justices.

Five justices including an assistant justice, shall hold land-court on the first Monday in every month.

3. *And be it further enacted by the authority aforesaid,* That in all and every case where any person or persons applying for land under the said act for opening the land-office, shall have just claims against this state, and shall be possessed of a certificate in his, or her own name, either under the hand of the present, or the last, or any future governor for the amount of the same, or if an account duly audited agreeable to law, that such a certificate or audited account shall be taken and received as specie, or gold, or silver coin, in any purchase of unlocated lands within the late temporary boundary line, of this state, he, she or they, may make under the said act, not exceeding the quantity therein mentioned; *Provided* such certificates be brought in and delivered to the treasurer within one year from and after the passing of this act, and not otherwise.

Audited accounts to be received as specie in the purchase of land.

Provide.

4. *And whereas* many persons now residents of other states have formerly obtained warrants, under which they have surveyed lands in the different counties of this state, and have never obtained grants for the same. *Be it therefore further enacted by the authority aforesaid,* That his honor the governor be empowered and required to issue his proclamation immediately after the passing of this act, and cause the same to be published in the several gazettes of the United States, requesting all and every such person or persons residents of other states; who hold lands by surveys as aforesaid, or other claims, that he, she or they, shall come in within the space of twelve months after the issuing the said proclamation, and settle their respective claims according to the laws of this state, and on default of their not coming in within the time limited, every such survey or claim is hereby declared null and void, and any other person or persons entitled to land, shall be at liberty to apply and obtain grants for the said land, the same as for any other unlocated lands, within this state, notwithstanding said surveys or claims, *Provided nevertheless,* That nothing herein contained shall extend to affect or injure the right of any person or persons, who is, or are at present in his, her or their minority, until one year after such person or persons shall arrive at the age of twenty-one years.

The governor to issue a proclamation, requesting non-residents, holding surveys on old warrants, not granted, to come and settle the same in twelve months, or else the surveys shall be void.

Provide. The rights of infants not to be affected.

5. *And be it further enacted by the authority aforesaid,* That in all and every case where it shall be made to appear to the satisfaction of his honor the governor, that the party applying for and entitled to any grant, (to which the father of him, her or them, was entitled at any time before the twenty-ninth day of December, which was in the year of our Lord one thousand seven hundred and seventy-eight) is a minor

Fees of granting lands in certain cases, to be paid by the public act.

T t

\* Three form a court by act of 1789, sect. 3.

under the age of twenty-one years, or a widow, and that such widow became so since that period; and that the father of such minor, or the husband of such widow did actually in his life time pay the costs or fees of his grant in the proper offices; that in all and every such case, the said minor or widow shall be exempted from all fees or costs; and his, or her grant shall be passed, and signed, sealed and delivered gratis. And his honor the governor and the other officers concerned in the signing and making out grants shall charge their respective fees to the public.

Not more than one land court to be held in a county, at the same time and place.

6. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall extend, or be construed to extend to authorize and empower the justices (in number before mentioned) who shall be met and convened for the purpose of granting lands, to hold more than one court, at one and the same place and time: And the assistant justice then present, who shall be the senior, either by an older commission or by being first named in the same commission with others, shall preside in the said court, and shall be invested with all and singular the powers given to, and be under the directions pointed out for the president of the board of justices in and by the "Act for opening the land-office," before mentioned.

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, August 1, 1783.

.....

*An act for laying out two more counties to the westward, and pointing out the mode of granting the same.*

Preamble.

1. **W**HEREAS it is necessary in order to strengthen this state, and for the convenience of the inhabitants, that new counties should be laid out and properly settled, *Therefore be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same,* That the present temporary line, circumscribing the Indian hunting ground, shall be marked by a line drawn from that part of the north branch of Savannah River, known by the name of Keowee, which shall be intersected by a line, running northeast from the Okunna Mountain, thence in the same direction to Tugalo River, from thence on a direct line to the top of the Cunokee Mountain, thence to the head or source of the most southern stream of the Oconee River, including all the waters of the same, thence down the said river to the old line, thence along the said line.

Temporary boundary of the state.

Two counties laid out. Boundaries of Franklin.

2. *And be it further enacted by the authority aforesaid,* That two counties shall be laid out, and annexed in the form and manner following, that is to say, beginning at Savannah River where the west line of Wilkes county strikes the same, thence along the said line to the Cherokee corner, from thence on the same direction to the south branch of the Oconee River, thence up the said River to the head or source of the most southern stream thereof, thence along the temporary line separating the Indian hunting ground; to the northern branch of Savannah River known by the name of Keowee, and down the said river to the beginning, and all that tract of land included within the aforesaid lines shall be a county and known by the name of "Franklin." The second county shall be bounded by a line beginning at the Oconee River, where the last mentioned line strikes the same, thence along that river to where it strikes the former temporary line, thence along the said line to the Cherokee corner, and from thence to the beginning. And all that tract of land included within the

And of Washington.



aforesaid lines, shall be a county and known by the name of "Washington."

3. *And be it further enacted by the authority aforesaid,* That any person or persons desirous of making application for lands in the aforesaid counties, shall prove his, her, or their rights, either before the governor and council for the time being, or one assistant judge and two justices of the county where such person or persons reside, and a certificate thereof under the hands of such justices, or proof before the governor and council as aforesaid, shall entitle the person or persons so applying to a warrant for his, her, or their rights, proved as aforesaid, so as the same shall not exceed one thousand acres to any one person whatsoever. And the governor and council are hereby requested and empowered to proceed in the manner herein after directed for granting the same, and to keep a book of entries, and enter therein the names of such persons as may apply for warrants, and also the date and number of each warrant by them granted, which shall be located, to some particular county. And when it shall so happen that two or more persons apply to a surveyor, to survey one and the same tract of land; then and in that case the said surveyor shall decide and give the preference to the person whose warrant is first numbered.

Persons applying for lands, must prove their rights before the governor and council or assistant judge and two justices in the county where they reside.

No person entitled to more than thousand acres.

Warrants to be preferred according to number.

4. *And be it further enacted by the authority aforesaid,* That every citizen of this state, or of any other of the United States, that shall come with an intent to settle, and form one actual residence in this state, shall be entitled to a warrant of survey, for any quantity of unlocated lands within the aforesaid counties in manner aforesaid, so as the same shall not exceed one thousand acres to any one person whatsoever. *Provided,* That such person or persons, have not already taken up his, her, or their head rights, agreeable to an act for opening the land-office, passed the seventeenth day of February, one thousand seven hundred and eighty-three; and shall pay the fees of office at the time of applying for such warrant or warrants.

Citizens of this state or the United States, settling here, entitled to warrant not exceeding one thousand acres.

Proviso. They have not before taken up their head rights. Office fees to be paid.

5. *And be it further enacted by the authority aforesaid,* That he, she or they, so applying shall pay for each and every acre granted as aforesaid, the sum of three \* shillings in gold or silver, that is to say, in Mexican or Spanish milled dollars, at four shillings and eightpence each, and half joannes, at thirty-seven shillings and fourpence each, and all other coins at the same rates in proportion; the one moiety to be paid in two years from the date of the warrant, and the other moiety at the expiration of three years: *Provided also,* That each and every person shall, before obtaining such grant as aforesaid, give bond to the governor of the state for the time being, and his successors in office, for the consideration herein particularly specified, and mortgage upon the land so granted; and upon full payment and discharge of the specific consideration as aforesaid, each and every person shall have his, her or their bond and mortgage delivered up, and satisfaction entered thereon for the same.

Persons so applying, shall pay three shillings per acre in gold or silver coin.

Proviso. Bond and mortgage to be given of the lands granted.

6. *And be it further enacted by the authority aforesaid,* That any person producing a certificate from under the hands of two justices of the county in which he or she has so resided, that he or she has actually lived on the said land so granted as aforesaid, the whole of the preceding year, and hath cultivated at least three acres for every hundred so granted; then and in that case such land shall be exempted from taxation for three years from the date of the warrant: *Provided,* such certificate be obtained within eighteen months from the time of the survey of the said land.

Exempted three years from taxation on certain conditions.

Proviso.

7. *And be it further enacted by the authority aforesaid,* That a county surveyor shall be appointed for each county, who shall have the power of appointing assistant surveyors, not exceeding six in number, in each county. And the said county surveyors are hereby required to lay out and appoint a district for each and every such

County surveyor to be appointed for each county, may appoint six deputies.

\* See act of 1785, sect. 1, 2.

assistant surveyor, who shall be authorized to survey within such district only, and shall make his returns, to the county surveyor, who shall keep a record thereof, and transmit the same to the surveyor general, as the law directs. And the said surveyors are required, distinctly to mark the lines round each and every tract which shall be by them surveyed, and make at least two stations on each line, except such lines are marked by natural boundaries.

Lines to be distinctly marked, with two stations on each line, except natural boundaries.

Inhabitants of Virginia.

8. *And whereas*, the General Assembly of this state, in consequence of petitions from sundry inhabitants of the state of Virginia, did, on the thirteenth day of February, in the year of our Lord one thousand seven hundred and eighty-three, order that two hundred thousand acres of land be reserved to the use of the said petitioners, which land was intended to be located in the aforesaid counties, or either of them; and for the convenience and interest of the individuals so concerned, it is but consonant to justice that they be permitted, and they are hereby authorized to fix on the county and place wherein they would settle. *Be it therefore enacted by the authority aforesaid*, That such of the said petitioners as personally apply in the manner herein before pointed out, shall be entitled to a warrant of reserve for fifteen months from the passing of this act. But if at or before the expiration of that time, such person or persons shall not actually become residents of this state, and remove their families, and settle and cultivate their lands, agreeable to the terms pointed out by this act, then and in that case, the said warrant shall become null and void, and the said land revert to the state, and be granted to any person or persons applying for and entitled to the same.

On application shall have a warrant of reserve for fifteen months.

But must reside upon and cultivate the same, or the warrant to be void.

Appeals to the governor and council, allowed upon the trial of caveats in the caveat courts.

9. *And be it further enacted by the authority aforesaid*, That all persons who have caveats depending in manner pointed out by the last land act, passed at Savannah the seventeenth day of February, in the year of our Lord one thousand seven hundred and eighty-three, or such as hereafter may have any caveats arising under and by virtue of the said land act, shall be at liberty to appeal from the decision pointed out by the same, to the governor and executive council.\* *And also*, That all caveats respecting the granting of lands under this act, shall be entered in a book kept for that purpose, by the secretary of the executive council, and tried before his honor the governor, or the president of the council for the time being, in council, who are hereby required and empowered to proceed to decide such caveats in manner and form as they think most conducive to justice; and from their decision there shall be no appeal.

Decision to be final.

The lands lying between the north and south forks of the Oconee, up to the line, reserved twelve months for the officers, seamen and soldiers, on payment of office fees.

10. *And be it further enacted by the authority aforesaid*, That all the lands between the north and south fork of the Oconee, up to the present temporary line, be reserved † the term of twelve months, for the officers, seamen and soldiers who are entitled to land in this state, by any resolve of congress, or act or resolve of this state, refugees and other militia excepted. And that the same lands, according to the proportion allowed to such officers, seamen or soldiers, and entitled to the same, be fully, freely and absolutely granted to them, and every of them, their heirs and assigns, forever, on application for that purpose, without any restriction or encumbrance (office fees excepted,) or necessary qualification in regard to cultivation, any thing herein contained to the contrary notwithstanding: *Provided*, such officers, soldiers or seamen shall not, by virtue of his bounty, take lands in any other part of the aforesaid counties.

Proviso.

11. *And whereas*, the encouragement of religion and learning is an object of great importance to any community, and must tend to the prosperity, happiness and ad-

\* The governor alone decides on appeals, by act of 1789, sect. 2.

† See act of 1785, sect. 10.

vantage of the same: *Be it therefore enacted by the authority aforesaid,* That the county surveyors, immediately after passing of this act, shall proceed to lay out in each county, twenty thousand acres of land of the first quality, in separate tracts of five thousand acres each, for the endowment of a college or seminary of learning, and which said lands shall be vested in and granted in trust to his honor the governor for the time being. And John Houston, James Habersham, William Few, Joseph Clay, Abraham Baldwin, William Houston and Nathan Brownson, esqrs. and their successors in office, who are hereby nominated and appointed trustees for the said college or seminary of learning, and empowered to do all such things as to them shall appear requisite and necessary, to forward the establishment and progress of the same; and all vacancies shall be filled up by the said trustees. And the said county surveyors shall, in six months after passing of this act, make return to the trustees herein before mentioned, of regular plats of all such tracts as he shall have laid out and surveyed by virtue of this act.

Twenty thousand acres of land in each county laid off, for the endowment of a college.

And vested in certain trustees.

12. *And be it further enacted by the authority aforesaid,* That the land granted as aforesaid, shall be exempted from taxes.

And exempted from taxation.

13. *And be it further enacted by the authority aforesaid,* That if any citizen of any other of the United States, shall apply to the justices as aforesaid, or to the governor and executive council for the time being, and produce to them sufficient evidence of his, her or their honesty and fidelity; and also take an oath that it is his, her, or their intention to remove and become an inhabitant of this state; and the said justices do certify the same, then and in that case, his honor the governor and council are hereby authorized to grant such person or persons, so applying, a warrant of survey, for any quantity of land not above one thousand acres, on reserve for twelve months: *Provided nevertheless, and it is hereby enacted,* That if it shall so happen, that any citizen who may have obtained such warrant of reserve, and doth not actually settle and cultivate the same within the time before mentioned, according to the true intent and meaning of this act, the said warrant shall be, and the same is hereby made null and void, and the said land shall revert to the state.

Citizens of other states may obtain reserve warrants for twelve months.

Proviso.

14. *And be it further enacted by the authority aforesaid,* That all the officers and soldiers, all the officers and mariners of the navy, officers of the medical department, refugees and citizens, who are entitled to land in this state, as bounties for their services in manner as above mentioned, shall be entitled to have included in their grants an additional quantity of fifteen acres to each hundred acres, in full for and in lieu of any exemption of taxes. And every act, and clause of an act allowing such exemption from taxation shall be, and the same is hereby repealed and declared null and void, any thing to the contrary hereof notwithstanding.

Fifteen acres in the hundred added to military bounties, in lieu of exemption from taxes.

15. *And be it further enacted by the authority aforesaid,* That a land court shall be opened at Augusta on the first Tuesday in April next, by his honor the governor or the honorable the president with any three or more of the executive council, for the purpose of granting out lands under and by virtue of this act: which said court (to be composed of his honor the governor, or the honorable the president, with any three or more of the executive council as aforesaid) shall continue sitting from the said first Tuesday in April, for and during the space of three months, thence next ensuing, on every Monday, Tuesday, and Wednesday of each week in the said term, for the purpose of granting lands, and signing grants; and on every Thursday and Friday of each week in the said term, for the purpose of hearing caveats under this act. And it shall and may be lawful for his honor the governor, the honorable the president,

The governor or president with three or more of the council, to open a land court at Augusta, to grant lands.

And try caveats under this act.

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with any three or more of the executive council, to sit month about in the said court, so that whilst the one shall be at Augusta with three of the council holding a land court, the other shall be at Savannah with a constitutional number of the council, holding and exercising all the other executive powers of government: *Provided nevertheless*, That nothing herein contained shall extend, or be construed to excuse both the governor and president, with all the members of the executive council, from attending and being present, when and where the legislature shall next meet, nor from remaining at such place during the session of the said legislature pursuant to the constitution.

Proviso.

The governor may sign grants for surveys, legally made, &c. without settlement.

16. *And be it further enacted by the authority aforesaid*, That his honor the governor or be requested to sign grants for all surveys of lands that are or may be legally made within the late temporary line, any requisition to cultivate\* the same, or law or custom to the contrary notwithstanding: *Provided only*, That such person or persons as may apply for the same actually reside within this state.

Refugees and citizens of this state entitled to bounties.

17. *And be it enacted*, That all refugees and citizens of this state, who are by any act or resolve of this state entitled to land as a bounty, and shall choose to take the same in either of the aforesaid counties, on obtaining the warrant and survey thereof, and paying the office fees, shall be entitled to a grant, without any restrictions whatsoever.

Repealing clause.

18. *And be it further enacted by the authority aforesaid*, That every part of any act already passed, in any wise contrary to the true intent and meaning of this act, shall be and the same is hereby repealed.

By order of the House.

JAMES HABERSHAM, *Speaker*,

Savannah, February 25, 1784.

\* Again required by act of 1785, sect. 3.

• • • • •

*An act to amend and alter some parts, and repeal other parts, of the several land acts in this state.*

Preamble.

**W**HEREAS it hath become necessary to make some alterations in the several land acts of this state:

Lands in Franklin and Washington, how to be granted.

1. *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 after the passing of this act, all such lands as remain unsurveyed, or not taken up by some person or persons under a lawful warrant for that purpose, in the counties of Washington and Franklin, shall be, and the same is hereby declared to be put upon the following footing, that is to say, the said lands shall be granted out to any person or persons applying for the same, in the like manner, by the like rights, and under the like restrictions as are pointed out for disposing of lands, under the land act, passed the seventeenth day of February, one thousand seven hundred and eighty-three, and the supplemental act thereto, passed on the first day of August, in the year of our Lord one thousand seven hundred and eighty-three, except only, that the person or persons applying for and obtaining such lands, as far as the quantity of one thousand acres, shall not be liable or obliged to pay any purchase money or consideration for the same, office fees only excepted: *Provided notwithstanding*, That for all lands hereto-

No purchase money to be required.

fore surveyed by virtue of an act, entitled "An act for opening the land-office, and for other purposes therein mentioned," the owner thereof shall pay the valuation of said lands, agreeable to said acts.

except for land heretofore surveyed.

2. *And be it further enacted by the authority aforesaid,* That all other vacant lands in the counties of Chatham, Effingham, Burke, Richmond, Wilkes, Liberty, Glynn, and Camden, shall be, and the same are hereby directed to be granted out in the same manner as before mentioned, in respect to the said counties of Washington and Franklin, that is to say, on the head rights, gratuitously, as far as the quantity fixed by law, and without any purchase money or consideration for the same: *Provided also,* That such persons so applying shall take the following oath or affirmation: "I, A. B. do solemnly and sincerely swear (or affirm, as the case may be,) that the head rights delivered in by me are just and true, and that I have not, nor hath any person for me or in my name, taken up or located the head right or head rights of my family, now applied for, either in this or any other county within this state; nor have I, or any other person for me, disposed or sold the same, so as the head rights of my family may be illegally obtained."

All other vacant lands to be granted in the same manner.

Proviso. Applicants to take an oath. Form thereof.

3. *And be it further enacted,* That any time hereafter, if any person or persons convicted of having acted contrary to the above oath, after having taken the same, exclusive of the pains and penalties annexed to perjury, shall forfeit the land so fraudulently obtained, and the same shall be from thence considered as revested in the state; and that no person applying shall obtain any warrant, survey or grant, unless for himself or themselves, or for his, her or their own family or families; and that any person or persons, who shall obtain lands under and by virtue of this act, shall, in eighteen months thereafter, settle on and cultivate three acres for every hundred acres of the same, and in case of non-compliance, he, she or they, shall be subject to treble tax for said lands.

Persons convicted of perjury, shall forfeit the land obtained thereby, exclusive of the legal punishment.

Warrants, upon what conditions to be granted.

4. *And be it further enacted by the authority aforesaid,* That the justices of the peace for the counties of Washington and Franklin shall, in future, form a land court, and shall grant land, try caveats, and otherwise proceed in the same manner as the justices do in other counties of this state; and shall in all respects have the same powers committed to them over the county surveyors, and others concerned in the land business, as the said other justices have.

Land courts to be held in Washington & Franklin, as in the other counties.

5. *And be it further enacted by the authority aforesaid,* That in case any surveys have been made, or grants obtained for any lands lying or being without or beyond the lines of some one of the counties of this state already laid out; all and every such survey or grant shall be considered as fraudulent, and the same is hereby declared null and void; and the person or persons making such surveys, or obtaining such grants, shall be prosecuted and punished agreeable to the eleventh section of the land act, passed on the seventeenth day of February, in the year of our Lord one thousand seven hundred and eighty-three. No grants shall be signed till the survey has been advertised by the surveyor of the county, at least three months after they have been recorded by the said county surveyor; and that the surveyor be allowed one shilling and two pence for every such advertisement, to be paid by the grantee.

All surveys and grants for land without the limits of some county, null and void.

Offenders, how to be prosecuted. No grants to be signed till the survey is registered and advertised three months by the county surveyor. His fee.

6. *And be it enacted,* That where it shall appear that any surveyor has knowingly run across another's line, or surveyed land, before surveyed, the last mentioned survey shall be deemed null and void, and such surveyor liable to a fine of fifty pounds for every offence to be recovered by action of debt, in the superior court of the county where the said lands shall lie, one half whereof shall go to the party who shall inform and sue for the same, and the other half to be paid into the public treasury. All grants

A surveyor knowingly running across other lines, or surveying land before surveyed, the last survey void, and surveyor to forfeit fifty pounds. How to be recovered and applied.

Grants to be registered in the county surveyor's office.

County surveyors failing to register grants, shall forfeit fifty pounds and all damages.

Where there are two grants for the same land, the holder of the oldest survey shall receive double the value of the land, which shall be subject to the judgment, &c. Such suit must be brought in five years after the date of said survey.

Warrants renewed for six months.

Persons claiming bounties, to lay their vouchers before the land court.

One year allowed to put in such claims.

Line between the white people and Indians to be ascertained.

Should the line be extended to Little River, the two forks to be reserved for the continental soldiery, &c.

when registered in the books of the county surveyors \* agreeable to law, shall be registered, not only in the name of the person to whom it is granted, but also in the name of the person who then holds the same; and unless it is so registered in the books of the county surveyor, within one year after passing the grant, it shall be deemed vacant land, and be liable to be surveyed by any person who shall apply for the same; and every county surveyor who shall fail to register such grant within three months after the same is delivered into his office, shall forfeit and pay the sum of fifty pounds specie, to be recovered and applied in manner aforesaid, and shall pay all damages to the party injured by such neglect.

7. *And be it also enacted*, That in case two grants shall be given for one and the same tract of land, each of them obtained within the time allowed by law, that in such case the eldest survey shall be deemed valid in law, in so far as to entitle the party who made the first survey to an action of damages against the other, and the said land shall be subject to an execution founded on any judgment in such suit in preference to any other encumbrance or claim whatsoever. *Provided*, the said suit be brought within five years after the date of the said survey, and when it shall appear by sufficient evidence to a court and jury, that any person hath obtained a grant, the right of preference to which lands was, at the time of obtaining the said grant, by law vested in any other person, then and in that case, such person so offending shall forfeit and pay the injured party a sum equal to twice the value of the said lands, or relinquish the same.

8. *And be it further enacted by the authority aforesaid*, That all warrants already granted, shall be, and the same are hereby renewed for the term of six† months instead of three, as had been heretofore used, bounty warrants excepted: which shall not be out of date at any time before they are located.

9. *And whereas*, it is apprehended that great abuses have happened in regard to bounties: *Be it therefore enacted by the authority aforesaid*, That in future, all and every person or persons whatsoever, who conceive himself and themselves entitled to bounty, shall lay his, or their vouchers or credentials, before the said land court, where they apply for the same, who shall, on a full consideration of all circumstances respecting the petitioner, either grant or reject the application, as coming or not coming within the scope and intention of the several laws of this state for granting bounties; and no surveys of land due as bounties from this state shall be allowed, unless brought in and claimed within one year from and after the passing this act.

10. And in order to ascertain and determine the line between the white people and the Indians of this state, *Be it enacted by the authority aforesaid*, That his honor the governor, by and with the advice and consent of the executive council, shall nominate three fit and discreet persons on the side and in behalf of this state, and shall send up to the Creek nation and invite them to appoint persons on their side, and in behalf of their nation; which said commissioners on both sides shall, as soon as possible meet, and in conjunction run the said line, agreeable to treaty, and according to law, endeavoring to obtain for the white people, as large a compass of ground as they can; and in case the said commissioners extend the said line as far as the branch of the Oconee, called the Little River, that then the two forks of Oconee, the one made by Little River and the other by the branch next above the same on the south side of the said river Oconee, shall be deemed a reserve to make good the engagements to the continental soldiery, and seamen and officers of the medical department of this state; and no surveys or grants, (except such as have been already made to the said soldiery,

\* Repealed by act of 1786. See sec. 2.

Extended to two years by act of 1786, sec. 3.

seamen and officers of the medical department) within the said forks shall be held and considered as good and valid, unless the same shall appear to be agreeable to the terms of this act; and after the said line shall be run as aforesaid, there shall be one year allowed to the said soldiery and seamen, and officers of the medical department, to make their surveys, and take out grants for their respective bounties to which they are entitled within the said river.

Who shall be allowed one year after running the said line to make their surveys, &c.

County surveyors to run their own county lines.

11. *And be it further enacted by the authority aforesaid,* That the surveyors of Washington and Franklin counties shall be under the same regulations as the surveyors of the other counties within this state.

12. *And be it further enacted by the authority aforesaid,* That the county surveyors of each county are hereby authorized and required to ascertain and run their respective county lines, according to the constitution and laws of this state, except such as are already ascertained, the expence whereof shall be equally borne and discharged by the two counties whose division line it is.

JOSEPH HABERSHAM, *Speaker.*

Savannah, February 22, 1785.

.....

*An act for the ratification of certain agreements made and entered into by commissioners, appointed by the legislatures of Georgia and Carolina, for the purpose of settling certain disputes relative to boundary.*

**W**HEREAS, by an ordinance passed by the legislature of this state, commissioners were appointed and authorized to meet other commissioners, similarly appointed by the state of South-Carolina: *And whereas,* the said commissioners, or a majority of them from each state, were vested with full powers to settle all differences, controversies, disputes and claims, which subsisted between the two states, relative to boundary: *And whereas,* they, conformably to those powers, did, on the twenty-eighth day of April, in the year one thousand seven hundred and eighty-seven, in convention at Beaufort, in the state of South-Carolina, by certain instruments of writing to which the said commissioners interchangeably set their hands and affixed their seals, make mutual concessions and agreements for the purpose aforesaid: *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 whatever was done by the said commissioners, or a majority of them as aforesaid, is hereby ratified, and shall be considered as binding upon the citizens of this state, any law to the contrary notwithstanding.

Convention held at Beaufort, between Georgia and South-Carolina, ratified.

NATHAN BROWNSON, *Speaker.*

Augusta, February, 1788.

.....

*An act to prevent persons from settling or surveying any part of the late cession of lands between the rivers Alatamaha and St. Mary's.*

1. **W**HEREAS it is not proper that any of the late cession of land, between the

Preamble.

Alatamaha and St. Mary's River, should be settled or located at present:

U u

Any person surveying the lands lately ceded, lying between the Alatomaha, St. Mary's and Oakmulgee Rivers, without permission of the legislature, shall forfeit one pound for every acre.

Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same, That no person shall presume to survey or settle on any land lying between the Alatomaha, and Oakmulgee and St. Mary's Rivers, above the old Indian boundary line, being lands lately ceded to this state; and if any survey shall be made, it shall be of no effect, and the person making such survey shall forfeit and pay the sum of one pound for every acre of land so surveyed: And all warrants for surveying lands within the above boundaries, and all grants of lands therein, are hereby declared void, null and of no effect; and all such lands shall still be deemed vacant land, and shall be liable to be surveyed as such, when the legislature shall give permission to locate the lands above mentioned: *Provided*, That nothing herein contained shall extend to the counties of Glynn and Camden, the vacant lands of which may be surveyed as formerly.

And if any person shall settle on the said lands before the legislature shall give permission to locate the same, such settlement shall not give any right of pre-emption or preference whatever.

Unnecessary to register grants.

2. *And be it enacted by the authority aforesaid*, That so much of the late land law as requires all persons to register their grants in the office of the county surveyor, within twelve months from the date thereof, be and the same is hereby repealed.

Warrants not to be out of date for two years.

3. *And be it enacted*, That no warrant shall ever be out of date, if surveyed within two years from the date of said warrant.

By order of the House.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 13, 1786.

.....

*A supplement to the several land laws of this state.*

The governor shall direct the form and manner of passing grants.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That the governor be, and he is hereby empowered to direct the form and manner of passing grants for land through the secretary of the state's office, any law, custom or usage, to the contrary notwithstanding.

He shall sign the same and hear and determine on caveats.

2. *And be it further enacted*, That the governor be, and he is hereby vested with all the powers of governor and executive council, under the late constitution, so far as the said powers extended to the hearing and determining on caveats and signing of grants.

Three justices shall form a land court.

3. *And be it also enacted*, That any three or more justices of the peace in their respective counties, shall use and exercise the powers given to four justices and an assistant justice, by an act entitled "An act to repeal and amend some part of an act entitled, an act for opening the land-office, passed the first day of August, one thousand seven hundred and eighty-three." *Provided*, That the said three or more justices shall each of them sign all warrants for land by them granted.

And each of them shall sign the warrants.

The beginning corner shall be clearly set forth in the plat. County surveyors to give bond of two thousand pounds.

4. *And be it further enacted*, That no plat of any survey shall hereafter be allowed to pass the office of the surveyor general, or any county surveyor which does not clearly set forth the beginning corner of such survey, and no county surveyor shall be allowed to proceed in the duties of his office, without first giving bond and approved security in the sum of two thousand pounds payable to the governor for the time be-



ing and his successors in office, for the faithful discharge of the duties required of such county surveyor.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

Concurred, December 23, 1789.

EDWARD TELFAIR, *Governor.*

.....

*An act to vest certain powers in his excellency the governor, to prevent abuses in persons surveying lands already granted, and lands surveyed not within the limits of any county, described by law, and for other purposes.*

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, That his excellency the governor be, and he is hereby required on the information of any person or persons on oath, setting forth, that any survey or surveys of land within this state have been illegally made, and contrary to the laws thereof, that then, and in that case, he stay all proceedings on all such survey or surveys, and that he notify in the public gazette, for sixty days, requiring the party or parties to appear before him at the executive chamber, there to be examined on the premises, on oath, and to judge and determine according to law, and the opinion he may entertain of the evidence, and on such determination, either to annul and render void, the said proceedings had on such survey or surveys, or fully to carry into effect, by granting of the same, any law to the contrary notwithstanding.

The governor may stay proceedings to prevent abuses in surveying lands.

2. *And be it enacted by the authority aforesaid,* That no county surveyor or his deputy shall, after the passing of this act, admeasure or survey to any person or persons possessed of, or holding a warrant issued prior to the tenth day of December instant, except such warrant shall appear to be the head rights or bounties of the possessor, founded on the laws of this state; and the justices within the several counties, holding land courts, are hereby expressly forbid to make any renewal of transferred warrants whatsoever, any law to the contrary notwithstanding.

On what warrants surveyors are to make surveys in future.

Transferred warrants not to be renewed.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 25, 1794.

.....

*An act for preventing controversies concerning the bounds of land, and for processioning the same.*

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That once in every ten years, the bounds of every person's land shall be processioned or gone round, and the land marks renewed in manner following, that is to say, it shall be the duty of every captain or commanding officer in each militia company district throughout this state, at their respective company musters, after the first day of June next, to hold an election for three persons, who shall be appointed processioners of land

Three processioners to be nominated in each company district.

Their duty.

for each district; and all and every person in this state are hereby required, to procession and go round their respective tracts of land, in manner and form as is hereafter pointed out by this act, that is to say, wherever two persons' lines join, they are directed and required to meet and chop, or plainly mark the same, with one or more persons disinterested, to see that they do not disagree respecting the land marks, and make new line trees; but whenever a dispute shall arise about such line, the commissioners or processioners appointed as aforesaid, shall come forward with the county surveyor, to assist in ascertaining and determining the true line between the parties, and mark out the same, each commissioner receiving for such service one dollar per day, and the surveyor two dollars per day, which shall be paid equally by the parties disagreeing as aforesaid; and where one of the parties concerned, or his agent or representative, after being duly summoned sixty days before the day for processioning the same, shall fail or refuse to attend, it shall and may be lawful for the other party to call on the processioners, who shall then proceed to mark out the line, at the expense of the party refusing or failing to attend as aforesaid.

Lands to be processioned in twelve months, under the penalty of one hundred dollars.

2. *And be it further enacted,* That all lands throughout this state shall be processioned or gone round, in manner and form as pointed out by this act, in twelve months from and after the first day of June next, under the penalty of one hundred dollars for the omission or refusal of every person or persons so refusing, one half to go to the informer, and the other to county uses, to be recovered by bill, plaint or information, in any court having cognizance thereof.

Repealing clause.

3. *And be it further enacted,* That all laws passed for this purpose be, and the same are hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to February 2, 1798.

JAMES JACKSON, *Governor.*

• • • • •

*An act to revise and amend "An act for preventing controversies concerning the bounds of land, and for processioning the same."*

Fines for processioning lands, meant to be extended.

1. **B**E IT ENACTED *by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That the time allowed for processioning lands by an act, entitled "An act for preventing controversies concerning the bounds of land and for processioning the same," passed at Louisville the second day of February, one thousand seven hundred and ninety-eight, shall be and the same is hereby extended to the first day of July in the year of our Lord eight hundred; and any person failing to procession and new mark the true lines of their land in manner therein pointed out, shall be subject to the fines and penalties therein mentioned.

Any person intending to procession his lands must give ten days' notice to those concerned, if in the county.

2. *And be it further enacted by the authority aforesaid,* That whenever any person intends to procession his lands which adjoin lands belonging to any other person or persons, who may reside in the county in which the lands lie; then and in that case, written notice shall be given to such person or persons at least ten days before, that he will on a day specified in the notice proceed to procession the lands adjoining such person, and if the person so notified shall fail to attend at the time appointed, then the

opposite party may in presence of the neighbors, or inhabitants contiguous to the land, go round and new mark his tree lines, which shall be considered on his part as fully complying with the before recited act.

3. *And be it further enacted,* That whenever any persons own lands in this state, adjoining land of another who resides out of the county in which the lands may be intended to be proceffioned, then and in such case notice shall be given by advertisement in one of the public gazettes of this state, that he will on a day therein mentioned, proceed to proceffion his own lands as herein before directed, which shall be published at least six months previous to the time appointed for proceffioning the lands, and the expence of advertising shall be paid by the owner or owners of the land to be notified.

If out of the county, notice must be given in the public gazette for six months.

4. *And be it further enacted,* That any person or persons may as agent or attorney for the owner of any lands to be proceffioned, on producing a part or parts, and grant or grants thereof, proceed to proceffion the same, for and in behalf of the proprietors, in like manner as if they were themselves present, and had done the same.

Agents may proceffion land.

5. *And be it further enacted,* That whenever the lines of lands are disputed, and are resurveyed as directed by the before recited act, that then and in every such case, a plat of such lands be made out by the county surveyor or his legal deputy, and certified by him, and the proceffioners of the district, and shall be by said surveyor recorded in his office.

In case of disputes, a plat shall be made out by the surveyor and recorded in his office.

*Provided,* That nothing in this act contained, shall extend, or be construed to extend to affect the tracts of land sold under the confiscation act, where the plats shall not appear of record in the surveyor general's office, so as to give a preference of title for want of proceffioning.

Proviso.

*And provided also,* That where plats for lands, granted or surveyed for any person or persons, prior to the fourth day of July one thousand seven hundred and seventy-six, shall not appear of record in the surveyor general's office, and the loss of the original plat shall be satisfactorily proven to the proceffioners by the person holding or claiming any tract or tracts of land as aforesaid, the said proceffioners shall proceed to proceffion from the best evidence in their power to obtain.

Proviso.

6. *And be it further enacted,* That returns of the electors of all proceffioners heretofore or hereafter to be made, and shall be deposited of record in the clerk's office of the superior court, in the county wherein they shall or may be so appointed; and where any vacancy shall happen in the appointment of proceffioners, either by death, resignation, removal out of the districts, or otherwise, such vacancy shall be filled in manner pointed out by the said recited act, and return thereof made as herein before directed.

Returns of electors of proceffioners to be filed in the clerk's office.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
ROBERT WALTON, *President of the Senate.*

Assented to February 18, 1799.

JAMES JACKSON, *Governor.*

.....

*An act to add a number of plats, collected by the secretary of state, to the surveyor general's office.*

**W**HEREAS the secretary of state hath produced a book, wherein he hath copied six hundred and sixty-four plats from the originals, found amongst loose

Plats collected  
by the secreta-  
ry, added to  
the surveyor  
general's office.

papers in his office, which have been examined by the surveyor general, and by him certified to be accurately copied from the said originals, and it is proper that all such old plats as have been lost or destroyed during the late war, should be replaced whenever opportunity offers: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That the said six hundred and sixty-four plats or surveyes be, and the same are hereby attached to the office of surveyor general, and are hereby declared to constitute a part of the records of that office.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Affented to February 2d, 1798.

JAMES JACKSON, *Governor.*

.....

## LITERATURE AND GENIUS.

*An act for the encouragement of literature and genius.*

Preamble.

1. **W**HEREAS the principles of natural equity and justice require, that every author should be secured in the receiving the profits that may arise from the sale of his works, and such security may encourage men of learning and genius to publish their writings, which may do honor to their country and service to mankind: *Be it enacted by the representatives of the freemen of the state of Georgia, in General Assembly met, and by the authority of the same,* That the author of any book or pamphlet not yet printed, or of any map or chart, being an inhabitant or resident in these United States, and his heirs and assigns, shall have the sole liberty of printing, publishing and vending the same within this state, for the term of fourteen years, to commence from the first day of its first publication in this state. And if any person or persons, within the said term of fourteen years, shall presume to print or reprint any book, pamphlet, map or chart, within this state, or to import or introduce into this state for sale any copies thereof, reprinted beyond the limits of this state, or shall knowingly publish, vend, and utter or distribute the same, without the consent of the proprietor thereof in writing, signed in the presence of two credible witnesses, every such person or persons shall forfeit and pay to the proprietor of such book, pamphlet, map or chart, double the value of all the copies thereof so printed, imported, distributed, vended or exposed for sale, to be recovered by such proprietor in due course of law: *Provided nevertheless,* That no author, assignee or proprietor of any such book, pamphlet, map or chart, shall be entitled to take the benefit of this statute, until he shall duly register his name as author, assignee or proprietor, with the title thereof, in the office of the secretary of the state, who is hereby empowered and directed to enter the same on record.

Authors of  
books, maps,  
&c. giving an  
exclusive right  
to the same for  
fourteen years.

Proviso.  
The name of  
the author or  
proprietor with  
the title to be  
recorded in the  
secretary's  
office.

If the author is  
living at the  
end of fourteen  
years, he, his  
heirs, &c. have  
the same right  
for fourteen  
years more.

2. *And be it further enacted by the authority aforesaid,* That at the expiration of the said term of fourteen years, in the cases above mentioned, the sole right of printing and disposing of such book, pamphlet, map or chart, in this state, shall return to the author thereof, if then living, and his heirs and assigns for the term of fourteen years more, to commence at the end of the said first term; and that all and every person or persons who shall reprint, import, vend, utter or distribute in this state,

any copies thereof, without the consent of such proprietor obtained as aforesaid, during the said second term of fourteen years, shall be liable to the same penalties, recoverable in the same manner as is herein before enacted and provided.

3. *And whereas*, it is equally necessary for the encouragement of learning, that the inhabitants of this state be furnished with useful books, &c. at reasonable prices: *Be it further enacted*, That when any such author or proprietor of such book, pamphlet, map or chart, shall neglect to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his labor, time, expence and risk of sale, the chief justice of the state, on complaint thereof made to him in writing, is hereby authorized and empowered to summon such author or proprietor to appear before the next superior court, to be holden in the county where such author or proprietor dwells, if a resident of this state, if not, in the county where such complainant dwells; and said court is hereby authorized and empowered to enquire into the justice of such complaint, and if the same be found true, to take sufficient security of such author or proprietor, conditioned that he shall, within such reasonable time as said court shall direct, publish and offer for sale, in this state, a sufficient number of copies of such book, pamphlet, map or chart, at such reasonable price as such court shall, on due consideration, affix; and if such author or proprietor shall before said court, neglect or refuse to give such security as aforesaid, the said court is hereby authorized and empowered to give such complainant a full and ample license to reprint and publish such book, pamphlet, map or chart, in such numbers and for such term as said court shall judge just and reasonable: *Provided*, such complainant shall give sufficient security before said court, to afford said reprinted edition at such reasonable price as said court shall thereto affix.

Proprietors to furnish the public with sufficient editions, at reasonable prices, or be subject to the order of the superior court.

4. *And be it further enacted* That any person who shall procure and print any unpublished manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained, if such author or proprietor be living and resident in, or inhabitant of this, or any other of the United States, shall be liable to suffer and pay to the said author or proprietor, his just damages for such injury, to be recovered by action brought on this statute in any court of law in this state, proper to try the same. *Provided always*, That nothing in this act shall extend to affect, prejudice, or confirm the rights which any person may have to the printing or publishing of any book, pamphlet, map or chart, at common law not mentioned in this act, or screen from legal punishment, any person or persons who may be guilty of printing or publishing any book, pamphlet, or paper that may be profane, treasonable, defamatory, or injurious to government, morals, or religion. *Provided also*, That this act shall not extend, or be construed to extend in favor, or for the benefit of any author or person residing in, or inhabitant of any other of the United States, until the state or states in which such person or persons reside or dwell, shall have passed similar laws, in favor of the authors, of new publications, and their heirs and assigns.

Persons, printing any manuscript without the consent of the author, liable to damages.

Proviso.

By order of the House.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 3, 1786.

*An act to empower the commissioners therein named, to purchase from Josiah Tatnall, esq. his executors or administrators, one hundred and four acres of land, for the purpose of erecting a lazaretto upon Tybee Island.*

Preamble.

1. **W**HEREAS the frequent importation of cargoes of slaves into this province, renders it necessary to have some buildings erected in a convenient and safe place, where such slaves can be landed; and in case of distempers being among them, be properly lodged and attended. *And whereas* the general assembly of this province have thought the westernmost point of Tybee Island, and within the creek, a proper place for that purpose, which land is the property of Josiah Tatnall, esq. *Be it therefore enacted,* That immediately from and after the passing of this act, it shall and may be lawful for the commissioners hereinafter named, or any three of them, to accept and take from Josiah Tatnall, esq. his executors or administrators, a fit deed of conveyance in the law, by him or them to be duly executed, whereby to vest in them the said commissioners, and the survivors or survivor of them, and the heirs of such survivor, in trust to and for the use of the public of this province forever, one hundred and four acres of land, situate and being upon the island of Tybee, in the said province, and being the westernmost point of the said island, and for the purpose of erecting a lazaretto, and other buildings; and of which premises the said commissioners, and the survivors of them, and the heirs of such survivor, shall stand seized for the use of the public of this province as aforesaid, and upon receipt of such deed or conveyance, to pay to the said Josiah Tatnall, his executors, administrators or assigns, the sum of seventy pounds, lawful money of the said province, for the purchase thereof, which sum of seventy pounds the treasurer is hereby directed and empowered to pay to the said commissioners, or any three of them, out of the produce of the tax for the present year.

One hundred & four acres of land on Tybee Island, to be purchased, for the erection of a lazaretto, &c.

Vested in commissioners for public uses.

Commissioners nominated.

2. *And be it further enacted,* That the honorable Noble Jones, Grey Elliot, and Alexander Wyly, esqrs. and Joseph Gibbons and John Smith, esqrs. be, and they are hereby nominated and appointed commissioners for executing and putting in force this act, according to the true intent and meaning thereof.

ALEXANDER WYLY, *Speaker.*  
JAMES HABERSHAM, *President.*

JAMES WRIGHT.  
March 26, 1767.

.....  
LIGHT HOUSE.

*An act to empower the senators, or one senator and two representatives from this state, in the congress of the United States, to sign, seal and deliver a deed of cession, of the light house on Tybee Island, and five acres of land belonging thereto, to the United States.*

Light house on Tybee Island, with five acres of land, to be ceded to the United States.

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, That from and immediately after the passing of this act, it shall be lawful for the senators of this state in the congress of the United States, or for one of the said senators, with any two of the representatives of this state, to the said congress, to sign, seal, and deliver a deed of cession to the United States, on behalf of this state, of, in and to the same, and of five acres of land nearest,

adjoining, and belonging thereto, to hold the same and every part thereof to the said United States forever. *Provided always*, That the said United States shall keep the same in proper repair, and shall supply the same with the necessary lights. *And provided also*, That the act allowing threepence per ton for clearing and removing wrecks and other obstructions in the river Savannah, be continued until the same shall be completely cleared.

Proviso:  
To be kept in repair and supplied with lights.  
Proviso.  
The tonnage of threepence continued.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 15, 1791.

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## LUMBER.

*An act to regulate the admeasurement and inspection of lumber, staves, shingles, and for other purposes therein mentioned.\**

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That from and after the passing of this act, ranging timber, scantling and boards, shall be deemed merchantable only, when made, shaped, formed and conditioned as is herein after directed, that is to say, all ranging timber, scantling and boards, shall have square edges, be sound, and without decay: *Nevertheless*, if any scantling or boards to be measured and inspected under and by virtue of this act, shall be split, decayed or fractured more than two feet, and less than six feet from the end thereof, in that case, such split, decayed or fractured part shall be left out, and not counted in the said measurement.

Lumber, what kind deemed merchantable.

split, decayed, &c. not to be counted in admeasurement.

2. *And be it further enacted*, That pipe, hoghead and barrel staves, shingles and heading, &c. shall be considered merchantable only, when made, formed, shaped and conditioned in manner following, viz. pipe staves to be at least fifty-four inches in length, three and an half inches in breadth, and one inch thick on the edge; hoghead staves to be forty-two inches long, three and an half inches broad, the one edge an inch, the other not less than three quarters of an inch thick, sound and free from worm-holes or knots; barrel staves to be two and an half feet long, not less than three and an half inches wide, one inch thick on the one edge, and not less than three quarters of an inch thick on the other edge, straight, and free from decay, worm or knot holes; heading to be two and an half feet long, six inches broad, an inch thick on the one edge, and not less than three quarters of an inch thick on the other side, sound, and free from decay, worm or knot holes; shingles to be twenty-two inches long, not less than three and an half inches wide, a half inch thick at the thick end, not decayed, free from worm or knot holes.

Staves, shingles, &c. what kind merchantable.

3. *And be it further enacted*, That the inspectors and measurers to be appointed as herein after directed, shall and are hereby entitled to receive for their trouble and care, in and about the inspecting, measuring or ascertaining the quality and dimen-

Inspectors and measurers, their duty.

X x

\* This act, so far as respects the admeasurement of lumber, repealed by act of 1798, which was repealed by act of 1799, sect. 8.

† This section repealed by act of 1799, sect. 1 and 7.

sions of merchantable lumber of the various sorts as herein before enumerated, the prices and compensation following, viz. For ranging timber per thousand feet, sevenpence; for scantling and boards per thousand feet, one shilling and ninepence; for staves and heading per thousand, three shillings and sixpence; for shingles per thousand, one shilling and twopence; for live oak and cedar, three shillings per hundred feet.

Superficial measure, except oak and cedar  
Refuse lumber and fees.

4 Re-enacted by act of 5th December, 1799, sections 4 and 6.

5 Repealed by act of 1799.

6 Re-enacted by act of December, 1799.

Inspectors elected yearly by the assembly  
To be sworn & give bond and security.  
Their oath.

7. *And be it further enacted*, That persons appointed to be inspectors and measurers of lumber as aforesaid, shall, before they enter on the duties of their office, take the oath or affirmation following, viz. "I, *A. B.* in the presence of Almighty God, do solemnly swear, or affirm, that I will fairly and honestly, to the best of my skill and judgment, execute the office of the inspector and admeasurer, according to law. So help me God." And shall each enter into bond, with sufficient security, before his excellency the governor or two or more of the justices of the inferior court of the county in which such inspector shall reside, in the sum of five hundred pounds, for the due and faithful performance of his said trust, which shall be lodged in the clerk's office of such court. And no person or persons shall be permitted to inspect or admeasure lumber as aforesaid, except those appointed by the legislature; and if any person or persons shall attempt to inspect and admeasure as aforesaid (except those herein before excepted) every such person or persons shall, for every such offence, forfeit and pay the sum of five hundred dollars, one third to the informer, and the remaining two thirds to the use of this state.

No other person to inspect under the penalty of one hundred dollars.

THOMAS NAPIER, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

December 16, 1794.

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*An act for the better regulating the admeasurement of lumber within this state.*

Preamble.

1 **W**HEREAS it has been found by experience, that that part of the law, for appointing lumber measurers, will by no means answer the purpose intended by the legislature. Therefore, *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That from and immediately after the passing of this act, all persons qualified to measure lumber, may admeasure and give certificates as is usual in such cases, and receive such compensation as shall be agreed upon by the seller, purchaser, and person measuring the same.

Lumber measurers to give certificates, & receive the fees agreed on between them.

2 *And whereas*, raftmen and other persons have long been in the habit of taking up drifted lumber of all descriptions, and disposing of the same, and converting of the profits to their own use. *Therefore be it further enacted*, That if any raftman, or men, or other person or persons, shall attempt to dispose of any drifted lumber so taken up by him or them within this state, shall be liable to pay a fine not exceeding five hundred dollars for every such offence, to be recovered in any court having jurisdiction of the same, one half for the benefit of the informer or prosecutor, and the remaining moiety to the use of the county wherein such offence shall be committed, or to be imprisoned for a term not exceeding eight months.

Persons taking up and selling drift lumber, liable to forfeit five hundred dollars or be imprisoned not exceeding eight months. One half of said fine to the informer, the other to the county.



3. *And whereas* it has been a custom too long established in the city of Savannah, to purchase lumber of all descriptions of raftmen and other persons: Therefore, *Be it enacted*, That from and immediately after the passing of this act, if any person or persons in the city of Savannah or elsewhere, shall be detected in purchasing of lumber of the above description, except from factors or lumber cutters, he, or they shall be liable to pay a fine not exceeding fifty dollars for each and every such offence, to be recovered in any court having jurisdiction of the same, or to be imprisoned for a time not exceeding eight months. *Provided nevertheless*, That nothing contained in this act shall prevent, or be construed to prevent raft hands or other persons from taking up drifted lumber, and receiving a reasonable compensation from the owner or owners of such lumber, on their delivering the same to the rightful owner, or to their factor.

Persons purchasing such lumber of raftmen, shall forfeit fifty dollars.

Proviso.

4. *And be it further enacted*, That in all seaport towns in this state, where lumber is brought for exportation or otherwise, all hewed pine timber as well as scantling and boards, shall be admeasured, and the bills made out in superficial measurement; any law to the contrary notwithstanding.

Pine timber & boards, taken by superficial measure.

5. *And be it further enacted*, That any inspector, who shall either admeasure or make out a bill not in conformity to this act, shall be liable to pay a fine, for every such offence, not exceeding thirty dollars, to be recovered in any court having jurisdiction of the same, one half for the benefit of the informer or prosecutor, and the remaining moiety for the use of the county wherein such offence shall be committed.

Inspectors, who measure contrary to this act, liable to forfeit thirty dollars one half to the informer, the other to the county.

6. *And be it further enacted*, That all live oak and cedar timber, shall be measured by the solid foot, and the measurers shall be allowed eighty cents per thousand feet for measurement.

Live oak & cedar timber, to be made by solid measure. Fees.

7. *And be it further enacted*, That after the passing of this act, all inspectors of lumber shall be appointed by the legislature, who shall receive for every thousand feet of superficial lumber, twenty-five cents.

Inspectors to be appointed by the legislature. Their fees.

8. *And be it further enacted*, That all laws heretofore passed, so far as respects the admeasurement of lumber are hereby repealed.

Repealing clause.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 5, 1799.

JAMES JACKSON, *Governor.*

MARKS AND BRANDS.

*An act to revise and amend, "An act for recording marks and brands in this state."*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That from and after the passing of this act, it shall and may be lawful for all persons residing within this state, to record their marks and brands in the clerk's office of the superior court of the county in which such person resides; and if any person or persons shall neglect to record the same, then and in that case, whenever any property shall or may happen to be in dispute between the party so recording his marks and brands, and any other person not having recorded as aforesaid, both having one and the same marks and brands, the property

Marks and brands to be recorded in the clerk's office.

Property disputed; to belong to the person first recording his marks, &c.

being found in the possession of the person complying with this act, the party so claiming any such property in dispute as aforesaid, shall not be allowed to take the same out of the hands of the person found in possession, without such claimant can prove, by disinterested testimony, such property so in dispute, and that the same is his property, such proof when the value of the property is under five pounds, to be made before any justice of the peace in the county where such property may be found, and if above that value, before any court having jurisdiction thereof.

Where there is likeness, the oldest record to be evidence of right.

2. *And be it further enacted by the authority aforesaid,* That where two or more persons shall have the same marks and brands, each of them recorded; in such case the oldest record shall be evidence of right, so far as to compel the other party to prove his property by disinterested testimony, in the manner herein before pointed out: *Provided,* That nothing in this act contained shall compel such person or persons as have already had their brands and marks recorded in the secretary's office, to record the same in the clerk's office aforesaid, but such record in the secretary's office shall be good and valid.

Clerk's fees for recording.

3. *And be it enacted,* That it shall be the duty of the clerks of the superior courts, upon the application of any person or persons, to record all marks and brands, in books to be kept by them for that purpose, and give certificates thereof when thereunto required by any person or persons, and for which they shall receive the fees pointed out by the act to revise and amend: "An act for ascertaining the fees of the public officers of this state."

WILLIAM GIBBONS, *Speaker of the House of Representatives,*

BENJAMIN TALIAFERRO, *President of the Senate,*

EDWARD TELFAIR, *Governor.*

December 1792.

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## MILITIA.

*An act to revise and amend the militia law of this state, and to adapt the same to the act of the congress of the United States, passed the eighth day of May, one thousand seven hundred and ninety-two, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."*

Militia to be laid off into divisions, &c.

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia, in General Assembly met,* That in order to comply as nearly as may be convenient with the act of the congress of the United States, passed at Philadelphia on the eighth day of May, in the year of our Lord one thousand seven hundred and ninety-two, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," the militia of this state shall be laid off and apportioned into divisions, brigades, regiments, battalions and companies, in the manner herein after particularly expressed.

Brigades and divisions denoted.

2. *And be it further enacted,* That the counties of Camden, Glynn, Liberty and Chatham, shall compose a brigade, to be known as the first brigade of the first division, and the counties of Effingham and Burke as the second brigade of the said division; and the said two several brigades shall compose the first division of the militia of this state; and the counties of Richmond and Columbia shall compose a brigade,

to be known as the first brigade of the second division, and the counties of Washington and Greene as the second brigade of the said division; and the said two several brigades shall compose the second division of the said militia; and the county of Wilkes shall compose a brigade, to be known as the first brigade of the third division, and the counties of Franklin and Elbert as the second brigade of the third division; and the said two several brigades shall compose the third division of the said militia.

3. *And be it further enacted*, That each division of the said militia shall be under the direction of, and be commanded by a major general; and each brigade shall be under the direction of, and be commanded by a brigadier general; and there likewise shall be appointed an adjutant general, to have the rank of lieutenant colonel. All which said officers shall be appointed and commissioned by the commander in chief of this state, under the regulations and restrictions herein after pointed out.

A division to be commanded by a major general; a brigade, by a brigadier general. Adjutant general, rank of lieutenant colonel.

4. *And be it further enacted*, That in two months after the passing of this act, the said several brigades shall be subdivided into regiments, battalions, and companies, as near as may be, in conformity to the aforementioned act of the congress of the United States, by the executive department of this state. *Provided*, That the respective counties be kept distinct from, and unblended with any other county in such subdivision, unless alterations in such counties should hereafter by law take place.

Brigades, subdivided into regiments, battalions and companies.

Proviso.

5. *And be it further enacted*, That the officers of companies shall be nominated by election of the citizens liable to bear arms in each company district, and be appointed agreeably to the constitution, by the governor of this state, under the following rules and restrictions, that is to say, the free white inhabitants so liable to do militia duty shall, within ten days after such company district shall have been defined by the executive, assemble at a place to be appointed therein, by any two or more magistrates within such company district, or if there should not be two residing magistrates within such district, by any two or more magistrates of the county such company may be in, ten days' public notice being first given by such magistrates of such meeting and the intention thereof, and the free white inhabitants liable to do duty therein, and so convened, shall proceed to nominate by ballot, one fit and proper person to fill each respective commission of captain, lieutenant and ensign for such company; the election so held and the persons so nominated for each commission as aforesaid, shall be certified\* under the hands and seals of the said magistrates, and be by them sent, within fifteen days, so certified, to his excellency the governor, who shall within five days after the receipt thereof, appoint and commission the persons so nominated for the respective commissions of captain, lieutenant and ensign, as the case may be; and in case of the neglect or refusal of the inhabitants of any company district to meet, and by ballot to nominate the persons aforesaid, within the time herein before pointed out for such meeting, the executive department shall proceed to appoint the officers of such company district, without any such nomination.

Company officers how appointed.

6. *And be it further enacted*, That the captains and subalterns of companies so nominated and appointed shall, within twenty days after the notification of their appointments, by his excellency the governor has taken place, meet and assemble at some convenient place within the battalion or regimental district, as the case may be, to which such officers belong, under the direction of any two or more of the captains so appointed, not being candidates, ten days' notice being given of the meeting, and its intention, by them, and when so met the said officers shall proceed to nominate by

Field-officers appointed by the company officers.

\* See act of 1793, sect. 8.

Proviso.

ballot one fit and proper person for each commission of lieutenant colonel of the regiment, or major commandant of the battalion as the case may be: *Provided*, That where the lieutenant colonel, when appointed, will command a regiment consisting of two battalions, the officers of companies of both battalions shall assemble together in like manner at a convenient place for each battalion, under the direction of two or more captains, one of which at least belonging to each respective battalion; and the captains so assembling the said officers shall, within ten days after such nomination certify the same, and the names of the persons so nominated, and send such certificate to the executive department, which shall within five days thereafter, appoint and commission the persons so nominated to fill such appointments of lieutenant colonel or major, as the case may be.

Counties not containing two battalions, how to be regulated.

7. *And be it also enacted*, That where a county will not permit its being formed into two battalions, the same shall compose a regiment, to be commanded by a lieutenant colonel commandant.\*

Officers, how to take rank.

8. *And be it further enacted*, That where any officer now in commission shall be nominated and appointed to fill the same commission he before held, he shall take rank from the date of the commission he so before held, any thing herein contained to the contrary notwithstanding; and the officers in commission at the time of passing this act, shall continue to act until the nomination or appointment of some other person to fill the same.

Persons liable to do duty, to be enrolled.

9. *And be it enacted*, That the commanding officer of each company of militia, shall enrol the names of all the male inhabitants (slaves excepted) above the age of eighteen, and under the age of forty-five years, who shall have resided therein for the space of ten days, and shall cause the persons so enrolled to be summoned and duly notified, by a proper non-commissioned officer, to appear at such times and places as he shall appoint, for company musters; and the persons so enrolled shall be from thenceforth deemed and held to belong to such company, and liable to appear at all its musters, whether battalion or company, and on all other necessary occasions, and to perform the whole duty of a militia-man, without any further notice whatsoever.

Accoutrements.

10. *And be it further enacted*, That every person so enrolled shall provide himself, agreeably to the act of congress, with a musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein, to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed, accoutred and provided when called out to exercise, or into service; except that when called out to exercise only on company days, he may appear without a knapsack. And if any person so enrolled shall neglect to provide himself, or shall appear at muster not properly accoutred, as before expressed, or shall neglect or refuse to appear at such battalion or company musters, or on any other necessary occasion, at any time within nine months after the passing of this act, shall be fined in a sum not exceeding two dollars for every such offence; and for every such neglect after that time, in a sum not exceeding six dollars, if a battalion muster, and four dollars if a company muster.

Fines of privates, for not attending well accoutred.

Field and company officers, uniform.

11. *And be it further enacted*, That every commissioned officer of the rank of captain and under, shall provide himself with a sword or hanger, an esponton, and a com-

\* By a major, if not more than four companies. See act of 1795, sect. 5.

plete suit of uniform, to be determined on by the officer commanding the brigade he belongs to; and in case of any such officer appearing at musters, or on other necessary occasions, not so provided, at any time within nine months after his appointment, every such officer so offending, or who shall neglect or refuse to appear at such musters, shall be fined, if a captain, in a sum not exceeding thirty dollars, if a lieutenant, not exceeding twenty dollars, and if an ensign, not exceeding fifteen dollars. And every general and field-officer shall in like manner appear, when on duty, in complete uniform, and armed with a sword or hanger; the uniform of the general officers to be determined by the commander in chief, and the uniform of the field-officers by the officer commanding the brigade; and in case of their appearing at muster, or on other necessary occasions, not so provided, every such officer shall forfeit and pay, if a major general, a sum not exceeding two hundred and fifty dollars, if a brigadier, a sum not exceeding two hundred dollars, and if a field-officer, a sum not exceeding one hundred dollars.

Fines for neglect and non-attendance.

12. *And be it further enacted*, That the said militia shall exercise in battalion twice in each year, and in companies four times in every year; and in case of neglect thereof, if a battalion or regimental muster, the commanding officer of such regiment or battalion, shall be fined in a sum not exceeding one hundred dollars, to be imposed by a court-martial, to be ordered by the officer commanding the brigade; and if a company muster, the officer commanding and so neglecting, shall be fined for every such neglect in a sum not exceeding thirty dollars, to be imposed by a court-martial, to be ordered by the officer commanding the regiment or battalion, to which such company shall belong; and due notice shall be given of such regimental, battalion or company musters, by the officers commanding the same.

Battalion and regimental musters.

Fines for neglect.

13. *And be it further enacted*, That every officer commanding a company shall, on the days appointed to exercise his men by company, have the same formed under arms by eleven of the clock in the forenoon, by which hour every person liable to militia duty in such company shall attend, and the said officer shall then have his roll called over, and mark all defaulters, and shall proceed to instruct and exercise his men in the evolutions and manual exercise, pointed out and required by the before mentioned act of congress; and in case of neglect of such instructing and exercising, the officer so commanding shall be liable to a penalty not exceeding thirty dollars for every such neglect.

Company musters.

Fines for neglect.

14. *And be it further enacted*, That if any person liable to bear arms, at any exercise or training hereby appointed, shall behave in a contemptuous or unsoldier-like manner, at either battalion or company musters, whilst under arms, or shall insult or threaten his field-company, or other officer commanding; after his discharge, for or on account of such officer's performing the duty hereby required of him whilst such person was under arms, every such person shall, for every such offence, forfeit and pay a sum not exceeding four dollars; and if such offender shall be a commissioned officer, and shall be guilty of contemptuous or unsoldier-like behaviour, whilst on duty, or shall, after his discharge from such duty, threaten or insult his superior officer, for or on account of the duty required of such officer by this act, every such commissioned officer so offending shall, for every such offence, forfeit and pay a sum not exceeding twenty dollars, or be cashiered, at the option of a court-martial.

Privates to be fined, and officers fined or cashiered at the option of a court-martial.

15. *And be it further enacted*, That any person interrupting the military exercises required by this act, may be committed by the officer commanding the body of militia so interrupted, to the nearest common jail for a space of time not exceeding five days, for every such offence.

Persons interrupting the exercises to be imprisoned.

servants to be  
equipped by  
their masters,  
fines for ne-  
glect.

16. *And be it further enacted,* That every master or other person, who hath the command, government, or power over any indented man servant, liable to do militia duty by this act, shall, at his, or her own proper cost and charge, furnish and provide every such indented man servant during his service, with the arms, ammunitions and accoutrements directed by this act, and every such master or other person shall send such indented servant completely armed and furnished as is herein required, to all battalion, regimental or company musters, and on all other necessary occasions, which such indented servant would have been liable to attend were he not a bondman; and in case such indented servant shall not appear thereat, or on appearance shall be defective in arms or accoutrements hereby required, such master or other person shall be liable to all the fines, penalties, and forfeitures, imposed in like cases on other persons liable to bear arms by this act.

Fines, &c. to be  
imposed by a  
court-martial

17. *And be it further enacted,* That the several fines, penalties and forfeitures to be inflicted by this act, on persons liable to attend at company musters, may be imposed by a court consisting of a majority of the commissioned officers of such company; or in case of vacancies of two commissioned officers of the regiment, or battalion such companies belong to, *Provided,* one of the said officers be an officer of such company. And the several fines, penalties, and forfeitures to be inflicted on persons liable to attend battalion or regimental musters, shall be imposed by a court to consist of at least seven commissioned officers of such battalion or regiment; and it is hereby made the duty of the officers appointed members of such courts martial, on being duly notified thereof to attend the same. And in case of neglect or refusal of any such commissioned officer to attend, he shall be liable to the penalties herein pointed out, for non appearance at regimental or battalion musters, and ten days' notice at least in writing shall be given defaulters and offenders, to be tried at such company, battalion, or regimental courts martial, under the hand of the commanding officer of the company, such offender, or defaulter belongs to, who shall be served with the same personally, or be otherwise notified by a non-commissioned officer thereof, by such non-commissioned officer's leaving the same at such defaulter's, or offender's usual place of abode, and proof of such service shall be made to such court, on oath previous to its proceeding to the trial of such offender or defaulter.

Warrants for  
collecting fines,  
how drawn and  
served.

18. *And be it further enacted,* That all warrants for fines, penalties or forfeitures, inflicted by this act, shall, in consequence of the sentence of a company court-martial, be under the hand and seal of the commanding officer of the company; and if in consequence of the sentence of a regimental or battalion court-martial, under the hand and seal of the commanding officer of such regiment or battalion; and every such warrant shall clearly express the offence, and recite the sentence of the court, and shall be directed to and executed by a serjeant of the company the offender belongs to, or be directed to and executed by any lawful constable of such district; and such non-commissioned officer or constable shall make return of such warrant, within thirty days after his receiving the same; and if on such return it shall happen that such offender or defaulter has not wherewithal to be levied to satisfy the forfeiture or fine imposed by such court, it shall be the duty of such officer commanding, to renew the warrant, and thereby to commit the offender or defaulter to the common jail of the county, or the nearest jail thereto if there shall be no such county jail, for the space of one day for each dollar contained in such fine or forfeiture; and it is hereby made the duty of the keeper of such jail, to receive such offender or defaulter, and to keep him in close custody for the term in such warrant expressed, without bail or mainprize, and until such offender or defaulter shall have satisfied such keeper for

his fees on such confinement: *Provided*, That no jailor shall detain such person or persons more than three days for his fees: *And provided*, That where this act admits of persons being committed to jail in the first instance, no return or renewal of such warrant shall be necessary.

19. *And be it further enacted*, That the non-commissioned officers of the respective companies shall be appointed in the following manner, that is to say, the names of all persons liable to bear arms in each company district, shall be placed in a box, to be kept in the custody of the commanding officer of such company, and to have two partitions, to be known by the Nos. 1 and 2; and the names in the first instance shall be put in the partition No. 1; and within one month after the respective companies are organized, it shall be the duty of the commissioned officers thereof to assemble, and draw from the said partition No. 1, the names of eight persons, which shall be thrown into the partition No. 2; and the eight persons so drawn shall be the non-commissioned officers of the company, and are hereby declared liable to execute and perform all the duties of such station, and they shall serve as such for the space of twelve months, and shall not be liable to serve again in that capacity, until all the names shall be drawn from the partition No. 1: And in case of refusal to act in such appointment, or to procure some fit and proper person, to be approved of by the officer commanding the company, to do the duty of a non-commissioned officer in his stead, such person so drawn and refusing to act, or to procure such fit and proper person, shall forfeit and pay the sum of ten dollars, to be recovered by warrant of the officer commanding the company such person shall belong to; and the said commissioned officers shall proceed to draw another person to fill the office of such person so refusing, until the number of non-commissioned officers shall be completed; and the first four persons so drawn as aforesaid, shall be the serjeants, and the last four so drawn, the corporals of such company: *Provided nevertheless*, That if fit and proper persons for non-commissioned officers should be procured by the commissioned officers of such company, the mode of drawing in this clause contained may be dispensed with; but after such fit and proper persons have accepted such offices, they shall be liable to serve in such station at least for the term of twelve months, as is herein before expressed for persons drawn to serve in the same; and in consideration of the duties in this act assigned to them, one half of the fines of such company shall be set apart as a fund for defraying the expence of executing such duty, and be divided among such non-commissioned officers; but if any non-commissioned officer, after excepting such office, shall neglect or refuse to do the duty required by this act, he shall for every such offence forfeit and pay a sum not exceeding five dollars.

20. *And be it further enacted*, That it shall be the particular duty of the officers commanding companies, to pay a due attention that the law for establishing and regulating patrols in force in this state, passed the eighteenth day of November, in the year of our Lord one thousand seven hundred and sixty-five, under the then province of Georgia, be strictly executed; and in case of neglect or default of such execution, every officer commanding the company defaulting, and not punishing the defaulters agreeable to the said act, shall be liable to a fine not exceeding fifty dollars, or be cashiered at the option of a court-martial.

21. *And be it further enacted*, That the officers commanding regiments or battalions, shall once in every year make proper and complete returns of their regiment or battalion as the case may be, to the officer commanding the brigade to which they respectively belong, and the officers commanding brigades, shall in like manner make

Distribution of orders.

proper and complete returns of their brigades to the officers commanding the division to which they respectively belong ; and the officers commanding divisions, shall receive and distribute all such orders to the brigades of their respective divisions, as may from time to time be issued from the commander in chief, or by his direction from the adjutant general, and the officers commanding brigades, shall in like manner receive and distribute to, and among the respective regiments and battalions of their respective brigades, all such orders as may from time to time be issued to them by the officers commanding divisions ; by the commander in chief, or from his directions by the adjutant general, and the officers commanding regiments or battalions shall cause to be distributed to, and executed by the respective companies under their command, all such orders as they may from time to time receive from officers commanding divisions and brigades, or from the commander in chief, or the adjutant general ; and in case of neglect or refusal to perform such duty, every officer so offending, shall if a major general, be fined in a sum not exceeding five hundred dollars, if a brigadier, in a sum not exceeding three hundred dollars, and if a field officer in a sum not exceeding two hundred dollars, or be cashiered at the option of a court-martial, to be ordered, if on a major general, by the commander in chief, if on a brigadier, by the officer commanding the division, and if on a field officer, by the officer commanding the brigade : *Provided*, That nothing in this clause contained shall be construed to debar the commander in chief from arresting and ordering courts martial for the trial of any officer of the militia of this state, or to debar any officer commanding a division, brigade, regiment, or battalion, from arresting and ordering courts martial for the trial of any officer belonging to his division, brigade, regiment or battalion.

May be fined or cashiered by the court-martial.

Proviso.

Courts martial for the trial of officers, how constituted.

22. *And be it further enacted*, That a court-martial\* for the trial of a major general, shall consist of at least one major general, three brigadier generals, and five field-officers ; and for the trial of a brigadier general, the court shall consist of at least two brigadier generals and seven field-officers ; and for the trial of a field-officer, it shall consist of at least one brigadier, three field-officers, and five captains, or of four field-officers and of five captains ; and a court-martial for the trial of a captain or subaltern, shall consist of at least seven commissioned officers, the president thereof to be of superior rank to the officer tried ; and every sentence of a court-martial, where the officer shall be cashiered, shall be transmitted by the president of the court, through the adjutant general, to the commander in chief, who may approve of, mitigate the sentence, or pardon the offender as he may see fit ; and in case of sentences merely pecuniary, the officer ordering the court may approve, disapprove or mitigate the same.

Their sentences subject to the will of the commander in chief.

Vacancies, how to be filled.

23. *And be it further enacted*, That from and after the organization of the militia as before pointed out, whenever any vacancy shall happen in any captain's district, battalion, regiment, brigade or division, by death, resignation, or otherwise, the vacancies shall be filled up by nominating a person or persons to fill such vacancy or vacancies, in the same manner as before pointed out.

The governor may embody the militia.

24. *And be it further enacted*, That his excellency the governor be, and he is hereby empowered to assemble and embody such part of the militia of the state as he may from time to time think necessary, to repel any invasion, insurrection, or rebellion which may happen within the same, and to order such officers to command the said militia as he may see fit ; *Provided*, That the officers of one company shall not be placed to command another company, unless where the death, resignation, or inability of such officer shall make it necessary. *And provided*, That nothing in this

Proviso.

Proviso.

\* See act of 1793, sect. 3.



clause contained shall prevent part of such company from being detached on piquet or otherwise under any officer.

25. *And be it further enacted,* That where volunteer corps of artillery, horse, or infantry shall be formed in pursuance of the afore mentioned act of congress, the volunteers composing the same, shall not be permitted to leave such corps until he or they shall have given two weeks' notice of such intention, and shall have produced a certificate from under the hand of the commanding officer of the company district he belongs to, that his name is enrolled therein; and until the expiration of such notice, such person shall be liable to continue to do duty in such volunteer corps: And in case of removal of residence of any person, liable to do militia duty, from one district to another, five days' notice shall be given to the officer of the company such person intends to remove from, and shall produce a certificate from the officer of the company he intends to remove to, that his name is therein enrolled, and until such notice and certificate, such person shall be liable to do militia duty, in such company from which he intends to remove.

Corps of artillery, horse and infantry, how to be governed.

26. *And be it further enacted,* That any officer acting in a scandalous or infamous manner, unbecoming the officer, and which is likely to bring the militia service into disrepute, may be arrested by order of the commander in chief, or the commanding officer of division or brigade, on sufficient grounds appearing to them of such conduct, and on conviction thereof by a court-martial, such officer may be cashiered: And all disorders and neglects whilst on duty, or under orders, which officers or privates may be guilty of to the prejudice of good order and discipline, though not herein particularly provided for, may be noticed by a general, regimental or battalion court-martial, and be punished by fine or forfeiture, not exceeding the penalties herein apportioned for other offences, according to the rank of the offender.

Improper conduct, neglect, &c. of officers, cognizable by courts martial.

27. *And be it further enacted,* That all fines\* and forfeitures accruing by virtue of this act shall, if arising from default at regimental or battalion musters, be paid into the hands of the major of such regiment or battalion, for the express purpose of procuring regimental and company colors; and all fines and forfeitures arising from defaults at company musters (except as herein excepted) shall be lodged in the hands of the captain thereof, to be applied in the purchase of drums and fifes; and such captain, after such purpose is attained, shall yearly account with and pay to the major of such regiment or battalion, the overplus of such fines and forfeitures, who shall, after the expence of colors is deducted therefrom, pay the overplus of such regimental, battalion or company forfeitures, into the public treasury, where all fines on general officers shall also be paid.

Fines and forfeitures appropriated.

28. *And be it further enacted,* That the commanding officer of regiments shall have the sole appointment of the regimental staff, as pointed out by the afore said act of congress; and that for the better understanding of this law, as it has reference to the said act, the executive be empowered to direct a sufficient number of copies of that act to be struck off with this law, to be distributed, one to each company of militia within this state, and one to each field and general officer within the same: And it is declared to be the duty of each company officer to have the said act, together with this law, publicly read over at least twice in each year to his company, whilst under arms; and it shall be the duty of the field-officers to have the same once in every year read to the respective regiments or battalions; whilst under arms, to which they may respectively belong. And the executive department is also farther empowered and re-

Officers commanding regiments, shall appoint the regimental staff. Act of congress to be published by the executive.

Militia laws to be read to companies, battalions and regiments.

\* See act of 1793, sect. 2.

quired, to have a like number of copies of the rules and articles of war, in force with the troops of the United States, to be distributed in like manner, that the militia be not ignorant thereof when called into actual service.

General officers, how appointed.

29. *And be it further enacted*, That the major generals, brigadier generals, and adjutant general, created by this act, shall be nominated in the following manner: The Senate and House of Representatives shall concur in the nomination of one person as major general for the first division; one other person as major general for the second division; and one other person for the major general of the third division of the militia of this state; and shall also concur in the nomination of one other person for the brigadier general of the first brigade of the first division; one other person for the brigadier general of the second brigade of the said division; one other person for the brigadier general of the first brigade of the second division; one other person for the brigadier general of the second brigade of the said last mentioned division; one other person for the brigadier general of the first brigade of the third division; and one other person for the brigadier general of the third and last division; and also concur in the nomination of one other fit and proper person as adjutant general; and a list of the names of the persons as shall be nominated as aforesaid, shall be signed by the president of the Senate and speaker of the House of Representatives, and transmitted to the governor within two days after such nomination, for the purpose of appointing and commissioning each and every of such nominated persons, within ten days after he shall receive such lists of names as aforesaid.

Vacancies by removal.

30. *And be it further enacted*, That in case any officer shall remove out of the district, battalion or regiment for which he shall be appointed, then and in that case his commission shall be void; and all officers of divisions, brigades, regiments, battalions, and companies, shall be residents of the divisions, brigades, regiments, battalions and companies to which they severally belong.

Quakers exempt from duty on payment of additional tax.

31. *And be it further enacted*, That the people called quakers, on producing a certificate from a quaker meeting of their being *bona fide* quakers, shall be exempt from all militia duty required by this act, and shall pay an extra tax of twenty-five per centum in addition to their general tax. *Provided*, That this act shall not extend to affect persons nor their estates, who are herein exempt either from years, appointments, or imbecility.

Proviso.

Exemptions in addition to those in the act of the United States.

32. *And be it further enacted*,\* That the members of the legislature for the time being, and their officers, all judicial and executive officers, all ministers in orders, practitioners of physic, all public printers, all ferrymen, millers, all tutors and students, all justices of the peace, registers of probates, the treasurer, the surveyor general and county surveyors, the secretary of state, invalids, post-riders, madmen and idiots,† shall be and they are hereby exempted from any of the duties required by this act, in addition to those exempted therefrom by the act of the United States.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 24, 1792.

EDWARD TELFAIR, *Governor.*

\* See act of 1793. sect. 15.

† Further exemptions.—See acts 1794, sect. 3. and 4. And 1795. sect. 7.

*An act, supplementary to an act, entitled "An act to revise and amend the militia law of this state, and to adapt the same to the act of congress of the United States, passed the eighth day of May, one thousand seven hundred and ninety-two, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."*

1. **B**E IT ENACTED, That the governor shall have power and authority to order out as many companies of mounted infantry or riflemen, from time to time, as may be necessary for the defence of the frontiers, who shall be allowed only the pay and rations of footmen, with the addition of forage: *Provided always*, That no such companies of mounted infantry or riflemen shall be continued in service more than thirty days at one time.
 

The governor may order out mounted infantry or riflemen to defend the frontiers. Proviso.
2. *And be it further enacted*, That any person or persons not herein excepted, neglecting or refusing to perform his tour of duty, when called into service by the authority of his excellency the governor, under and by virtue of the laws of this state, if a commissioned officer in person, or if a non-commissioned officer or private, either in person or by substitute; shall, if a commissioned officer, be cashiered, and fined in a sum not exceeding one year's pay, nor less than one month's pay; and if a non-commissioned officer or private, in a sum not exceeding one year's, nor less than one month's pay, for each neglect or default, at the discretion of a court-martial, to be held for the trial of all and every such offenders, and recovered in the manner pointed out in the aforesaid act: And all such fines shall be paid to the major of the regiment or battalion to which the defaulter or defaulters belong; who shall therefrom provide a sufficient quantity of powder, for the use of the regiments or battalions on regimental or battalion musters, and pay the overplus into the public treasury within sixty days after the receipt of the said fines.
 

Officers and privates failing to do their tour of duty, how to be punished.

Fines, how applied.
3. *And be it further enacted*, That no officer except the commander in chief, ordering an arrest, shall appoint a court for the trial of the person or persons so arrested, but shall notify the said arrest to the officer next in command, who shall order a court for the trial of the person or persons arrested as aforesaid.
 

Courts martial, for trial of persons arrested, how appointed.
4. *And be it further enacted*, That when any officer shall be cashiered, he shall not be eligible to hold any commission for the term of three years thereafter.
 

Incapacity of a cashiered officer.
5. *And be it further enacted*, That the officers composing courts martial, convened agreeably to law, shall take the following oath, viz. "I, A. B. do solemnly swear, that I will well and truly try and determine, to the best of my judgment, according to the militia laws of this state now of force, and the evidence before me, the several defaulters legally returned to this court, without partiality, favor or affection, and, if any doubts shall arise which are not explained by the said laws, according to my conscience, the best of my understanding, and the customs of war in like cases: And I do further swear, that I will not divulge the sentence of the court, until it shall be published by the commanding officer. So help me God."
 

Courts martial to be sworn. Their oath.
6. *And be it further enacted*, That all lieutenant colonels shall only take rank according to the date of their commissions, without regard or preference to the word "Commandant."
 

Lieutenant colonels, how to take rank.
7. *And be it further enacted*, That all aliens shall be liable to do and perform the duties herein and by the aforesaid militia acts required, in like manner with the citizens: *Provided always*, That when the United States shall be at war with the nation to which any alien or aliens shall belong, such service shall be immediately suspended,
 

Aliens liable to militia duty.

Proviso. Except in wars with their own nations.

and the said alien or aliens shall be entitled to all the benefits in such cases arising under the law of nations.

Election of  
company offi-  
cers—returns,  
how to be  
made.

8. *And be it further enacted*, That the magistrates holding elections for the nomination of company officers, hereafter shall return a list of the names of voters, together with the names of the candidates, with the number of votes for each, to his excellency the governor, as soon as possible after the election.

No person to  
hold more  
than one militia  
commission.

9. *And be it further enacted*, That in future it shall not be lawful for any person or persons to have or hold more than one militia commission within this state; and where any person or persons have received more than one militia commission, he or they shall, within three months, resign one of said commission or commissions, as the case may be, to his excellency the governor; and in case such resignation be not made within the time limited as aforesaid, the governor for the time being shall be, and he is hereby empowered and directed to consider said commissions as being vacant, and fill up the same.

Quakers ex-  
empt from du-  
ty.

Proviso.  
Must pay twen-  
ty-five per  
cent. on their  
general tax.

10. *And be it further enacted by the authority aforesaid*, That the people called Quakers, on producing a certificate from a Quaker meeting of their being *bona fide* Quakers, shall be exempt from all militia duty required by this act: *Provided*, such Quaker do pay twenty-five pounds per centum, in addition to the amount of their general tax.

Brigadier to  
have an aid-de-  
camp.

11. *And be it further enacted*, That the brigadiers of each brigade within this state, shall be entitled to an aid-de-camp, to be appointed by each brigadier respectively.

Substitutes,  
how to be ap-  
proved.

12. *And be it further enacted*, That no person shall be exempt from any tour of militia duty by a substitute, unless such substitute shall be approved of by the officer commanding the detachment with which he is to march: and all substitutes when in actual service, shall be subject to the same rules and regulations as the person by whom he was employed could have been subject to.

Officers of vo-  
lunteer compa-  
nies, how to be  
commissioned.

13. *Be it further enacted*, That from and after the passing of this act, the governor shall not commission officers to any troop or troops of horse, to any company or companies of artillery or riflemen, unless it shall be certified to him by the officer commanding the brigade, that such troop or company is composed of and belonging to some regiment or battalion within the same.

Certain exemp-  
tions from du-  
ty.

14. *And be it further enacted by the authority aforesaid*, That any person or persons having a wife and child or children, removing from any of the United States or elsewhere, into this state, shall be, and they are hereby exempted from militia duty for the full term of twelve months: *Provided always*, That such person do, within three weeks after coming into the state, enrol himself in the captain's company in the county wherein he does reside.

Proviso.

The act of 1791  
respecting ex-  
emptions, and  
all prior militia  
laws—repealed.

15. *And be it further enacted*, That so much of an act, entitled "An act to revise and amend the militia law of this state," passed the fourteenth day of December, one thousand seven hundred and ninety-two, which exempts from militia duty the several officers therein named, and all laws regulating the militia prior to said act, be, and the same are hereby repealed.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, December 17, 1793.

GEORGE MATHEWS, *Governor.*

*An act to organize the militia in the several new counties in this state and for other purposes.*

1. **W**HEREAS great inconvenience hath arisen and the service sustained great injury by the disorganization of the militia, in consequence of the late division of counties; the officers in many instances living in one county and their commanders in another, for remedy whereof, *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That the commissions of all officers in the said counties shall be, and they are hereby declared to be null and void, from and immediately after the passing of this act; and that his excellency the governor be authorized, and he is hereby directed within three months to organize the militia within said new counties into regiments, battalions and companies, agreeably to an act passed at Augusta, to revise and amend the militia law of this state, and to adapt the same to the act of the congress of the United States, passed the eighth day of May, one thousand seven hundred and ninety-two, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States." And that no injury may be done to officers now holding commissions in said new counties, in case they should be re-elected to the same grade in that arrangement.

All militia commissions in the new counties, declared void.

The governor shall organize the militia therein agreeably to law.

2. *Be it further enacted,* That in case any officer now holding a commission in either of the said counties, should be re-elected or appointed to the same office or grade, that then and in that case the governor is directed to date his or their commission agreeably to the date of the commissions now held; any law usage or custom to the contrary notwithstanding.

New commissions, how to bear date.

3. *And be it further enacted,* That for the general convenience of the citizens, and more equal arrangements of the divisions and brigades, that the counties of Effingham, McIntosh and Bryan be, and they are hereby added to the first brigade of the first division, and the counties of Montgomery and Scriven to the second brigade of the said first division, and the county of Hancock to the second brigade of the second division.

Additions to certain brigades.

4. *And be it further enacted,* That the county of Warren shall be and the same is hereby declared to belong to the first brigade of the third division; and the county of Oglethorpe shall, from and after the passing of this act, belong to and be added to the second brigade of the said third division, any law to the contrary notwithstanding.

Additions to other brigades.

5. *And whereas* the militia of the United States and that of this state, appear to contemplate, where practicable, that the respective officers should have a full and complete command: *And whereas* several of the counties in this state are now commanded by a lieutenant colonel commandant, and have not the number of companies or battalions contemplated by said acts: *Be it therefore enacted,* That in all cases where there is not more than four complete companies in any county, they shall be commanded by a major and not by a lieutenant colonel commandant.

Counties of not more than four companies, to be commanded by a major.

6. *And be it further enacted,* That the governor is directed to commission all the colonels of the different regiments in the said new counties as lieutenant colonels commandants, and on application to renew any commissions from any county heretofore granted, he will commission them in like manner, taking special care to preserve the original old date in such renewed commissions, any law to the contrary notwithstanding.

Colonels' commissions, how to be made out.

7. *And be it further enacted,* That all the ministers in orders, be, and they are hereby exempted from all duties required by the several militia laws of this state. And

Ministers exempt from militia duty.

that so much of the militia laws now in force as militate with or contradict this law, shall be, and the same are hereby repealed.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

Concurred January 8, 1795.

.....

*An act to organize the militia in the several new counties of this state.*

Commissions of officers in the new counties declared void.

The governor shall organize the militia therein.

The new counties added to certain brigades.

Negroes and persons of color, arriving in this state from the West-India, or Bahama Islands, how to be treated.

1. **BE IT ENACTED** by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That the commissions of all officers in the new counties shall be, and they are hereby declared to be null and void, from and immediately after new elections shall have taken place therein; and his excellency the governor is hereby authorized and required, within two months, to organize the militia in the new counties of Bullock, Jackson, Jefferson and Lincoln, into regiments, battalions and companies, agreeably to an act passed at Augusta, to revise and amend the militia law of this state, and adapt the same to the act of the congress of the United States, passed the eighth day of May, one thousand seven hundred and ninety-five.

2. *And be it further enacted*, That for the general convenience of the citizens, and more equal arrangements of the divisions and brigades, that the counties of Bullock and Jefferson be, and they are hereby added to the second brigade of the first division, and the county of Lincoln to the first brigade of the third division, and the county of Jackson to the second brigade of the third division.

3. *And be it further enacted*, That the officers of the militia in the first brigade in the first division, shall be authorized and empowered in the respective patrol districts, to apprehend any negro, mustee or mulatto freeman or freemen, slave or slaves, who shall hereafter arrive in any port of this state, from any of the West-India or Bahama Islands, and to keep such mustees, negroes or mulattoes in close and safe custody until they can be examined before the corporation of Savannah, or any three justices of the peace for any of the counties lying in the said division, who are hereby authorized to cause such freeman or freemen, slave or slaves to be exported at the expence of the importer or owner, which such importer or owner is hereby made liable for as well as for the expence of apprehending or keeping such persons.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

JARED IRWIN, *Governor.*

Concurred, February 22, 1796.

.....

*An act to provide more effectually for training the militia of this state.*

Preamble:

**W**HEREAS the appointment of the officers, and the power of training the militia of the several states, according to the discipline prescribed by congress, is secured to them respectively by the constitution of the United States; *And whereas it*

is evident from the experience of ages, that to be prepared for war, is the greatest security of the peace of a nation; and that a well organized militia ought to be considered among the first objects of a free people: *And whereas* many of the officers commanding the militia of this state, have not been sufficiently instructed in the practice of the said discipline, to enable them to teach the same to the privates under their command, for remedy whereof:

1. *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That it shall and is hereby declared to be the duty of the adjutant general, to convene all the field-officers, and the brigade inspectors of each respective brigade, once in every year, at such convenient time and place therein, as may be agreed on by him and the officers commanding the same, for the purpose of aiding and assisting the said officers in carrying into effect, the discipline prescribed by congress; and it shall be the duty of the said officers to attend accordingly, fully and completely equipped as the law directs, and to conform to such rules and regulations as the said adjutant general may deem necessary for that purpose, for a term not exceeding two days at any one meeting; *Provided however,* That such rules and regulations be not contrary to law.

The adjutant general shall convene the field-officers & brigade inspectors annually in each brigade.

2. *And be it further enacted,* That it shall be the duty of the brigade inspectors, and they are hereby required to attend at the usual place of regimental musters in each regiment, within the several brigades to which they respectively belong, twice in every year, at such convenient time as they may appoint, for the purpose of instructing and training the adjutant and company officers thereof; and the better to carry the same into effect, to establish an uniform discipline throughout the state, it shall be the duty of the captains, subalterns and adjutant of each regiment, with the first serjeant of the several companies, and they are hereby required to convene at the regimental muster ground therein, in complete uniform, agreeably to law, each commissioned officer with his commission, at such time as the brigade inspector may appoint, as aforesaid, equipped with a musket, bayonet, cartouch box, belt, and at least six cartridges; and such captain, subalterns and adjutant, so convened, shall form a company; and be subject to such orders, regulations and restrictions, as he may deem necessary, to teach and enforce the discipline prescribed by congress, for a term not exceeding two days at any one meeting.

Brigade inspector shall muster the company officers and adjutant of each regiment twice a year.

3. *And be it further enacted,* That it shall be the duty of the brigade inspectors, on due notice by the officer commanding the respective regiments, to attend all the regimental musters in the brigade to which they severally belong, for the purpose of aiding and assisting the officers on parade, and instructing them in their duty in their several places. And it shall be the duty of the adjutant of the several regiments, on like notice, to attend all battalion musters for the purpose aforesaid.

And on due notice to attend all regimental musters.

The adjutant to attend battalion musters.

4. *And be it further enacted,* That it shall be the particular duty of the officers commanding companies, and of the adjutants, to instruct and train the non-commissioned officers and privates, in conformity to the discipline so to be taught them as aforesaid; and the said field-officers, company officers and adjutants, shall, and they are hereby declared to be liable to trial by courts martial, and to all the pains, penalties and disabilities, prescribed by the law for non-attendance, disobedience of orders, or ungentleman-like behaviour, in regard to the aforesaid service.

The duty of company officers.

Fines for neglect.

5. *And be it further enacted,* That the adjutant general shall be allowed two dollars, the brigade inspectors one dollar and seventy-five cents, the adjutant one dollar

Adjutant general's compensation.

and fifty cents, and the drum majors and fife majors, one dollar per day each, for their services, while on actual duty in performing the aforesaid service; the accounts of the adjutant general for the same, being first certified by a major general or the commander in chief; the accounts of the brigade inspectors by a brigadier general; and those of the adjutants by a lieutenant colonel. And for the more easy and effectual transmitting of military orders,

General officers may employ expresses.

6. *Be it further enacted*, That the major generals and brigadier generals be, and they are hereby vested with power to employ such person or persons as they may deem necessary, to ride express, for transmitting such orders as in their judgment may be for the good of the public service; and that such person so employed shall be allowed at and after the rate of one dollar per day, during the necessary time they are actually engaged in performing such duty, to be paid by the governor out of the contingent fund, upon their producing a certificate of the general officer so employing them: *Provided*, That a day's riding of an express be not less than thirty-five miles per day.

Further exemptions from militia duty.

7. *And be it further enacted*, That the founders, potters, forgers, steel makers, nail manufacturers, colliers, together with the managers and their clerks, who now are, or may hereafter be actually engaged and employed in carrying on the adullam and all other iron works within this state, be and they are hereby exempted from militia and all other public duties, while so employed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

JAMES JACKSON, *Governor.*

Assented to February 2, 1798.

• • • • •

*An act to alter and amend the militia law of this state, and to provide for arming the militia thereof.*

Preamble.

1. **W**HEREAS the defence and safety of republican states, must greatly depend on their militia, which cannot be well organized and disciplined without arms and experienced officers; and no adequate provision has been made by this state for the attainments of those desirable objects: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same*, That the field-officers in each county shall have power to arrange and define the company and battalion districts, so as to make the same compact and convenient for exercise; and where they shall be of opinion that any alteration or alterations are necessary in any of the districts aforesaid, they shall transmit an account of such alteration or alterations to the commanding officer of the brigade to which the company or battalion belongs, for his approbation; and if he approves of the alteration or alterations, the company or battalion district, as altered, shall thenceforth be the district of such company or battalion, any law or usage to the contrary notwithstanding: *Provided*, That nothing herein contained shall extend to authorize or empower the said field-officers to make any alteration or alterations that shall or may derange or deprive any officer of his commission, rank or command.

Field-officers may alter the bounds of companies.

Proviso.

Fines appropriated.

2. *And be it further enacted*, That all fines incurred by the militia when not in the service of the United States, shall be applied and disposed of for military purposes,



The good of the militia service, and at least one moiety of the same shall be applied for the payment of non-commissioned officers, and apportioned among them according to the service performed by them respectively.

3. *And be it further enacted,* That his excellency the governor shall be, and he is hereby empowered and required to purchase on the best terms, one thousand muskets and bayonets, five hundred pair of horsemen's pistols, and five hundred swords; and as soon as the same can be procured, they shall be deposited at the seat of government, and shall be sold out by the keeper of the public arms or magazine, to the militia of this state for self-defence, at cost and charges.

The governor shall purchase one thousand muskets, five hundred horsemen's pistols & five hundred swords, and deposit them with the keeper of the magazine, and sold out by him. Who shall be answerable for their safe keeping. And account yearly with the treasurer.

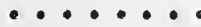
4. *And be it further enacted,* That the keeper of the public arms shall be answerable for the safe keeping of the same, and that he shall annually, on the first Monday in January, account with and pay the treasurer of this state, all such sum or sums of money as he shall or may from time to time receive in payment of any of the public arms aforesaid.

5. *And be it further enacted,* That the officers commanding court-martials, shall keep a record of the proceeding of such courts, and shall also keep a record of the receipt and disbursement of all monies which may be imposed by any court-martial so ordered, for the inspection of any person or persons whatsoever.

Courts martial shall keep records, &c.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
ROBERT WALTON, *President of the Senate.*

Assented to February 18, 1799.  
JAMES JACKSON, *Governor.*



MILLS.

*An act to regulate the toll to be taken at mills.*

1. **BE IT ENACTED** by the Representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same, That all owners or occupiers of mills shall well and sufficiently grind, or cause to be well and sufficiently ground, all clean and dry grain brought to their mills, and in due turn (as far as five bushels) as the same may be brought, and may take for toll one eighth part thereof and no more. And every owner or occupier of a mill who shall not well and sufficiently grind, or cause to be well and sufficiently ground as aforesaid, (unless in times of drought, or other sufficient cause, of which the justice may judge) or not in due turn or take or exact more toll, shall for every such offence, on proof thereof, by one or more credible witnesses, forfeit and pay a sum not exceeding fifteen shillings, to the party injured, recoverable with costs, before a justice of the peace, of the county where such offence shall be committed. *Provided always,* That every owner or occupier of a mill, may grind his, or her own grain at any time.

Mills shall grind all grain in turn, and will, and may take one eighth toll.

Penalty for not so doing

Proviso.

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, January 26, 1786.

*An act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same.*

1, 2, 3, 4, Re-enacted with amendments by act of 1765.

Persons obstructing the navigation of rivers and creeks, how to be treated.

5. *And be it enacted by the authority aforesaid,* That if any person or persons after the time of passing this act, shall cut or cause to be fallen or cut down any trees contiguous to the rivers or navigable creeks by this act intended to be kept free and passable for shipping, periaguas, and large boats, and such trees so felled and cut down, shall happen to fall into the said rivers, or into or across the said navigable creeks, the person or persons so falling or causing the said trees to be felled and cut down, shall forthwith clear the said rivers or navigable creeks, of the same, at his or their sole cost and expence; and in case of his or their neglect or refusal, so to do within ten days, any one justice of the peace of the parish or district where the same shall happen, may, and is hereby authorized on information on oath to him thereof given, forthwith to issue his warrant to the constable of the said parish or district, to cause the said tree or trees to be removed out of the said rivers or navigable creeks, and the expence attending the doing thereof shall be paid and discharged by the person or persons so falling or causing the said trees to be felled and cut down, and such justice is hereby fully authorized and empowered to issue his warrant for levying the same, together with the charge attending thereon, by distress and sale of the goods and chattels of such offender or offenders, and for want of sufficient distress, to commit such person or persons offending as aforesaid to prison for the space of thirty days, or until payment shall be made as aforesaid; *Provided nevertheless,* That nothing herein contained shall extend, or be construed to extend, to include, or to make clear, or navigable any creek not navigable at the time of passing this act.

Enviso.

LEWIS JOHNSON, *Speaker.*  
JAMES HABERSHAM, *President.*

JAMES WRIGHT.  
April 7, 1763.

• • • • •

\* *An act to amend "An act, to prevent persons throwing ballast or rubbish or falling trees in the rivers and navigable creeks within this province, and for keeping clear the channels of the same.*

Preamble.

1. **W**HEREAS in and by an act passed in the second session of the fourth General Assembly of this province, entitled "An act to prevent persons throwing ballast or rubbish, or falling trees into the rivers or navigable creeks within this province, and for keeping clear the channels of the same," *It is therein and thereby enacted,* That if at any time from and after the passing the said act, any master or owner, or any person acting as master or owner of any ship or other vessel whatsoever, shall cast, throw out or unload, or if at any time from and after the time aforesaid, there shall be cast, thrown out or unladed from, or out of any ship or other vessel whatsoever being or riding within any port, road, channel, river or navigable creek within this province, any ballast, rubbish, gravel, earth, stone, or wreck, but above high water mark (except the same be thrown out for the purpose only of filling up

Ballast, rubbish, &c. obstructing the navigation of rivers, how to be removed.

\* See act of 1774, sect. 5.

where wharfs may be erecting or erected under the banks of bruffs of such river or navigable creek, it shall and may be lawful for any one or more justice or justices of the peace for the parish or district where or near which such offence shall be committed, upon information made on oath thereof, and he or they are hereby authorized and required to summon or issue out his or their warrant or warrants, to apprehend or bring before him or them, the master or masters, owner or owners, of any such ship or other vessel, or other person or persons acting as such against whom such complaint or information shall be made or given, and upon his or their appearance or making default in appearing to proceed to examine the matters of fact, and upon due proof made either by confession of the party offending, or on view of such justice or justices, or upon the oath or oaths of one or more witness or witnesses (which oath or oaths the said justice or justices are hereby required to administer) that any ballast, rubbish, earth, gravel, stone, or wreck, hath been cast, unladen or thrown out of or from any ship or other vessel, the master or masters, or person or persons acting as master or masters thereof, shall be adjudged, and he, and they are hereby respectively declared to be the offenders against this act, and he and they being by such justice or justices (or by any of the ways or means aforesaid) thereof convicted, shall forfeit and pay for every such offence, any sum not exceeding eight pounds, at the discretion of such justice or justices, the one moiety thereof to the informer, and the other moiety thereof, to his majesty for the support of the poor of the parish, wherein such conviction shall be pronounced. *And whereas* the fine of eight pounds in and by the said act imposed and set, is found greatly deficient for preventing the evil thereby intended to be prevented: *Be it therefore enacted*, That from and after the passing of this act, if any master or owner or any person acting as master or owner of any ship or other vessel whatsoever, shall cast, throw out or unlade, or if there shall be cast thrown out, or unladen from or out of any ship or other vessel, being or riding within any port, road, channel, river, or navigable creeks within this province, any ballast, rubbish, gravel, earth, stone or wreck, but above high water mark, (except as in the said act excepted) every master or owner or any person acting as such as aforesaid, shall be deemed the offenders, and shall forfeit and pay for every such offence, a sum not exceeding three hundred pounds sterling, to be recovered and applied as herein after directed.\*

Offenders shall forfeit a sum not exceeding eight pounds.

Which is insufficient.

They shall be subject to a fine not exceeding three hundred pounds.

2. And for the more speedy determination of offences against this act, *Be it enacted by the authority aforesaid*, That information on oath being made of such offence before the chief justice, or one of the assistant justices of the general court of pleas of this province, the said chief justice and justices, or any or either of them, are hereby required and directed, forthwith to issue his or their warrant to apprehend the offender or offenders, and oblige him or them to find sufficient security for their appearance at the court to be holden for that purpose, and to abide the judgment thereof; and in case such offender or offenders shall neglect or refuse to find such security, it shall and may be lawful to and for the said chief justice and assistant justices, or any or either of them, to commit such offender or offenders to the common jail of Savannah, until the determination thereof; and the said chief justice and justices, or any or either of them, are hereby required and directed to order and appoint a court to be held within seven days after such information made for the trial of the matter of fact; and to proceed therein agreeable to an act of the General Assembly, entitled "An act for holding special or extraordinary courts of common

The chief justice or assistant justices shall take cognizance of such offences.

And shall order a court for the trial of offenders.

\* See act of 1774, sect. 4.

pleas for the trial of causes arising between merchants, dealers and others, and ship masters, supercargoes, and other transient persons."

When, and how far cognizable by justices of the peace.

3. *And be it enacted by the authority aforesaid*, That if any offence shall be committed against this act in any part of this province, where information thereof cannot speedily be made to the chief or assistant justices of the general court, it shall and may be lawful for any justice of the peace in the parish wherein the offence shall be committed, to receive such information on oath, and to bind over the offender or offenders, and the informer or informers, with sufficient securities to appear as aforesaid; and the said justice is hereby required to transmit such information immediately to the chief or assistant justices, who are hereby required to proceed in the same manner as if the same had been made before him or them.

Forfeitures and fines appropriated.

4. *And be it further enacted by the authority aforesaid*, That all forfeitures incurred by virtue of this act shall be, one moiety thereof to the informer and the other moiety thereof to his majesty, for the use of this province, to be paid into the hands of the treasurer of this province and to be applied for clearing and keeping clear the rivers and navigable creeks within the same.

ALEXANDER WYLY, *Speaker*.  
JAMES HABERSHAM, *President*.

JAMES WRIGHT.

March 25, 1765.

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*An act for clearing out Ogechee\* River and Brier Creek.†*

Preamble.

1. **W**HEREAS the river Ogechee and Brier Creek are capable of being made navigable for boats, a considerable distance higher up those streams than they are at present, and it is an object of the first consideration, to improve the navigation of the water-courses capable of being made useful: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority thereof*, That Michael Shellman, Thacker Vivion, Kindred Brasil, Stephen Mills, Israel Bird, John London, Jesse M'Call, Stephen Denmark, Joshua Loper, and Drury Jones, be and they are hereby appointed commissioners‡ for clearing out the river Ogechee: And that David Robinson, Jonathan Ashberry, John Whitehead, William M'Norrel, William Moore, and William Skinner, be and they are hereby appointed commissioners for clearing out Brier Creek; and the said commissioners, or a majority of them, are authorized to take, receive and apply all such monies as may have heretofore been, or may hereafter be appropriated by the legislature, or as have heretofore been or may hereafter be subscribed, presented or given by individuals, for the purpose of clearing either of the water-courses aforesaid; and to sue for and recover of any subscriber or subscribers, all sums of money, or the value of any specific article or articles, which may have been or may be subscribed and not paid before any court or tribunal, having cognizance of debts to such amount, in the county where such subscriber may reside.

Commissioners appointed to clear out Ogechee and Brier Creek.

Their powers.

And the said commissioners are authorized and required to apply all monies or specifics so received or recovered, towards carrying the purposes of this law fully into effect, in such way or manner as they, or a majority of each board may deem most effec-

\* See act of 1798.

† See act of 1797.

‡ Commissioners appointed for Bullock county by act of 1798. sect. 1.

tual and proper. And the said commissioners, or a majority of each board, are authorized and required to contract with any person or persons, for clearing the said streams, to wit: The river Ogechee as high up as Louisville, and Brier Creek as high up as Walker's bridge, in such manner and method as in their judgment may best promote the convenience and advantages thereof: *Provided*, That the work shall be commenced at such places as may require it nearest the mouths of the said streams, and shall be progressed upwards and not otherwise.

2. *And be it further enacted*, That where any mill-dam is already built, or may hereafter be built across the said river or creek, below the places before mentioned, the proprietor or proprietors of such mill-dam or dams, shall within four months after the passing of this act, erect or prepare a gate, lock or passage, sufficient and convenient for the passage of any boat, raft or rafts of timber, boards or scantling, capable of being carried down such stream, if such dam were not there; and if the proprietor of any mill-dam, shall fail to erect and keep such gate, lock or passage, within four months after the passing of this act as aforesaid, then it shall and may be lawful for the said commissioners or any of them, or any person appointed by them, to break down and destroy every such mill-dam or dams; and the owner of any boat, vessel or raft, which may be hindered or obtained by reason of such dam for want of a proper gate, lock or passage, or by reason of not opening the same when required, may recover of the owner or proprietor or manager of such mill-dam or other stoppage, five dollars for every hour such boat, vessel or raft may be detained by the reason or means aforesaid, and any court or lawful tribunal having cognizance of debts to the amount of the damages stated in the county where such mill-dam may be, is authorized and required to give judgment on good and sufficient proof of the facts before them, (the defendant being first summoned to appear and answer the complaint) against such owner, proprietor or manager, in terms of this act, and award execution thereon.

Locks to be made by persons building mill-dams across them, for the passage of boats, &c.

3. *And be it further enacted*, That all hedges, stops or weirs, already made, or which may hereafter be made across the said river Ogechee, below Louisville, or across Brier Creek, below Walker's bridge, shall be taken up and removed by the person or persons who made or placed, or caused the same to be made or placed, within two months after the passing of this act, or at any time thereafter, any hedge, stop or weir, or any part of either shall be standing or remaining in the said river or creek, below the places before mentioned, the said commissioners or either of them, or any person by them appointed, shall have power to remove, or cause to be removed, such hedge, weir or stop, and shall recover of the person who made or placed, or caused to be made or placed the same, double the amount of the expence attending the removal thereof, in manner herein before prescribed, for recovery of the damage sustained by the hinderance of any boat or raft; and if the person so offending, hath not wherewithal to pay the sum so awarded against him, he shall be compelled to work on the said stream, in clearing it out, a time sufficient to discharge such forfeiture, agreeably to the rates of labor then customary, or shall be committed to jail not exceeding two months.

Hedges, weirs, &c. how to be removed.

4. *And be it further enacted*, That the said commissioners, or the person or persons employed or appointed by them, may lawfully cut down, and take off the lands of any person or persons adjacent to the said river or creek, such and so many timber trees or other trees, as shall be necessary for the purposes of this act, and shall not be liable to pay any price or damages therefor.

Timber may be taken from the adjacent land, for that purpose.

5. *And be it further enacted*, That if any person or persons shall fell any tree or trees into the said river or creek, or cause the same to be felled, and shall not cut up

Penalties on persons felling trees in said streams.

and remove the same within the period of forty-eight hours after such felling, such person shall, on conviction before any justice of the peace for the county, forfeit and pay the sum of five dollars for every tree so felled into the said river or creek, and not removed as aforesaid; and such forfeiture shall be applied, one half to the use of the informer, and the other half to the purposes of this act.

Commissioners to give bond & security.

6. *And be it further enacted*, That the said commissioners shall each of them give bond, with sufficient security, to his excellency the governor, in the sum of one thousand dollars, faithfully to apply all monies which come into their hands, towards carrying into full effect the intention of this act: And in case of the death, resignation or refusal to act, of either of the commissioners herein before named, his excellency the governor is authorized and required to fill such vacancy.

And make yearly returns to the governor of all monies received and paid away.

7. *And be it further enacted*, That the said commissioners shall, on or before the first day of January in each year, make a full and fair return of all monies by them received and paid in conformity to this act, to his excellency the governor, together with the progress they may have made in the execution of their duty; and the said commissioners shall be allowed two and an half per centum on all monies by them received and paid away in manner aforesaid.

A tax to be levied on adjacent lands.

8. *And be it further enacted*, That a tax shall be, and is hereby levied on all lands adjacent to either of the said streams, over and above the taxes already imposed by law, or which may be imposed for county uses, in the following manner, to wit: Fifty cents on every hundred acres of land within one mile of either of the said streams, and below, within one mile of the places herein named; thirty-seven and an half cents on every hundred acres of land within two and over one mile of either of the said streams, or of either of the places aforesaid; and twenty-five cents on every hundred acres of land within five and above two miles of either of the said streams, or of either of the places aforesaid; and all persons liable to pay such tax, are required to pay the same to any one of the said commissioners who hath given bond as aforesaid, on or before the first day of November next, otherwise the said commissioners, or a majority of them, may issue execution against those in default, directed to the sheriff or his lawful deputy of the county wherein such land lie, who may levy the same on the goods and chattels of such defaulter, if any to be found in such county, and if not, then on a part of such lands competent to pay the tax due by such person; and may after three months' public notice thereof, in the gazette of Savannah or Augusta, if the owner of such lands do not reside within such county, or after thirty days' public notice in three or more public places in the county, if such owner be a resident of the county, expose the same to public sale to the highest bidder; *Provided*, That no more than a proportion of one tenth part of the said lands belonging to any one person shall be liable to sale under and by virtue of this act: *And provided also*, That the lands of orphans or infants under age, who have no guardian to act for them, shall not be liable to sale as aforesaid.

How to be collected.

Proviso.

Proviso. Not affect orphans.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 22, 1796.

JARED IRWIN, *Governor.*

*An act to improve the navigation of Brier Creek from the line dividing the counties of Burke and Scriven, to the mouth thereof.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That the male inhabitants of the county of Scriven, from the age of eighteen to forty-five years, which do or may reside within two miles of the said creek, shall be, and they are hereby made liable to work on and improve the navigation of the said creek, from the aforesaid lines of Burke and Scriven to the mouth thereof, by laboring thereon three days each year, under the penalty of one dollar for each day, which any person or persons as aforesaid, shall neglect or refuse to work or aid in improving the navigation of such creek; and the master, owner or other person or persons, having the charge or custody of any slave, or other person bound to service, or under the age of twenty-one years, shall be, and they are hereby made liable to pay for the default or neglect of any such person or persons whatever.

Persons liable to work on Brier Creek in Scriven.

2. *And be it further enacted*, That the inferior court of the county of Scriven, shall be authorized to appoint commissioners to improve the navigation of the said creek; who are hereby authorized to call or summons the said inhabitants, and by their joint labor to improve and open the navigation of the said creek; and they the said commissioners respectively, shall issue execution against the several persons, who may neglect or refuse to comply with the terms of this act, and to apply such sum or sums of money, as may be so received, to and for the use and benefit of the navigation of the said creek.

Inferior court to appoint commissioners.

3. *And be it further enacted*, That such persons as are required by this act, to aid in the improving of the navigation of the aforesaid creek, shall be exempted from working on any public road.

Persons working on the creek exempt from roads.

4. *And be it further enacted*, That every person or persons, liable to work as aforesaid, shall bring with them one good axe each, and such other tools and implements, as the said commissioners may direct; and every person or persons, neglecting or refusing to bring such tools and implements, as may be required as aforesaid, shall be fined in a sum not exceeding one dollar each, per day; and the owner, manager or employer of any slave or slaves liable to work, and neglecting or refusing to bring the tools or implements required by the commissioners as aforesaid, shall be fined for each slave neglecting or refusing as aforesaid, in a sum not exceeding one dollar each per day; to be recovered by warrant under the hand and seal of the said commissioners or a majority of them, directed to the sheriff or any constable of the county in which they reside; and it shall be the duty of the said sheriff or constable to levy and make sale of the defaulter's goods and chattels, as in case of execution and levy, ordered by the superior or inferior courts in this state.

What tools and implements to be used.

5. *Be it further enacted*, That all other acts or parts of acts for the improvement of the navigation of the aforesaid creek, so far as militates against this act, shall be and they are hereby repealed.

Repealing clause.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 15, 1797.

JARED IRWIN, *Governor.*

*An act to repeal an "Act for keeping open Little River and Broad River, so far as it respects Joseph Ray, Bazil Lamar, and the heirs of Williamson, upon certain conditions."*

Preamble,

**W**HEREAS it hath been found that an act passed the twenty-second day of February, one thousand seven hundred and ninety-six, has in its operation borne hard upon Joseph Ray and Bazil Lamar, by preventing the prosecution of their design to erect merchant mills upon Little River: *And whereas*, it is of much more consequence to the community at large, to encourage the manufactory of flour, than the inconsiderable advantages resulting to a few individuals, from the egress of the fish in the aforesaid river.

The act so far as respects the millseats of Joseph Ray & Bazil Lamar, repealed on certain conditions.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same:* That so much of the aforesaid act for keeping open Little River and Broad River, as respects the millseats of the aforesaid Joseph Ray and Bazil Lamar, be and the same is hereby repealed. *Provided always nevertheless,* That if the said Joseph Ray and Bazil Lamar shall not, within two years from and after the passing of this act, erect or cause to be erected and completed a merchant mill each, in which may be manufactured into good merchantable flour, one hundred and fifty bushels of wheat in the space of one day, this act shall after the expiration of the aforesaid two years, be taken and considered, so far as it respects the aforesaid Joseph Ray and Bazil Lamar, as not operating to repeal the aforesaid act for keeping open Little River; but the same shall thereafter be received and remain in full force and efficiency.

So far also as respects A. Burns's saw mill.

2. *And whereas*, a bounty of land upon Little River was granted to Andrew Burns, in consideration of his erecting a saw mill thereon, which was accordingly completed: *And whereas* it was a departure from the original intention of the legislature, to impede the exercise of the aforesaid saw mill, by requiring a sluice to be opened in the dam of the same.

Repealing clause.

3. *Be it therefore further enacted,* That the aforesaid act for keeping open Little River and Broad River, so far as it relates to the aforesaid saw mill, be, and the same is hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to February 2, 1798.

JAMES JACKSON, *Governor.*

.....

*An act to amend an act for clearing out Ogechee River and Brier Creek.*

Preamble;

1. **W**HEREAS a number of citizens of Bullock county hath petitioned this legislature for altering the mode of clearing out the lower part of Ogechee River: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia,* That the justices of the inferior court of the county of Bullock, be, and they are hereby authorized and required to appoint commissioners in the said county, for the purpose of clearing out the river Ogechee, opposite to the said county line, as far as the said line extends, which said commissioners shall have full power and authority to call out the inhabitants liable to work on the roads, who shall work on the said river, at the time appointed by the said commissioners, six days in every year.

Commissioners to be appointed to open the river in Bullock county.



2. *And be it further enacted,* That the said inhabitants liable as aforesaid, shall be subject to the same fines and penalties for not working on the said river, or for the disobedience of the orders of the commissioners, as they are liable to by the road act of force in said county, for neglect of duty or disobedience of orders in working on the said roads: *Provided always,* That the said inhabitants shall not be liable to work on the public roads in the said county for more than six days in one year: *And provided also,* That the said inhabitants, upon producing a certificate from the said commissioners, of their having worked on the said river in clearing and rendering the same navigable, to the justices of the inferior court of the said county, within ten days after working as aforesaid, he or they producing such certificate, to be filed of record in said court, shall not be liable to the additional tax imposed by the said act, entitled "An act for clearing out Ogechee River and Brier Creek."

Fines to be imposed on persons refusing to work.

Pro. Iso  
Not to work more than six days in one year.  
Proviso.

Exemption from additional tax on certain terms.

3. *And be it further enacted,* That the inferior court of any of the counties included and made liable to the said tax by the aforesaid act, be and they are hereby authorized, upon the petition of a majority of the inhabitants liable as aforesaid, to appoint commissioners for opening and clearing the said river, opposite to the county line of the inhabitants so petitioning, which said commissioners shall be vested with like power as the commissioners to be appointed for Bullock county; and the inhabitants in such county petitioning as aforesaid, shall be liable to the same penalties, and entitled to the same advantages which the said inhabitants of Bullock county are liable or entitled to by this act.

Other inferior courts may appoint commissioners also.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to February 3, 1798.

JAMES JACKSON, *Governor.*



*An act to incorporate a company for the improvement of the navigation of that part of Savannah River between the town of Petersburg and the city of Augusta.*

1. **W**HEREAS the improvement of the inland navigation of every country is of primary importance to its inhabitants, and few countries enjoying greater natural advantages than this state for the extension of commerce, and it being conceived that the clearing out and removing the obstructions in that part of Savannah River, between the town of Petersburg and the city of Augusta, would greatly conduce to the convenience and interest of the inhabitants settled in the north and north-western parts of this state: *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That a company shall be established, the capital stock whereof shall not exceed forty thousand dollars, divided into four hundred shares, each share being one hundred dollars; and that subscriptions towards constituting the said stock shall, on the first Monday in May next, be opened at the town of Petersburg, under the superintendance of such persons, not less than three, as shall hereafter be appointed for that purpose; which subscription shall continue open until the whole of the said stock shall have been subscribed.

Preamble:

A company established to improve the navigation of Savannah River. Capital not to exceed forty thousand dollars. Subscriptions, when & where to be opened.

2. *And be it further enacted,* That it shall be lawful for any person, co-partnership, or body politic to subscribe, as he, she or they, shall think fit, for such or so ma-

when to be paid.

ny shares not exceeding thirty, and that the sums respectively subscribed, shall be payable in gold or silver, or bank bills of the United States, to be paid at four several payments, at the distance of nine calender months from each other, the first whereof shall be paid at the time of subscription.

The subscribers incorporated by the name of "The Savannah Navigation Company."

3. *And be it further enacted*, That all those who shall become subscribers to the said company, their successors and assigns, shall be and are hereby created and made a corporation and body politic by the name and style of the "*Savannah Navigation Company*," and by that name shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever; and the same to sell, grant, demise, alien, or dispose of; to sue, and be sued, plead and be impleaded, answer, and be answered, defend and be defended, in courts of record or other place whatsoever: And also to make, have and use, a common seal, and the same to break, alter and renew, at their pleasure: And also to ordain, establish and put in execution, such bye laws, ordinances and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to law, or the constitution thereof (for which purpose general meetings of the subscribers to the said stock shall and may be called by the directors, and in the manner herein after specified) and generally to do and execute all and singular acts, matters and things, which to them shall appertain to do; subject nevertheless, to the rules, regulations, restrictions, limitations, and provisions hereafter prescribed and declared.

Directors, when and how chosen.

4. *And be it further enacted*, That for the well ordering of the affairs of the said corporation, there shall be nine directors, of whom there shall be an election on the first Monday of January in each year, by the stock holders or proprietors of stock in the said corporation, and by plurality of votes, actually given; and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end and expiration of the first Monday of January next ensuing, the time of such election, and no longer; and the said directors at their first meeting after such election, shall choose one of their number as president.

Who shall choose a president.

Notice to be given when four thousand dollars are paid. &c. directors shall be chosen.

5. *Provided always and be it further enacted*, That as soon as the sum of four thousand dollars shall have been actually received on account of subscriptions to said stock, notice thereof shall be given by the persons under whose superintendance the sum shall have been made, in one of the public gazettes of this state, and the said persons shall at the same time and in like manner, notify a time and place at the distance of thirty days from the time of such notification, for proceeding to the choice of directors: And it shall be lawful for such election to be then and there made; and the persons then and there chosen shall be the first directors, and shall be capable of serving, by virtue of such choice, until the end and expiration of the first Monday of January next ensuing the time of making the same, and shall forthwith thereafter commence the operations of the said corporation. *And provided further*, That in case it should at any time happen that an election of directors should not be made upon any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved; but it shall be lawful on any other day, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

§ 29. 30.

Power and duty of the directors.

6. *And be it further enacted*, That the directors for the time being shall have power to appoint such officers and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their

services respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

7. *And be it further enacted*, That when the said corporation shall have so removed the obstructions in that part of Savannah River between the town of Petersburg and the city of Augusta, that boats carrying a burthen of fifteen hogheads of tobacco, when the water is at its common height, shall safely pass up and down from the said town to the said city, then the said corporation, and not before, shall have power to levy and receive a toll on all articles carried up and down the said river, which shall not exceed the following rates, viz.

When obstructions are removed by the corporation, so that fifteen hogheads may pass; they shall receive toll.

For every hoghead of tobacco, thirty-seven and an half cents.

Rates of toll.

For every barrel of flour, four cents.

For every hundred weight of all other articles, except lumber, two cents.

For every thousand feet of lumber, ten cents.

And shall also levy a toll in proportion to the distance from any other place on the said river, between the said town of Petersburg to the falls of the said river, next above the city of Augusta. And if any person passing up and down the river as aforesaid, with any boat or other vessel with goods or any articles on board, and shall refuse to pay the toll aforesaid, or any other rates the said corporation may establish, not exceeding those aforesaid, then and in that case the said corporation shall have power, and are hereby authorized to seize and detain the same, until the customary toll shall be paid.

8. *And be it further enacted*, That the following rules, restrictions, limitations and provisions shall form and be fundamental articles of the constitution of the said corporation:

Constitution of the said corporation.

1st. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following, that is to say: For one share, and not more than four shares, one vote; for five shares, and not more than nine, two votes; for ten shares, three votes; and for every five shares above ten, one vote, exclusive of the three to which he, she or they, may be entitled by the ten shares.

Regulation of votes.

2d. Not more than one half of the directors in office, exclusive of the president, shall be eligible for the ensuing year.

Eligibility.

3d. None but a stockholder shall be eligible as a director.

4th. No director or president shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting.

Director must be a stockholder. No emolument.

5th. Not less than five directors shall constitute a board for the transaction of any business, of whom the president shall be one, except in cases of sickness, or necessary absence; in which case his place shall be supplied by another director.

Five shall constitute a board.

6th. A number of stockholders, not less than twenty-five, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least four weeks' notice in one of the public gazettes of this state, and specifying in such notice the object or objects of such meeting.

General meeting, how called.

7th. Every treasurer, before he enters on the duties of his office, shall be required to give bond, with two or more securities to the satisfaction of the directors, in a sum not less than five thousand dollars, with condition for his good behaviour.

Treasurer shall give bond and security.

8th. The stock of the said corporation shall be assignable and transferable, accord-

Stock assignable.

ing to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

Profits to be divided yearly.

9th. Yearly dividends shall be made of so much of the profits of the stock as shall appear to the directors advisable, and once in every two years the directors shall lay before the stockholders at a general meeting, for their information, an exact and particular statement of all debts due or owing, and all monies received or expended.

Superintendants nominated.

9. *And be it further enacted*, That Leroy Pope, Robert Thompson, Memorable Walker, Robert Watkins, of Petersburg, John Oliver, Robert Ware, Newel Walton junr. and James Hughs, are hereby appointed superintendants to open the subscriptions and to superintend and conduct the business of the said corporation, until organized according to prescriptions and limitations of this act.

Corporation shall continue twenty years.

10. *And be it further enacted*, That the said company shall remain and continue a body politic under the restrictions limitations and provisions aforesaid, for the term of twenty years and no longer, the term of twenty years to commence from the day when the said corporation shall order the reception of the toll according to the conditions of this act.

Directors shall report to the executive when the river is cleared out.

11. *Be it further enacted*, That when the river aforesaid shall have been so cleared out, and the obstructions so removed as contemplated and required in the seventh section of this act, a report thereof by the directors shall be made to the executive department, who shall appoint persons not less than three, to examine and report the improvement made on the said river, by the said corporation, from the town to the city aforesaid, and if the said persons so nominated, after due examination shall report that the portion of the river aforesaid, is so improved in its navigation, and its obstructions so removed, that boats of the burthen mentioned in the seventh section of this act, can safely pass from the town to the city aforesaid, then, and not before, the said company or corporation shall be empowered to levy or receive the toll at the rates aforesaid.

The funds of this state not to be affected.

Proviso.

12. *And be it further enacted*, That nothing herein contained shall extend, or be construed to extend to affect in any manner the funds of this state or any part thereof: *Provided always*, That the operation of this and every part thereof shall be and the same is hereby suspended until the legislature of South-Carolina shall pass a law or laws establishing the company aforesaid, and giving the said corporation the like powers of levying a toll on the produce of that state, as is given by this act, to the said company, over the produce of this state: *And provided*, That nothing contained in this act shall prevent the next legislature from repealing the same.

Proviso.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 14, 1799.

JAMES JACKSON, *Governor.*

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*An act to appoint commissioners for the purpose of co-operating with the state of South-Carolina, in improving the navigation of the river Savannah, from the city of Augusta to the city of Savannah.*

Preamble.

1. **W**HEREAS it is conceived that it will very much advance the agricultural and commercial interests of this state, to remove as much as possible all

obstructions to the navigation of the river between the cities of Augusta and Savannah, and will be productive of considerable advantages to trade and industry in general, therefore, *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same,* That the corporation of Savannah shall appoint three fit and discreet persons, and the city council of Augusta a like number, as commissioners to join any who have been, or hereafter may be appointed by the state of South-Carolina; which commissioners, or a majority of them, shall form a board, to be designated by the name and style of a board of commissioners for improving the navigation of the river Savannah, and shall have power to lay and impose a duty or toll on all produce or lumber carried down the said river; *Provided,* such toll or duty shall not exceed the following rates, to wit: On each hoghead of tobacco the sum of fifty cents; on each barrel of corn or wheat flour, twelve and an half cents; on each barrel of pork, six and a quarter cents; on every thousand feet of plank or lumber, six and a quarter cents; on every hundred bushels of corn fifty cents; on every hundred weight of clean cotton, twelve and an half cents to be paid by the owners, the factors or agents to whom the aforesaid articles are shipped; and the monies arising therefrom, shall and is hereby declared to be a fund set apart and appropriated for the sole and exclusive purpose of improving the navigation of the said river Savannah, between the cities aforesaid; and vested in the said board of commissioners, and their successors in office, for the use and purpose aforesaid.

Commissioners to be appointed to join Commissioners to be nominated by South-Carolina to improve the navigation of Savannah River.  
Who shall receive toll on all produce conveyed down said river.  
Proviso.  
Rates of toll.

2. *And be it further enacted,* That the aforesaid board of commissioners shall have power to appoint a collector, resident in the city of Savannah, whose duty it shall be to collect the aforesaid toll on and every of the articles herein before enumerated, which may be carried down the said river to the port of Savannah, and shall give bond, with two or more good and sufficient securities, in the sum of five thousand dollars, payable to his excellency the governor, and his successors in office, conditioned for the true and faithful discharge of all duties imposed on said collector by this act, which bond shall be taken by the said commissioners, and transmitted to the treasury office, subject to be put in suit, on the application of the said board of commissioners, for any breach thereof; and any monies recovered thereon, shall be appropriated by the said commissioners for the purpose of improving the navigation of the said river; and the said collector shall receive a commission of five per centum on all monies collected and paid by him, in full compensation for his services.

Shall appoint a collector.

Who shall give bond and security in five thousand dollars.

He shall receive five per cent.

3. *And be it further enacted,* That the said collector shall make fair and regular returns of all monies received by him in virtue of this act, and pay the amount thereof to the said commissioners quarter yearly, or in default thereof, may be sued on his said bond, and removed from office at the discretion of the said board of commissioners; and it shall be the duty of the said board to keep a fair and regular account of all monies recovered under and in virtue of this act, and transmit a statement thereof to the office of the treasurer of the state annually, for the inspection of the legislature.

And make a fair statement of all money received, and pay it over to the board.

4. *And be it further enacted,* That the commissioners appointed in virtue of this act, shall give bond and security in the sum of five thousand dollars each, payable to his excellency the governor and his successors in office, conditioned for the faithful discharge of their duties, which bond shall be taken by the corporation appointing them respectively, and transmitted to the treasury, subject to be put in suit, on the application of the said corporation, for any breach thereof; and the monies recovered thereon to go to the fund intended to be raised by this act.

Commissioners shall give security in five thousand dollars each.

Money recovered, how appropriated.

Commissioners  
to meet and  
carry this act in-  
to effect.

5. *And be it further enacted*, That the said commissioners shall meet at such time and place as they may agree on, and proceed to carry this act into effect, in such manner as in their judgment will best promote the beneficial purposes for which it is intended.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 18, 1799.

JAMES JACKSON, *Governor.*

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*An act to raise money for the purpose of opening and improving the navigation of Broad River, from its junction with Savannah River, up the said Broad River to Wilkitt's Landing.*

Preamble.

1. **W**HEREAS it appears essential to the interest and convenience of the citizens of this state, residing on, and near the waters of Broad River, that the navigation of said river be improved, by means of which, the produce of those parts may be conveyed with more ease to market. *Be it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same*, That it shall and may be lawful for the commissioners herein after named, to establish a lottery within three years from and after the passing of this act, to raise the sum of one thousand dollars, under such schemes and regulations, as they, or a majority of them, may deem necessary and proper, to carry into effect the above recited object.

Lottery may be  
established, to  
raise one thou-  
sand dollars.

Commissioners  
to carry it in-  
to effect.

2. *And be it further enacted*, That Allen Daniel, William Harvey, Edmund Shackelford, Reuben Easton and Clayborne Webb, be, and they are hereby appointed commissioners, to carry the aforesaid lottery into full effect.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 1, 1800.

JAMES JACKSON, *Governor.*

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*An act to authorize certain commissioners therein named to establish a lottery for the purpose of raising the sum of three thousand dollars, to be appropriated to clearing out and improving the navigation of the Alatamaha and Oconee Rivers, commencing from the sea, and continuing as far up as the Rock Landing, and for other purposes.*

Preamble.

1. **W**HEREAS it appears essential to the interest of the people at large, that the navigation of the Alatamaha and Oconee Rivers should be improved, as far up the latter river as the Rock Landing, those being the principal channels through which the produce of the western parts of this state are conveyed to market. *And whereas* there are at present many obstructions to the easy navigation thereof. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same*, That it shall and may be lawful for the commissioners herein after named, to establish a lottery within nine months after the passing of this act to raise the said sum of three thousand dollars under such

Lottery autho-  
rized to im-  
prove the navi-  
gation of the  
Alatamaha and  
Oconee Rivers.

schemes and regulations as they may think fit and proper for the purpose of opening and improving the navigation of the said rivers.

2. *And be it further enacted by the authority aforesaid*, That Jonathan Fabian, John Cauper, Ferdinand Oneal, Spencer Willson, David Blackhear, John Jones and Samuel Wright, be the commissioners authorized to carry the same into effect. Commissioners appointed.

3. *And whereas* the manufactory of cotton will be attended with public utility, and William M'Clure and James Thompson have proposed to erect machines for that purpose: *Be it therefore further enacted by the authority aforesaid*, That it shall and may be lawful for the commissioners herein after named to establish a lottery within six months from and after the passing of this act to raise the sum of two thousand dollars, under such schemes and regulations as may by them be deemed necessary, the said money to be applied to the use and benefit of the said William M'Clure and James Thompson, for the purposes of erecting and carrying on the machinery aforesaid. Lottery authorized to promote cotton manufactory.

4. *And be it further enacted*, That Benajah Smith, Joel Abot and John Matthews be, and they are hereby appointed commissioners to carry the last mentioned lottery into effect. Commissioners appointed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

JAMES JACKSON, *Governor.*

Assented to February 3, 1798.

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## OFFICERS, CIVIL AND MILITARY.

*An act to compel all officers, civil and military, within this state, to take and subscribe an oath to support the constitution thereof.*

**W**HEREAS it is necessary that all officers, civil and military, within this state, Preamble. should be bound to support and maintain the constitution of the same :

1. *Be it therefore enacted*, That all and every officer, civil and military, holding any office under the authority of this state, by commission or otherwise, shall take and subscribe the following oath, before the clerk of the superior or inferior courts of the county in which he may reside; or if a state officer, before his excellency the governor for the time being, to wit: "I, A. B. do solemnly swear (or affirm, as the case may be) that I will bear true faith and allegiance to the state of Georgia, and to the utmost of my power and ability observe, conform to, support and defend, the constitution thereof, without any reservation or equivocation whatsoever, and the constitution of the United States. So help me God." All officers civil and military, shall take the following oath to support the constitution.

2. *And be it further enacted*, That all officers who are now in commission; civil or military, except such state officers as have been elected by the General Assembly at this present session, and have been duly qualified before his excellency the governor, shall, within the term of six months, take and subscribe the aforesaid oath, in manner and form aforesaid, which shall be made of record by the officer before whom it is taken; and in case of refusal or neglect of any officer, his office shall be considered null and void, and his excellency the governor is hereby authorized and required to fill up such vacancy, in the same manner as if it had been made by death, resignation or removal from the district: And in case any sheriff, clerk of the superior or inferior Before whose the oath shall be taken.

Penalty for neglecting to take the said oath.

court, or any other officer having office of trust under the authority of this state, shall neglect or refuse to take the aforesaid oath in manner and form aforesaid, within the term of six months, their act or acts as they appertain to the said office, shall be considered as null and void.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 16, 1799.

JAMES JACKSON, *Governor.*

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*An act to give further time to the officers of this state to take and subscribe the oath required by the act, entitled "An act to compel all officers, civil and military, within this state, to take and subscribe an oath to support the constitution thereof;" passed the sixteenth day of February, one thousand seven hundred and ninety-nine.*

Persons in office, failing to comply with said act, still continued in office.

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the civil, military, and all other officers of this state who now are in commission, and have not heretofore taken and subscribed the oath required by the aforesaid act in terms thereof, shall nevertheless be permitted to hold, exercise and enjoy their respective appointments until the first day of October next.

Those who refuse to take said oath in terms of this act, to be removed from office.

2. *And be it further enacted,* That if any of the officers of this state shall neglect or refuse to take and subscribe the aforesaid oath in terms of this act, every such officer or officers shall, for such his neglect or refusal, be removed from office, as in cases of mal-practice or disobedience of orders.

All civil officers hereafter to be appointed, shall take said oath.

3. *And be it further enacted,* That all civil officers hereafter to be appointed shall, before they enter on the duties of their respective appointments, take and subscribe the said oath, in addition to the oath of office; and all militia officers hereafter to be appointed, shall take and subscribe the same before the clerk of the superior or inferior court of the county, and obtain a certificate thereof, before such officer shall take any command by or under such appointment.

Proceedings by said defaulting officers made void.

4. *And be it further enacted,* That all proceedings which have been had or obtained before any of the aforesaid officers, who have not taken and subscribed the aforesaid oath in terms of the said act, or that may in future be had and obtained before them, or any of them, previous to the aforesaid first day of October next, shall be held, deemed and considered to be as legal, as if such officer or officers had taken and subscribed the aforesaid oath in terms of the said act.

Repealing clause.

5. *And be it further enacted,* That any part or parts of the aforesaid act, which may militate against this act, shall be, and the same is hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 5, 1799.

JAMES JACKSON, *Governor.*



An act to give further time to the officers of this state to take and subscribe the oath, required by the acts entitled "An act to compel all officers, civil and military within this state, to take and subscribe an oath to support the constitution thereof passed the sixteenth day of February 1799," and also an act passed the 5th day of December 1799.

1. **B**E IT ENACTED by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That the civil, military and all other officers of this state who now are in commission, and have not heretofore taken and subscribed the oath required by the aforesaid acts, in the terms thereof, shall, nevertheless be permitted to hold, exercise, and enjoy their respective appointments until the first day of August next.

Further time given officers to take and subscribe the oath.

2. And be it further enacted, That all proceedings which have been obtained before any of the aforesaid officers who have not taken and subscribed the aforesaid oath in terms of the said acts, or that may in future be had and obtained before them previous to the aforesaid first day of August, next shall be held, deemed and considered to be as legal as if such officer or officers, had taken and subscribed the aforesaid oath, in terms of the said acts.

And their proceedings declared valid.

3. And be it further enacted, That any part or parts of the aforesaid acts, that militate against this act be, and the same is hereby repealed.

Repealing clause.

DAVID MERIWETHER, Speaker of the House of Representatives.  
DAVID EMANUEL, President of the Senate.

Affixed to November 29, 1800.

JAMES JACKSON, Governor.

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PAPER MEDIUM.

An act for emitting the sum of fifty thousand pounds in bills of credit, and for establishing a fund for the redemption of the same, and for other purposes therein mentioned.

1. **W**HEREAS the scarcity of gold and silver money render it necessary to supply the good people of this state with a medium of commerce of a stable and solid nature, for want of which they already suffer: And whereas there is a large tract of unlocated land in this state, called the New Cession, which ought to be pledged as a fund of credit for relieving the public necessities and supplying the treasury at this time.

Preamble.

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 bills of credit to the amount of fifty thousand pounds shall be prepared and printed with all possible dispatch after passing of this act, on good paper under the direction of the governor and executive council, the charges whereof shall be paid by the state treasurer out of the monies so prepared and printed; which bills of credit shall be prepared in manner and form following, viz.

Fifty thousand pounds in paper bills of credit to be emitted under the direction of the governor and council.

"This bill shall pass current for according to an act of General Assembly of the state of Georgia passed the day of August, in the year of our Lord one thousand seven hundred and eighty-six, dated the day of A. D. 1786." And the said bills shall have the state arms as an escutcheon in the margin thereof, with such other devices as the governor and council shall think proper, in order to prevent counterfeits and to distinguish their several and respective denominations, which

Form of the bills.

The several denominations thereof.

bill shall be of the several and respective denominations following, and no other, that is to say, twenty-five thousand six hundred and forty-one bills of twenty shillings each, twenty-five thousand six hundred and forty-two bills, of ten shillings each, twenty-five thousand six hundred and forty-two bills, of five shillings each, twenty-five thousand six hundred and forty-two bills, of two shillings and sixpence each, twenty-five thousand six hundred and forty-two bills of one shilling each, and twenty-five thousand six hundred and forty-one of sixpence each. And the governor and council shall use their best care, attention and diligence, and appoint fit and proper persons to superintend the prefs during the printing of the said bills, that the number and amount thereof according to the said several denominations be not exceeded nor any clandestine or fraudulent practices used by the printer, his servants, or others, and that each of the persons to be appointed as aforesaid to superintend the prefs shall take and subscribe the following oath before they enter on the duties directed by this act: "I, A. B. do solemnly and sincerely swear that I will according to the best of my skill and knowledge faithfully, impartially, and truly discharge the trust committed to me according to the direction of this act." And for perfecting the said bills according to the true intent and meaning of this act,

Fit and proper persons to be appointed to superintend the press, who shall take an oath.

Form of the oath.

Bills, how to be signed.

2. *Be it further enacted by the authority aforesaid,* That the said bills, the denominations whereof shall be ten shillings and upwards, shall be signed by any two of the persons to be appointed for that purpose; and that every of the said bills, the denominations whereof shall be under ten shillings, shall be signed by any one of the persons to be appointed for that purpose; and that the governor and council do appoint the said signers, who shall, before they receive or sign any of them, take an oath to the effect following, viz. "That they shall well and truly sign and number all the bills of credit that shall come to their hands for that purpose, according to the directions of this act, and the same so signed and numbered, will redeliver, or cause to be redelivered, into the public treasury, pursuant to the directions of this act." And each of the said signers shall have ten shillings for every thousand of the said bills by them signed and numbered, and no more; and the persons who shall be appointed to superintend the prefs shall severally receive fifteen shillings for every day they shall be employed in the said business; and the treasurer shall countersign the said bills, and shall receive the same as the other signers for such services.

Oath to be taken by the signer.

Compensation of the signers & superintendents.

Ballisee country pledged for the redemption of the said bills.

3. *And be it further enacted,* That, together with the guarantee of the honor and faith of Georgia, which is hereby given, all that tract of land which was lately ceded to this state, lying between the Alatomaha, and Oakinulgee, and St. Mary's Rivers, above the old Indian boundary line, shall be, and hereby is pledged and declared to be a fund, out of which the bills of credits aforesaid shall be redeemed and cancelled within the term of four years\* by the sale of the said lands, as a future General Assembly shall direct, for the said bills of credit, or gold or silver, and nothing else.

A legal tender in all cases.

4. *And be it further enacted,* That the bills of credit emitted by this act be, and are hereby declared to be a legal tender in all past and future bargains, contracts, purchases, agreements, dealings, debts, dues and demands, according to the sum specified in the said bill, to be taken and received at the rate and value of four shillings and eightpence for every dollar, and so in proportion for a larger or lesser sum, and of equal value in the payment of such bargain, contract, purchase, agreement, dealing, debt, due and demand whatever, with a Spanish milled dollar, weighing seventeen pennyweight and six grains, and thirty-seven shillings and fourpence of the emission aforesaid, shall be taken and received at the rate of or equal value to one gold half

\* Time extended by act of 1789, sect. 3.

johannes of Portugal, weighing nine pennyweight; and in the like proportion for all other gold or silver coin.

5. *And be it further enacted,* That the said bills of credit shall be received and taken by the public treasurer, and all other public officers of this state, as gold and silver, in all payments that are now due or owing, or that may hereafter become due or owing to the state, of what nature or kind soever, at the rates aforesaid, any law to the contrary notwithstanding.

shall be received by all officers as gold and silver.

6. *And be it further enacted,* That from and after the publication of this act, if any person or persons shall within this state, or elsewhere prepare, engrave, stamp, forge, or print the counterfeit resemblance of any paper bills or credit which shall be issued, emitted and made in virtue of this act, or shall counterfeit or sign the name or names of the signers, to be appointed as aforesaid of the said bills of credit, to such counterfeit bills of credit, with an intention that such counterfeit bills of credit shall be passed in payment, or received as genuine and good bills, whether the same be so passed or received or not, or if any person or persons in this state, pass, pay, or tender in payment any such counterfeit money, or deliver the same to any other person or persons, with an intention that they may be passed, payed or received as, and for good and genuine, knowing the same to be forged or counterfeited, every such person being thereof legally convicted in any superior court within this state by verdict of a jury or confession of the party offending, or being indicted thereof shall stand mute or not directly answer to the indictment, or shall peremptorily challenge more than the number of twenty persons legally returned to be of the jury for the trial of such offender, shall be adjudged a felon and shall suffer death without benefit of clergy; and if any person or persons shall counterfeit any of the said bills of credit by altering the denomination thereof, with design to increase the value of such bills, or shall alter such bills knowing them to be so counterfeited or altered as aforesaid, and shall be thereof legally convicted in any court of record in this state, such person or persons shall in like manner suffer death without the benefit of the clergy. *Provided always,* That nothing herein contained shall extend to work a forfeiture of the estate or effects of such offender.

Felony without benefit of clergy to counterfeit the said bills.

Proviso.

*And whereas,* in and by an act of the General Assembly passed on the thirteenth day of February last, entitled an act to continue "An act to authorize the auditor to liquidate the demands of such persons as have claims against the confiscated estates and for other purposes therein mentioned," *It is enacted,* That any person or persons whatsoever of the description therein contained shall be at liberty to pay into the treasury a ratable proportion of his, or their debt or dues, recovered under the said law originally belonging to persons being British subjects, or adherents as therein mentioned, but is not paid in what manner the said payment may be made.

Persons indebted to British subjects may pay the same in bills, into the public treasury.

7. *Be it therefore enacted, and it is hereby declared,* That the true construction of the said in part recited act, so far as respects the matter above mentioned, shall be that the said payments shall be made into the treasury in specie. But in order to give a further credit to the paper medium by this act directed to be struck,

Construction of said act.

8. *It is hereby enacted,* That the debts, and dues or parts and proportions of debts and dues coming within the description aforesaid, shall or may also be paid into the treasury in the said paper money to be struck under the present law, but in nothing else, that is to say, either in specie or in the paper currency now intended to be emitted, *Provided* such payments be made at any time within nine months from and after the passing of this act.

Money due the state may be paid in the said bills.

Proviso.

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, August 14, 1786.

*An act to redeem the paper medium of this state.*

Preamble.

1. **W**HEREAS it is necessary and expedient, from the injury which has arisen to individuals, and for the restoration of public credit, that measures be taken to redeem and take up the current medium now in circulation in this state:

Five thousand pounds burnt.

*And whereas*, five thousand pounds of the said paper medium, appropriated in the treasury towards a sinking fund, agreeable to a resolution of the 22d inst. has been burnt under the inspection of the committee of finance, the amount and respective denominations of which to be certified by the treasurer, and entered on the minutes of the General Assembly:

Five thousand pounds yearly to be burnt for four years.

*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 the further sum of five thousand pounds of the tax of the current year, and of four successive years thereafter, be proportioned in like manner as aforesaid, and annually burnt, under the regulations herein before pointed out.

Certain parts of said act, when to be repealed.

2. *And be it enacted by the authority aforesaid*, That from and immediately after the United States, in congress assembled, shall or may pass any act or acts for laying imposts, or laying direct taxes within this state, then, in that case, such part or parts of the act, entitled "An act for emitting the sum of fifty thousand pounds paper medium, and for other purposes therein mentioned," that relate to receiving imposts on duties as aforesaid be, and the same is hereby repealed.

3. *And be it enacted by the authority aforesaid*, That the time for taking up the said current medium of this state, be extended until the fifteenth day of January, one thousand seven hundred and ninety-four, and shall continue to be a tender\* in all cases, except for impost and direct taxes as aforesaid, any law to the contrary notwithstanding.

By order of the House.

JOHN POWELL, *Speaker*,

Augusta, 3d February, 1789.

\* Time for redeeming said bills, extended to the 15th January, 1794. See act of 23d Dec. 1789.

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*An act for repealing certain parts of acts therein mentioned.*

Paper medium no longer a tender.

1. **B**E IT ENACTED *by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That so much of "An act, passed the fourteenth day of August, one thousand seven hundred and eighty-six, for emitting the sum of fifty thousand pounds in bills of credit, and for establishing a fund for the redemption of the same, and for other purposes therein mentioned," as declares, that the bills of credit emitted by virtue of the said act, and therein declared to be a legal tender in all past and future bargains, contracts, purchases, agreements, dealings, debts, dues and demands, according to the time specified in the said bill, shall no longer be and continue a legal tender in any past or future bargains, contracts, purchases, agreements, dealings, dues and demands whatever, from and after the fourteenth day of August next.

2. *And be it further enacted*, That so much of an act passed the third day of February, one thousand seven hundred and eighty-nine, entitled "An act to redeem the paper medium of this state," which extended the tender of the said paper medium until the fifteenth day of January, one thousand seven hundred and ninety-four, shall be, and the said several clauses of both acts are hereby repealed.

Repealing clause.

SEABORN JONES, *Speaker of the House of Representatives.*  
 N. BROWNSON, *President of the Senate.*

Concurred, December 23, 1789.  
 EDWARD TELFAIR, *Governor.*

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PEDLARS.

*An act for licensing and regulating pedlars.*

1. **W**HEREAS great injury hath accrued to the citizens and fair dealers of this state by unlicensed, itinerant traders, called pedlars, going about from county to county, and draining this state of its circulating coin, for remedy whereof; *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That it shall not be lawful for any itinerant trader, or pedlar to sell or otherwise dispose of any goods, wares, or merchandize, except such itinerant trader, or pedlar, shall first produce a license so to do from the treasurer of this state, who is hereby authorized to issue a license to any person or persons, who shall apply for the same, to be an itinerant trader or pedlar as aforesaid, on their severally paying into the treasury annually the sum of seven hundred dollars.

Preamble.

Pedlars not to sell without license.

2. *Be it enacted*, That if any person or persons whatsoever shall, contrary to the true intent and meaning of this act sell, or dispose of any goods, wares, or merchandize, such person, or persons, shall for every such offence, forfeit and pay to any person who shall sue for the same, the sum of five hundred dollars, or who shall when thereunto required by any civil officer, neglect or refuse to produce such license as aforesaid for their inspection, shall for every such offence, forfeit and pay in manner and form aforesaid, the sum of seventy dollars.

Penalty for selling without.

3. *And be it further enacted*, That in every case where suit shall or may be commenced for the recovery of any fine or forfeiture imposed by this act, it shall be the duty of the sheriff to hold the party complained of as aforesaid to bail for his appearance to the next court to which such writ is returnable.

How to be recovered.

4. *And be it further enacted*, That this act shall not take effect until the first day of June next.

Act, when to take effect.

THOMAS STEVENS, *Speaker of the House of Representatives.*  
 BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 21, 1796.  
 JARED IRWIN, *Governor.*

*An ordinance for vesting in Christiana Yonge, the widow of Henry Yonge, sen. and his two daughters, Ann Agness Yonge and Elizabeth Yonge, certain property therein mentioned.*

Christiana  
Yonge.

1. **W**HEREAS by a resolve of the legislature of the ninth of November, one thousand seven hundred and seventy-eight, a certain tract of land on the island of Skidaway in the county of Chatham, on which the said Christiana Yonge and the said Ann Agness, and Elizabeth Yonge then resided, being the property of Henry Yonge, sen. who had left the state under the test act, together with the personal estate of the said Henry Yonge, were gratuitously bestowed, or granted by the said legislature to her the said Christiana Yonge, and the said Ann Agness and Elizabeth Yonge, under the proviso, "That there be a sufficiency left to pay his debts."

*Be it therefore ordained by the freemen of the state of Georgia in General Assembly met, and by the authority of the same, That the said donation or grant of the said tract of land upon the island of Skidaway, together with the personal property of the said Henry Yonge, sen. now deceased, be, and the same is hereby confirmed unto her the said Christiana Yonge, and the said Ann Agness and Elizabeth Yonge, as tenants in common in the full extent and meaning of the said resolve of the legislature, of the ninth of November, one thousand seven hundred and seventy-eight, but subject nevertheless to the proviso in the said resolve herein before recited.*

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 13, 1786.

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*An ordinance to vest certain property in Mrs. Ann Bard.*

Mrs. Ann Bard.

**W**HEREAS by a former resolution of the House of Assembly certain lots in and near Savannah were confirmed to Peter Bard, esq. deceased, as having been given to Mrs. Ann Bard by her father John Joachim Zubly, deceased. *And whereas doubts have arisen as to the effect of resolutions of the General Assembly, Be it ordained by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same, That three fifty acre lots near Oats's, one lot and the appurtenances in Yamacraw, and one lot near the market in Savannah, formerly in the possession of the said Peter Bard, deceased, be and the same is hereby vested in the said Mrs. Ann Bard, her heirs and assigns forever, as fully and completely, as though the said lots had been conveyed to her in fee simple, by conveyances lawfully executed by the said John Joachim Zubly, deceased, at the time of his having given her possession of the same.*

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, 30th January, 1786.

*An act to vest certain powers in George Abbot Hall, and for other purposes therein mentioned.*

**W**HEREAS George Abbot Hall, of the state of South-Carolina, esq. hath <sup>George Abbot Hall.</sup> set forth to the legislature of this state, that Alexander Inglis and Nathaniel Hall, two persons named in the act of confiscation and banishment, also John Inglis and Samuel Hunt Jenkins, two persons comprehended in the said act, and co-partners of the late house of Inglis, Jenkins and Gibbons, are indebted to him very considerably, and praying an act of this House to enable him to recover from the creditors of the said co-partnership, certain sums of money, to enable him to recover from the creditors of the said co-partnership, certain sums of money, to enable him to pay the said debts, which this legislature have thought proper to grant, by their resolution of the twenty-sixth day of January last, *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 it shall and may be lawful for the said George Abbot Hall to receive an assignment of all or any part of the books, bonds, notes, or papers of the said Alexander Inglis and Nathaniel Hall, or all, or any part of the books, bonds, notes, or papers of the co-partnership of Inglis, Jenkins and Gibbons, as he the said George Abbot Hall and William Gibbons the remaining co-partner of the said house of Ingles, Jenkins and Gibbons, shall agree on, and that the said George Abbot Hall, shall, and he is hereby authorized to recover the debts in as full and ample a manner as the said persons could do, if present, and not any way disqualified by law, any act to the contrary notwithstanding.

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1789.

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*An act for the relief of John Ferrie and other persons therein described.*

1. **W**HEREAS Nathaniel Ashley late sheriff and collector of taxes for the county <sup>John Ferrie.</sup> of Camden within this state, did proceed illegally and unjustly to make sale of six thousand acres of land, adjoining Buttermilk Bluff on the river St. Mary's; also a tract called Black Point on Crooked River, containing seven thousand and forty acres, likewise another tract, adjoining the last of eighteen hundred and eighty-eight acres, the property of John Ferrie, which lands were illegally and unjustly sold, by the said Nathaniel Ashley, on the twenty-ninth day of December, one thousand seven hundred and eighty-seven, said to be for payment of public taxes; and notwithstanding the sheriff as well as the other inhabitants of Camden county, had prior to that time, been obliged to abandon their habitations, and remove to Cumberland Island for refuge from the ravages and depredations of the savages; for remedy whereof: *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same,* That the premises herein before recited, are hereby declared to be as amply and fully vested in the said John Ferrie, his heirs executors, administrators and assigns, as if no such sale had been made by the said

Nathaniel Ashley late sheriff of the county aforesaid, and that all such deeds, instruments of writing, conveyances or sales as herein before recited, done, or made by the said Nathaniel Ashley to any person or persons whatever are hereby declared null and void, any act to the contrary notwithstanding.

2. *And be it enacted by the authority aforesaid,* That all such sale, or sales, as shall have been made by the said Nathaniel Ashley, late sheriff, since the inhabitants of the county aforesaid have been obliged to abandon their habitations within the said county, by means of the late ravages and depredations of the savages, during their late hostilities, are also hereby declared null and void, any law to the contrary notwithstanding.

3. *And be it enacted by the authority aforesaid,* That nothing herein contained shall extend to preclude any person or persons from the establishment and recovery of any of the premises before recited, or comprehended in this act, where claims by any prior grants legally obtained shall appear.

By order of the House.

JOHN POWELL, *Speaker.*

February 3, 1789.

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*An act to authorize and empower George Bailie administrator of the goods and chattels, rights and credits which where of his father Robert Bailie, deceased, to sell and dispose of any lands or other real estate of the deceased.*

George Bailie.

1. **W**HEREAS the said George Bailie administrator and one of the sons of the said Robert Bailie, deceased, together with Ann Bailie, Euphemia Bailie, Margery Bailie, John Bailie and James H. Bailie, by their petition have prayed the General Assembly, that as well for the payment of the debts of the said deceased, as for other good reasons stated in their petition, that the said administrator may be permitted to sell any lands of the deceased, and to perfect titles of sales made by the deceased, in his life time, as also for the said administrator to confirm any contract he has made with Alexander M<sup>c</sup>Queen for divers tracts of land, in possession of the said Alexander M<sup>c</sup>Queen or to any other person or persons: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That it shall and may be lawful for the said George Bailie administrator of the estate and effects of the deceased Robert Bailie, to sell any tract or tracts of land, or other real estate of the said Robert Bailie, deceased, either at public or private sale, and good and sufficient titles in the law, to make to the purchaser or purchasers thereof, his, her or their heirs and assigns forever.

2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the aforesaid George Bailie, as administrator aforesaid, by good and sufficient deeds in the law to perfect any contract, bargain or sale of any lands or hereditaments made by the said Robert Bailie in his life time, or by the said George Bailie administrator as aforesaid, to the said Alexander M<sup>c</sup>Queen, his heirs and assigns, or to any other person or persons, his, her or their heirs and assigns, according to the nature of the contract between the parties.



3. And to the end that the creditors, and the heirs and representatives of the said Robert Bailie, deceased, may be secured in the purchase money arising from the sales of his land, to be made or already made, and apprized of the transactions of the said administrator: *Be it enacted by the authority aforesaid,* That before any deeds to be executed for the conveyance of such lands, shall be effective and good in law, it shall be the duty of the said George Bailie, and he is hereby required to record a copy of all contracts, bonds, agreements or other documents, on which the contract is founded, in the office of the clerk of the county where he resides, or the land is situate, and on a certificate thereof being granted to the said George Bailie, and a copy thereof annexed to such deed of conveyance, then such deed shall be, and is hereby deemed and declared to be valid in law, and not otherwise.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

Concurred December 10, 1790.

EDWARD TELFAIR, *Governor.*

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*An act for the relief of colonel Peter Purkins.*

WHEREAS it hath appeared to the legislature that colonel Peter Purkins did, on the first day of August, one thousand seven hundred and seventy-seven, advance to John and Thomas Dooly, for the use of the troops in the service of this state, the sum of four hundred and forty-four pounds, for which he has not received satisfaction: Peter Purkins.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That the auditor be directed to issue his certificate to the aforesaid colonel Peter Purkins, for the value of the aforesaid sum of four hundred and forty-four pounds, reducing the same according to the face thereof, agreeably to the scale of depreciation, and that such certificate shall express, that it is given for and in lieu of a certificate formerly granted to him by Wade and O'Bryan, treasurers of this state, for the sum of four hundred and forty-four pounds, on account of supplies furnished in the prosecution of the late war, and the defence of the United States, which said certificate of Wade and O'Bryan shall be deposited by the auditor in the office of the treasurer.

2. *And be it further enacted,* That the auditor be, and he is hereby directed to issue his certificate in favor of John Thompson, for the value of two thousand three hundred and fifty pounds, in lieu of two certificates issued by O'Bryan and Wade, dated the twenty-fifth day of September, one thousand seven hundred and seventy-eight, with the interest as expressed thereon, one of which was issued to Francis Coddington, for two thousand pounds, and the other to James Hambleton, for three hundred and fifty pounds, reducing the same agreeably to the scale of depreciation; and that such certificate shall express that it is given for and in lieu of the aforesaid certificates, which certificates of Wade and O'Bryan as aforesaid, shall be deposited by the said auditor in the office of the treasurer.

3. *And be it further enacted,* That the auditor be, and he is hereby directed to issue his certificate in favor of the heirs of John Walton, for the value of a certificate of

the aforesaid treasurers, dated the fifteenth day of February, one thousand seven hundred and seventy-eight, issued in favor of the aforesaid John Walton, for seven hundred and eighty pounds, five shillings and threepence, with the interest as expressed thereon, reducing the same agreeably to the scale of depreciation, and that such certificate shall express that it is given for and in lieu of the aforesaid certificate, which shall be deposited by the auditor in the office of the treasurer.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 16, 1794.

GEORGE MATHEWS, *Governor.*

• • • • •

*An act to secure to Reuben Coleman a tract of confiscated land, lying on Little River.*

Reuben Man.

1. **W**HEREAS the said Reuben Coleman did, as early as the year one thousand seven hundred and eighty-five, purchase of the commissioners appointed to dispose of the confiscated property within this state, a certain tract of land lying on Little River, in the then county of Richmond, sold as the property of James Grierfon, containing the quantity of seven hundred and fifty acres, and hath since taken up his bond and mortgage, and duly paid for the said lands; and the same having been so expressed by a joint resolution of the legislature at their last session: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That the said tract of seven hundred and fifty acres of land, lying on Little River as aforesaid, butting and bounding in the following manner, viz. southeastwardly by Joshua Sanders' land, southwardly by William Lee's and Sherral's land, eastwardly by land formerly the property of the said James Grierfon, lately sold to Joseph Ray, and northwardly by Little River, be, and the same is hereby vested in the said Reuben Coleman, his heirs and assigns, forever, in fee simple: And it is hereby declared to be the duty of the commissioners appointed for the disposal of reverted property, to make and execute proper titles, and convey the said land and premises unto the said Reuben Coleman, his heirs and assigns, as aforesaid.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, *Governor.*

Concurred January 2, 1795.

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*An act to relieve the heirs of Francis Maria Loys Dumoufay De la Vave, the heirs of Hyacinth De Chapadelane, and Christopher Poulain Dubignon.*

1. **W**HEREAS it hath been represented to the General Assembly, That Nicholas Francis Mazon De la Ville Houchet, a Frenchman, late of the county of Glynn in this state, purchased at tax collector's sale the island of Jekyl on the sea coast, in the county and state aforesaid, that he afterwards sold and conveyed the one fourth.

part of the said island to Francis Maria Loys Dumoufay De la Vave, one fourth part to Hyacinth De Chapadelane, and one other fourth part to Christopher Poulain Dubignon, in fee simple; reserving the remainder to himself; that the deeds of conveyance for the said property, were sent in a vessel to France, for the purpose of obtaining a renunciation of dower from the wife of the said Ville.Houchet; that the said vessel being chased by an enemy, the deeds before mentioned, with the other papers of the ship were thrown overboard and entirely lost, and that there is no method prescribed in the laws of this state whereby the said deeds may be established. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That it shall and may be lawful for the superior court of the said county of Glynn, at the second term of the said court, or at any term thereafter, after the passing of this act, to summon, hear, and examine all witnesses at the instance of either or any of the parties, touching and concerning the premises, and to take their depositions in writing, and to certify the same under the hand of the judge presiding. *Provided,* That the party applicant shall publish in the Georgia gazette the intended application to the superior court, under and by virtue of this act, at least three months before such examination shall take place: *And provided,* all examinations of witnesses, in relation to the deeds before recited, shall be taken in open court, in presence of the grand jury of the county, and be also certified under the hand of the foreman thereof; and if the testimony adduced shall appear to the court and to the grand jury unequivocal and satisfactory, that such deeds did exist, and lost in manner herein before recited, then the judge shall direct the clerk, by order under his hand, to record the depositions, so taken and certified as aforesaid, in his office; which depositions, so recorded, shall and may be given in evidence, in any court of law or equity, and shall avail for the benefit of the persons herein before recited, or their heirs, or assigns, or of all persons claiming under them, as much as the same can or ought to avail: And it shall be lawful for the clerk of said court to record the copies of the said deeds, if they should be produced, and proved to be true copies, before the said court and grand jury, in manner aforesaid: *Provided,* That nothing in this act contained shall be construed to extend to affect any right the state may have to any part, or the whole of the property in the said deeds, or this law mentioned, or the right of any other person, or persons whatsoever.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 19, 1796.

JARED IRWIN, *Governor.*

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*An act to authorize the commissioners of Louisville to convey to John Cobbs and assigns six lots of land within the limits of the said town.*

1. **W**HEREAS it appears by a joint resolution of the General Assembly of this John Cobbs state passed at Louisville on the seventeenth day of February in the year seventeen hundred and ninety-six, that there was a mistake made in the return of six lots, sold by the late commissioners to colonel John Cobbs, amounting to thirty-four pounds, which sum was paid by work done on the state-house, for which William Clarke is credited: *Be it therefore enacted by the Senate and House of Representa-*

*tives of the state of Georgia in General Assembly met, and by the authority of the same,* That the commissioners of the said town of Louisville or a majority of them be, and they are hereby authorized and required to convey, by lawful deed of conveyance, to the said John Cobbs or his assigns, six other lots in the town of Louisville, in lieu of the six lots for which he hath paid the sum of thirty-four pounds sterling.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred, February 9, 1796.

JARED IRWIN, *Governor.*

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*An act for the better securing to Alexander Caswell a certain tract of land, purchased at the sales of confiscated property.*

Alexander Caswell.

WHEREAS William Barron, on the sixth day of November, one thousand seven hundred and ninety-three, purchased of the commissioners of confiscated property, a certain tract of land, containing one hundred and fifty acres, in the county of Burke, bounded by Reedy Branch, James Thompson, Elijah Brown and John Gilmore's land; which said tract of land was sold as the property of Thomas Beaty: *And whereas,* the said William Barron, on the twenty-seventh day of January, one thousand seven hundred and ninety-four, did transfer his right to the said tract of land to the said Alexander Caswell, and draw an order in favor of the said Alexander Caswell, on the commissioners of confiscated property, requiring them to convey the said tract of land to the said Alexander Caswell: *And whereas,* also, it appears that the said Alexander Caswell has paid and discharged the whole of the purchase money for the said land, and received a deed, executed by one of the commissioners, to wit, Hugh Lawfon, in consequence of which the said deed is not sufficiently valid, not having been signed by all or a majority of the commissioners: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That the said deed, signed by the said Hugh Lawfon, one of the commissioners aforesaid, be, and it is hereby declared to all intents and purposes, as valid in law and equity, as if the same had been executed by the whole of the commissioners of confiscated property.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to February 1, 1798.

JAMES JACKSON, *Governor.*

.....

*An act for the relief of Bazil Lamar.*

Bazil Lamar.

WHEREAS in and by an act, entitled "An act to repeal an act for keeping open Little River and Broad River, so far as respects Joseph Ray, Bazil Lamar, and the heirs of Williamson, upon certain conditions," passed at Louisville, on the second day of February, one thousand seven hundred and ninety-eight, the

said Basil Lamar was allowed the term of two years from the date thereof, to erect and build a merchant mill across Little River, at the place called Lamar's mill, which he had in a great degree performed, when unfortunately his works were consumed by fire, to the great injury of the owner: *Be it therefore enacted*, That the further time of five years from and after the date thereof, be and is hereby allowed the said Basil, to erect and build such merchantable mill at the place aforesaid, of the description mentioned in the aforesaid act, any thing therein contained to the contrary notwithstanding.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 6, 1799.

JAMES JACKSON, *Governor.*

.....

• PROTESTANTS, DISSENTING.

*An act for the ease of dissenting protestants within this province who may be scrupulous of taking an oath in respect to the manner and form of administering the same.*

1. **W**HEREAS many inconveniences may arise in this province through the scruples of divers protestant dissenters, within the same of good estates and abilities who refuse to take an oath by laying their hand on the holy evangelist, whereby the public is deprived of their services as jurymen. *And whereas*, acts of toleration and indulgence to protestant dissenters have been found of beneficial tendency to other his majesty's provinces, and may in a particular manner be so to this infant province, in order that such dissenting protestants may be enabled and compellable to serve on all juries, and to give evidence in all cases, and that the acts of such protestant dissenters may be valid and effectual in respect of the manner and form of taking and administering oaths. *Be it enacted*, That immediately after passing of this act, any person or persons who shall appear in any of the courts of judicature, or before any judge, or magistrate in this province, either as juror, witness, party or otherwise, in any cause civil or criminal, and shall make and distinctly repeat a solemn and conscientious declaration and affirmation according to the form of his profession in any matter, cause or thing, wherein an oath is required by law, in the following words: "I, A. B. do swear in the presence of Almighty God, as I shall answer at the great and awful day of judgment that, (as the case may be.) So help me God." And such solemn and conscientious declaration and affirmation shall be deemed, held, adjudged and taken to be valid and effectual to all intents constructions, and purposes whatsoever, in the same manner as if such person had taken an oath on the holy evangelist of Almighty God. And that all and every such person and persons, as shall be convicted of falsely and corruptly affirming and declaring any matter or thing which (if the same had been an oath taken on the holy evangelists) would by law amount to wilful and corrupt perjury, shall incur the same penalties, disabilities, and forfeitures as persons convicted of wilful perjury do incur by the laws of Great-Britain.

Preamble:

A solemn affirmation valid as an oath and false affirmation punished as perjury.

WILLIAM LITTLE, *Speaker.*

In Council Chamber, December 13, 1756.

Assented to.

J. REYNOLDS.

*An act to authorize certain persons therein mentioned to sell or otherwise dispose of certain land appertaining to the people called Quakers.*

Preamble.

**W**HEREAS there was, on the third day of July, which was in the year one thousand seven hundred and seventy, a certain tract of land, containing five hundred acres, lying and being in the then parish of St. Paul, now Columbia county, granted to Joseph Maddock and Jonathan Sill, in trust for the use and benefit of the people called Quakers, for certain purposes therein expressed; and inasmuch as it doth appear by the petition of the aforesaid people, that the aforesaid premises doth not answer the purposes for which it was intended:

Trustees nominated for Quakers.

1. *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by authority of the same, That Daniel Williams, Canin Thomas, Joel Cloud and John Stubbs, be and they are hereby appointed trustees in lieu of the aforesaid trustees, who shall continue in office until the first Monday in May, one thousand eight hundred and one; at which time the aforesaid people who are qualified to vote for members of the legislature, shall assemble at the town of Wrightborough, and elect, at every subsequent term of two years thereafter, five fit and discreet persons of their own body as trustees, who shall continue in office for the term of two years.*

To be elected on the first Monday in May every second year.

Authorized to sell a tract of land for their use.

2. *And be it further enacted, That the aforesaid trustees, or their successors in office, shall sell or otherwise dispose of the aforesaid tract of land, in such manner and form as they may deem most beneficial, for the use and benefit of the aforesaid people.*

Incorporated.

3. *And be it further enacted, That it shall and may be lawful for the aforesaid trustees, or their successors in office, to sue and be sued, plead or be impleaded, and perform any other legal matter or thing which may become necessary to be done, in support of the common interest of the aforesaid people, in the said premises.*

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 6, 1799.

JAMES JACKSON, *Governor.*

.....

## QUARANTINE.

*An act to oblige vessels and persons coming from places infected with epidemical distempers, to perform quarantine, and to prevent the bringing in and spreading malignant and contagious disorders in this state.*

Preamble.

1. **W**HEREAS it is highly necessary to preserve the health of the inhabitants of this state, that vessels, persons or merchandize, coming from places infected with malignant or epidemical distempers, should perform quarantine, and means adopted to prevent the spreading of such disorders: *Be it therefore enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That when any country shall be infected with the plague or other malignant distemper, all vessels, boats, persons and goods, shall be subject to and be liable to perform quarantine, as is in this act directed; and during such quarantine, no person*

Quarantine, when and how to be performed.

or persons coming, or goods imported in any such ship, vessel or boat, shall come on shore, or go on board any other ship, or vessel, or boat, or be landed or put into any other ship, or vessel or boat, in any place within this state, other than such place as shall be appointed for that purpose; nor shall any person go on board any such ship, or vessel, or boat, without license first had and obtained, in writing, under the hand of such person or persons who shall be appointed to see quarantine performed; and the said ships, or vessels, or boats, and the persons and goods coming and imported in or going on board the same during the time of quarantine, and all ships, vessels, boats and persons, receiving any person or goods under quarantine, shall be subject to such orders, rules and directions, touching quarantine, as shall be made by the authority directing the same.

2. *And be it further enacted by the authority aforesaid,* That if any commander, or master; or other person taking the charge of any ship, or vessel, or boat, coming from any place infected as aforesaid, shall go himself, or permit or suffer any seaman or passenger to go on shore, or on board any ship, or vessel, or boat whatsoever, during the quarantine, or until such ship, or vessel, or boat, shall be discharged from quarantine, without such license as aforesaid, then, and in all such cases, the person offending shall forfeit and pay for every such offence, the sum of one hundred pounds sterling, to be recovered by action of debt, bill, plaint or information, in any of the courts of this state, and to be for the purpose of building of a pest-house; and the judges of any of the said courts are hereby empowered to allow such reward to the informer or informers (if any there shall be) out of the said fine, as in their judgment they shall see fit, so as the same shall not exceed a moiety of the fine levied: And if any person or persons whatsoever, who shall arrive in any port or place within this state, in any ship, or vessel, or boat, which shall, by reason of his coming from any country or place infected with any contagious distemper, be obliged to keep quarantine, shall quit such ship, or vessel, or boat, by coming on shore, or going on board any other ship, or vessel, or boat, before or while under quarantine, it shall and may be lawful for the person or persons appointed to see such quarantine duly performed, and they are hereby required to compel such person or persons to return on board of such ship, or vessel, or boat, and there to remain during the time of quarantine; and such person or persons so leaving such ship, or vessel, or boat, and being thereof, after the expiration of his quarantine, convicted by one or more credible witness or witnesses, before any one justice of the peace, living near the place where the offence shall be committed, and three freeholders, sworn to try the truth of the said charge, shall forfeit and pay into the hands of the said justice the sum of fifty pounds sterling, one third thereof shall be for the informer; and the remainder, after the necessary expences are discharged, shall be applied as herein before provided; and in default of such payment, it shall be lawful for the said justice to commit such offender to one of the public jails of this state, for any time not exceeding twelve months, nor less than six months.

3. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever shall presume to go on board and return from such ship, or vessel, or boat, required to perform quarantine, before or during the time of quarantine, without a license as aforesaid, every such offender shall be compelled, and in case of resistance, by force and violence be compelled by the person or persons appointed as aforesaid, to return on board such ship, or vessel, or boat, and there to remain during the time of her quarantine, and shall afterwards be liable to a fine or imprisonment;

All persons not complying with this act, subject to fine, in what manner to be treated.

Persons coming on board such vessel, subject to like fines.

as herein before directed, in case of persons quitting a ship, or vessel, or boat performing quarantine, and to be disposed of as in that case provided; and the master of such ship, or vessel, or boat, is hereby obliged to receive and maintain such person on board accordingly.

Orders of the  
superintend-  
ance.

4. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any officer of the customs, or such as shall be appointed to take care that such quarantine be duly performed, to seize any boat or skiff belonging to such ship or vessel, or which shall therewith be found, and to detain the same until the quarantine shall be performed; and in case any officer or other person instructed as aforesaid shall voluntarily suffer any seaman belonging to such ship, or vessel, or boat, or any passenger therein, to quit such ship, or vessel, or boat, while under quarantine, every such offender shall forfeit and pay the sum of one hundred pounds sterling for every such offence, one third thereof to the informer, and the remaining part thereof to be applied as herein before directed, to be recovered in any of the courts of this state, with costs of suit.

To be relieved  
after due per-  
formance.

5. *And be it further enacted by the authority aforesaid,* That after the quarantine shall have been duly performed according to the directions of this act, and upon proof to be made by oath of the master or other person having charge of the said ship, or vessel, or boat, and two of the persons belonging to the said ship, or vessel, or boat, before any one of the justices of the peace of this state, that such ship, or vessel, or boat, and all and every person therein have duly performed the quarantine as aforesaid, and that the ship, or vessel, or boat, and all the persons on board, are free from an infectious distemper; then, in such case, such justice is hereby required to give a certificate (gratis) thereof, and thereupon such ship, or vessel, or boat, and all and every person therein, shall not be liable to any further restraint, by reason of any matter or thing contained in this act.

Goods brought  
in such vessels,  
to be aired.

6. *Provided nevertheless and be it further enacted,* That the goods imported in such ships, or vessels, or boats, shall, after such quarantine performed, be opened and aired, in such place and for such time as shall be directed concerning the same.

Preventing the  
spreading of  
contagious dis-  
eases.

7. *And be it further enacted by the authority aforesaid,* That whenever the governor or commander in chief for the time being shall find it necessary to give any orders or directions for preventing any contagious distempers being brought into this state, or from any port of this state infected therewith, into any uninfected part of this state, by persons travelling by land or by water, it shall and may be lawful for the said governor or commander in chief, by proclamation for that purpose to be issued, to prohibit all and every person or persons coming from such infected places, to enter into or come within such bounds, limits or lines as shall be in such proclamation described, for and during such time as shall be therein mentioned, and to appoint boats and sentinels to put the same in due execution; and the persons appointed, and every of them, shall have the same power to compel any persons attempting to pass through or within such bounds, limits or lines, as is by this act given to the persons to be appointed for seeing quarantine duly performed, and shall be liable to the same penalties for suffering persons wilfully to pass through or within the same; and all and every person or persons wilfully passing through or within the said bounds, limits or lines, shall be liable to the fine or imprisonment herein before directed in case of any person's quitting any ship, vessel or boat performing quarantine, and to be disposed of as in that case provided.

Pilots shall en-  
quire into the  
health of ships.  
WAYS

8. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the pilot or pilots, belonging to the several ports of this state, do be-



fore his or their entering on board any ship or vessel, designed for this state, make strict enquiry of every master or commander of the same, whether the plague, smallpox, malignant fever; or any other contagious distemper, be in such ships or vessels; and every such master or commander is hereby strictly enjoined without equivocation or reserve, to give just and true answers to all such enquiries of the said pilot or pilots, under the penalties hereafter mentioned and expressed, and in case the said pilot or pilots shall, upon enquiry as aforesaid, find that the plague, smallpox, malignant fever, or any other contagious distemper, be in such ship or vessel, such pilot or pilots, are hereby strictly forbidden and prohibited from entering therein, on any pretence whatever. And if the master or commander of any ship or vessel, or any doctor, officer or foremastman belonging thereto, shall refuse to answer or give any untrue answer to any pilot or pilots relating to healthiness of all persons on board the said ship or vessel, or shall refuse to be sworn or affirm to, or answer such questions as may be put to him by the health officer, or other person having authority so to do, such master or commander, or such doctor, officer or foremastman, shall forfeit and pay the sum of one hundred pounds sterling, to be recovered and applied as herein before mentioned.

Penalty for refusing to answer truly.

9. *And be it further enacted,* That the quarantine of any person or vessels, or of their goods, shall be of such duration, and in such places and under such regulations as shall be devised and held expedient, so far as respects the arrival of vessels or persons in Tybee or Wassaw inlets, and rivers thereof, under the inspection of the corporation of Savannah; and so far as respects other inlets or rivers in this state, under the inspection of the justices of the county or commissioners of the town adjacent to such inlet or river, or commissioners of pilotage of such port as the case may happen; and such corporation, justices or commissioners are hereby fully authorized to fix such sentinels, guard boats and to use all and every means in their power to enforce this law for the purposes intended.

Corporation of Savannah shall regulate the place and length of quarantine in Tybee and Wassaw Islands Regulations in other rivers and inlets.

10. *And be it further enacted,* That on the notification of such corporation justices or others herein empowered, after notifying to the people of the district they live in, of the necessity of ordering quarantine to be performed, forthwith to transmit by express, or post an exact account and statement thereof to the governor and commander in chief for the time being, who is directed to publish the same by proclamation, enjoining and requiring a due obedience to the rules adopted for the preventing contagious distempers being spread in this state, and a due obedience of the duties required of such regulations accordingly.

The governor shall enforce the same by proclamation.

11. *And be it further enacted,* That the health-officer for the port of Savannah, and the visiting physicians of any other port, that shall visit any vessel or vessels, and grant a certificate of the health of the crew and passengers on board, or visit the same, if directed so to do, under this law, shall be entitled to have and receive the following fees from the captain or owner of such vessel, before such vessel shall be permitted to enter: For every ship, snow, brig or belander, two dollars; for every schooner, sloop, perriager or boat one dollar; coasting vessels coming from one inlet in the state to another inlet in the same excepted.

Fees of the health officer.

12.\* *And be it further enacted,* That from and after the passing of this act, every master or commander of any ship or vessel, who shall arrive in this state with any negroes on board, exceeding ten in number, from Africa or elsewhere, shall before ship or vessel be permitted, upon any pretence whatever to enter, be obliged to land and

Negroes imported, how to be landed.

\* See act of 1798, prohibiting the importation of slaves.

put on shore all such negroes, there to remain for and during the term of ten days, and shall suffer them to be and remain on shore at least six hours, in summer, and five hours in winter in each of the said ten days, at the parties own election; for the better purifying and clearing the said ship or vessel, and slaves, from any malignant or contagious distemper, any law, custom to the contrary notwithstanding.

To be forfeited if otherwise landed or sold.

13. *And be it further enacted,* That in case any negroes imported or brought into this state, shall be sold, landed or put on shore in any part of the state, before such negroes shall have been landed, and remained on shore at least ten days or five days or six hours or five hours in those days agreeable to the direction of this act, all such negroes shall, and they are hereby declared to be forfeited, one third to the informer or informers, and the remaining two thirds to the use of the pest-house.

One third to the informer the rest to the state

Expences under this act, how paid.

14. *And it is hereby enacted,* And an appropriation made of all monies that shall be expended by any of the powers or constituted authorities, that shall arise from enforcing this act, and the same shall be defrayed by the government of this state; and charged to the contingent fund thereof; all former laws respecting performing quarantine, and to prevent the spreading contagious distempers, so far as relates thereto are hereby repealed.

Repealing clause.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 17, 1793.

GEORGE MATHEWS, *Governor.*



RELIGIOUS SOCIETIES.

*An act to protect religious societies in the exercise of their religious duties.*

Persons disturbing religious assemblies during divine service, subject to a fine of five pounds, or be committed to jail ten days.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That if any person or persons whomsoever, shall interrupt or disturb any congregation of white persons assembled at any church, chapel or meeting-house, or any other place for public worship, during the time of divine service, it shall be the duty of any justice of the peace, sheriff, constable, or any civil officer of the county, being present, where the offence shall be committed, to take the person or persons so offending into custody; or on complaint made by any person on oath, to issue a warrant against him or them so offending; and the said justice is hereby empowered to impose a fine on such offender not exceeding five pounds, or on default of payment of the same, to commit him or them to the common jail of the county, or to the nearest jail thereto, for a space of time not exceeding ten days; and if such offender be a slave, to order him or her to be punished by whipping on the bare back, not exceeding thirty-nine lashes.

Fines for the use of the poor.

2. *And be it further enacted,* That it shall be the duty of the sheriff and other officers, who may collect the fines and forfeitures imposed by this act, to make a return of the amount so collected to the clerk of the inferior court, and to pay the same into the hands of the overseers of the poor, for the sole purpose of supporting the poor of the county wherein such offence shall have been committed. And no con-

gregation or company of negroes shall, under pretence of divine worship, assemble themselves contrary to the act for regulating patrols. Negroes not to assemble contrary to the patrol act.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
 BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, December 13, 1792.  
 EDWARD TELFAIR, *Governor.*

.....

REPRESENTATIVES.

*An act for apportioning representatives among the several counties in this state, according to the first enumeration.*

**W**HEREAS the seventh section of the first article of the constitution directs, Preamble,  
 "That the House of Representatives shall be composed of members, from all the counties, according to their respective numbers of free white persons, and including three fifths of all the people of color," the actual enumeration to be made within two years from the date of the said constitution; and each enumeration having been made agreeably to the twenty-fifth section of the said article, and reported to the legislature, in order therefore to apportion the representatives of each county respectively to the said enumeration or census, *Be it enacted by the Senate and House of Representatives of the General Assembly of the state of Georgia,* That in future the representation of the respective counties shall be appointed in the following manner, to wit: Camden, one, Glynn, one, M'Intosh, one, Liberty, two, Bryan, one, Chatham, three, Effingham one, Scriven, one, Burke, three, Bullock, one, Montgomery, one, Jefferson, two, Lincoln, two, Elbert, three, Jackson, two, Richmond, two, Wilkes, three, Columbia, three, Warren, two, Washington, three, Hancock, three, Greene, two, Oglethorpe, three, and Franklin, two. Representation apportioned,

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 ROBERT WALTON, *President of the Senate.*

Assented to February 15, 1799.  
 JAMES JACKSON, *Governor.*

.....

REVIVAL OF LAWS.

*An act to continue the several laws therein mentioned, and for vesting several ferries in the persons mentioned in an act entitled "An act for establishing several ferries in this province in the persons therein mentioned."*

**W**HEREAS several wholesome laws of this province are expiring, and it is expedient that they should be further continued. *Be it enacted,* That an act passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, for the punishment of vagabonds and other idle and disorderly persons and for erect- An act for the punishment of vagabonds passed 29th February 1764.

ing prisons or places of security, in the several parishes of this province, and for preventing trespasses on lands of the crown, or lands reserved for the Indians, and for the more effectual suppressing and punishing persons bartering with the Indians in the woods, which was to continue and be in force for the term of two years, and further continued by an act passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, and again continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the General Assembly. And also an act passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, to suppress lotteries, and prevent other excessive and deceitful gaming, which was to continue and be in force for the space of seven years, and to the end of the next session of the General Assembly. And also an additional act passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to an act entitled "An act to suppress lotteries, and prevent other excessive and deceitful gaming, which was to continue and be in force for the space of six years, and to the end of the next session of the General Assembly.

And an act to continue the same passed the 26th March 1767.

An act to suppress lotteries, &c. passed 29th February 1764.

And an additional act of 25th March 1765.

Also an act passed 11th of April 1764 to prevent throwing ballast, &c. into rivers, &c.

And an act to amend the same.

Also an act passed 25th of March 1765 to prevent abuses in laying out land, &c. And an act to continue the same. Further continued.

Also an act of the 25th of March 1765 to amend an act to prevent persons purchasing land of the Indians.

Continued by act of 11th of April 1768. Further enacted.

Also an act passed 6th of March 1766 for punishing seamen, &c.

Continued by act of 10th of May 1770.

Also an act passed 27th of February 1770 to compel free white persons to carry arms to public worship.

And also an act passed the seventh day of April, one thousand seven hundred and sixty-three, to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same, which was to continue and be in force for the space of seven years, and to the end of the next session of the General Assembly, and also an act to amend the said act passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, and to the end of the next session of the General Assembly.

And also an act passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to prevent frauds and abuses in the admeasuring and laying out his majesty's lands in this province, which was to continue and be in force for the space of three years, and again continued by an act passed the eleventh day of April, one thousand seven hundred and sixty-eight; and further continued by an act passed the tenth of May, one thousand seven hundred and seventy, and to the end of the next session of the General Assembly.

And also an act passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to amend an act entitled "An act to prevent private persons from purchasing lands from the Indians and for preventing persons trading with them, without license, which was to continue and be in force for three years and from thence to the end of the then next session of the General Assembly and no longer, and further continued the eleventh day of April, one thousand seven hundred and sixty-eight, and again continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the General Assembly.

And also an act passed the sixth day of March, one thousand seven hundred and sixty-six, for punishing seamen and mariners neglecting or deserting their duty on board their respective ships or vessels, and for preventing seamen or mariners from being harbored or running in debt, which was to continue and be in force for and during the term of three years, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the General Assembly.

And also an act passed the twenty-seventh day of February, one thousand seven hundred and seventy, for the better security of the inhabitants, by obliging the male white persons to carry fire-arms to all places of public worship, which was to continue and be in force for and during the term of three years, and to the end of the next session of the General Assembly.

And also an act passed the sixth day of March, one thousand seven hundred and sixty-six, to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine and firewood, which was to continue and be in force for and during the term of three years, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the General Assembly.

And also an act passed the 6th of March 1766 to prevent frauds &c in selling beef, pitch, &c. Continued by act of 10th of May 1770.

And also an act passed the seventh day of April, one thousand seven hundred and sixty-three, for regulating a workhouse for the custody and punishment of negroes and further continued by an act, entitled "An act to amend and continue an act for regulating a workhouse for the custody and punishment of negroes, passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, for three years, and to the end of the next session of the General Assembly.

Also an act passed the 7th of April 1763 to regulate a work house, &c. And an act to amend and continue the same, passed 26th March 1767.

And also an act passed the eighteenth day of November, one thousand seven hundred and sixty-five, for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager or employer, which was to continue and be in force for and during the term of three years, and further continued the twenty-fourth day of December, one thousand seven hundred and sixty-eight, and again continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the General Assembly.

Also an act passed the 18th of November 1765 to regulate patrols, &c.

Continued by acts of 1768 and 1770.

And also an act passed the twenty-fourth day of December, one thousand seven hundred and sixty-eight, to amend and continue an act for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager or employer, which was to continue and be in force for and during the term of one year, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the General Assembly.

And an act to amend and continue the same, passed 24th December 1768.

Continued by act of 1770.

And also an act to direct executors and administrators in the manner and method of returning inventories and accounts of their testators' and intestates' estates, and for allowing them and all other persons who shall or may be intrusted with the care and management of minors and other estates, to charge commissions thereon passed the twenty-ninth day of February one thousand seven hundred and sixty-four for seven years, and to the end of the next session of the General Assembly.

Also an act to direct executors, &c how to return inventories, &c passed the 29th of February 1764.

And also an act passed the twenty-fourth of December one thousand seven hundred and sixty-eight to prevent fraudulent mortgages and conveyances, and for making valid all deeds and conveyances heretofore made with respect to any defect in the form and manner of making thereof, with certain restrictions, which was to continue and be in force for and during the term of three years; shall severally and respectively continue and be in force for and during the term of one year from the passing of this act and from thence to the end of the next session of the General Assembly, and no longer.\*

And act to prevent fraudulent mortgages, &c. passed 24th December 1768.

Shall be continued one year from the date of this act.

2. *And whereas* by a certain act passed the eleventh day of April one thousand seven hundred and sixty-eight entitled "An act for establishing several ferries in this province, and for vesting the same in the persons therein named, the said several ferries are vested in the several persons in the said act named, for the term of five years only, and whereas the property in the said several ferriers in such ferries did determine on the eleventh day of April last: *Be it therefore enacted by the authority*

Several ferries established, & property vested in certain persons.

Continued one  
year longer. *aforeſaid*, That the ſeveral ferries in the ſaid act mentioned ſhall be reſpectively veſted in the ſeveral perſons in the ſaid act named, for the ſpace of one year from the paſſing of this act.

By order of the Commons Houſe of Aſſembly.

WILLIAM YOUNG, *Speaker*.

By order of the Upper Houſe of Aſſembly.

JAMES HABERSHAM, *Preſident*.

Council Chamber, September 29, 1773.

Aſſented to. JAMES WRIGHT.

\* In this act were contained many acts which are not now in force, being obſolete or repealed, all of which are omitted as unneceſſary.

• • • • •

*An act to extend and enforce the authority of the ſeveral laws heretofore paſſed in the then province but now ſtate of Georgia, to, and throughout the territory thereof.*

Preamble.

1. **W**HEREAS it has been deemed neceſſary by the repreſentatives of the people of the thirteen United Colonies of North America, in general congreſs aſſembled to declare the ſaid Colonies free and independent ſtates, and thereby have diſſolved all political connexion between them and the crown of Great-Britain. *And whereas* it hath been recommended by the ſaid congreſs to adopt ſuch government, as might, in the opinion of the repreſentatives of the people of the ſaid ſtates, beſt conduce to the ſafety of their conſtituents in particular, and America in general. *And whereas* in conſequence thereof, the repreſentatives of the people of this ſtate in convention aſſembled on the fifth day of February in the year of our Lord, one thouſand ſeven hundred and ſeventy-ſeven, have fixed on and agreed to a conſtitution, for the rule and government of the ſaid ſtate and people thereof. *And whereas* divers good and wholeſome laws, were heretofore made and paſſed in this ſtate (then province) and to the end that diſputes and difficulties may not ariſe touching the preſent validity of the ſaid laws, ſo made and paſſed as aforeſaid, within the ſaid territory of Georgia. *Be it enacted by the repreſentatives of the freemen of this ſtate in General Aſſembly met, and by the authority of the ſame,* That from and after the paſſing of this act, all laws heretofore made in, (the then province) now ſtate of Georgia, and have not been repealed, and all the laws of England, as well ſtatute as common, relative to criminal matters, and heretofore uſed and adopted in the courts of law in this ſtate (then province of Georgia) except in caſes of treaſon, ſhall be of full force, virtue, and effect, to all intents and purpoſes, as were heretofore uſed, and received, as the law of this land; any law, uſage, cuſtom, article, matter, or thing at preſent adopted in a change of government, to the contrary in any wiſe notwithstanding, ſo far as the ſame do not contradict, weaken, hurt, or interfere with the reſolves and regulations of the honorable the continental congreſs, or of any reſolves and regulations of this, or any former aſſembly, congreſs, or convention held in and for this ſtate, and in particular the conſtitution of the ſame, made and agreed to by the repreſentatives of the people in convention aſſembled, and ordered to be the rule and government of this ſtate, and the ſame ſhall extend to, and be in as full force, power, effect, and in as full and ample a manner as the ſame were formerly of force in this ſtate (then province) as if the ſaid territory were an independent ſtate, at the time of making and paſſing ſuch laws.

Provincial laws, and laws of England, heretofore in uſe, and not repugnant to the conſtitution and form of our government, declared to be in full force.

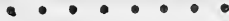
2. *And be it enacted*, That this act shall be a general act, and shall be taken notice of as such, by all judges and other officers of justice, or government within this state, without the same being specially pleaded. Public act.

3. *And be it further enacted*, That this act shall be and continue, and be in force until the first day of January, in the year of our Lord, one thousand seven hundred and seventy-eight, and from thence to the end of the next session of assembly. Continuation.

By order of the House of Assembly.

W. JONES, *Speaker.*

Savannah, June 7, 1777.



*An act to revive and continue the several acts therein referred to.*

1. **W**HEREAS several useful and necessary laws of this state (then province) are expired, and divers other good and wholesome laws will expire with this present session, and to the end that disputes and difficulties may not arise, touching the present validity of the said laws so made and passed as aforesaid, within the said territory of Georgia: *Be it enacted by the representatives of the freemen of this state in General Assembly met, and by the authority of the same*, That from and after the passing of this act, all laws heretofore made in the then province, now state of Georgia, and have not been repealed: and all the laws of England, as well statute as common, and heretofore used and adopted in the courts of law of the then province, now state of Georgia, and which were used and of force at the time of the revolution, except part of an act entitled "An act to regulate and extend the trade and commerce of this state, and to establish an insurance office, for the encouragement thereof, and also to restrain the selling of merchandize by public auction within the same," so far as the same respects the sale of merchandizes by public auction, shall be of full force, virtue and effect, to all intents and purposes as were heretofore had, used and revived, as the law of this land, any law, usage, custom, article, matter or thing, at present adopted in a change of government, to the contrary in any wise notwithstanding, so far as the same do not contradict, weaken, hurt or interfere with the resolves and regulations of the honorable the continental congress, or of any resolve, or regulation of this or any former assembly, congress or convention, held in and for this state; and in particular the constitution of the same, made and agreed to by the representatives of the people in convention assembled, and ordered to be the rule and government of this state, and the same shall extend to, and be in as full force, power and effect, and in as full and ample a manner as the same were formerly of force in this state, (then province) as if the said territory were an independent state at the time of making, and passing such laws. Preamble.

Provincial and English laws heretofore in use, not repugnant to the constitution, declared in full force.

Exception.

2. *And be it enacted*, That this act shall be a general act, and shall be taken notice thereof as such by all judges, and other officers of justice or government within this state, without the same being specially pleaded. Public act.

3. *And be it further enacted*, That this act shall be and continue, and be in full force until the first Tuesday in January, in the year of our Lord, one thousand sev-

Continuation.

en hundred and seventy-nine, and from thence to the end of the next session of Assembly.

By order of the House.

W. JONES, Speaker.

November 15, 1778.

.....

An act to continue the several acts heretofore made in the then province of Georgia, and also all acts made and passed by the several conventions, congresses and Houses of Assembly of the State of Georgia.

Preamble.

1. WHEREAS several laws are already expired, and others near expiring: *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the several laws heretofore made in the then province of Georgia, and also all laws made and passed by the several conventions, congresses and Houses of Assembly of the state of Georgia (and not repealed by this or any former House) except those which are repugnant to the constitution of the said state, shall be in full force and effect, as if the same had not expired, any law, usage or custom to the contrary in any wise notwithstanding.

Provincial and state laws continued and declared to be in full force.

Continuation.

2. *And be it enacted by the authority aforesaid,* That this act shall be and continue in force for the term of one whole year, and from thence to the end of the next session of the General Assembly, and no longer.

Signed by order of the House.

JOHN JONES, Speaker.

August 21, 1781.

Attest,

ABRAHAM JONES, Clerk.

.....

An act to continue the several laws of this state, near expiring, and for other purposes therein mentioned.

Preamble.

1. WHEREAS several necessary laws of this state passed before the revolution are near expiring, and it is expedient for the welfare thereof that they should be further continued: *Be it therefore enacted by the representatives of the freemen of this state in General Assembly met, and it is hereby enacted by the authority of the same,* That an act passed the seventh day of April, one thousand seven hundred and sixty-three, to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this state, then province, and for keeping clear the channels of the same; and also an act to amend the said act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five.

An act passed the 7th day of April 1763, to prevent persons throwing ballast, &c. into rivers, &c. And an act to amend the same passed 26th March 1765.

Also an act passed 6th of March 1764, to punish seamen, &c.

Also an act passed the sixth day of March, one thousand seven hundred and sixty-six, for punishing seamen and mariners, neglecting or deserting their duty on board their respective ships or vessels, and for preventing seamen or mariners from being harbored or running in debt.



And also an act to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine and firewood, passed the sixth day of March, one thousand seven hundred and sixty-six; also an act for amending an act, entitled "An act to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine and firewood, passed the twenty-fourth day of December, one thousand seven hundred and sixty-eight.

And also an act passed 6th 1766, to prevent frauds in selling beef, pork &c.

And also an act passed the seventh day of April, one thousand seven hundred and sixty-three, for regulating a workhouse for the custody and punishment of negroes, and further continued by an act entitled "An act to amend and continue an act for regulating a workhouse for the custody and punishment of negroes," passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven.

And an act to amend and continue the same, passed 4th December 1768

And an act passed 7th of April 1763, to regulate a workhouse, &c.

And all act to amend and continue the same.

And also an act passed the eighteenth day of November, one thousand seven hundred and sixty-five, for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager, or employer.

And also an act passed 18th November 1765, to establish patrols, &c.

And also an act to regulate the wharfs and shipping in the several ports of this state, then province, and ascertaining the rates of wharfage, of shipping and storage, and also the duty of an harbor master for the port of Savannah, and to authorize the said harbor master to put in force an act entitled "An act to amend an act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this state, (then province,) and for keeping clear the channels of the same."

Also an act to regulate wharfs and shipping, &c.

Also an act to prevent stealing of horses and neat cattle, and unlawfully branding, marking, killing or driving the same, passed the twenty-ninth day of September, one thousand seven hundred and seventy-three, shall severally and respectively be, and they are hereby continued in full force until repealed by this or some future General Assembly.

An act to prevent stealing horses, cattle, &c. passed the 30th of September 1773. Shall be in full force until repealed.

2. *And whereas* at the time of the invasion of this state by the British troops in the year one thousand seven hundred and seventy-eight, the public records were sent away to prevent their falling into the hands of the enemy, and have not yet been returned into this state, from which cause the several laws heretofore passed and which may be now expiring, cannot with precision be known, and if no remedy be applied there is reason to believe great injury may accrue to the citizens of this state, for the prevention thereof: *Be it further enacted by the authority aforesaid,* That all laws passed before the twenty-ninth day of December one thousand seven hundred and seventy-eight, which are or may be near expiring, and that are not repugnant to the constitution of this state, or in their nature temporary, be and they are hereby declared to be in full force, and that they shall continue in force until repealed by this or some future legislature.

Public records, sent out of the state for security.

All laws passed prior to the 10th December 1778, which are near expiring—not repugnant to the constitution, declared to be in full force till repealed.

3. *And be it further enacted by the authority aforesaid,* That nothing contained in any act or acts heretofore in force, shall extend to enable his honor the governor, to lay an embargo on indian corn, or any other species of grain or flour, except when a general embargo shall be found necessary to be laid thereon, and that in cases only of particular emergency, and for as short a period as such emergency will possibly admit of. And that in any case when an embargo shall be laid by his honor the governor and the executive council, the legislature shall be convened as soon thereafter as may be done agreeable to law, in order that their sense may be taken on the expediency and propriety of continuing the same.

Embargo, governor's power respecting of. Obsolete.

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, July 30, 1782.

An act for reviving and enforcing certain laws therein mentioned.

Example.

1. **W**HEREAS, during the late convulsions in this state, several salutary laws were lost and destroyed, that had from time to time been enacted by the General Assembly of the same; and among others, an act reviving and putting in force such and so much of the laws of the province of Georgia as were adjudged necessary to be in force in this state: *And whereas*, the said laws are for the most part suited to the circumstances of the people: *And whereas*, it is absolutely necessary for the well governing every state, that laws properly adapted to the circumstances of the inhabitants be at all times in force: *Therefore be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same*, That all and singular the several acts, clauses, and parts of acts, that were in force and binding on the inhabitants of the said province on the fourteenth day of May, in the year of our Lord one thousand seven hundred and seventy-six, so far as they are not contrary to the constitution, laws, and form of government now established in this state, shall be, and are hereby declared to be in full force, virtue and effect, and binding on the inhabitants of this state, immediately from and after the passing of this act, as fully and effectually, to all intents and purposes, as if the said acts, and each of them, had been made and enacted by this General Assembly, until the same shall be repealed, amended, or otherwise altered by the legislature. And also the common law of England, and such of the statute laws as were usually in force in the said province, except as before excepted.

All laws in force on the 14th May 1776, not contrary to the constitution & laws since passed, declared to be in full force.

And the common and statute laws of England under the same exceptions

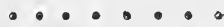
All fines, &c. payable by those acts to the king, to be paid into the treasury.

Public officers invested with the same powers, and subject to the same restrictions as enacted in said laws.

2. *And be it further enacted by the authority aforesaid*, That all fines, penalties and forfeitures inflicted or made payable by any of the aforementioned acts to the king of Great-Britain, are hereby directed to be paid into the public treasury of this state, for the use of the same. And that all authorities given and enjoined by any of the said acts to any public officer, are hereby given and enjoined to such public officers, appointed under the constitution or form of government established in this state, and agreeable to the same.

By order of the House.  
JAMES HABERSHAM, *Speaker*.

Savannah, February 25, 1784.



ROADS AND BRIDGES.

An act to establish a road from Louisville to Savannah, one from Louisville to Washington in Wilkes county, and another from the Chickesaw ford on Brier Creek to Columbia court-house.

Example.

1. **W**HEREAS a road is now opened from within three miles of Louisville, to within fifteen miles of Savannah, that is to say, beginning at Lambert's big creek in the county of Jefferson, to M'Cullers' mill-spring on Buckhead to Isaac Brinson's, thence to Afa Tanners, from thence into the Augusta road above capt. John Spencer's. *And whereas* bridges are now erected over Lambert's big creek, big Buckhead, little Buckhead, and little Ogechee, at a great expence, but defrayed by the generous subscription of individuals; *Be it therefore enacted by the Senate and House*

of Representatives of the state of Georgia in General Assembly met, That the said road be established as a public one, and that John Clements, John Powell, and Hugh Alexander, for the county of Jefferson; Bryant M'Cullers, Isaac Brinson, and Batt Jones, for the county of Burke; Richard Cooper, Gabriel Parke, and Afa Tanner, for the county of Scriven; and Earnest Zitteror, Samuel Ryall, and Christopher Bailly for the county of Effingham, be commissioners in the counties to which they respectively belong, to open and work on such parts of the said road from Louisville to Savannah as are not already opened, and to keep in repair the remainder.

Road from Louisville to Savannah, and commissioners appointed.

2. *And be it further enacted*, That the said commissioners shall have full power to call out the inhabitants liable to work on the same agreeably to the existing road act now in force.

Inhabitants liable to be called out.

3. *And be it further enacted*, That one other road be opened and laid out from Louisville, to the town of Washington (Wilkes county) across Little River at Williamson's mill; and that William Black, Zachariah Gray, and James Rogers be appointed commissioners for the county of Jefferson; Isaiah Tucker, Solomon Newsum, and Vinson A. Tharpe, commissioners for the county of Warren; and Robert Mathews, Thomas Porter, and Richard Worsham, be appointed commissioners for the county of Wilkes; whose duty it shall be to view, lay out, open and keep in repair the aforesaid road, and shall have the same powers given by law to commissioners or surveyors of roads in this state.

Road to be opened from Louisville to Washington, & commissioners nominated.

4. *Be it further enacted*, That a public road be established from the Chickesaw ford on Brier Creek to Columbia court-house, and that James Culbreath, John Hobbs and Thomas Waggoner, be appointed commissioners on the part of the county of Richmond and Burke, and that John M'Donald, David Harris and Hancock, be appointed commissioners on the part of the county of Columbia. And in case of death, resignation or removal from office of either of the aforesaid commissioners, the inferior court of the county in which such vacancy may happen, shall fill up the vacancy at the next succeeding court, any law to the contrary notwithstanding.

The road from the Chickesaw ford on Brier Creek, to Columbia court-house established.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred, February 11, 1797.

JARED IRWIN, *Governor.*

• • • • •

*An act to empower the inferior courts of the several counties in this state, to order the laying out of public roads, and to order the building and keeping in repair of public bridges.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same it is hereby enacted, That all the roads in the several counties of this state, that have been laid out by virtue of any act of the General Assembly, or by virtue of any order of court, are hereby declared to be public roads; and that from time to time, and at all times hereafter, the inferior courts of the several counties in this state shall have full power and authority to order the laying out of public roads where the same may be necessary, and to discontinue such roads as now are or shall hereafter be made, as shall

All roads now laid out, declared public roads.

May be altered or discontinued by the inferior courts and new ones may be laid off by said courts.

be found useleſs, and to alter the roads, ſo as to make them more uſeful and convenient, as often as occaſion ſhall require.

New roads to be laid out by three commiſſioners.

2. *And be it further enacted*, That all roads hereafter to be laid out, ſhall be laid out by three or more commiſſioners, appointed by the ſaid inferior courts reſpectively, which commiſſioners, being freeholders, ſhall take an oath before any juſtice, to lay out the ſame to the greateſt eaſe and conveniency of the inhabitants, and as little as may be to the prejudice of any private perſon or perſons' encloded ground. And when any perſon or perſons ſhall feel him, her or themſelves aggrieved by reaſon of any road being laid out through his, her or their encloded ground, it ſhall be the duty of any two or more of the juſtices of the inferior courts, on application in writing by the perſon or perſons injured, to iſſue a warrant under their hands, directed to the ſheriff of the county, to ſummon a jury of freeholders, who ſhall be ſworn to aſſeſs ſuch damages; and that the ſheriff ſhall make and return a true inquisition thereof to the next inferior court; and it ſhall be the duty of ſuch court to order the amount of damages ſo aſſeſſed to be paid out of the next county tax, or out of any public monies belonging to the county fund: *Provided nevertheless*, That where it ſhall appear to the inferior court that the damages ſo aſſeſſed tranſcend the utility of that part of the ſaid road, ſuch court ſhall order the ſame to be altered in ſuch manner as to avoid the encloded ground ſo damaged, unleſs the perſon complaining ſhall agree to accept ſuch compenſation as ſhall be deemed juſt and reaſonable by ſuch court.

Perſons aggrieved by ſaid roads, how to be redreſſed.

Now in uſe.

Roads to be twenty feet wide.

3. *And be it further enacted*, That all public roads laid out or now in uſe, or which ſhall be hereafter laid out, ſhall be cleared of all trees, ſtumps, grubs and brush, at leaſt twenty feet\* wide, and ſuch limbs of trees as may incommode horſemen or carriages ſhall be cut away; all bridges or cauſeways made or to be made over ſmall water-courſes, and cauſeways over ſwamps or low lands, ſhall be made and kept in repair by the hands ſubject to work on the roads where the ſame may be neceſſary; and the pieces wherewith the ſame ſhall be made, ſhall be laid acroſs the road, and be at leaſt ſixteen feet long, well ſecured, made faſt, and covered with earth.

Cauſeways and bridges over ſmall ſtreams to be ſixteen feet wide and made by perſons liable to work on roads.

Shall be divided into diſtricts.

4. *And be it further enacted*, That all free male inhabitants between the age of ſixteen and forty-five years, and all male ſlaves,† ſhall be ſubject to work on the public roads; and it ſhall be the duty of the inferior courts in each county, within ſix months after the paſſing of this act, to divide the ſeveral roads within the reſpective counties into diſtricts of convenient length, and ſhall from time to time apportion the perſons ſubject to work on the roads, among the ſeveral diſtricts, in ſuch manner and in ſuch proportion as they ſhall deem juſt and equitable, regarding as far as poſſible the convenience of the people and the ſituation of the roads.

Overſeers appointed by the inferior courts.

Shall take an oath

Informed of their appointments by the clerk.

And the ſaid inferior courts ſhall alſo within the aforeſaid term of ſix months, appoint one fit and proper perſon, being a freeholder, as overſeer of each diſtrict of road, who ſhall take an oath‡ before ſome juſtice, truly and faithfully to perform the duties required of him by this act. And the ſaid inferior courts, ſhall, from time to time, make ſuch alterations in the diſtricts, and apportionment of perſons to work thereon as occaſion may require. And the clerks of the inferior courts ſhall, within ten days after the appointment of the overſeers, and apportionment of perſons to work in the ſeveral diſtricts, give notice of ſuch appointment, to the ſaid overſeers, and alſo ſerve them with a liſt of the perſons to work within their ſeveral diſtricts.

\* See act of 1800, ſect. 3, reſpecting croſs-roads; alſo ſect. 4, reſpecting trees, ſtumps, &c.

† See act of 1800, ſect. 5. explaining this ſection.

‡ Repealed by act of 1800, ſect. 2.

5. *And be it further enacted,* That all overseers of roads, who shall refuse or neglect to do their duty, as is directed by this act, or shall not keep the roads and bridges over small water courses, and causeways over swamps and low lands in repair, or let them remain uncleared or out of repair, for and during the space of thirty days, unless hindered by extreme bad weather, such overseer shall forfeit for every such offence the sum of five dollars, to be recovered in the justices' court of the district in which such overseer may reside for the use of any person or persons suing for the same; and shall nevertheless be subject to an action for damages at the suit of any person injured by such refusal or neglect.

Overseers failing to comply with this act, shall forfeit five dollars for every neglect and be subject to an action for damages.

6. *And be it further enacted,* That whenever the said roads, small bridges and causeways shall require repairing, the overseers shall give at least five days' notice to all persons subject to work within their respective districts, of the time and place of attendance with such tools as he may deem necessary; and if any person subject to work as aforesaid, shall fail to attend agreeably to such notice, together with all slaves owned by them or under their care and management, they shall be subject to the following fines, to wit: for the non-attendance of every free person, the sum of one hundred cents, per day, and for every slave the sum of one hundred cents, per day; to be levied of the goods, chattels, lands, and tenements of such defaulters, by warrant of distress and sale, under the hand and seal of any justice of peace in the district where such defaulters may reside; or be recovered before any court having competent jurisdiction of the same, unless the party making such default shall, within ten days thereafter, make such excuse, on oath, as may be deemed satisfactory to the overseer: *And provided also,* That no justice of the peace shall be authorized to issue a warrant as aforesaid, without satisfactory proof being first made that the notice required by this act was duly served.

Overseers shall give five days' notice when the roads and bridges need repair.

Persons failing to attend may be fined one hundred cents for each day.

To be levied by warrant from a justice.

Unless an excuse is made in ten days, &c. Proviso.

7. *And be it further enacted,* That all fines so as aforesaid incurred and collected shall be one half for the use of the overseer of the district, and the other half to be paid to the overseer for the repairs and improvement of roads within his district.

Fines appropriated.

8. *And be it further enacted,* That where any person or persons shall have made any fence or laid any other obstruction across, or in any public road heretofore laid out without the leave of any court having cognizance thereof, it shall be the duty of the overseer of the district in which the same may be, within three months after his appointment to cause such obstruction to be removed, and the road restored to its original situation; unless in the opinion of such overseer, the road now used is equally convenient with the original one; and when any person shall be desirous of removing any road for private convenience, such person shall petition any one or more justice or justices of the inferior court for leave to remove the same; and on such petition it shall be the duty of the said justice or justices, to issue his or their order directed to any three freeholders of the neighborhood, who being sworn as is by this act herein before directed, shall proceed to view the ground over which such removal is intended to be made; and if the said freeholders shall report, that such alteration will be equally convenient, the inferior court may order the same to be made by the person praying the same, which shall be cleared in such manner as is herein before directed.

Obstructions, &c. to be removed by the overseers.

Roads how to be altered for private convenience.

9. *And be it further enacted,* That when any person shall hereafter make any fence or cut any tree, or make other obstructions in or across any public road (unless removed within two days) such person shall for every such offence pay a fine not exceeding twenty dollars to be recovered by warrant under the hand of any justice of the peace; to be applied as herein before directed: And it shall be the duty of the overseer of the district forthwith to cause the said obstruction to be removed.

Penalties for stopping up or obstructing roads.

How recovered and applied.

Riceborough  
road.

10. *And whereas* the public good requires that a road should be opened and kept in repair from the town of Riceborough in the county of Liberty, to the town of St. Mary's in the county of Camden, by way of Fort Barrington on the river Alatomaha.

Inhabitants of  
M'Intosh,  
Glynn and  
Camden liable  
to work on said  
road.

*Be it further enacted,* That all the male inhabitants in the counties of M'Intosh, Glynn and Camden, subject to work on the roads in the said counties, including all the islands belonging to the said counties of M'Intosh, Glynn and Camden, shall be liable to work on the said road, under the same rules and regulations, and subject to the same fines for default as is before pointed out by this act: And the justices of the inferior courts in the aforesaid counties shall appoint overseers in their respective counties to carry this act into effect, any law or clause of laws to the contrary notwithstanding.

All bridges e-  
rected by the  
public, declared  
to be public.

11. *And be it further enacted,* That all the bridges that have been erected by any act of the General Assembly, or by virtue of any order of court, not being private toll-bridges, are hereby declared to be public bridges. And that from time to time hereafter, the inferior courts of the several counties shall have full power and authority to appoint the places for erecting public bridges; and it shall be the duty of such courts to appoint one or more commissioner or commissioners, to contract for the building such bridges, as may be deemed necessary, for a time not less than five nor more than seven years: And the said commissioner or commissioners, before he or they shall enter on the duties of such appointment, shall take an oath before some justice of the inferior court or of the peace, truly and faithfully to perform the trust reposed in him. And the said commissioners being so sworn, shall advertise the time and place for letting the same, at three or more public places at least twenty days, and shall then let the same by public outcry to the lowest bidder, taking bond payable to his excellency the governor or his successors in office, to be deposited in the office of the clerk of the inferior court with at least two freeholders as sureties for the performance of such building and keeping in repair; and the inferior court shall levy the amount thereof on the county, or order the same to be paid out of any of the funds of the county subject to their disposal.

Inferior courts  
may erect new  
ones.

To be kept in  
repair not less  
than five or  
more than se-  
ven years.  
Commissioners  
of bridges shall  
take an oath.

Twenty days'  
notice to be  
given of the  
letting of  
bridges.

Bridges over  
streams divid-  
ing counties  
how to be  
built.

12. *And be it further enacted,* That when bridges shall be necessary over any water course which divides one county from another, the inferior court of each county shall join in appointing commissioners for the building and keeping in repair the same: and the expence thereof shall be defrayed by both counties in proportion to the amount of the general tax of each, to be estimated by the digest of the general tax taken next before such contract.

Commis-  
sioners shall  
give notice  
when the  
bridge is out of  
repair.

13. *And be it further enacted,* That whenever any public bridge shall require repairing it shall be the duty of the commissioners or one of them to give notice in writing thereof to the undertaker or one of his securities, stating the repairs necessary to be made, and requiring the same to be made within a reasonable time to be set forth in the said notice, and if the same shall not be made within such time, such commissioner or commissioners, shall employ some other person or persons forthwith to make such repairs; and shall immediately thereafter issue an execution against the said undertaker and his securities for the amount given for the said repairs with costs.

Execution  
against the un-  
dertaker, &c.  
in what cases.

A commis-  
sioner becoming  
undertaker, lo-  
ses his office.

14. *And be it further enacted,* That when any commissioner appointed for letting any public bridge under and by virtue of this act, shall undertake the building and keeping in repair the same, or shall become the security for any other person so undertaking, the powers of such commissioner shall from thenceforward cease and determine, and the inferior court of the county shall appoint another in his room.

15. *And be it further enacted,* That all former laws on this subject so far as they militate against this law be and they are hereby repealed. Repealing clause

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 4, 1799.

JAMES JACKSON, *Governor.*

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*An act to alter and amend an act to empower the inferior courts of the several counties in this state to order the laying out the public roads, and to order the building and keeping in repair the public bridges.*

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That whereas by an act passed on the sixth day of December, one thousand seven hundred and ninety, an exclusive right was given to James Gunn and Wade Hampton, their heirs and assigns forever, to erect, and keep in good order and sufficient repair, a bridge over the great Ogechee River: *And whereas,* the said James Gunn and Wade Hampton did erect a bridge over the same agreeable to the said act, but have neglected to keep the said bridge in good repair, whereby the lives and properties of individuals are endangered: *Therefore be it enacted,* That it is hereby declared to be the duty of the said James Gunn and Wade Hampton, their heirs or assigns, who may now be in possession of the said bridge, to keep the same in good and sufficient repair, and subject to the inspection of two or more commissioners, to be appointed by the inferior court for the county of Bryan for that purpose: and it is hereby declared to be the duty of the said commissioners, to inspect the said bridge monthly, and whenever it shall be found that the said bridge wants repairing, they are hereby directed to notify the owners or proprietors of the same to commence the repair within five days, and in case of the refusal or neglect so to do; it shall be the duty of two or more of the inferior court justices of the said county, on complaint to them being made by the aforesaid commissioners, to direct the commissioners aforesaid to proceed to purchase materials and hire workmen to complete the same, and to notify the proprietors or their attorneys that the said expences of such repairs are to be paid for immediately on completion of the same; and in case such proprietors or owners shall fail to pay the same, then and in that case it shall be the duty of two or more of the said inferior court justices to award execution; which said execution shall be directed to the sheriff, deputy sheriff or constables of either the county of Bryan or Chatham, against the property of the said proprietors or owners, and, on giving fifteen days' notice, proceed to sell the same; and if any overplus after paying the necessary expences attending the same, to return the said overplus to the owner or proprietors of the said bridge.

James Gunn & Wade Hampton empowered to build a bridge over Great Ogechee.

Duty of the proprietors of said bridge.

Commissioners to inspect it, to be appointed by the inferior court of Bryan. Repairs to be begun in five days.

or else it will be done by the commissioners.

And paid by the proprietors, or execution will go against them, in Bryan or Chatham counties.

2. *And be it further enacted,* That so much of the above recited act, entitled "An act to empower the inferior courts of the several counties to order the laying out the public roads, and to order the building and keeping in repair public bridges, as respects the oath therein prescribed to be taken by the overseers of districts be and the same is hereby repealed. That part of the act of 1799, prescribing an oath for overseers, repealed.

inferior courts to direct the manner of laying out cross roads.

3. *And be it further enacted,* That the inferior courts of the respective counties within this state are hereby authorized and empowered to direct the manner and mode of keeping in repair all cross, and other roads not being an immediate or direct market road, leading through their respective counties; in such manner as they in their judgment may think most proper.

Overseers need not dig up stumps, &c.

4. *And be it further enacted,* That so much of the before recited act, directing the overseers of districts to remove all stumps and trees, shall be construed so as to remove such stumps and trees from being obstructions to wheel carriages, by cutting the same as nearly even with the surface as possible; and that no person shall be liable to work upon any road more than six days at one time, nor than twelve days in one year.

Negroes liable to work on roads.

5. *And be it further enacted,* That the age of male negroes liable to work on the public roads in this state shall be between the age of sixteen and fifty.

Repealing clause.

6. *And be it further enacted,* That all laws or parts of laws, which any way militate against this act be, and the same are hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 1, 1800.

JAMES JACKSON, *Governor.*

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## SABBATH.

*An act for preventing and punishing vice, profaneness and immorality, and for keeping holy the Lord's day, commonly called Sunday.*

reamble.

**W**HEREAS there is nothing more acceptable to God than the true and sincere worship and service of him, according to his holy will, and that the keeping holy the Lord's day, is a principal part of the true service of God, which in this province is too much neglected by many.

1 Compels all persons to attend worship—repugnant to the constitution.

Persons working on Sunday shall forfeit ten shillings.

2. *Be it further enacted,* That no tradesman, artificer, workman, laborer, or other person whatsoever, shall do or exercise any worldly labor, business or work of their ordinary callings, upon the Lord's day, or any part thereof (works of necessity or charity only excepted) and that every person being of the age of fifteen years or upwards offending in the premises, shall for every such offence forfeit the sum of ten shillings. And that no person or persons whatsoever, shall publicly cry, shew forth or expose to sale, any wares, merchandizes, fruit, herbs, goods or chattels whatsoever, upon the Lord's day or any part thereof, upon pain that every person so offending shall forfeit the same goods so cried, or shewed forth, or exposed to sale, or pay ten shillings.

No goods to be sold on that day.

3 Restrains persons from travelling on Sunday. Obsolete.

Hunting, shooting, &c. restrained penalty five shillings.

4. *And be it further enacted,* That no public sports or pastimes, as bear-baiting, bull-baiting, foot-ball playing, horse-racing, shooting, hunting or fishing, interludes or common plays, or other games, exercises, sports or pastimes whatsoever, shall be used on the Lord's day by any person and persons whatsoever; and that all and every person and persons offending in any of the premises, shall forfeit for every such offence the sum of five shillings sterling.



5. *And be it further enacted*, That no vintner, innholder or other person keeping any public house of entertainment, shall entertain, or suffer any person or persons (except strangers or lodgers) in such houses or out-houses, to abide or remain; nor shall they suffer any person or persons whatsoever, in their said houses, out-houses, yards, orchards or fields to abide or remain drinking, or in any manner idly spending their time on the Lord's day, upon the pains and penalties of five shillings for every person offending, payable by themselves respectively, that shall be found so drinking or abiding in any such public house or dependencies thereof as aforesaid, and the like sum of five shillings to be paid by the keeper of such house for every person entertained by them.

Public houses, &c. to be kept shut on Sunday.

Constables, &c. to examine tippling houses that day.

6. *And for the better keeping of good orders on the Lord's day, Be it further enacted*, That the church wardens and constables of each parish respectively, or any one or more of them, shall once in the forenoon and once in the afternoon, in the time of divine service, walk through the town of Savannah, and the respective towns of this province, to observe, suppress and apprehend all offenders whatsoever, contrary to the true intent and meaning of this act; and they shall have power, and are hereby authorized and empowered to enter into any public house, or tippling house, to search for any such offenders; and in case they are denied entrance, shall have power, and are hereby authorized and empowered to break open, or cause to be broke open, any of the doors of the said house, and enter therein; and all persons whatsoever are strictly commanded and required to be aiding and assisting to any constables or other officers in their execution of this act, on the penalty of ten shillings sterling for every refusal.

And to use force if denied entrance.

Justices may apprehend offenders and seize their goods.

7. *And be it further enacted*, That for better execution of all and every the foregoing orders, every justice of the peace within his county or parish, shall have power and authority to convene before him any person or persons whatsoever, who shall offend in any of the particulars before mentioned, and upon his own view or confession of the party, or proof of any one or more witnesses upon oath, which the said justices are by this act, authorized to administer, the said justice, or justices shall give a warrant, under his, or their hand and seal, to the constables or church wardens, or either or any of them, of the parish or parishes where such offence shall be committed to seize the said goods, cried, shewed forth, or put to sale as aforesaid, and to sell the same; and as to the other penalties and forfeitures, to impose the fine and penalty for the same, and to levy the said forfeitures and penalties, by way of distress, and sale of goods, of every such offender returning the overplus, (if any there be) after reasonable charges allowed for the distress, and sales. And in case of default of such distress, or in case of insufficiency or inability of the said offender, to pay the said forfeiture or penalties, that then the party offending be set publicly in the stocks, for the space of two hours, and all and singular the forfeitures or penalties aforesaid, shall be employed and converted to the use of the poor of the parish, where the said offences shall be committed, and to be delivered into the hands of the church wardens, or overseers of the poor for that end; saving only, that it shall and may be lawful to, and for any such justice or justices, out of the said penalties or forfeitures, to reward any person or persons, that shall inform of any offence against this act, according to his or their discretion, so as such reward exceed not the third part of the forfeitures or penalties. *Provided*, That nothing in this act contained, shall extend to the prohibiting of dressing of meat in families, or dressing, or selling of meat in inns, victualling houses or other public houses, for such as cannot be otherwise provided; nor to the buying or selling of milk and fish, before nine of the clock in the morning, and milk after four of the clock in the afternoon, *Provided also*, That no person or persons shall be in-

Provide.

Provide.

peached, prosecuted or molested for any offence before mentioned in this act; unless he or they be prosecuted for the same, within ten days after the offence committed.

Writs, warrants, &c. not to be executed on Sunday except in certain cases.

Persons served on that day discharged.

In what manner persons sued for executing this act, shall proceed.

Treble costs.

This act shall be read four times a year, by ministers.

8. *And be it further enacted*, That no person or persons upon the Lord's day, shall serve, or execute, or cause to be served or executed, any writ, process, warrant, order, judgment, or decree, except in cases of treason, felony, or breach of the peace; but that the service of every such writ, process, warrant, order, judgment or decree shall be void to all intents and purposes whatsoever. And the person or persons so serving or executing the same, shall be liable to the suit of the party grieved, and to answer damages to him for the doing thereof, as if he or they had done the same without any writ, process, warrant, order, judgment, or decree at all. And in case any person or persons shall be imprisoned or detained in custody by any writ, process, warrant, order, judgment, or decree, so served or executed upon the Lord's day, upon motion, or petition made to the chief justice, or any one of the assistant justices for the time being; it shall be lawful for the chief justice, or assistant justice or justices, and he, or they are hereby authorized and required immediately to order such person or persons to be discharged out of prison and custody, and to be clear not only from such writ, process, warrant, order, judgment or decree so served on the Lord's day, but also from all and every other writs, process, warrant, order judgment or decree, served or executed upon any person during the time of the said persons being imprisoned or detained upon the account of any such writ, process, warrant, order judgment or decree, so served or executed on the Lord's day, and such person shall be allowed by the said chief justice, or assistant justices such reasonable time, as he, or they shall think fitting, to return to his home or habitation, free from any arrest or hinderance whatsoever in civil matters.

9. *And be it further enacted*, That if any action, suit or information shall be commenced against any person or persons for what he or they shall do in pursuance or execution of this act, such person or persons so sued may plead the general issue (not guilty) and upon issue joined, give this act and the special matter in evidence. And if the plaintiff, or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover his, or their treble costs, for which he or they shall have the like remedy, as in any case, where costs by law are given to the defendant.

10. *And be it further enacted*, That this act shall be read yearly and every year, at least four times in each year, before sermon begins. And every minister is hereby required to read the same, in his respective place of divine worship.

By order of the Commons House of Assembly.

LEWIS JOHNSON, *Speaker*.

By order of the Upper House.

JAMES HABERSHAM, *President*.

In Council Chamber, March 4, 1762.

Assented to.

JAMES WRIGHT.

*An act for altering the great seal of the state of Georgia.*

1. **W**HEREAS the constitution of this state directs the alteration of the great seal, therefore, *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That the great seal of the state of Georgia shall be made of silver, and the size of two and a quarter inches in diameter. Preamble.  
Great seal to be of silver.

2. *And be it further enacted by the authority aforesaid,* That the device shall be as follows: On the one side a view of the sea shore with a ship bearing the flag of the United States, riding at anchor near a wharf, receiving on board hogheads of tobacco and bales of cotton, emblematic of the exports of this state; at a small distance a boat landing from the interior of the state with hogheads, &c. on board, representing her internal traffic; in the back part of the same side, a man in the act of ploughing; and at a small distance a flock of sheep in different postures shaded by a flourishing tree. The motto on this side, agriculture and commerce 1799. That the other side contain three pillars supporting an arch, with the word constitution, engraven within the same, emblematic of the constitution supported by the three departments of government, viz. the legislative, judicial and executive, the first pillar to have engraven on its base, wisdom, the second justice, and the third moderation; on the right of the last pillar a man standing with a drawn sword, representing the aid of the military in defence of the constitution; the motto, state of Georgia 1799. Its device;

3. *And be it further enacted by the authority aforesaid,* That his excellency the governor be and he is hereby authorized to contract with some fit and proper person for making of the aforesaid seal in manner and form aforesaid, and shall deposit the same in the office of the secretary of state, and on and after the fourth day of July next, the said seal shall be considered as the great seal of the state of Georgia and applied and made use of as such in all cases as the law directs; and the old or present great seal, shall be broken in presence of his excellency the governor. The governor shall contract for the making of the seal.  
Old seal to be broken.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 8, 1799.

JAMES JACKSON, *Governor.*

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*An act supplementary to an act, entitled "An act for altering the great seal of the state of Georgia," passed the 8th day of February, one thousand seven hundred and ninety-nine.*

**W**HEREAS it appears that so much of the second section of the before recited act, as are contained in the words following, to wit, That the other side contain three pillars supporting an arch, with the word, constitution, engraved within the same, emblematic of the constitution supported by the three departments of government, viz. The legislative, judicial, and executive; the first pillar to have engraven on its base, wisdom, the second justice, and the third moderation, could not be completely carried into execution, in as much as from examination of the size of the great seal established by the aforesaid act, an impression of these words, wisdom, just- Preamble.

tice, and moderation, engraven on the three aforefaid pillars, would not be legible or intelligible.

A part of an act for altering the great seal, repealed. And the great seal sanctioned.

*Be it therefore enacted*, That, that part of the faid before recited feffion, to wit, the words, the firft pillar engraven on its bafe wifdom, the fecond juftice, and the third moderation, be and the fame is hereby repealed. And that the great feal, as now de- pofited and in operation in the fecretary of ftate's office of this ftate, with the words, wif- dom, juftice and moderation engraven in a wreath on the feperate pillars, emblematic of the feveral departments of the government, be and is hereby fanctioned, ratified and declared the great feal of the ftate of Georgia; and all grants papers and docu- ments to which the fame has been affixed by order of the executive authority fince the fourth day of July laft paft, the period when the former great feal by the afore- faid act ceafed to be the great feal, and the new great feal was by the faid act to be in operation, are hereby alfo fanctioned, ratified and declared to be as valid in all courts of law and equity, as they poffibly would or could have been, had the words wifdom, juftice and moderation been engraven on the bafe of the refpective pillars agreeably to direffions of the faid fecond feffion.

New seal to be affixed to grants figned during the continu- ance of the old one.

2. *Whereas* there is now in the fecretary of ftate's office a number of grants of land if- fued previoufly to the fourth day of July laft paft, which have not heretofore had the former great feal of the ftate affixed to them. *Be it therefore enacted*, That the fe- cretary of ftate, fhall affix the prefent great feal of this ftate, as declared by this act, to any grant or grants which have been iffued for land under the authority of this ftate previous to the fourth day of July paft, which have not heretofore had the former great feal of this ftate affixed to fuch grant, or grants as aforefaid, which fhall be held, deemed and confidered valid in all courts of law and equity, any law to the contrary notwithstanding.

DAVID MERIWETHER, *Speaker of the Houfe of Representatives.*

DAVID EMANUEL, *President of the Senale.*

Assented to December 5, 1799.

JAMES JACKSON, *Governor.*

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## SEAMEN AND MARINERS.

*An act to punish feamen or mariners, neglecting or deferting their duty on board their refpective fhips or veffels; and for preventing feamen or mariners from being har- bored or running in debt.*

Preamble.

1. **W**HEREAS mafters and commanders of veffels trading to this province are often greatly diftreffed by the neglect or defertion of their feamen, which is in general occafioned by fuch feamen being harbored and entertained by and running in debt with the keepers of taverns and tippling houfes, and ill difpofed per- fons, to the great detriment and hinderance of trade, for prevention of which evil, *Be it enacted*, That from and immediately after the paffing of this act, if any feaman or mariner having entered or fhipped himfelf on board any fhip or veffel within this province, or which fhall come to the fame, and having figned an agreement or con- tract with the mafter or commander thereof to proceed upon any voyage therein

Justices may apprehend and commit feamen under contract.

mentioned, shall absent himself from such ship or vessel for the space of twenty-four hours, without leave had and obtained from the said master or commander, or other chief officer having the command of such ship or vessel, or shall refuse or neglect to perform his duty on board the same, or refuse to proceed on the voyage mentioned in such agreement or contract signed as aforesaid, it shall and may be lawful for any justice or justices of the peace, within their respective jurisdictions, upon application being made to him or them by such master or commander, to issue his or their warrant or warrants, to apprehend such seaman or mariner, and upon proof of such absence without leave had and obtained, or of such neglect or refusal as aforesaid, to commit such seaman or mariner to the jail or workhouse, for any time not exceeding thirty days, any law usage or custom to the contrary notwithstanding.

2. *And be it further enacted by the authority of the same,* That the charge of apprehending, committing, and maintaining such seaman or mariner, during his confinement as aforesaid, shall be paid by the complainant, which charge he is hereby authorized to deduct out of the wages due or to be due to such seaman or mariner.

Charges to be deducted and paid out of the seamen's wages.

3. *And be it enacted by the authority aforesaid,* That if any person or persons whatsoever after the passing of this act shall give credit to or trust any seaman or mariner belonging to any ship or vessel within this province, having signed an agreement or contract to proceed therein as aforesaid, for any sum exceeding five shillings, except by leave of the master or commander of such ship or vessel, he, she or they, so giving credit to or trusting such seaman or mariner as aforesaid, shall, for every such offence lose the monies or goods so credited or trusted.

Persons trusting seamen under contract, above five shillings shall lose the debt.

4. *And be it enacted by the authority aforesaid,* That if any person or persons whatever, after the passing of this act, shall willingly and knowingly entertain, retain, harbor, or keep, or shall directly or indirectly suffer to be entertained, retained, harbored or kept any seaman or mariner belonging to any ship or vessel, and having signed any agreement or contract as aforesaid, in his, her or their house without the leave, privity or consent of the master or commander of such ship or vessel, he, she or they, so offending, shall forfeit the sum of forty shillings sterling for every twenty-four hours such seaman or mariner is harbored, entertained, retained, or kept in his, her, or their house as aforesaid, and such fine or forfeiture shall be recovered by distress and sale of the offender's goods by warrant under the hand and seal of any justice of the peace of the parish where such offence shall be committed, which penalty shall be to his majesty, for the use of the poor of the said parish.

Persons harboring or entertaining them without leave, shall forfeit forty shillings, per day.

5. *And be it further enacted by the authority aforesaid,* That all and every keeper or keepers of taverns, or tippling houses, or any other person or persons whatever, who from and after the passing of this act, shall sell any wine, punch, beer, ale, cider, or any spirituous liquor whatever, to any seaman or mariner belonging to any ship or vessel, and having signed any agreement or contract as aforesaid, to the amount of more than one shilling and sixpence in any one day, or shall entertain, or suffer any seaman or mariner as aforesaid to drink or tiddle in his, her or their house, or furnish such seaman or mariner with any liquor as aforesaid after the hours of nine of the clock at night, unless with the knowledge or by the leave and consent of the master or commander of the ship or vessel to which such seaman or mariner shall belong, such keeper of tavern or tippling house, or such person or persons so offending shall, upon proof of such offence, forfeit the sum of twenty shillings sterling, to be recovered and applied as in this act is before directed.

How to be recovered and applied.

Tavern keepers furnishing seamen more than one shilling and sixpence worth per day, or entertain them after 9 o'clock at night without leave, forfeit twenty shillings.

6. *And be it enacted by the authority aforesaid,* That from and after the passing of this act, any and every seaman or mariner, whose agreement or contract entered into

Mariners shall give a certificate to seamen who have performed their contract, under penalty of five pounds.

with any master or commander of any ship or vessel within this province, for the performance of any voyage therein specified, shall be fulfilled and determined, shall and may demand of, and from the said master or commander a certificate thereof, and of his discharge from such ship or vessel, which certificate such master or commander is hereby required to give, under the penalty of five pounds sterling, to be recovered by warrant of distress, and sale of the offender's goods under the hands and seals of any two justices of the peace, for the parish where such offence was committed, and be to his majesty, and applied one half to the informer, and the other half to the poor of the said parish; and upon refusal of said master or commander to give such certificate without just cause, any two justices of the peace upon due application and proof thereof, are hereby empowered to give such certificate, which shall be of equal force, as if given by such master or commander; and such justices shall receive for every such certificate so given by them as aforesaid the sum of one shilling sterling, to be paid by such master or commander refusing as aforesaid.

How recovered and applied.

Two justices may grant the same.

One shilling fee.

Commanders hiring seamen without certificates forfeit ten pounds.

Ferrymen transporting them without such certificate so forfeit five pounds.

How recovered and applied.

Continuation.

7. *And be it further enacted*, That no master or commander of any ship or vessel within this province, shall hire, receive, entertain or ship any seaman or mariner belonging to, and pretending to be discharged from any other ship or vessel, unless such seaman or mariner shall have a certificate of his discharge as aforesaid, under the penalty of ten pounds sterling, to be recovered and applied as the penalty in this act inflicted upon masters or commanders refusing to give such certificate.

8. *And be it enacted by the authority aforesaid*, That if any person or persons keeping or attending any ferry within this province, shall willingly or wilfully transport, or suffer to be transported over such ferry, any fugitive seaman or mariner not having a certificate of discharge as directed by this act, shall upon conviction thereof before any one of his majesty's justices of the peace for the parish, where such offence was committed, forfeit five pounds sterling, to be recovered by warrant of distress, and sale of the offender's goods, and be to his majesty, to and for the use of any person or persons informing of and suing for the same.

9. *And be it enacted*, That this act shall be and continue in force for and during the term of three years, and from thence to the end of the next session of the General Assembly, and no longer.\*

By order of the Commons House of Assembly.

ALEXANDER WYLLY, *Speaker*.

By order of the Upper House.

JAMES HABERSHAM, *President*.

Council Chamber, March 6, 1766.

JAMES WRIGHT.

\* Revised and continued by act of 1783, sect. 1.

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SERVANTS, NOT SLAVES.

*An act for the government of servants, not slaves, imported or migrating into this state.*

Whereas,

1. **W**HEREAS the encouragement of migration into this state, of white inhabitants, is of primary consequence thereto, and many valuable citizens and useful persons of the poorer class of Europeans desirous of migrating hither, have not

wherewithal to defray the charge of passage money and other incidental expences attending the same, and either indent themselves as servants previous to embarking, or agree with the captains, owners, supercargoes of vessels or others to indent themselves as servants on their arrival at any of the ports of this state, or the United States, as a compensation for such passage money and expences. *And whereas*, it has happened on such arrival, disputes have arisen between such person so migrating, and those who have borne their expences as aforesaid, or those to whom they were previously to embarkation indented, and doubts have been entertained of the validity of any contracts made in a foreign country with respect to binding and holding to service any person so migrating, unless a new agreement be entered into after his or her arrival within the state: for remedy whereof, *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by and with the authority of the same*, That from and after the passing of this act, all white servants brought into this county under any agreement or contract made in foreign countries, and who shall not previously to embarkation therefrom have been indented, shall be bound to perform the same; and in case of refusal to indent himself, herself or themselves, on application and demand, it shall be lawful for the person or persons with whom such servants have so agreed or contracted, to apply to any three justices of the county into which such servants may arrive, one of whom to be a judge of the inferior court thereof, who are hereby empowered and required to have the parties brought before them, and decide on the validity and good faith of such contract, and if they, or a majority of them, shall judge the same binding and valid, it shall be the duty of such magistrates, or a majority of them, to indent such servants by an order to be entered up of record in the clerk's office of the inferior court, which order shall be received and considered as indenture, and held to be as binding in law, to all intents and purposes, as if the same had been voluntarily entered into by such servants after such their arrival: *Provided nevertheless*, That if such

Contracts with white servants how to be carried into effect.

Proviso. If nineteen years old, not to be bound for more than five years, and if under that age, not longer than till they are twenty-four years of age.

2. *And be it further enacted*, That all indentures made between masters, supercargoes or owners of vessels, or other persons in foreign countries, and persons wishing to migrate to this state or the United States, and thus becoming servants as aforesaid, shall be held and received as valid and binding in law, on their arrival within any port or place within this state as if such indenture had been voluntarily entered into by the parties after such their arrival.

Indentures in foreign parts of force in this state.

3. *And whereas*, it is as necessary and proper, and humanity requires that the servants so held to service should, in return therefor, meet with humane and kind treatment from persons to whom they may be bound: *Be it therefore further enacted*, That all masters and owners of servants coming within the intention of this act, shall find and provide for their servants wholesome and competent diet, clothing and lodging, in health, and proper and necessary medicine and attendance in sickness; and shall not at any time give immoderate correction, or at any time whip such persons naked, without an order from two or more magistrates for that purpose, after a hear-

White persons, how to be treated.

ing from both parties, and shall not task them with immoderate labor; and such servants shall have their complaints received by any justice of the peace, who, if he finds cause, may bind the master or owner over until the complaint can be heard before the inferior court of the county where they shall reside; and all complaints of such servants shall and may, by virtue hereof, be received by the said court in form of petition, without the formal process of an action; and full force and authority is hereby given to the said court, at their discretion (having first summoned their masters or owners to justify themselves if they think fit) to adjudge, order and appoint what shall be necessary and proper, as well with respect to the diet, lodging, clothing and excessive labor, as to the correction of the servant or servants complaining; and if any master or owner shall not thereupon comply with the court's order, the said court is hereby authorized and empowered, upon a second just complaint, to release and acquit such servant or servants from any future service, by entering an order to that purport on the records of the court; and in case it shall be found, upon examination before the said court or three justices, that the complaint of such servant or servants was unfounded or malicious, then the inferior court as aforesaid, shall have power to direct and order any moderate punishment, not exceeding thirty-nine lashes; and in case such servant shall absent him or herself from his or her said master or owner's service, the said inferior court shall be, and hereby is authorized to indent such servant for such absence, a term not exceeding four days for every day's absence, more than the time he, or she were originally indented for, by an order entered as aforesaid on the court books.

Contracts with  
them for fur-  
ther service,  
how to be  
made.

4. *And be it further enacted,* That no master or owner of any servant shall during the time of such servant's servitude, make any bargain with him or her for further service or other matter or thing relating to liberty or personal profit, unless the same be made with the approbation of the inferior court of the county where they so reside; and if any servant shall at any time during such service, by gift or other lawful means, acquire any goods or money, such servant shall have the property thereof to his or her own sole use and benefit. And if any servant shall, during such servitude, happen to fall sick or lame so that he or she become of little or no use to his or her master or owner, the master or owner shall at his or her own expence provide such servant with necessary medicine and attendance during such sickness, and shall not put away such servant, but shall maintain him or her during the whole time he or she were obliged to serve; and if under any pretence of freedom any master or owner shall put away any such sick or lame servant, and such servant shall become chargeable to the county such master or owner shall forfeit and pay a sum equal to the maintenance of such person to be recovered by distress, monthly or weekly, at the option of the magistrates superintending the poor rates of such county.

They are not  
to become  
chargeable to  
the public.

5. *And be it further enacted,* That at the expiration of the time of service, every master or owner shall supply every such servant with a new and sufficient suit of clothes to be approved of by any three or more justices of the said county under a penalty not exceeding thirty dollars, to be recovered in a summary way, by such servant, before the said justices.

To be well clo-  
thed when dis-  
charged.

How they may  
be transferred.

6. *And be it further enacted,* That all servants imported or migrating and indented as aforesaid, may be transferred by assignment of the indentures, either by the persons they originally contracted with or their assigns; and such persons to whom such servant may be so assigned, shall be subject to the clauses and provisoes of this act, and



to every matter and thing expressed to be done or performed on the part of the original owners, importers or contractors.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 6, 1796.

JARED IRWIN, *Governor.*

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SLAVES AND PATROLS.

*An act for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager or employer.*

1. **W**HEREAS it is absolutely necessary for the security of his majesty's subjects of this province, and for preventing the many dangers and inconveniences that may arise from the disorderly and unlawful meetings of negroes and other slaves within the same, that patrols should be established under proper regulations, in such parts of the province where the militia is formed and settled; *And whereas*, it is also proper to prevent dealing and trafficking with slaves; *Be it enacted*, That immediately from and after the passing of this act, every captain or commanding officer of a company of foot militia throughout this province, is hereby authorized, empowered and required severally and respectively to summons together his inferior officers, if any such there be; and they shall in concert subdivide and distinguish his company district into as many other convenient patrol divisions as they shall think most proper and consistent with the extent and situation of their general company district, and so as the riding over any such patrol division may not exceed twelve miles in extent, which said subdivided division severally and respectively, shall thenceforth be the patrol divisions, unless the same shall be thought necessary to be altered by the officers as aforesaid, and wherein the owners of settled plantations as well as the other inhabitants of any such patrol division, as well alarm men as others of horse and foot between the age of sixteen and sixty years, shall be subject to the patrol duty of that division, and shall either by themselves in person, or by others employed for that purpose do their patrol duty regularly and successively, according to the true intent and meaning of this act, and in case any captain or commanding officer, shall omit or fail to subdivide and distinguish his company district in manner herein before enjoined, or afterwards at any muster-day, or within five days after such muster-day, shall neglect to prick off the several patrols as is herein after directed, that then every such captain, or commanding officer so failing shall respectively be subject to, and pay the penalty of five pounds sterling, to be recovered by warrant of distress under the hand and seal of any justice of the peace for the parish where such offence shall be committed, and sale of the offender's goods; and which sum shall be paid to the commissioners of the roads within such parish, and by them applied towards repairing the bridges and causeways within the same; and that the owners of settled plantations and inhabitants within each company district may the better know to what patrol division they severally belong, the captains and commanding officers as aforesaid, shall within ten days after making out the same, cause copies thereof signed by them to be affixed at the

*Preamble.*

*Patrol divisions not exceeding twelve miles.*

*Persons liable to patrol duty.*

*Captains, &c. failing to comply with this section shall forfeit five pounds to whom paid and how applied.*

Certified copies of patrol divisions to be set up at public places.

church and meeting-house doors, or other public places in their several districts, and and shall cause another copy thereof to be entered in a book by the clerk of their company, that any person concerned may from time to time have recourse to the same. And as all persons, as well women as men who are or may be owners of settled plantations in any parish or district ought in justice to contribute to the service and security of such parish or district, *Be it therefore enacted by the authority aforesaid,* That the captains or commanding officers of each company of foot militia shall in their districts make out and keep from time to time a special patrol list, for every subdivided and distinct patrol division, in which list shall be inserted the names of all owners of settled plantations being within the same, as well women as men, and as well alarm men as others, as also the names of all the male white inhabitants. *Provided,* That every person having several plantations settled in this province, shall not be subject to, or obliged to do patrol duty in those divisions where such plantations lie other than in such in which he or she, shall usually reside, *Provided also,* That the masters and employers of all white male servants who by this act are obliged to do patrol duty shall and they are hereby directed and obliged to furnish such servants with a horse and furniture for such service, and that under the penalty of one pound to be recovered and applied in like manner as the penalties on captains or commanding officers in this act before mentioned.

Captains to keep a special patrol list for each division.

Of whom composed.

Proviso.

Proviso.

Liable to perform duty in turns.

2. *And be it enacted by the authority aforesaid,* That all persons, male or female, whose names shall be enlisted as aforesaid, shall be liable to perform the patrol duty of their respective divisions severally, successively, and in turns; and on every muster-day, the captains or commanding officers of the several companies of foot militia shall, out of every patrol list made out as aforesaid, prick off the names of any number not exceeding ten persons, as well women as men, inhabitants and owners of, and residing upon plantations as aforesaid, all of whom shall, by themselves or others employed and provided for that purpose, severally and respectively do and perform the patrol duty herein directed, from such muster-day until the next ensuing muster-day, regularly, equally and successively, the said captains or commanding officers as aforesaid, always choosing, and they are hereby directed to choose the nearest set of inhabitants set down in the patrol list as aforesaid; to do the duty together, that they may be enabled to meet and assemble with the better conveniency and expedition: *Provided always,* That it shall and may be lawful for any person or persons liable to do and perform the patrol duty prescribed by this act, and who may not choose to do duty in person, to employ a sufficient person to do, perform and undertake such duty on his, her or their behalf, when their names shall be pricked off as aforesaid: *Provided also,* That if any person or persons so liable and pricked off as aforesaid, whether man or woman (except such woman hath not six working slaves) shall not, either by themselves, or by a sufficient person on his, her or their behalf as aforesaid, do and perform such duty, or shall refuse to do and perform the same, then and in every such case, the captain or commanding officer of such company of foot militia, to which such person so neglecting or refusing shall belong, upon the report of the person appointed to command such patrol, shall and is hereby empowered to agree with any sufficient person at a certain price, not exceeding ten shillings sterling per night, to do duty for him or her so neglecting or refusing, until he or she shall actually procure some other white person, between the age of sixteen and sixty years, to do patrol duty for him or her; and the rate or price so agreed upon by such captain or commanding officer as aforesaid, shall be paid by the person whose turn of duty shall be so performed to the person performing the same, according to his time of service;

Not exceeding ten persons to be pricked off for patrol duty, each muster-day.

Proviso. Substitutes shall be received.

Proviso.

Upon refusal to do the captain may give ten shillings.

and in case any person or persons shall fail to pay or satisfy such other person so appointed for him, her or them so neglecting, the price agreed upon by the said captain or commanding officer as aforesaid, upon demand thereof, then and in every such case, it shall and may be lawful to and for the said captain or commanding officer who agreed with such person, to levy the same on the goods and chattels belonging to the person so failing, by warrant of distress for that purpose, directed to any serjeant of his company, or any constable of the parish in which such company shall be established, which serjeant or constable shall be obliged, and he is hereby fully authorized or empowered to execute the same, and shall be allowed for executing the warrant the sum of one shilling, and twopence per mile for every mile he shall travel, to be computed from the dwelling house of the said constable or serjeant, to the dwelling house of the defaulter.

To be recovered by warrant under the hand of the officer.

Fees for executing the same.

3. *And be it further enacted by the authority aforesaid,* That the several captains and commanding officers of the several companies belonging to the town of Savannah, shall make out a general patrol list of their respective companies (including the horse and alarm men as also women) except as before excepted, within their division, and shall prick off from such list the names of ten persons to perform patrol duty in the said town of Savannah, and as far as the outer line of the garden lots of the said town doth extend, which duty shall be done and performed by the said patrols respectively every night in rotation; the several patrols to meet, and the duty to begin at nine o'clock, and be continued until day-light; and they shall and are hereby empowered to take up all slaves whatever, which they shall find within the said town, or within the limits aforesaid, after the hour of nine o'clock at night who have not a ticket, or letter, or other token, to shew the reasonableness of their being out, or who have not a white person in company to give an account of his or their business; and such patrol may correct every such slave or slaves belonging to any person residing within the town of Savannah, or within the limits aforesaid, by whipping with a switch, whip or cow-skin, not exceeding twenty lashes; but if the slave or slaves so taken up and liable to punishment as aforesaid, shall belong to any plantation or settlement being without the limits aforesaid, such slave or slaves shall be, by the patrol who shall take him, her or them up, delivered to the warden or keeper of the workhouse as fugitive slaves: *Provided always,* That nothing in this act contained shall extend, or be construed to extend, to subject the commander in chief for the time being, or any of the members of his majesty's honorable council, and their clerk or officers, or of the Commons House of Assembly, or their clerk or officers, the public treasurer, the powder receiver, the commissary general, nor any judges of the general court, or ministers of the gospel, custom-house officers, or other officers commissioned by virtue of his majesty's sign manual, the field-officers of the several regiments of foot militia in actual commission, or the pilots or ferrymen in any part of this province, to serve upon any patrol duty in any district whatever, any thing herein before contained to the contrary notwithstanding.

Patrol duty particularly regulated in the town and suburbs of Savannah.

Provido. Persons exempted from patrol duty.

4. *And be it further enacted by the authority aforesaid,* That the captain or commanding officer of every company shall have power in their several districts, from time to time, to appoint one good and discreet person from among the persons so pricked off to do patrol duty as aforesaid, to be their commander, as soon as their names shall be so pricked off as aforesaid, and if such person, being regularly appointed to command the patrol as aforesaid, shall refuse to accept of such command, or after accepting thereof shall refuse or neglect to do his duty as prescribed by this act, such person so offending shall, for every such offence, forfeit and pay a sum not exceeding one

Captains of patrols, how appointed.

On failing to act shall be fined not exceeding twenty shillings.

Recovered by  
warrant, for  
the use of the  
poor.

Powers of cap-  
tains of patrols.  
May fine default-  
ers not exceed-  
ing ten shil-  
lings.

Fees of ser-  
geants, &c. may  
be fined forty  
shillings for ne-  
glect of duty.

Patrols, how to  
be armed, un-  
der penalty of  
ten shillings.

Obedient to of-  
ficers under  
penalty of ten  
shillings.

Shall ride at  
least one night  
in fourteen.

And shall cor-  
rect slaves.

Proviso.  
Liable to for-  
feit five shil-  
lings for unrea-  
sonable abuses.

pound, to be adjudged by a majority of the commissioned officers of the company out of which such patrol shall be pricked off; and levied in both cases by distress and sale of the offender's goods, by a warrant for that purpose, under the hand and seal of the commanding officer of such company, to and for the use of the poor of the parish where such offence shall be committed; and that the commander of every patrol may have better authority to keep them in good order and demeanor during their time and turn of duty, it shall and may be lawful to and for every such patrol commander, and they are hereby directed, empowered and required, on any default or misbehaviour or neglect of duty, of any patrol man, to inflict a fine upon him not exceeding the sum of ten shillings sterling, for the use of the patrols respectively, in which such neglect, default or misbehaviour shall be committed, to be levied by distress and sale of the offender's goods, by virtue of a warrant for that purpose, directed to the constable of the district or serjeant of such company, under the hand and seal of the captain or commander of the company from which such patrol, where such neglect, default or misdemeanor may happen or be committed, shall be pricked off, which constable or serjeant shall be obliged, and are hereby severally authorized and empowered to execute the same, and shall be allowed for executing the warrant the sum of one shilling, and milage as is herein before directed; and every constable or serjeant refusing and neglecting to serve such warrant directed to him, shall be liable to a fine not exceeding forty shillings sterling.

5. And that the said patrols may be the better able to suppress any mischievous designs of negroes and other slaves during their time of service. *It is hereby further enacted by the authority aforesaid,* That every person pricked off or appointed, or undertaking as a proxy for any other person liable to serve in the said patrol in pursuance of, or by virtue of this act, shall provide for himself, and keep always in readiness, and carry with him on his patrol service one good gun or pistol in order, with six cartridges suitable for such gun or pistol, and one good cutlass under the penalty of a sum not exceeding ten shillings, for want of any such arms or ammunition, at such times and places as they shall be appointed by their respective commanders, in their several divisions, to whose orders they shall on all occasions be respectively obedient during their time of service, on pain of incurring a fine not exceeding twenty shillings, to be levied by warrant under the hand and seal of the captain or commanding officer of the company from which such patrols shall be pricked off, as is herein before mentioned.

6. *And be it further enacted by the authority aforesaid,* That every patrol shall go to, and examine the several plantations in their divisions at such times as they in their discretion shall see fit, one night in fourteen at least, and may and shall take up all slaves which they shall see without the fences or cleared ground of their owner's plantations, who have not a ticket or letter or other token to shew the reasonableness of their absence, or who have not some white person in company to give an account of his, her or their business; and such patrol may correct every such slave or slaves by whipping with a switch, whip or cowskin, not exceeding twenty lashes. *Provided,* That if any patrol man, not having sufficient cause, shall beat and abuse, any slave peaceably and quietly being in his master's plantation, or found any where out of the same, having lawful or other token as is herein before directed, such patrol man shall for every such offence forfeit and pay the sum of five shillings, and in case of such

slave being maimed, disabled or killed, shall be subject to the several penalties inflicted for such offences by the act entitled "An act for the better governing negroes and other slaves in this province, and to prevent the inveighling or carrying away slaves from their masters or employers." And the said patrols shall have full power to search and examine all negro houses for offensive weapons and ammunition, and on finding any such, contrary to the before recited act, shall proceed as is therein directed; and if any patrol shall see any fugitive slave or slaves endeavoring to avoid them by hiding or running into, or shall hear of any such being harbored in any dwelling house of a white person, the commander shall ask leave of the owner of the said dwelling house or of some white person then there, to search for, examine and apprehend the said fugitive slave, or that the said owner should deliver up such slave or slaves; and in case the said owner or other white person so entreated, shall refuse to deliver up such fugitive slave or slaves or to suffer search to be made for them, the said patrol or any other white person having seen such slaves enter, such person so refusing shall forfeit the sum of five pounds for ever such offence.

And subject to other penalties for maiming or killing.

Shall search for offensive weapons, how to proceed on finding them.

7. This section is repealed by an act of 1770.

8. *And whereas* many irregularities may arise by patrols drinking too much liquor before or during the time of their being on duty: *Be it further enacted by the authority aforesaid*, That any person whatever who shall be drunk during the time of his service on the patrol, shall be subject to the penalty of a sum not exceeding ten shillings, to be recovered by warrant from any justice of the peace, upon oath first made thereof, the same to be applied to the use of the highways in the respective districts where the offence shall happen.

Patrols getting drunk subject to fine of five shillings, how applied.

9. This and the next section repealed by act of 1770.

11. And for better enforcing the performance of the several duties required by this act, *Be it further enacted by the authority aforesaid*, That the field-officers of each respective regiment of foot militia within this province, or any of them, shall be, and they are hereby directed and empowered to give such directions and orders from time to time to the several captains and other officers commanding companies in the regiments to which such field-officers belong, as they shall judge necessary for the more effectually doing and performing the several duties by this act required by them to be done and performed, and on failure thereof by the said several captains and officers commanding companies aforesaid, the said field-officers, or any of them, are hereby directed and enjoined to cause the several fines and penalties mentioned in this act to be strictly levied, and applied in the manner herein before mentioned.

Field-officers to superintend the execution of this act.

12. *And be it further enacted by the authority aforesaid*, That if any captain or other officer, constable, patrol man or other person, shall be sued arrested or impleaded for any matter or thing which he shall do, or cause to be done, by virtue of or in pursuance of this act, it shall and may be lawful for every such captain or other officer, constable, patrol man or other person, to plead the general issue, and give this act and the special matter in evidence on the trial; and if a verdict shall pass against the plaintiff or plaintiffs, or that such plaintiff or plaintiffs shall suffer a non-suit, or discontinue his or their action or suit, then and in every such case, the court where such action shall be depending shall tax and allow to the defendant his or their double costs in every such suit or action: *Provided always*, That this act, and every thing

Persons sued for executing this act may plead the general issue.

Shall recover double costs. *Proviso.*

Continuation. herein contained, shall continue and be in force only for the term of three years, and from thence to the end of the next session of the General Assembly, and no longer.

By order of the Commons House of Assembly.

ALEXANDER WYLY, *Speaker*.

By order of the Upper House.

JAMES HABERSHAM, *President*.

Council Chamber, November 18, 1765.

JAMES WRIGHT.

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*An act to amend and continue an act for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such, to any slave unless such slave shall produce a ticket from his or her owner, manager or employer.*

Preamble.

1. **W**HEREAS, the seventh and ninth clauses of the "Act for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his, or her owner, manager or employer," do refer to the act of the General Assembly of this province, entitled "An act for the better governing negroes and other slaves in this province, and to prevent the inveighling or carrying away slaves from their masters or employers," of which act his majesty hath declared his royal disallowance and the several directions therein contained and to which the said first recited act doth refer, are thereby annulled and of non effect, by which means many inconveniences have arisen, to remedy which, *Be it enacted*, That immediately from and after passing of this act, it shall not be lawful for any slave, unless in the presence of some white person, to carry and make use of fire arms, or any offensive weapon whatsoever, unless such slave shall have a ticket or license in writing, from his master, mistress or overseer, to hunt and kill game, cattle, or mischievous birds, or beasts of prey, and that such license be renewed once every week, or unless there be some white person of the age of sixteen years or upwards in the company of such slave, when he is hunting or shooting, or that such slave be actually carrying his master's arms to, or from his master's plantation by a special ticket for that purpose or unless such slave be found in the day time actually keeping off birds within the plantation to which such slave belongs, lodging the same gun at night within the dwelling house of his master, mistress or white overseer, *Provided always*, That no slave shall have liberty to carry any gun, cutlafs, pistol or other offensive weapon abroad at any time between Saturday evening after sunset, and Monday morning before sunrise notwithstanding a license or ticket for so doing.

No slave shall carry fire arms, &c. except in certain cases.

Proviso.

Patrols may seize offensive weapons in negro houses.

2. *And be it further enacted*, That in case any or either of the patrols established, or to be established within this province, by virtue of the said act on searching and examining any negro house for offensive weapons, fire arms and ammunition, shall find any such, or in case any person shall find any slave using or carrying fire arms or other offensive weapons contrary to the intent and meaning of this act, such patrol or person or persons may lawfully seize and take away such offensive weapon, fire arms and ammunition, but before the property thereof shall be vested in the person

or persons who shall seize the same, such person or persons shall within three days next after such seizure, go before a justice of the peace and shall make oath of the manner of taking thereof, and if such justice of the peace after such oath made, or upon due examination, shall be satisfied that the said fire arms, offensive weapon, or ammunition shall have been seized according to the directions and agreeable to the true intent and meaning of this act, the said justice shall by certificate under his hand and seal declare them forfeited, and that the property is lawfully vested in the person or persons who seized the same. *Provided always*, That no such certificate shall be granted by any justice of the peace, until the owner or owners of such fire arms or other offensive weapon so seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from whom such fire arms or other offensive weapon so taken or seized, shall be duly summoned to shew cause why the same should not be condemned as forfeited, or in case of non-appearance, until three days after the service of such summons, and oath made of the service thereof before the said justice.

3, 4, and 5 Prohibit persons from trading with negroes without a license obtained in writing, permitting the said negroes to trade—re-enacted by act of 1770, sections 31, 32, 33—vide the next law.

6. *And whereas*, it has been found that the number of persons exempted in and by the fourth clause in the said act from the patrol duty, renders the said duty very burthensome upon the inhabitants in the town of Savannah, who are by law obliged to perform the same: *Be it therefore enacted*, That the said fourth clause shall not extend, or be construed to extend, to exempt the several persons therein mentioned, being above the age of sixteen and under the age of sixty, and residing in the town of Savannah, or hamlets of Yamacraw, Ewensburgh, and the Trustees' gardens, the governor or commander in chief for the time being, and ministers of the gospel only excepted from being subject to such patrol duty in the said town of Savannah and hamlets aforesaid, in the same manner, and liable to the same penalties and forfeitures as in and by the said recited act is particularly mentioned and declared.

7. And in order to prevent the nightly disorders and riots in the town of Savannah, *Be it further enacted*, That every patrol appointed and to be appointed to do duty in the said town by virtue of the said act, shall be and they are hereby empowered in case of any riot or disturbance being made by any disorderly white person or persons either in the streets, squares, or lanes of the said town or in any tippling house, tavern, or punch house, within the same or within the district of the said patrol, calling nevertheless a lawful constable to their assistance before they shall enter such tippling house, tavern, or punch house, to apprehend and take into custody such white person or persons, and him or them safely to keep until the next morning, except such person or persons shall be apprehended and taken in any such tippling house, tavern or punch house, in which case the constable so called to the assistance of such patrol shall continue in the charge of such offender or offenders, when such patrol or patrols shall deliver such offender or offenders to the custody or charge of some one of the constables appointed for the said town, who are hereby directed to take charge of such offender or offenders and convey him or them, at or before the hour of nine in the forenoon of the same day, to some one of the justices of the said town, who upon proof of such offence, shall and he is hereby empowered to inflict a fine not exceeding ten shillings upon such offender or offenders, to be recovered by warrant under the hand and seal of

such justice, and applied one half to the patrol who shall apprehend, and the other half to the constable, having charge of such offender or offenders.

Continuation  
of this act and  
the former one.

8. *And be it further enacted*, That the said before recited act, and this act shall continue and be in force for and during the term of one year, and from thence to the end of the next session of the General Assembly and no longer, any thing in the said recited act, to the contrary thereof notwithstanding.

By order of the Commons House of Assembly.

N. W. JONES, *Speaker*.

By order of the Upper House.

JAMES HABERSHAM, *President*.

Council Chamber, December 24, 1768.

Assented to.

JAMES WRIGHT.

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*An act for ordering and governing slaves within this province, and for establishing a jurisdiction for the trial of offences committed by such slaves, and other persons therein mentioned, and to prevent the inveighling, and carrying away slaves from their masters, owners, or employers.*

Preamble.

1. **W**HEREAS, from the increasing number of slaves in this province, it is necessary as well to make proper regulations for the future ordering and governing such slaves, and to ascertain and prescribe the punishment of crimes by them committed, as to settle and limit, by positive laws, the extent of the power of the owners of such slaves over them, so that they may be kept in due subjection and obedience, and owners or persons having the care and management of such slaves, may be restrained from exercising unnecessary rigor or wanton cruelty over them. *Therefore be it enacted*, That all negroes, indians, mulattoes, or mustizoes, who now are, or hereafter shall be in this province, (free Indians in amity with this government, and negroes, mulattoes, or mustizoes, who now are or hereafter shall become free excepted) and all their issue and offspring born, or to be born, shall be, and they are hereby declared to be and remain forever hereafter absolute slaves, and shall follow the condition of the mother, and shall be taken and deemed in law to be chattels personal in the hands of their respective owners and possessors, and their executors, administrators and assigns, to all intents and purposes whatsoever: *Provided always*, That if any person or persons whatsoever, on behalf of any negro, Indian, mulatto, or mustizoe, do apply to the chief justice, or justices of his majesty's general court by petition, either during the sitting of the said court, or before the chief justice, or any of the justices of the same court, at any time in the vacation, the said chief justice, or any of the said justices, shall be, and he and they is, and are hereby empowered to admit any such person, so applying to be guardian for any negro, Indian, mulatto, or mustizoe, claiming his or her freedom, and such guardian shall be enabled, entitled, and capable in law, to bring an action of trespass, in the nature of ravishment of ward, against any person or persons who shall claim property in, or shall be in possession of any such negro, Indian, mulatto, or mustizoe; and the defendant or defendants, shall and may plead the general issue on such action brought, and the special matter may and shall be given in evidence, and upon general or special verdict found, judgment shall be given according to the very right of the cause, without

Proviso.

Slaves suing for their freedom, to have guardians appointed for them.



having any regard to any defect in the proceedings, either in form or substance, and if judgment shall be given for the plaintiff, a special entry shall be made, declaring that the ward of the plaintiff is free, and the jury shall assess damages which the plaintiff's ward hath sustained, and the court shall give judgment and award execution against the defendant, for such damages, with full costs of suit, but in case judgment shall be given for the defendant, the said court is hereby fully empowered to inflict such corporeal punishment, not extending to life or limb, on the ward of the plaintiff as they in their discretion shall think fit: *Provided always*, That in any action or suit, to be brought in pursuance of the direction of this act, the burthen of the proof shall lie on the plaintiff, and it shall always be presumed that every negro, Indian, mulatto, or multizoe, (except as before excepted) is a slave, unless the contrary can be made appear.

*Proviso.*

2. *And be it further enacted*, That in every action or suit to be brought by any such guardian as aforesaid, appointed pursuant to the direction of this act, the defendant shall enter into a recognizance, with one or more sufficient sureties, to the plaintiff, in such sum as the said general court shall direct, with the condition that he shall produce the ward of the plaintiff at all times when required by the court, unless such defendant shall prove upon oath to the satisfaction of the said court, his inability to produce such ward, and that whilst such action or suit shall be depending and undetermined, the ward of the plaintiff shall not be abused or misused.

*In actions brought by guardian, defendant must produce the ward of the plaintiff.*

3. *And for the better keeping slaves in due order and subjection, Be it further enacted*, That no person whatsoever shall permit or suffer any slave under his or their care or management, and who lives or is employed in any town in this province, to go out of the limits of the said town or towns, or any such slave who lives in the country, to go out of the plantation to which such slave belongs, or in which plantation such slave is usually employed, without a ticket signed or subscribed by the master or other person having the care or charge of such slave, or by some other person by his or their order, direction and consent; and every slave which shall be found out of any town in this province, if such slave lives or is usually employed there, or out of the plantation to which such slave belongs, or in which such slave is usually employed, if such slave lives in the country, without a ticket as aforesaid, or without a white person in his or her company, shall be punished with whipping on the bare back, not exceeding twenty lashes.

*No persons to permit their slaves to go out of the limits herein mentioned without a ticket.*

4. *And be it further enacted*, That if any person or persons shall presume to give a ticket or license to any slave who is the property or under the care or charge of another, without the consent of the owner or other person having the charge of such slave, he, she or they, shall forfeit to the owner a sum not exceeding five pounds, over and above the damage that may accrue to such owner by the absence of such slave.

*Penalty on persons giving tickets to slaves without consent of their owners.*

5. *And be it further enacted*, That if any slave, who shall be out of the house or plantation where such slave doth live, or is usually employed, or without some white person in company with such slave, shall refuse to submit to the examination of any white person, it shall be lawful for any such white person to pursue, apprehend and moderately correct such slave, and if such slave shall assault and strike such white person, such slave may be lawfully killed. *Provided always*, That proof be made of such assault, or striking as aforesaid, to the satisfaction of any two justices of the peace, and seven freeholders, to be summoned for that purpose; and if such proof cannot be made to the satisfaction of the said justices and freeholders, then and in such case, the person or persons killing such slave shall forfeit and pay to the owner the value of such slave so killed, to be ascertained on oath by the said justices and freeholders,

*Slaves being out of the place where they live and refuse to be examined, how to be treated. Proviso.*

and to be recovered, if exceeding the sum of eight\* pounds, in the general court of pleas in this province; and if not exceeding the sum of eight pounds, to be recovered by the said justices by warrant of distress and sale of the offender's goods; and in case no goods can be found whereupon to levy such distress, then the offender or offenders shall be committed by the said justices to the common jail, there to remain until the said value shall be paid, or for any time not exceeding six months.

Penalties on persons beating slaves in the employment of their masters.

6. *And be it further enacted,* That if any slave who shall be employed in the lawful business or service of his master, owner, overseer, or other person having the charge of such slave, shall be beaten, bruised, maimed or disabled, by any person or persons not having sufficient cause for so doing (of which cause any justice of peace respectively may judge) every person and persons so offending, shall for every such offence forfeit and pay the sum of five shillings sterling, over and besides the damages herein after mentioned, to the use of the poor of the parish in which such offence shall be committed; and if such slave or slaves shall be maimed or disabled by such beating from performing his or her work, such person or persons so offending shall also forfeit to the owner of such slave, his or her lawful attorney, a sum not exceeding two shillings for every day of his lost time, and also the charge of the cure of such slave, and satisfaction shall also be made to the owner for the damage done to such slave, and the damage to be ascertained by two freeholders of the neighborhood, one to be named by the owner, or his or her attorney, and the other by the offender; and in case the said offender will not name one freeholder on his part, then such freeholder to be named by any justice to whom the party aggrieved shall apply; and the said penalty and damages shall, upon lawful proof thereof made, be recoverable before any one of his majesty's justices of the peace; and such justice before whom the same shall be recovered, shall have power to commit the offender or offenders to jail, if he, she or they, shall produce no goods on which the said penalty and damages may be levied, there to remain until such penalty and damages shall be paid, any law, statute, usage or custom to the contrary notwithstanding.

Meetings of slaves, how to be dispersed.

7. *And whereas* the frequent meeting and assembling of slaves under the pretence of feasting may be attended with dangerous consequences; *Be it further enacted,* That it shall and may be lawful for every justice assigned to keep the peace in this province within his respective parish, upon his own knowledge or information received, either to go in person, or by warrant or warrants directed to any constable or other person, to command their assistance any number of persons as they shall see convenient, to disperse any assembly or meeting of slaves, which may disturb the peace or endanger the safety of his majesty's subjects; and every slave which shall be found and taken at any such meeting as aforesaid, shall and may by order of such justice, immediately be corrected without trial by receiving on the bare back not more than twenty-five stripes, with a whip, switch or cowskin; and such justice, constable or person as aforesaid, are hereby authorized and empowered to search all suspected places for arms, ammunition, or stolen goods, and to apprehend and secure all such slaves as they shall suspect to be guilty of any crimes or offences whatsoever, and to bring them to speedy trial according to the direction hereafter given by this act: And in case any constable or other person shall refuse to obey or execute any of the warrants or precepts of such justices or any of them within their several parishes, or shall refuse to assist the said justice or constable, or any of them, when commanded and required, such person and persons shall forfeit and pay for every such offence a sum not exceeding five pounds

\* Justices' jurisdiction confined to thirty dollars.

sterling, to be recovered by a warrant under the hand and seal of any other justice of the peace.

8. *And be it further enacted*, That upon any complaint being made to, or information received, by any justice of the peace, of any offence being committed by any slave or slaves within the parish where such justice is empowered to act, such justice shall commit such slave or slaves to the workhouse, if any, or to the safe custody of any constable of the said parish, and shall without delay, by warrant under his hand and seal, give notice of such commitment to any two or more of the nearest justice or justices of the peace in the said parish, to associate with him, and by the same warrant shall summons a jury of not less than seven of the neighboring freeholders, to meet together with the said justices at a certain time and place to be by them appointed, not exceeding three days after the apprehending and committing of such slave or slaves as aforesaid, (unless it shall appear necessary for the said justices, either for want of sufficient and positive proof or any other sufficient reason to delay the same,) and the justices and jury so assembled shall cause the slave or slaves accused or charged as aforesaid, to be brought before them, and shall hear the accusation brought against such slave or slaves, and his or her defence, and proceed to the examination of witnesses and other evidence, and finally hear and determine the matter brought before them as aforesaid, in the most summary and expeditious manner; and in case the offender shall be convicted of any crime not capital, the said justices or any two of them, shall give judgment for the inflicting any corporeal punishment, not extending to the taking away life or member, as they in their discretion shall think fit, and shall award and cause execution to be done accordingly; and in case such offender shall be convicted of any crime for which by law he or she ought to suffer death, the said justices or any two of them shall give judgment and award execution of their sentence, by directing such manner of death, and at such time, as the said justices with a majority of the jury shall think most convenient, and which they shall judge most effectual to deter others from offending in like manner. *Provided nevertheless*, That in case the owner, trustee or other person shall give sufficient security to the said justices for the forth coming of such negro or negroes, and of all expences that may attend such delay, then the said execution of such sentence shall not be carried into effect, but be suspended until the said justices or any two of them, shall under their hands, lay a full state and report of the case, evidence, verdict and judgment thereupon, before the governor or commander in chief for the time being, and his pleasure be known thereon. Trial of slaves committing offences.

9. *And be it further enacted*, That as soon as the justices and jury shall be assembled as aforesaid, in pursuance of the direction of this act, the said jury shall take the following oath; "I, A. B. do solemnly swear, in the presence of Almighty God, that I will truly and impartially try the prisoner or prisoners brought upon his, her or their trial, and a true verdict give according to evidence to the best of my knowledge. So help me God." Proviso.

10. And for preventing the concealment of crimes and offences committed by slaves, and for the more effectual discovery and bringing slaves to condign punishment, *Be it further enacted*, That the evidence of any free Indians, mulattoes, mestizoes, or negroes, or slaves, shall be allowed and admitted in all causes whatsoever, for or against another slave, accused of any crime or offence whatsoever; the weight of which evidence, being seriously considered and compared with all other circumstances attending the case, shall be left to the justices and jury. Oath to be taken by the jury on the trial of slaves.

11. *And whereas*, slaves may be harbored and encouraged to commit offences, and concealed and received by free negroes, and such free negroes may escape the punish- Evidence to be taken against slaves.

ment due to their crimes for want of sufficient and legal evidence against them: *Be it therefore further enacted*, That the evidence of any free Indian or slave shall in like manner be allowed and admitted in all cases against any free negroes, Indians (free Indians in amity with this government excepted) mulattoes or mustizoes, and all crimes and offences committed by free negroes, Indians (except as before excepted) mulattoes or mustizoes, shall be proceeded and tried by the justices and jury appointed by this act for the trial of slaves, in like manner as is hereby directed for the proceedings and trial of crimes and offences committed by slaves, any law, statute, usage or custom to the contrary notwithstanding.

Evidence admissible against free negroes, &c.

Certain crimes declared felony by this act.

12. *And be it further enacted*, That the several crimes and offences herein after particularly enumerated, are hereby declared to be felony, that is to say, if any slave, free negro, Indian, mulatto or mustizoe (Indians in amity with this government excepted) shall be guilty of homicide of any sort upon any white person, except by misadventure, or in defence of his or her owner or other person under whose care and government such slave shall be, or shall raise or attempt to raise any insurrection, or commit or attempt to commit a rape on any white person whomsoever, every such offender and offenders, his and their aiders and abettors, shall, upon conviction thereof, suffer death; or if any slave, free negro, Indian, mulatto or mustizoe, (except as before excepted) shall wilfully and maliciously kill any slave or other person as aforesaid, or shall break open, burn or destroy any dwelling house or other building whatsoever, or set fire to any rice, corn or other grain, tar-kiln, barrel or barrels of pitch, tar, turpentine, rosin, or any other goods or commodities whatsoever, or shall steal any goods or chattels whatsoever, or delude or entice any slave or slaves to run away, whereby the owner or owners of such slave or slaves shall or would have lost or been deprived of such slave or slaves, every such slave and slaves, and his and their accomplices, aiders and abettors, shall, upon conviction as aforesaid, suffer death, or such other punishment as the said justices and jury shall in their discretion think fit: *Provided*, That such slave shall have actually prepared provisions, arms, ammunition, horse or horses, or any flat, canoe, or other vessel, or done any other overt act, whereby such their intentions shall be manifested.

Provide.

Poisoning or being accessory thereto, declared felony.

13. *And whereas*, the detestable crime of poisoning hath frequently been committed by slaves: *Be it therefore enacted*, That not only such negroes, mulattoes or mustizoes, as shall administer poison to any person or persons, whether free or bound, but also all and every negro, mulatto or mustizoe, who shall furnish, procure or convey any poison to be administered to any slave or slaves, or to any person or persons as aforesaid, and also all such negroes, mulattoes and mustizoes, as shall be privy (and not reveal the same) to the furnishing, procuring or conveying any poison to be administered to any person or persons as aforesaid, shall be deemed and adjudged, and all and every of them are hereby declared to be felons, and suffer death in such manner as the persons appointed by this act for trial of slaves shall adjudge and determine.

Slaves giving information of any design to poison, how to be rewarded.

14. And for the encouragement of slaves to make discovery of the designs of others to poison any person, *Be it enacted*, That every negro, mulatto or mustizoe, who shall hereafter give information of the intention of any other slave to poison any person, or of any slave that hath furnished, procured or conveyed any poison to be administered to any person, shall, upon conviction of the offender or offenders, be entitled to and receive from the public of this province, a reward of twenty shillings, to be paid him or her by the treasurer yearly and every year, during the abode of such negro, mulatto or mustizoe in this province, on the day that such discove-

ry was made, and shall also be exempted from the labor of his or her master on that day; and every justice, before such information and conviction is made, is hereby required to give a certificate of every such information, which certificate shall entitle the informant to the reward aforesaid: *Provided always nevertheless,* That no slave shall be convicted upon the bare information of any other slave, unless some circumstance or overt act appear, by which such information shall be corroborated to the satisfaction of the said justices and jury.

15. *And provided also, and be it further enacted,* That in case any slaves shall be convicted of having given false information, whereby any other slave may have suffered wrongfully, every such false informer shall be liable to and suffer the same punishment as was inflicted upon the party accused, any law, usage or custom to the contrary notwithstanding.

16. *And be it further enacted,* That in case any slave shall teach and instruct another slave in the knowledge of any poisonous root, plant, herb, or other sort of a poison whatever, he or she offending shall, upon conviction thereof, suffer death as a felon; and the slave or slaves so taught or instructed, shall suffer such punishment, not extending to life or limb, as shall be adjudged and determined by the justices and jury, before whom such slave or slaves shall be tried.

17. *And be it further enacted,* That no negroes or other slaves shall hereafter be suffered or permitted to administer any medicine or pretended medicine to any other slave, but at the instance or direction of some white person owning or having the care and management of the slave, to whom the same is to be administered; and in case any negro or other slave shall offend herein, he or she shall, upon complaint and proof thereof made, to any justice of the peace, suffer corporeal punishment not exceeding fifty stripes.

18. And in order to discourage any owner of slaves from concealing any crime committed by such slaves to the prejudice of the public welfare, *Be it further enacted,* That in case any slave shall be put to death in pursuance of any sentence awarded by direction of this act, the justices awarding the same, and the whole jury who found him or her guilty, shall appraise and value such slave so to be put to death, on oath, which appraisement and valuation shall be certified to the treasurer of this province, who is hereby authorized to pay the same to the owner of such slave or his order,\* *Provided,* such appraisement and valuation does not exceed the sum of forty pounds sterling for any one slave, *And provided also,* That such slave or slaves at the time of the committing the crime for which he, she or they, shall be so sentenced, shall clearly appear to have been the property of an inhabitant of this province, or of some person having a settled plantation therein whereon such slave or slaves at the time the said crime was committed, was or were employed.

19. *And be it further enacted,* That the said justices or any of them are hereby authorized, empowered, and required, to summon and compel all persons whatsoever to appear and give evidence upon the trial of any slave, and if any person shall neglect or refuse to appear, or appearing shall refuse to give evidence, or if any master or other person who has the care and government of any slave, shall prevent and hinder any slave under his charge and government from appearing and giving evidence in any matter depending before the justices and jury as aforesaid, the said justices may, and they are hereby fully empowered and required, upon due proof made of such summon being served, to bind every such person offending as aforesaid, by recogni-

zance with one or more sufficient sureties, to appear at the next general court to answer such their offence and contempt, and for default of finding sureties to commit such offenders to prison, for any term not exceeding the space of two months.

Masters concealing their slaves accused of a capital crime to forfeit two hundred pounds, if not capital twenty pounds.

20. *And be it further enacted,* That in case the master or other person having charge or government of any slave who should be accused of any capital crime, shall conceal or convey away any such slave, so that he cannot be brought to trial and condemn punishment, every master or other person so offending, shall forfeit a sum not exceeding two hundred pounds sterling, if such slave be accused of a capital crime as aforesaid; but if such slave be accused of a crime not capital, then such master or other person shall only forfeit a sum not exceeding twenty pounds sterling, to be paid to the treasurer for the use of the public.

Duties of constables in executing sentences passed on slaves.

21. *And be it further enacted,* That all and every the constable and constables in the several parishes within this province where any slave shall be sentenced to suffer death, or other punishment, shall cause execution to be done of all the orders, warrants, precepts and judgments of the justices hereby appointed, to try such slaves for the charge and trouble of which the said constable or constables respectively shall be paid by the public, unless in such cases as shall appear to the said justice or justices to be malicious or groundless prosecutions, in which cases the said charges shall be paid by the prosecutors, for whipping or other corporeal punishments not extending to life, the sum of five shillings, and for any punishment extending to life, the sum of fifteen shillings, and such other charges for keeping and maintaining such slaves, as are by the act for erecting the workhouse appointed; for the levying of which charges against the prosecutor, the justices are hereby empowered to issue their warrant, and that no delay may happen in causing execution to be done upon such offending slave or slaves, the constable who shall be directed to cause execution to be done, shall be and he is hereby empowered to press one or more slave or slaves in or near the place where such whipping or other corporeal punishment shall be inflicted, to whip or inflict such other corporeal punishment upon the offender or offenders; and such slave or slaves so pressed shall be obedient to, and observe all the orders and directions of the constable in and about the premises, upon pain of being punished by the said constable by whipping, on the bare back not exceeding twenty lashes, which punishment the said constable is hereby authorized and empowered to inflict; and the constable shall, if he presses a negro, pay the owner of the said negro two shillings out of his fee, for doing the said execution; and in cases capital shall pay to the negro doing the said execution, the sum of two shillings over and above the said fee to his owner.

Slaves not to carry fire arms except as here in pointed out.

22. *And be it further enacted,* That it shall not be lawful for any slave to carry and make use of fire arms, or any offensive weapon whatsoever, unless there be some white person of the age of sixteen years or upwards in the company of such slave when he is hunting or shooting, or unless such slave be found in the day time, actually keeping off birds or killing beasts of prey within the plantation to which such slave belongs, lodging the same gun at night within the dwelling house of his master, mistress or white overseer; and in case any person shall find any slave using or carrying fire arms or other offensive weapon contrary to the true intention of this act, such person may lawfully seize and take away such offensive weapon or fire arms; but before the property thereof shall be vested in the person who shall seize the same, such person shall, within forty-eight hours next after such seizure, go before the next justice of peace, and shall make oath of the manner of the taking thereof; and if such justice of the peace, after such oath, shall be made, or if upon any other examination,

he shall be satisfied that the said fire arms or other offensive weapons shall have been seized according to the directions, and agreeable to the true intent and meaning of this act, the said justice shall by certificate, under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person who seized the same: *Provided* Proviso. *always*, That no such certificate shall be granted by any justice of the peace until the owner or owners of such fire arms or other offensive weapon so seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from whom such fire arms or other offensive weapon so taken or seized, shall be duly summoned, to shew cause why the same should not be condemned as forfeited, or until forty-eight hours after the service of such summons, and oath made of the service thereof, before the said justice.

23. *And be it further enacted*, That if any slave shall presume to strike any white person, such slave upon trial and conviction, before the justice or justices according to the direction of this act, shall for the first offence suffer such punishment as the said justice or justices shall in his or their discretion think fit, not extending to life or limb; and for the second offence suffer death: But in case any such slave shall grievously wound, maim or bruise any white person, though it shall be only the first offence, such slave shall suffer death. *Provided* Proviso: *always*, That such striking, wounding, maiming or bruising be not done, by the command, and in the defence of the person or property of the owner or other person having the care and government of such slave, in which case the slave shall be wholly excused, and the owner or other person having the care and government of such slave, shall be answerable as if the act had been committed by himself.

24. *And be it further enacted*, That it shall and may be lawful for every person to take, apprehend and secure any runaway or fugitive slave, and they are hereby directed and required, within forty-eight hours after such taking, apprehending and securing (otherwise such person to be construed and taken as a harbinger of such runaway or fugitive slave) to send such slave, if convenient, to the master or other person having the care and government of such slave, if the person taking up or securing such slave, knows, or can without difficulty be informed to whom such slave belongs, or such slave shall be delivered into the custody of the master of the workhouse of the parish, if any, but if none, to any constable of the said parish; and the master or other person who has the care or government of such slave, shall pay for taking up such slave, whether by a free person or slave, the sum of five shillings sterling, and the master of the workhouse or constable, upon receipt of every fugitive or runaway slave, is hereby directed and required to keep such slave in safe custody until such slave shall be lawfully discharged, and shall, as soon as conveniently it may be, advertise such slave in the public gazette, and also in the most public place in the parish where such slave shall be taken up, with the best description he shall be able to give, first carefully viewing and examining such slave for any brand or mark, which he shall also advertise, to the intent the owner or other person who shall have the care and charge of such slave may come to the knowledge that such slave is in their custody; and if such slave shall escape through negligence, and cannot be taken up in three months, the said person shall answer to the owner for the value of such slave, or the damages which the owner shall sustain by reason of such escape, as the case shall happen.

25. *And be it further enacted*, That the said master of the workhouse or constable shall, at the charge of the owner of such slave, provide sufficient food, drink, Runaway slaves to be delivered to the persons here mentioned. Slaves to be maintained at the charge of the owner.

clothing and covering for every slave delivered into his custody, or on failure thereof, shall forfeit all his fees, and for each day after he shall neglect to advertise as before directed, the sum of three shillings.

Persons taking up slaves entitled to twopence per mile. Account to be given on delivery of slaves to the master of the workhouse or constable.

26. *And be it further enacted*, That if any person shall take up any runaway slave, and shall deliver such slave either to the master or other person having the care and charge of such slave, or to the constable of the parish, or the master of the workhouse, shall be entitled to receive from the owner, or constable of the parish, or the master of the workhouse, twopence per mile for every mile such slave shall have been brought or sent, to be computed from the place where such slave was apprehended; and if such slave shall be delivered into the custody of the constable of the parish aforesaid, or the master of the workhouse, the person delivering such slave shall give an account of his name, place of abode, and the time and place when and where such slave was apprehended; which account the said constable or master of the workhouse shall enter down in a book to be kept for that purpose, and shall give a receipt for any such slave which shall be delivered as aforesaid into his custody; and the said constable or master of the workhouse is hereby fully authorized and empowered to demand and receive from the owner or other person having the charge or care of any such slave, for negroes committed from the month of October to March, inclusive, for finding necessary clothing and covering, to be the property of the master's, any sum not exceeding eighteen shillings, and the several sums following, and no other sum, fee or reward, on any pretence whatsoever, that is to say: that for apprehending each slave, paid to the person who delivered such slave into custody, five shillings; for mileage, paid to the same person, twopence per mile; for a sufficient quantity of provision for each day for each slave, sixpence; for advertising every slave as directed by this act, three shillings and sixpence; for receiving each slave, sixpence; for poundage on money advanced, one shilling in the pound: and the said constable or master of the workhouse shall and may lawfully detain any slave in custody, until the fees and expences aforesaid be fully paid and satisfied; and in case the owner of such slave, or his overseer, agent, manager, attorney or trustee, shall neglect or refuse to pay or satisfy the said fees and expences, for the space of thirty days after the same shall be demanded by notice in writing, served on the owner of such slave, or (if the owner is absent from this province) upon his overseer, agent, manager, attorney or trustee, the said constable or master of the workhouse shall and may expose any such slave to sale at public outcry, first giving ten days' notice of such sale, and after deducting the fees and expences aforesaid, and the charges of such sale, the overplus money arising from such sale to be lodged in the hands of any one justice of the parish where such sale shall be made, and upon demand to be by him returned to any person who has a right to demand and receive the same.

Fees of the master of the workhouse and constable.

Penalty on constables or master of the workhouse for neglect of duty so defined.

27. *And be it further enacted*, That if any constable, or the master of the workhouse shall refuse to take into his or their custody any fugitive slave or slaves, and to do and perform all the several services and duties required by the foregoing clause, such constable or master of the workhouse shall forfeit a sum not exceeding twenty pounds sterling, one half to be paid to the owner of such slave, and the other half to the poor of the parish; such fine to be recovered on proof being made of such offence being committed.

28. And for as much as for want of knowing or finding the owners of any fugitive slave to be delivered to him as aforesaid, the said constable or master of the workhouse may not be obliged to keep such slave in his custody, and find and provide provisions for such slaves over and beyond a reasonable time: *Be it therefore enacted*, That if the owner or owners



of such fugitive slaves shall not, within the space of six days from the time of advertising, make his, her or their claim or claims, or it shall not be otherwise made known to the said constable or master of the workhouse within the time aforesaid, to whom such committed slave shall belong, the said constable shall commit the said slave to the custody of the master of the workhouse in Savannah, who shall give a receipt for the same, and pay the constable his fees and expences, as directed by this act; and the said master of the workhouse shall, immediately and constantly, advertise in the gazette of this province for the space of eighteen months, and if not claimed in that time, it shall be lawful for the said master of the workhouse to sell such slave at a public outcry, he first advertising such sale, together with the reasons thereof, and out of the money arising from such slave to deduct or retain to himself what shall be then due for money by him disbursed on receipt of such fugitive slave, and for his fees and provisions, together with the reasonable charges arising by such sale; and the overplus money, if any, shall be rendered and paid by the said master of the workhouse to the treasurer of the province for the time being, in trust, nevertheless for the use of the owner or owners of such slave, *Provided* the same be claimed by him, her or them, within one year and a day after such sale, or in default of such claim within the time aforesaid, to be applied in aid of the general tax for any sum or sums which shall or may have been paid for negroes publicly executed, *Provided nevertheless*, That on sufficient proof of the property being in any person or persons, at any time, the public shall be liable to, and repay the same.

Slaves not claimed in six days after advertising to be committed to the workhouse.

Proviso:

29. *And be it further enacted*, That if any free person or any slave shall harbor, conceal, or entertain any slave that shall runaway, or shall be charged or accused of any criminal matter, every free negro, mulatto, and mustizoe, and every slave that shall harbor, conceal or entertain any such slave, being duly convicted thereof according to the direction of this act, if a slave shall suffer such corporeal punishment, not extending to life or limb, as the justice or justices who shall try such slave shall in his or their discretion think fit; and if a free person, shall forfeit the sum of thirty shillings for the first day, and three shillings for every day such slave shall have been absent from his or her owner or employer, to be recovered and applied as in this act hereafter is directed.

Persons harboring runaway slaves, how to be punished.

30. *And be it further enacted*, That if any person shall be maimed, wounded or disabled in pursuing, apprehending or taking any slave that is fugitive, or charged with any criminal offence, or in doing any other act, matter or thing, in obedience to, or in pursuance of the direction of this act, he shall receive such reward from the public as by the General Assembly shall be thought fitting and proper; and if any such person shall be killed such reward shall be given and paid to his heirs, executors or administrators.

Persons maimed, &c. in the execution of this act, to be rewarded by the public.

31. *And be it further enacted*, That if any retailer of strong liquors, or any other person or persons, shall give or sell to any slave any beer or spirituous liquors whatsoever, without the license or consent of the owner or such other person who shall have the care or government of such slave, every person so offending shall forfeit a sum not exceeding five pounds sterling for the first offence, and for the second offence ten pounds sterling, and shall be bound in a recognizance in the sum of twenty pounds sterling, with one or more sufficient sureties before any one of the justices of the peace for the parish where such offence shall be committed, not to offend in like manner, and to be of good behaviour for one year; and for want of such sufficient sureties to be committed to the nearest common jail for a term not exceeding three months.

Penalty on persons for selling beer, &c. to slaves without license.

32. *And whereas* many persons purchase provisions and other commodities from slaves, by which the owners of such slaves are and may be great sufferers, should such pernicious practices continue, *Be it therefore enacted*, That immediately from and after the passing of this act, any person or persons whatsoever who shall purchase from, or sell to, for money or barter with any slave or slaves for any sort of provision or other commodities whatsoever, unless such slave or slaves shall produce a ticket from his, her or their employer, owner or manager, allowing such slave or slaves to dispose of such money, or purchase or sell such provision or commodity, shall upon conviction thereof, before any one or more justice or justices of the peace for the parish where such offence shall be committed, forfeit a sum not exceeding ten pounds, to be applied one half to the poor of the said parish, and the other half to the informer, and shall find sufficient security for his, her or their good behaviour for twelve months; and in case of refusal to pay such penalty or find such security, then and in such case he, she or they, shall be by the said justice or justices committed to the nearest common jail, there to be and remain for and during the space of three months. *Provided always*, That it shall and may be lawful for any slave who lives, or is actually employed, in or near any town in the province to buy and sell fruit, fish, and garden stuff, and to purchase any thing for the use of their owner, manager or employer, in open market, under such regulations as are or may by law be made and appointed concerning the market in such town or towns.

33. *And whereas* it may in many cases be difficult to procure sufficient evidence or proof of such offences being committed, *Be it therefore enacted*, That where any slave or slaves shall declare, before any one or more justice or justices of the peace, (of the probability of which declaration such justice or justices are hereby allowed to judge) that any person or persons whatever are or have been guilty of such offences, it shall be taken for granted (such probability appearing) that such persons are guilty of the said offences, and every such person shall be and is hereby declared to be liable to the penalties above inflicted on persons so offending, unless such person shall make it appear upon oath, to the satisfaction of such justice or justices, that he or she is not guilty of such offence.

34. *And be it further enacted*, That no owner, master or mistress of any slave, after the passing of this act, shall permit or suffer any of his, her or their slaves to go and work out of their respective houses or families without a ticket in writing under the pain of forfeiting the sum of thirty shillings sterling for every such offence, to be paid the one half to the justices of the parish, for the use of the poor of the parish in which the offence is committed, and the other half to him or them that will inform or sue for the same, and every person employing any slave, without a ticket from the owner of such slave, shall forfeit to the informer fifteen shillings sterling for each day he so employs such slave over and above the wages agreed to be paid such slave for his work. *Provided nevertheless*, That the said penalty of fifteen shillings each day shall not extend to any person whose property in such slave is disputable.

35. *And whereas* several owners of slaves may permit them to keep canoes, and to breed and raise horses and neat cattle, and to traffic and barter in several parts of this province for the particular and peculiar benefit of such slaves, by which means they may have not only an opportunity of receiving and concealing stolen goods, but to plot and confederate together and form conspiracies dangerous to the peace and safety of the whole province, *Be it therefore enacted*, That it shall not be lawful for any slave so to buy, sell, trade, traffic, deal or barter for any goods or commodities, (except as before excepted) nor shall any slave be permitted to keep any boat, perriagua or canoe, or to raise, breed or keep, for the use and benefit of such slave, any horses,

Penalty on persons dealing with slaves, &c.

Proviso.

Evidence admissible against such offenders.

Penalty on owners of slaves permitting them to work out without tickets.

Proviso.

Goods, &c or canoes, &c kept by slaves for their own use, liable to be seized.

mares, and neat cattle, under pain of forfeiting all goods and commodities which shall be so bought, sold, trafficked, traded, dealt or bartered for by any slave, and of all the boats, perriaguas, canoes, horses or cattle which any slave shall keep, raise or breed for the peculiar use, benefit and profit of such slave; and it shall and may be lawful for any person or persons whatsoever to seize, and take away from any slave, all such goods, commodities, boats, perriaguas, canoes, horses, mares or neat cattle, and to deliver the same to any justice of the peace nearest to the place where the seizure shall be made; and such justice shall take the oath of such person who shall make any such seizure, concerning the manner of seizing and taking the same, and if the said justice shall be satisfied that such seizure hath been made according to the directions of this act, he shall pronounce and declare the goods so seized as aforesaid, to be forfeited, and shall order the same to be sold at public outcry, and the monies arising from such sale shall be disposed of and applied as is herein after directed. *Provided always*, That if any goods shall be seized, which comes to the possession of any slave by theft, finding, or otherwise without the knowledge, privity, consent, or connivance of the person who have a right to the property or lawful custody of any such goods, the same shall be restored on such persons making oath before any justice as aforesaid, who is hereby empowered to administer such oath to the effect or in the following words: "I, *A. B.* do sincerely swear that I have a just and lawful right or title to certain goods seized and taken by *C. D.* out of the possession of a slave named *E.* that I did not directly or indirectly permit or suffer the said slave or any other slave whatsoever to keep and employ the said goods for the use, benefit or profit of any slave whatsoever, or to sell, barter, or give away the same, but that the same goods were in possession of the said slave by theft, finding or otherwise, or to be kept *bona fide* for the use of *E. F.* a free person, and not for the use or benefit of any slave whatsoever. So help me God." Which oath shall be taken as the case shall happen. *Provided also*, That it shall be lawful for any person being the owner or having the care and government of any slave who resides or is usually employed in any part of this province, without the limits of any town, to give license or permission to sell, exchange, or barter in Savannah or elsewhere within this province, the goods or commodities of the owner or other person having the care and government of such slave. *Provided*, That in such license or permission the quantity and quality of the goods and commodities with which such slave shall be intrusted, be particularly and distinctly set down and specified, and signed by the owner or other person having the care or government of such slave, or by some other person by his or their order and direction.

Proviso.

To be restored to the owners if stolen.

Oath.

Proviso.

Proviso.

36. And as it is absolutely necessary to the safety of this province, that all due care be taken to restrain the wandering and meeting of negroes and other slaves at all times, and more especially on Saturday nights, Sundays and other holy days, and their using and carrying mischievous and dangerous weapons, or using and keeping of drums, horns or other loud instruments, which may call together or give sign or notice to one another of their wicked designs and intentions, and that all masters, owners, and others may be enjoined diligently and carefully to prevent the same, *Be it enacted*, That it shall be lawful for any person whomsoever, to apprehend and take up any negro or other slave that shall be found out of the plantation of his or their master or owner at any time, especially on Saturday nights, Sundays or other holy days, not being on lawful business and with a ticket from their master, or not having a white person with them, and the said slave or slaves met or found out of the plantation of his or their master or mistress though with a ticket, if he or they be armed with such offensive weapons aforesaid, him or them to disarm, take up, and whip; and whatsoever mas-

Slaves found out of the plantation of their owners without a ticket, or in and armed, to be taken up and whipped.

ter or owner or overseer shall permit or suffer his or their slave or slaves at any time hereafter to beat drums, blow horns, or other loud instruments, or whosoever shall suffer and countenance any public meeting, or feasting of strange slaves in their plantations, shall forfeit thirty shillings sterling for every such offence, upon conviction or proof as aforesaid. *Provided*, an information or other suit be commenced within one month after forfeiture thereof.

Proviso.

Slaves not to rent any house, &c.

37. *And be it further enacted*, That no slave or slaves shall be permitted to rent or hire any house, room, store or plantation on his or her own account, or to be used or occupied by any slave or slaves; and any person or persons who shall let or hire any house, room or plantation to any slave or slaves, or to any free person to be occupied by any slave or slaves, every person so offending shall forfeit and pay to the informer a sum not exceeding twenty pounds.

Men slaves exceeding seven, not to travel on the highway without a white person.

38. *And whereas* it may be attended with ill consequences to permit a great number of slaves to travel together on the high roads without some white person in company with them: *Be it therefore enacted*, That no men slaves exceeding seven in number, shall hereafter be permitted to travel together in any high road in this province, without some white person with them; and it shall and may be lawful for any person or persons who shall see any men slaves exceeding seven in number, without some white person with them as aforesaid, travelling or assembled together in any high road, to apprehend all and every such slaves, and may whip them, not exceeding twenty lashes, on the bare back.

Penalty on persons teaching slaves to write.

39. *And whereas* the having slaves taught to read or suffering them to be employed in writing, may be attended with great inconveniences: *Be it therefore enacted*, That all and every person and persons whatsoever, who shall hereafter teach, or cause any slave or slaves to be taught to write or read writing, or shall use or employ any slave as a scribe in any manner of writing whatsoever, every such person and persons shall, for every such offence, forfeit the sum of twenty pounds sterling.

Felony to inveigle slaves.

40. *And whereas* the inhabitants of this province are liable to have their slaves inveigled, stolen or carried away, and may receive great prejudice and damage by such unwarrantable and wicked practices: *Be it therefore enacted*, That all and every person or persons who shall inveigle, steal or carry away any negro or other slave or slaves, or shall hire, aid or counsel any person or persons to inveigle, steal or carry away as aforesaid, any such slave or slaves, or that shall aid any such slave in running away, or departing from his master's or employer's service, or shall give a ticket or pass, whereby such slave shall depart from the service of his or her said owner, manager or employer, shall be, and he and they is and are hereby declared to be guilty of felony, and being thereof convicted or attainted, shall stand mute, or will not directly answer to the indictment, or will peremptorily challenge above the number of twenty of the jury, shall suffer death as felons, and be excluded and debarred of the benefit of clergy.

Penalty on making slaves labor on the Sabbath-day.

41. *And be it further enacted*, That if any person shall on the Lord's day, commonly called Sunday, employ any slave in any work or labor, (work of absolute necessity, and the necessary occasions of the family only excepted) every person so offending shall forfeit and pay the sum of ten shillings for every slave he, she or they shall so cause to work or labor.

42 Prescribes the punishment for killing slaves—repealed by the constitution, and by an act in pursuance thereof.

Penalty on persons not keeping a white person on plantations.

43. *And whereas* plantations settled with slaves, without any white man thereon, may be harbors for runaway and fugitive slaves: *Be it therefore enacted*, That no per-

son or persons hereafter shall keep any slaves on any plantation or settlement, without having a white man on such plantation or settlement, under pain of forfeiting the sum of five pounds sterling for every month which any such person shall so keep any slaves on any plantation or settlement, without a white man as aforesaid: and every owner of any plantation or settlement, for every twenty-five slaves of the age of sixteen and upwards, which such owner shall have thereon, shall be, and is hereby obliged to retain and keep in his or her service on such plantation or settlement, one white man, capable of bearing arms, under the pain of forfeiting five pounds per month for every white man wanting thereon.

44. *And be it further enacted,* That if any person shall be at any time sued for putting in execution any of the powers contained in this act, such person shall and may plead the general issue, and give the special matter and this act in evidence; and if the plaintiff be a non-suit, or a verdict pass for the defendant, or if the plaintiff discontinue his action, or enter a noli prosequi, or if upon demurrer judgment be given for the defendant, every such defendant shall have his full costs.

Persons sued for executing this act may plead the general issue.

45. *And be it further enacted,* That this act, and all the clauses therein contained, shall be construed most largely and beneficial for the promoting and carrying into execution this act; and for the encouragement and justification of all persons to be employed in the execution thereof; and that no record, warrant, precept or commitment, to be made by virtue of this act, or the proceedings thereupon, shall be reversed, avoided, or any wise impeached by reason of any default in form.

This act to be construed most beneficial for carrying the same into effect.

46. *And be it enacted,* That all fines, penalties and forfeitures imposed or inflicted by this act, which are not hereby particularly disposed of, or the manner of the recovery directed, shall, if not exceeding the value of eight pounds sterling, be recovered as is directed in and by an act for the more easy and speedy recovery of small debts and damages, in the parish where such offence shall be committed, and in case such fine, penalty or forfeiture, shall exceed the sum of eight pounds sterling, the same shall be recovered by action of debt, bill, plaint or information in the general court of this province, and all the said fines, penalties and forfeitures, which shall be recovered by this act, and are not before particularly disposed of, shall be one half to his majesty, his heirs and successors, and to be paid to the treasurer, to be applied in aid of the general tax, towards paying for such slaves as are executed by virtue of this act, and the other half to the informer or informers.

Fines, how to be recovered & applied.

47. *And be it further enacted,* That his majesty's part of the fines, penalties and forfeitures, which shall be recovered by virtue of this act, shall be paid into the hands of the justices, or in the court where the same shall be recovered, who shall make a memorial or record of the same, to the treasurer of this province, from the said court of justices, who shall receive his majesty's part of such fines and forfeitures: which memorial shall be a charge on the judges or justices respectively to whom the same shall be paid, and the treasurer of this province for the time being shall, and may, and he is hereby authorized and empowered to levy and recover the same by warrant of distress and sale of the goods and chattels of the said judges or justices respectively, who shall be charged with the same in case they or any of them shall neglect or refuse to make such memorial or record as aforesaid, or send such transcript thereof as is before directed, or shall neglect, or refuse to pay the same over to the treasurer within thirty days after the receipt of the same.

To whom the fines, &c. belonging to the public, shall be paid.

48. *And be it further enacted,* That this act shall be deemed a public act, and shall be taken notice of without pleading the same, before all judges, justices, magistrates and courts within this province,

This act, a public act.

Continuation.

49. *And be it further enacted,* That this act shall continue and be in force for and during the term of five years, and from thence to the end of the then next session of the General Assembly, and no longer.

This act not to be in force till approved of by his majesty.

50. *And be it further enacted,* That neither this act, nor any part and clause thereof, shall be of any force or effect, but the same is wholly suspended, until his most sacred majesty's royal approbation and allowance thereof shall be signified to the governor and commander in chief of this province for the time being, any thing therein before contained to the contrary thereof in any wise notwithstanding.

By order of the Commons House of Assembly.

N. W. JONES, *Speaker.*

By order of the Upper House.

JAMES HABERSHAM, *President.*

Council Chamber, May 10, 1770.

Assented to.

JAMES WRIGHT.

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## SLAVES.

*An act to prohibit the further importation of slaves into this state.*

Preamble.

1. **W**HEREAS a practice hath hitherto prevailed of importing great numbers of slaves into this state for sale, from Africa and elsewhere, which is not consistent with the principles of benevolence and humanity, or consonant with the true interest and prosperity of the state: *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That six months after the passing of this act, it shall be unlawful for any person or persons; to import into this state, from Africa or elsewhere, any negro or negroes of any age or sex, or to make sale or other disposition of them by themselves, their agents or attorneys, to the inhabitants of this state; and such person or persons so offending, shall, for the first offence, forfeit and pay the sum of one thousand dollars, for every such negro so imported, sold or otherwise disposed of; and for every subsequent offence, the sum of one thousand dollars, to be recovered by bill, plaint or indictment, in the superior court of the county where the offence shall happen, one half to the use of any informer, who shall prosecute the offender to conviction, and the other half to the use of the state.

Slaves not to be imported after six months.

Not to be brought from other states for sale after three months.

2. *And be it further enacted by the authority aforesaid,* That three months from and after the passing of this act, if any person or persons shall bring into this state, from any other state in the United States, any mulatto, mustizoe or negro slave or slaves, of any age or sex, or make sale or other disposition thereof to any of the inhabitants of this state, all and every person and persons so offending, shall forfeit and pay for the first offence the sum of five hundred dollars, and for the second, and every subsequent offence, one thousand dollars, for every mulatto, mustizoe, or negro slave so brought into this state, sold or otherwise disposed of, to be recovered in the superior court of the county where the offence shall happen, by bill, plaint or indictment, one half to the use of any informer, who shall prosecute the offender to conviction, the other half to the use of the state.

§. And to prevent any evasion, or construction contrary to the true intendment of this act, *Be it enacted*, That wherever it shall appear to the satisfaction of a court and jury, that any person or persons have actually brought such slave or slaves into this state, with a view or intention of making sale of the same, and he or they be duly convicted thereof, such person or persons shall be subject to the same penalties, as in cases where the importation and sale, or other disposition shall have been made; and the act of bringing them into this state with such intention, and the act of making sale or other disposition of them, shall be severally considered and taken as a consummation of the offence herein prohibited, and be punishable in the county where either act shall be committed: *Provided always nevertheless*, That nothing in this act shall be construed to prevent any person removing into this state from either of the United States, and becoming a citizen thereof, from bringing with him any number of slaves. And nothing herein contained shall restrain the sale or other disposition of slaves by the citizens of this state in their own right, and in the ordinary methods of transferring that species of property, unless it shall be made appear that such practice is intended as a fraud upon this act, and contrary to the true intent and meaning thereof: *And provided also*, That from and after the time aforesaid, no person whatever shall bring or cause to be brought from any of the United States, any slave or slaves, except such who are removing to this state, or such who have negroes left by will or otherwise, in any of the United States; that before any such slaves be brought to this state, the person intending to bring such slaves shall first make oath before the court of the county (or justice of the peace) from which he is about to remove or bring such slaves, that the slaves he is about to bring to Georgia are his own family negroes, or such as have been actually left him by will or otherwise, particularly specifying the name, number and sex of such negroes, that a certificate, together with the seal of the said county annexed, shall be by such person produced to a justice of the peace, after coming into this state; that such justice is hereby required to give such person a certificate of the same, which shall entitle him to pass to the county in which he resides or is moving to; and within twenty days after his arriving in such county, shall go to the clerk of the superior court, and there make oath, that the negroes he has brought with him are the same comprehended in the certificate aforesaid, which certificate and oath shall be filed of record in such office.

Persons convicted of bringing slaves into this state, with a view to sell, subject to the same penalties as if they had sold.

Proviso.

Proviso.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 DAVID EMANUEL, *President of the Senate.*

Assented to January 31, 1798.  
 JAMES JACKSON, *Governor.*



*An act supplementary to an act, entitled "An act for ordering and governing slaves within this state (then province) passed 10th day of May, 1770, and for establishing a jurisdiction for the trial of offences committed by such slaves and other persons therein mentioned and to prevent the inveigling and carrying away slaves from their masters, owners, or employer's, and for repealing such laws or clauses of laws as militate against the same.*

1. **W**HEREAS many persons purchase provisions and other commodities from slaves, by which the owners of such slaves are and may continue to be great

Preamble

Persons purchas-  
ing corn, rice,  
&c. of negroes  
without a tick-  
et, shall forfeit  
three hundred  
dollars.

sufferers should such pernicious practices continue: *Be it therefore enacted*, That from and immediately after the passing of this act, any person or persons whatsoever, who shall purchase from, or sell to, for money, or barter with any slave or slaves for any sort of corn, rice, cotton, or other commodities whatsoever, unless such slave or slaves shall produce a ticket describing the article and quantity permitted to be sold, from his, her or their employer, owner or manager, allowing such slave or slaves to dispose of such money, or purchase or sell such provision or commodity, shall, upon conviction before any court having competent jurisdiction thereof, in the county where such offence shall be committed, forfeit the sum of three hundred dollars, to be applied one half to the use of the county, and the other half to the informer, and shall find sufficient security for his, her or their good behaviour for twelve months; and in case of refusal or inability to pay such penalty, or find such security, then and in such case, he, she or they, shall be by the said court committed to the nearest common jail, there to be and remain for and during the space of three months, and to pay all lawful costs and charges attending the same.

How recovered  
and applied.

Or be impris-  
oned for three  
months.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 6, 1799.

JAMES JACKSON, *Governor.*

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## NEGROES, FREE, IMPORTATION OF.

*An act to prevent the importation of negroes into this state from the places herein mentioned.*

1st Section respects the importation of negroes—re-enacted by the constitution.

Free persons of  
color coming  
into this state  
how to conduct  
themselves.

2. *And be it further enacted*, That all free negroes, mulattoes or mustizoes, who at any time after the passing of this act shall come into this state, shall, within thirty days after their arrival, enrol him, her or themselves in the clerk's office of the county wherein they reside; and within six months thereafter procure a certificate of two or more magistrates of the county certified by the clerk thereof with the seal of the county annexed, of his, her or their honesty and industry, to entitle them to the privileges of residence in this state; and in failure of such enrolment, or neglect of procuring such certificate, he, she or they, shall be subject to be taken up and committed to the nearest jail, for a term not exceeding three months, or until he, she or they, shall give security, by two freeholders, for his, her or their prison fees, and future industrious and honest behaviour.

State not liable  
to pay for slaves  
legally execu-  
ted.

3. *And be it further enacted* That from and after the passing of this act, the state shall in no instance be answerable for, or liable to pay the owner any consideration whatever for any negro slave or slaves who may suffer death by the laws of this state.

Expences in  
prosecuting  
slaves how to  
be paid.

4. *And be it further enacted by the authority aforesaid*, That all expences and fees, chargeable by any of the public officers, for prosecuting any negro slave or slaves, convicted of any crime not capital, against the laws of this state, shall be paid by the owner or owners of such slave or slaves. But in all cases where any slave shall be convicted of any crime whereby he, she or they, may suffer death, the expences attending



the trial and execution of such slave or slaves, shall be paid by the county where they shall be executed.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
 BENJAMIN TALIAFERRO, *President of the Senate.*

December 19, 1793.

GEORGE MATHEWS, *Governor.*

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SLAVES, MURDER OF.

*An act to carry into effect the twelfth section of the fourth article of the constitution.*

1. **BE IT ENACTED**, That if any person or persons whosoever, shall be charged with the offence of wilfully and maliciously dismembering or maiming any slave or slaves, he, she or they, shall be prosecuted by indictment exhibited against him, her or them, in the superior court of the county within which such offence may have been committed, in the same manner as if the like offence had been committed on a free white person; and the same mode of trial and rules of evidence shall obtain; and upon conviction of any such offence, the same punishment shall be inflicted or fine imposed, as by law would ensue, if the like offence or offences had been committed on a free white person, except in case of insurrection by such slave, and unless such maiming or dismembering should happen by accident, in giving such slave moderate correction.

Wilfully to maim dismember any slave, to be prosecuted and punished in the same manner as if it had been a white person.

2. *And be it further enacted*, That if any person or persons whomsoever, shall maliciously deprive a slave or slaves of life, he, she or they, so offending, shall be prosecuted by indictment in the superior court of the county in which such offence may have been committed, in like manner as if the person or persons charged had perpetrated a like offence on any free white person or persons whomsoever; and on all such trials the same rules of law and evidence shall obtain, as on other trials for murder. And if upon trial for such offence, any person or persons shall be found guilty of murder, he, she or they, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, that is to say, shall be hanged, without the benefit of clergy; and if found guilty of manslaughter, shall be punished by branding, in like manner as is usual in cases where any person or persons is or are convicted of manslaughter, committed on a free white person or persons, except in case of insurrection by such slave, and unless such death should happen by accident in giving such slave moderate correction.

The same mode of prosecution and measure of punishment for killing a slave as a white person.

3. *And be it further enacted*, That in all prosecutions for offences of this nature, committed by any white person or persons upon any slave or slaves, it shall be the duty of the solicitor or attorney general preferring and prosecuting such indictment or indictments, to charge the offence or offences to be contrary to the constitution and act of the General Assembly of this state, in such case made and provided. And the judge or judges presiding on the trial or trials of such offender or offenders, shall be bound, upon conviction by a jury, to pronounce sentence in like manner as if the like offence had been committed on a free white person, so that such of-

Indictment for such offences, how to be laid.

enacted

fender or offenders may be punished according to the true intent and meaning of the twelfth section of the fourth article of the constitution, and of this law.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 2, 1799.

JAMES JACKSON, *Governor.*

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## STAGE CARRIAGES.

*An act to secure to Nathaniel Twining, Thomas Davis and Joseph Grant, for the term of ten years, the sole and exclusive right of running a line of stage carriages between the city of Savannah and town of Augusta.*

Exclusive right of running a stage, given to N. Twining and others.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That Nathaniel Twining, Thomas Davis and Joseph Grant, their heirs and assigns, shall have the sole and exclusive right of running a line of stage carriages, for the conveyance of passengers and their baggage, between the city of Savannah and town of Augusta in this state, for the term of ten years, to commence on the first day of October, which will be in the year of our Lord one thousand seven hundred and ninety-six.

Penalty on persons infringing the same.

2. *And be it enacted*, That if any person or persons shall within the said term presume to run any stage carriage or carriages in any manner for fare or hire between the places aforesaid, without the consent or concurrence of the said Nathaniel Twining, Thomas Davis and Joseph Grant, under their hands and seals first obtained; every such person or persons so offending, shall forfeit and pay to the said Nathaniel Twining, Thomas Davis and Joseph Grant, their heirs and assigns, double the amount of the sum demanded or received by the said person or persons for the carriage or conveyance of any person or persons to or from any part or place within the limits of the said city of Savannah and town of Augusta comprehending all the different routes between the same; to be recovered by the said Nathaniel Twining, Thomas Davis and Joseph Grant, or their legal representatives, by action of debt before any magistrate or court having cognizance thereof: *Provided nevertheless*, That the said Nathaniel Twining, Thomas Davis and Joseph Grant, shall, within the term of one year from the passing of this act, commence and put in practice the running the said line of stage carriages, and continue the same at least once every week between the places, and to the end of the time or term aforesaid: *Provided*, That the said Nathaniel Twining, Thomas Davis and Joseph Grant, do give bond of one thousand pounds, with good and sufficient security, to his excellency the governor, for the running of stages for the aforesaid term.

proviso.

The act in favor of Thompson and McCall repealed.

3. *And be it further enacted*, That the act passed at Augusta, in the year one thousand seven hundred and ninety-three, vesting, on certain conditions, in William Thompson and Thomas McCall the sole and exclusive right of running a line of stage carriages between the city of Savannah and town of Augusta, not being carried into

effect on the part of the said William Thompson and Thomas M'Call, the same shall be and is hereby repealed.

THOMAS STEVENS, *Speaker of the House of Representatives.*  
 BEMJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 12, 1796.

JARED IRWIN, *Governor.*

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 TAVERN LICENSES.

*An act for regulating taverns and reducing the rates of tavern license.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That from and after the passing of this act, any person or persons wishing to keep a tavern or house of entertainment, shall petition the justices of the inferior court, held for the county where such petitioner resides, and the court to whom such petition shall be exhibited, shall thereupon consider the convenience of such place intended for a tavern, and having regard to the ability of such petitioner to keep good and sufficient accommodations for travellers, their horses and attendants, may at their discretion grant a license to such person or persons for the term of one year next ensuing the date of such license, and from thence to the next inferior court held for the said county and no longer, which license upon petition may be renewed from year to year if the court think proper; *Provided always,* That before issuing such license the court shall cause the petitioner to enter into bond with sufficient security to be approved of by the court in the sum of fifty pounds, conditioned for their keeping an orderly and decent house, with good and sufficient accommodations for travellers, their horses and attendants; which bond shall be filed in the clerk's office, and subject to be put in suit upon any breach thereof.

Tavern licenses how to be granted—persons obtaining them to give bond & security.

2. *And be it further enacted,* That the justices of every inferior county court at the first term in every year, shall fix and establish the rates and prices to be paid at taverns for liquors, diet, lodging, provender, stabling and pasturage; and every tavern keeper, shall within one month after the rates so established, obtain of the clerk of the said court a fare table of such rates, which shall be openly set up in the public entertaining room in every tavern, and there kept throughout the year, until the rates shall be fixed or altered again by the court, and then a copy thereof shall be again so obtained and kept from time to time, under a penalty of ten pounds, on every tavern keeper failing so to do; and if any tavern keeper shall demand and receive any greater price for any liquor, diet, lodging, provender, stabling or pasturage than by such rate shall be allowed, he, she or they, so offending shall forfeit and pay the sum of two pounds over and above the sum extorted for every such offence to the informer recoverable with cost before any justice of the peace in the county where such tavern shall be.

Tavern rates to be fixed by the inferior courts, penalty for exceeding.

3. *And be it further enacted,* That if any person shall presume to keep a tippling house or retail liquors, or sell by retail any wine, beer, cider, brandy, rum, or other spirits or any mixture of such liquors in any house, booth, arbour, stall or other place whatsoever without license first obtained as aforesaid, he or they, so offending and being thereof convicted shall forfeit and pay the sum of ten pounds, one half to

Penalty for selling without license.

*Proviso.* the informer, and the other to the use of the county, *Provided always*, That nothing herein contained shall extend to prohibit any merchant from retailing liquors, not less than one quart; nor to prevent any planter or other person from disposing of such brandy, rum, or whisky, as they may make from their own grain, orchards, or distilleries, so that it be not sold in a less quantity than one quart, or drank or intended to be drank at the house, store, or plantation, where the same shall be so sold; except in the counties of Chatham, Liberty and Effingham, wherein it shall not be lawful for any merchant to dispose of any quantity less than one gallon.

Tavern license two pounds.

4. *And be it further enacted*, That each person petitioning for tavern license as aforesaid, shall pay for such license the sum of two pounds, which the clerk is directed to receive before signing or renewing the same; for license to keep a billiard table\* the sum of five pounds; and any person presuming to keep any billiard table without having obtained a license in the manner herein before directed for obtaining tavern license, shall be subject to the like penalty as persons presuming to keep tavern without having obtained license.

Former acts repealed.

5. *And be it further enacted*, That all acts heretofore made respecting any thing within the purview of this act, shall be, and the same are hereby repealed: *Provided always*, That the corporation of the city of Savannah and Augusta shall have the sole regulation and power of governing and directing taverns and granting licenses, within their several jurisdictions.

*Proviso.* Except in corporate towns.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
N. BROWNSON, *President of the Senate.*

Concurred December 24, 1791.

EDWARD TELFAIR, *Governor.*

\* See tax act of 1800, sect. 2.

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*An act for the better regulating of taverns, and for establishing a fund for building and keeping in repair the court-houses and jails in the counties of this state.*

Commissioners of the court-houses and jails to be appointed by the superior courts.

1, 2, Repealed by act of 24th December, 1791.

Money arising from licenses, fines, &c. applied to build the same.

3. *And be it further enacted*, That the judges of the superior court in each county shall, as often as they think proper, appoint three or more discreet persons to be commissioners of the jail and court-house, which said commissioners, or one of them, shall receive the monies\* arising from licenses in their respective counties, fines of defaulting jurors, fines imposed by the court, and the forfeiture of recognizances, to be a fund set apart in each county, under the direction of the judges, for building and repairing the jail, court-house, pillory and stocks, and for the support of prisoners; and the said commissioners shall exhibit their accounts on the first day of each term to the judges, stating in a clear and precise manner all the money by them received, from whom and for what, as also all the monies paid by them, to whom and for what purpose, which said account, if approved of, shall be lodged in the clerk's office for the free inspection of the inhabitants.

Who shall account each term with the court.

NATHAN BROWNSON, *Speaker.*

Augusta, February 1, 1788.

\* All of this act, except the application of fines, &c. repealed.

*An act for imposing a tax on the inhabitants of the state of Georgia for the use and support of the government thereof from the first day of January to the thirty-first day of December, in the year one thousand seven hundred and eighty-three.*

**W**HEREAS it is expedient that a sum should be raised for the purpose of defraying the contingent expences of this state, and paying the several officers thereof of their respective salaries due from the first day of January last, to the thirty-first day of December following.

1. *Be it therefore enacted, by the representatives of the freemen of this state in General Assembly met, and it is hereby enacted by the authority of the same,* That a tax be raised on the property of the inhabitants of this state, in manner as herein after directed, That is to say, on every hundred acres of land, the sum of one quarter of a dollar, on every negro, mulatto or other slave, one quarter of a dollar; on every town lot, one quarter dollar; on every free negro, mulatto or multizoe, one dollar; on every male inhabitant of the age of twenty-one years, who does not follow some lawful profession or mechanical trade, or who does not cultivate or cause to be cultivated five acres of land, two dollars.

Tax on land and negroes.

2. *And be it further enacted by the authority aforesaid,* That all and every person and persons, who have any estate or interest in any lands, or negroes within this state, shall on or before the thirtieth day of November next after the passing of this act, tender a particular account in writing upon oath, (or affirmation if a quaker) to the best of his, her or their knowledge, unto the collector of the several districts, where he, she or they, shall respectively reside, of all lands, town lots and negroes, whereof he, she or they, is or are seized or possessed or interested in, liable by this act, to the rates and taxes aforesaid at such time and place as the collectors herein after named shall direct and appoint, who are hereby required to give at least thirty days' notice thereof by public advertisement in their respective districts, specifying the several rates aforesaid. And all and every the said person and persons so giving an account as aforesaid, shall at the same time pay to the said collectors the several sums and taxes due from him, her or them thereupon, as by this act is rated.

A list of taxable property to be given in to the collector on oath.

Tax to be paid at the time of giving in the property.

3. *And be it further enacted by the authority aforesaid,* That the said collectors respectively shall and they are hereby required to administer the oath following to all and every person and persons at the time of receiving his, her or their account first entering such accounts in the list or schedule agreeable to the form to this act annexed, whereto the persons so paying their tax shall respectively subscribe their names in the column of the said schedule for this purpose assigned: "I, A. B. do solemnly swear (or affirm as the case may be) in the presence of Almighty God that the account now given by me and delivered to the collectors of the public tax doth contain a just, true and particular account of all the lands, negroes, and town lots by me possessed, interested in, or entitled to, either in my own right, or as attorney, guardian, executor or administrator, or trustee, to any other person or persons whatsoever. So help me God."

Collectors shall administer the oath to be taken by persons giving in their property.

Form thereof.

4. *And be it further enacted by the authority aforesaid,* That in case any person or persons who shall give an account of their lands, town lots and slaves as herein before required, and shall not at the same time pay the tax thereupon due from him her or them as herein before directed, or within twenty days after such account by him, her or them so given, that then it shall and may be lawful to and for the several collectors,

Tax to be paid in twenty days after giving in, or a levy to be made.

and they are hereby respectively required to cause the same to be levied as herein after mentioned.

Collectors to lay a double tax on those who do not give in their returns.

5. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever shall neglect or refuse to give an account of their respective lands, town lots, and negroes as aforesaid, at the time and in the manner as by this act is herein before directed, the collectors respectively and either of them, shall and they are hereby severally authorized and required within twenty days after the said thirtieth day of November to rate and assess every such defaulter or defaulters double the tax herein and hereby imposed. And to prevent free mulattoes from evading the payment of the tax.

Mulattoes.

6. *Be it further enacted by the authority aforesaid,* That every such person, who shall be reputed a mulatto shall be assessed as such, unless he or she can prove the contrary.

Goods and chattels to be sold on default of payment.

7. *And be it further enacted by the authority aforesaid,* That the several rates and taxes hereby rated and imposed shall be levied on the goods and chattels of the defaulter or defaulters, by warrant under the hand and seal of the collector or collectors of the county wherein such defaulter or defaulters shall reside, to be directed to any constable or constables thereof, requiring him or them to levy the same by distress and sale of the defaulter or defaulters goods and chattels, returning him or them the

Constables' fees for levying.

overplus, if any after deducting the charges following, viz. for serving every warrant or execution one shilling, and one shilling in the pound for every pound levied, and twopence per mile, to be computed from the dwelling house of the constable, levying the same; to the place of residence of any such defaulter or defaulters: And the collectors respectively shall and may take one shilling and sixpence for every such warrant; and every constable refusing or neglecting to execute such warrant, or neglecting or refusing to pay over the money so levied, to the collector or collectors within three days from the receipt thereof, shall for every offence forfeit and pay the sum of twenty pounds, to be recovered by warrant of distress of any justice of the peace where the offence shall be committed, on due proof thereof made before him by any collector or collectors; and in case no goods or chattels of such offender shall be found whereon the said distress may be levied, then it shall and may be lawful for such justice of the peace to commit such offender to the nearest common jail, there to remain for the space of three months, or until the said sum of twenty pounds for each offence neglect or refusal be satisfied.

Collectors' fees for issuing warrants to Constables to forfeit twenty pounds for refusal to the money so received to the collector; or be imprisoned three months.

Collectors appointed.

8. *And be it further enacted by the authority aforesaid,* That the several persons herein after named shall be, and they are hereby appointed collectors for the several counties herein after mentioned respectively, that is to say, for the county of Chatham, Edward Lloyed, for the county of Effingham, Theophilus Sundy, for the county of Burke, Alexander Irwin, for the county of Richmond, Lewis Gardner, for the county of Wilkes, Richard Aycock, and for the counties of Liberty, Glynn, and Camden, John Elliot, which said collectors respectively shall before their entering upon their office take the oath following before any justice of the peace, that is to say: "I, *A. B.* do solemnly swear that I will well and faithfully according to the best of my knowledge and ability (and so that the public tax shall sustain no loss or damage from any wilful neglect of mine,) observe, execute, and perform the several matters and things required of me to be done, and performed in and by an act of the General Assembly of this state, entitled "An act for imposing a tax on the inhabitants of the state of Georgia, for the use and support of the government thereof, from the first day of January to the thirty-first day of December, in the year one thousand se-

Who shall take the following oath.

ven hundred and eighty-three, according to the true intent and meaning thereof. So help me God."

9. *And whereas*, There are fundry tracts of land, and negroes, the proprietors thereof are not residents of this state, *Be it further enacted by the authority aforesaid*, That all attorneys, trustees, executors, and administrators, or other persons any wise concerned for absentees, shall make due return to the collectors of the counties, respectively where they shall reside, of the estate and effects they shall so possess, or be interested in, as attorneys, guardians, trustees, executors or administrators, or otherwise, and shall and they are hereby made liable to the payment of the rates and taxes assessed and imposed by this act, out of their own estates and effects in manner as herein before mentioned, unless such attorney or attorneys, guardian or guardians, trustee or trustees, shall make oath before the collectors or one of them, that he has renounced his power and attorneyship before the tax became due, and without any intent to evade the payment thereof, and every such attorney or attorneys, guardian or guardians, trustee or trustees, executors and administrators, shall and may deduct the tax he, she or they, shall so pay out of the effects of the absentee, in his, her or their hands, and in case of no such effects, every payment shall and is hereby made a debt and charge upon the lands and chattels of every such absentee, his heirs and assigns, and shall and may accordingly be recovered at any time afterwards by the person or persons paying the same, his, her or their executors or administrators, in any court of record within this state.

Attornies, trustees, &c. of absentees, to make returns to the collectors.

And pay the tax out of their own estates; or renounce or oath such trust, before the tax is due.

10. *And whereas*, The public tax hath been evaded by persons settled on or near the banks of Savannah River, that hold or possess lands, on the opposite side thereof, in the state of South-Carolina, by removing their slaves from this state, at the time of collecting the tax, for remedy whereof. *Be it further enacted by the authority aforesaid*, That all and every such person or persons so holding lands in both states at the time of giving an account of his, her or their lands and estates, to the collectors as herein before required, shall produce to such collector or collectors, a receipt or certificate from the collector or collectors of tax in South-Carolina, of the number of slaves for which tax shall have been paid by him, her or them, for the present year; or otherwise shall make oath before the collector or collectors aforesaid, to the following effect, which they are hereby authorized and required to administer, viz. "That he, she or they, hath or have paid the public tax in the state of South-Carolina for the present year, for all his her or their slaves, other than such as are contained in the account now delivered to the collector or collectors as aforesaid, pursuant to the directions of this act." And all and every person and persons who shall refuse to produce such receipt, or certificate, or to make oath as aforesaid, shall be liable to pay tax for the whole number of his, her or their slaves, and the said collector or collectors shall in default of payment issue warrants of execution for the same as herein before directed.

Persons living on Savannah River owning property in South-Carolina, must produce a receipt from the collectors of said state, of the number of slaves paid for that year, or take the following oath.

Or warrants to issue against them.

11. *And be it further enacted by the authority aforesaid*, That the said collectors respectively shall on or before the thirty-first day of December next after the passing of this act, or within ten days after, close their accounts, and deliver the same in person, together with the tax list aforesaid, and also an account of the lands held by absentees or persons not residents in their several counties unto the public treasurer of this state, and at the same time shall pay unto him, all such monies, as by them or either of them shall have been respectively received in pursuance of this act, after deducting for commissions at the rate of one shilling for every pound, and at the rate of sixpence per mile for every mile they reside distant from Savannah, or where the treasurer shall reside,

Collectors by the last day of January to deliver in the returns and pay the money into the public treasury.

Their commissions and fees.

and the said collectors respectively shall sign the tax list by them delivered, and at the same time upon oath shall deliver to the treasurer an account of their own lands, slaves, and estates, in like manner as by this act is required of others to be given to them, and shall pay the taxes for the same accordingly, in default whereof, the same shall and may be assessed and levied by the treasurer in manner as aforesaid.

Their property  
in default to be  
levied on by the  
treasurer  
All deeds, &c.  
made to evade  
this tax—void  
and fraudulent.

12. *And be it further enacted by the authority aforesaid,* That all deeds and conveyances whatsoever, of any lands, tenements, goods or chattels, by any person or persons whatsoever, made with an intent to avoid being assessed or paying tax for the same as aforesaid, shall and are hereby declared to be fraudulent and void to all intents and purposes whatsoever.

Collectors who  
refuse to act  
shall forfeit one  
hundred pounds  
to the state.

13. *And be it further enacted by the authority aforesaid,* That the several collectors or any or either of them, who shall neglect or refuse to do and perform the several matters hereby required of them respectively to be done within the time prescribed by this act, shall for every such neglect or refusal, forfeit the sum of one hundred pounds for the support of government of this state, to be sued for and recovered by the treasurer in the superior court of this state.

To be recover-  
ed in the supe-  
rior court

The treasurer  
under the pen-  
alty of one hun-  
dred pounds,  
shall issue his  
warrant to the  
constable a-  
gainst every  
collector, who  
shall refuse to  
make returns or  
pay the money  
collected, who  
shall commit  
him till he com-  
plies with this  
act.

14. *And be it enacted by the authority aforesaid,* That in case any collector or collectors shall refuse or neglect to give in upon oath to the treasurer a just and true account of all monies received by him or them, or due to this state, on account of the tax herein imposed within their several and respective counties, by the time herein before limited, and also a list of all non-residents whose tax has not been paid, and of all defaulters in the said counties, that then it shall and may be lawful for the treasurer, and he is hereby enjoined under the penalty of one hundred pounds for each neglect or offence, by warrant directed to any constable for the counties where the collectors may respectively reside, under his hand and seal to commit such collector or collectors to the most common jail, there to remain until he or they shall have rendered upon oath to the treasurer a full and satisfactory account, and shall have paid all such sums as aforesaid by him or them collected, due to this state in his or their several and respective districts by virtue of this act, and have paid the reasonable charges for such commitment: And the several constables for the county or counties wherein such collector or collectors shall reside, are hereby required to execute such warrant without delay, and every such constable refusing or neglecting to execute such warrant or commitment, shall, for every offence, forfeit and pay the sum of twenty pounds, to be recovered by warrant of distress from any justice of the peace in the county where the offence shall be committed, on a certificate from the treasurer of the manner of such refusal or neglect, and which certificate is hereby declared to be sufficient proof. And in case no goods or chattels of such offender may be found whereon the said distress may be levied, then it shall and may be lawful for such justice of the peace to commit such offender to the nearest common jail, there to remain for the space of three months, or until the said sum of twenty pounds shall be satisfied. *Provided nevertheless,* That if the said collector or collectors shall prove upon oath, to the treasurer, that they have used every means directed by this act, for the recovery of the tax due by the said defaulters, and no effects could be found whereupon to levy the same, then, and in that case the said collector or collectors respectively, shall not be liable for or chargeable with the payment of the sums so due from the defaulters as aforesaid.

Constable refu-  
sing to execute  
said warrant,  
to forfeit twen-  
ty pounds.

Or be imprison-  
ed three  
months.

Proviso.

Treasurer to is-  
sue warrants  
against default-  
ers.

15. *And be it further enacted by the authority aforesaid,* That the treasurer shall and he is hereby empowered and required within ten days after he shall receive any list or lists of defaulters, to issue warrants under his hand and seal against each of the de-



defaulters for such amount of taxes as shall appear by the said returns to be due by such defaulters respectively, whether the defaulters be such for themselves, or as attornies or agents for others, or otherwise, excepting as herein before excepted, to be directed to any lawful constable or constables for the counties where such defaulter or defaulters shall reside, requiring him or them immediately to levy the same, by distress and sale of the defaulter or defaulters' goods and chattels, returning to the said defaulter or defaulters the overplus, if any, after deducting the charges following: for serving every warrant one shilling, and one shilling in the pound for every pound so levied, and twopence per mile for every mile the constable shall go to execute such warrant, to be computed from the dwelling house of the constable to the place where the levy shall be made or sold, and the said treasurer shall and may take for every such warrant, two shillings and fourpence; and every constable refusing or neglecting to execute such warrant, shall for every such offence forfeit and pay the sum of twenty pounds, to be recovered by warrant of distress of any justice of the peace for the county where such offence shall be committed on his receiving a complaint and certificate thereof under the hand and seal of the said treasurer: And all justices of the peace are hereby strictly required and enjoined under the penalty of fifty pounds for every refusal or neglect, to be aiding and assisting unto the said treasurer in duly carrying the directions herein contained into execution; and in case the said treasurer shall neglect or refuse to issue such warrant or warrants, he shall forfeit and pay for every such offence, the sum of one hundred pounds, to be recovered by action of debt, bill, plaint or information, in any superior court within this state.

which shall be levied by a constable.

His fees.

Treasurer's fees  
Penalty on the constable for refusing to act.

Penalty on justices.

On the treasurer.

16. *And be it further enacted by the authority aforesaid,* That in case there shall not be in any county or counties any constable who may be thought sufficiently responsible to execute the duties herein required by any justice of the peace to whom the treasurer may think fit to enclose his warrant, it shall and may be lawful for such justice of the peace to appoint a constable or constables for the special purpose or purposes herein before directed. And such constable or constables shall be entitled to the same fees, and liable to the same penalties, as are herein before directed to be taken and suffered by any county constable as aforesaid. And every constable or constables who shall receive any taxes by virtue of any warrant or warrants from the treasurer as aforesaid, is and are hereby strictly directed and required within three days from the receipt thereof to pay over the same, into the hands of the justice to whom the treasurer shall have enclosed his warrant under the penalty of twenty pounds as aforesaid, and such justice of the peace personally paying the same unto the treasurer shall for such service be allowed at the rate of sixpence per mile, travelling charges to be computed from the house of such justice or justices to the town of Savannah, or where the treasurer may reside.

Constables may be appointed for that purpose.

Who shall have the same fees & be subject to the same penalties.

Justices' fees.

17. *And whereas* the having a fair and just account of all the property held within this state, according to the real value thereof, will enable a future legislature to lay an equitable tax on the inhabitants of the same. *Be it therefore further enacted by the authority aforesaid,* That all and every person and persons liable to pay tax under this act, do and shall at the time he, she or they, shall give in his, or their account of taxables under the present law, (and all and every other person and persons within this state having or possessing or be entitled to, or interested in, any of the articles herein after mentioned, either in his, her or their own right, or otherwise, shall within the same time as is before limited for the aforesaid returns.) Also give in to the collectors of the respective counties where such person or persons reside, a fair and just account on oath, to the best of his, her or their knowledge and belief, of all negro and other

A general return of property to be given in on oath, to enable the legislature to lay an equitable tax.

slaves, distinguishing those under the age of ten years, and above the age of sixty, from within those periods. Of all lands, and their different qualities, whether on islands or on the main, held by grant, warrant, or otherwise, particularly distinguishing the quantity and quality under cultivation from that which is otherwise. Of all buildings and improvements, with the supposed value thereof on such lands. Of all town lots, or parts of lots with the buildings and improvements thereon, and their supposed value, and if rented out, the rent thereof annually. Of the number of whites, their sexes and ages, in such families respectively. Of all monies at interest by choice, stocks of cattle, horses, sheep and hogs. Of all vessels, boats, and wheel carriages, of any sort or kind whatsoever held or possessed by such person or persons, or to which he, she or they, shall be in any wise entitled, or therein interested, either in his, her or their own right or otherwise. And any person or persons neglecting or refusing to render and give in such account as herein before required within the time for that purpose limited, shall forfeit and pay for such neglect or refusal, the sum of ten pounds, to be recovered by the said tax collectors for the county where such person or persons resides, and applied in the same manner as other penalties are by this law directed to be applied.

Penalty for neglect or refusal.

How recovered and applied.

Penalty for the collectors not collecting such fines, &c.

And the said collectors are hereby directed and required under pain of forfeiting for every omission the sum of twenty pounds, to recover such penalty by warrant under their hands and seals and sale of the offender's goods and chattels if necessary.

Fines, &c. appropriated.

18. *And be it further enacted by the authority aforesaid,* That the fines and penalties by this act inflicted, not herein before disposed of, shall be applied towards the support of government of this state.

By order of the House.

WILLIAM GIBBONS *Speaker.*

Augusta, July 31, 1783.



*An act for imposing a tax on the inhabitants of the state of Georgia, and other persons holding property, real or personal therein, for the use and support of the government thereof, from the first day of January to the thirty-first day of December, in the year of our Lord one thousand seven hundred and eighty-five.*

Preamble.

1. **W**HEREAS it is expedient that a sum should be raised for the purpose of discharging the debts of this state, and for defraying the expences of government. *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 a tax of four shillings for every one hundred pounds value of all lands within this state, granted to, or surveyed for any person, such land and the buildings and improvements thereon, shall be estimated at, shall be levied on the same according to the following mode, viz.

Tax on all lands granted or surveyed.

Land, classed & rated according to quality.

	£. s. d.
All tide swamp, (including islands) cultivated and uncultivated, of the first quality, shall be rated at, per acre,	4 17 6
Ditto of the second quality £. 3 0 0; ditto of the third quality,	1 17 6
All pine barren lands adjoining such swamp, or contiguous thereto, and within three miles of water carriage, at	0 15 0

	£.	s.	d.
All prime inland swamp, cultivated and uncultivated, at an average of	3	7	6
Ditto of the second quality £. 1 17 6; ditto of the third quality,	0	15	0
Pine barren lands adjoining or contiguous thereto	0	7	6
Salt marsh at	0	3	9
High river swamp or low grounds (including islands) cultivated and uncultivated, including such as commonly called second low grounds, lying above Abercorn, and as high as the mouth of M'Bean's Creek, on Savannah River, of the first quality at	2	12	6
Ditto of the second quality £ 1 10 0; ditto of the third quality	0	15	0
High river swamp or low grounds (including islands) cultivated and uncultivated, including such as are commonly called second low grounds, lying above M'Bean's Creek, and as high as the mouth of Rae's Creek, of the first quality at	3	15	0
Ditto of the second quality £. 2 12 6; ditto of third quality at	1	2	6
High river swamp (including islands) cultivated and uncultivated from the mouth of Rae's Creek, to the mouth of Broad River, lying on the river Savannah of the first quality at	2	1	3
Ditto of the second quality £. 1 2 6; ditto of the third quality	0	7	6
All good oak and hickory land (including islands) cultivated and uncultivated, from the mouth of Rae's Creek, to the mouth of Broad River, within one mile of the river Savannah, of the first quality	0	15	0
Ditto of the second quality £. 0 7 6; ditto of the third quality at	0	3	9
All good oak and hickory land (including islands cultivated and uncultivated, from the mouth of Broad River up the Savannah River, within one mile of the same and along the northernmost stream thereof (commonly called Keowee) to the marked line on the said stream, of the first quality at	0	11	3
Ditto of the second quality 0 5 7½; ditto of the third quality	0	2	7½
All good oak and hickory land (including islands) cultivated and uncultivated, from the mouth of Broad River to the said marked line or head thereof, of the first quality at	0	11	3
Ditto of the second quality £. 0 5 7½; ditto of the third quality	0	2	7½
All high river swamp or low grounds (including islands) cultivated and uncultivated, including such as commonly called second low grounds lying above the mouth of Canouchee Creek, to the mouth of Buckhead Creek on the river Ogechee of the first quality	0	18	9
Ditto of the second quality £. 0 13 3; ditto of the third quality	0	3	9
All good oak and hickory land (including islands) cultivated and uncultivated, from the mouth of Buckhead Creek to the head of Ogechee River, of the first quality at	0	15	0
Ditto of second quality £. 0 7 6; ditto of the third quality	0	3	9
All high river swamp or low grounds (including islands) cultivated and uncultivated, including such as are commonly called second low grounds from Cathed on the river Alatamaha, to the mouth of Ogechee River, for the first quality at	1	2	6
Ditto of the second quality £. 0 11 3; ditto of the third quality	0	3	9
All high river swamp or low grounds (including islands) cultivated and uncultivated, including such as are commonly called low grounds from			

	£. s. d.
the mouth of the Oconee River along the northern and southern streams or up to the marked line, of the first quality, at	1 10 0
Ditto of the second quality £. 0 15 0; ditto of the third quality	0 3 9
All oak and hickory land (including islands above the flowing of the tide on all the rivers from Cathead on the river Alatomaha to the river St. Mary's, inclusive, to the marked line, of the first quality, at	0 7 6
Ditto of the second quality £. 0 3 9; ditto of the third quality	0 1 10 $\frac{1}{2}$
All other oak and hickory land throughout the state, of the first quality, at	0 11 3
Ditto of the second quality £. 0 5 7 $\frac{1}{2}$ ; ditto of the third quality	0 2 7 $\frac{1}{2}$
All other pine land throughout the state,	0 1 10 $\frac{1}{2}$
All lands on the sea-islands, or lying on or contiguous to the sea-shore, usually cultivated, or capable of cultivation in corn or indigo, of the first quality, at	2 5 0
Ditto of the second quality £. 1 2 6; ditto of the third quality, at	0 11 3
<b>Toll tax.</b> 2. <i>And be it further enacted by the authority aforesaid,</i> That the sum of four shillings and eightpence shall be levied on all free male white persons from the age of twenty-one years and upwards, who are entitled to vote at elections in this state, and	
<b>Tax on negroes.</b> the sum of two shillings and fourpence on all negroes and other slaves whatsoever, within the limits of the same, and the sum of four shillings for every one hundred	
<b>On town lots.</b> pounds value of every lot, wharf or other lands, and on all buildings within the limits of any town, village or borough in this state, and the sum of nine shillings and	
<b>On pleasure carriages.</b> fourpence upon every four-wheeled, and the sum of four shillings and eightpence upon every two-wheeled carriage, except waggons, carts and drays, and the sum of one pound one shilling and ninepence upon all free negroes, mulattoes and mustizoes,	
<b>On free negroes.</b> from twenty-one to sixty years of age, over and above any taxable property they may be possessed of, and four shillings for every one hundred pounds upon every	
<b>On stock in trade.</b> person's stock in trade of persons in trade, shopkeepers and others, to be given in upon oath, and the sum of one pound one shilling and ninepence on every practi-	
<b>On professional characters.</b> tioner of physic and law, and the sum of one pound one shilling and ninepence on all factors, brokers and vendue masters throughout this state.	
<b>Land, how it may be classed.</b> 3. <i>And be it further enacted by the authority aforesaid,</i> That in case difficulty shall arise in the mind of any person with respect to the classing his land or valuating his buildings, then and in that case, it may be lawful for such persons to call in three freeholders, who shall value and class the same, and their certificate shall be received by the receiver that such freeholders have been qualified by a magistrate for that purpose.	
<b>Double tax on male absentees.</b> 4. <i>And be it further enacted by the authority aforesaid,</i> That all male persons of the age of twenty-one years, holding uncultivated lands in this state, who shall have been absent from the same for one year immediately preceding the time of making a return, shall be doubly taxed, that is to say, that the sum of eight shillings for one hundred pounds value of all lands within this state, shall be levied on all such property by the collectors herein after particularly named: <i>Provided nevertheless,</i>	
<b>Proviso.</b> That no member of congress or any other person sent from without the limits of this state by public authority, shall be subjected to the foregoing tax: <i>And provided also,</i>	
<b>Proviso.</b> That if any person or persons who shall be citizens and residents in any one of the United States, shall cultivate and improve the lands which he or they hold in this state, at the rate of three acres for every hundred acres thereof, the same shall be deemed a sufficient cultivation and improvement to excuse him or them from the double tax within the meaning of this act. A double tax shall also be paid for all un-	
<b>Cultivation.</b>	

cultivated lands held by any one individual over and above two thousand acres; but a cultivation and improvement as aforesaid, at the rate of three acres for every hundred acres on each particular tract or body of lands within the same lines, shall be deemed sufficient to excuse the owner of such land from the said double tax.

5. *And be it further enacted by the authority aforesaid,* That the mode of collecting the taxes shall be as follows: each county shall be considered as divided into districts, which shall be the same as are now laid off for the several companies of militia in each county. The superior court for such county shall appoint one justice of the peace in each district, or where there is no justice of the peace, some other discreet person, to receive the returns of the taxable property agreeable to this act, and who shall be entitled to receive one pound per centum on the amount of the tax collected in their respective districts. The districts shall be laid out and the receivers appointed by the superior court of the county of Liberty for the counties of Glynn and Camden, in the county of Burke for the county of Washington, and in the county of Wilkes for the county of Franklin, until the superior courts can be held in the aforesaid counties of Glynn, Camden, Washington and Franklin. It shall be the duty of the receivers so appointed to give public notice by advertisement to the inhabitants of the district of the time when they are to bring in their returns, at least thirty days before the time appointed; he shall also make out a return, including the whole so received by him, and also all the taxable property of non-residents and such defaulters as neglect or refuse to make their return within his district, and transmit the same to the clerk of the court of the county. The said clerk of the court shall digest the whole into one general return, containing a state of the taxable property of the whole county, one copy of which he shall transmit to the treasurer of the state, and another to the collector of the said county appointed by this act, and shall also enter the same in a book to be kept in his office for the free inspection of the inhabitants. The returns of the receivers in the several districts shall be laid before the next superior court for their inspection, and the grand jury for the county shall particularly express their sentiments thereon. The collector, before he enters upon the duties of his office, shall give bond, with good and sufficient security, in a sum not exceeding one thousand five hundred pounds, to his honor the governor for the time being and his successors in office, to be taken by the superior court for the county, for the faithful performance of his office; and in case of the death, or refusal, or neglect of such collector to enter into such bond, then such court is hereby authorized and required to appoint some other person willing to accept the same, who shall, in manner required by this act, enter into bond, and be vested with all the powers by this act given to the collectors herein appointed. The collector shall attend at not less than four different places within the county for the purpose of receiving the taxes, and shall give notice in each district by public advertisement at least fifteen days before, of the time and place where he shall give such attendance; and if any collector shall presume to execute the said office without having given bond and security as aforesaid, such collector shall forfeit and pay the sum of three hundred pounds sterling, to be recovered by any person who shall inform and sue for the same.

6. *And be it also enacted by the authority aforesaid,* That all persons whatsoever, who are possessed of any lands granted to, or surveyed for any person or persons; slaves, carriages; either in their own right or in the right of any other person, or are liable to pay any other tax by virtue of this act, shall on or before the first day of June next, render a particular account thereof in writing upon oath or affirmation, setting forth in what county the said lands and slaves are to the best of his or her knowledge,

One receiver of tax returns to be appointed for company of militia by the superior court.

Who shall receive one per cent.

Their duty.

Non-residents and defaulters.

Clerk of the superior court, his duty.

The collector shall give bond and security.

Vacancy by death or otherwise.

His duty.

Shall forfeit three hundred pounds for executing the office without giving bond.

Returns to be given in an oath.

The oath.

to the receiver in the district where such persons reside, at such time and place as the said receiver shall direct and appoint, for the doing thereof, so that the same be done on or before the first day of June aforesaid, which oath or affirmation shall be in the words following: I, *A. B.* do swear (or affirm as the case may be) that the account which I now give in, is a just and true account of the quantity and quality of the lands, and of the number of all slaves and riding carriages which I am possessed of, interested in or entitled unto, either in my own right, or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge information and belief; and that I will give a just and true answer to all lawful questions that may be asked me touching the same; and this I declare without any equivocation or mental reservation whatsoever. So help me God." which oath or affirmation the receivers so appointed are hereby duly authorized enjoined and required to administer.

Attornies, trustees, &c. for non-residents, to make returns for such absentees.

Who shall pay the tax of the same out of their own estates.

Or renounce on oath, his trust before the tax is due.

Proviso.

Lands in default owned by absentees, how to be charged.

Tax, how to be collected.

7. *And whereas* there are divers tracts of land and slaves in this state held, owned and claimed by persons not resident here who pay no tax or other charges towards the support of the government of this state. *Be it therefore enacted by the authority aforesaid,* That all attornies, and trustees, of or for any person or persons living without the limits of this state, shall make due and true returns to the receiver in the district where such attorney or trustee lives and resides as aforesaid, of all lands and slaves belonging to such absent persons for whom they are attornies or trustees, shall be subject and liable to pay the tax to become due by virtue of this act, or which is due by any former tax acts; for such lands and slaves, out of his or their own proper estates, notwithstanding such attorney or trustee, may renounce or disclaim acting as such before the said tax is levied unless, such attorney shall make oath before the receivers respectively that he hath *bona fide* renounced his power and attorneyship before the payment of the said tax becomes due, without having done it only with an intention to avoid the payment of the said tax. *Provided always,* That if such attorney shall within one year next after such oath made, again become attorney or trustee for such absent person or act as such, every such attorney shall be liable to pay the said tax as is herein before directed, any thing herein before contained to the contrary thereof notwithstanding, and for levying whereof the same remedies shall be, and are hereby given as for levying the tax to become due by virtue of this act, on the proper estate of such attorney or trustee.

8. *And be it also enacted by the authority aforesaid,* That in case any tracts of land shall be found by the receivers to belong to any person or persons living or residing out of the limits of this state, and who have no attorney or attornies, trustee or trustees, legally constituted in this state, or which have not been returned to any of the receivers appointed for any county where the lands lie, then and in such case the receivers shall be, and they are hereby authorized and required to charge the said lands for the payment of the tax herein imposed, according to the quantity and quality thereof, and for all taxes due by virtue of any former tax act, ratably and proportionably according to the quantity of acres, as if the same were in the actual possession of some person or persons living or residing in this state, and forthwith for three successive weeks to publish and give notice of such their charge and assessment in the gazette; and in case of non-payment of the said taxes, the said lands shall thereafter be liable to be proceeded against by attachment as herein after mentioned.

9. *And be it enacted by the authority aforesaid,* That the several rates and taxes hereby rated and imposed, shall be levied on the goods and chattels of the defaulter or defaulters by warrant under the hand and seal of the collector or collectors of the coun-

ty wherein such defaulter or defaulters shall reside, to be directed to any constable or constables thereof, requiring him or them to levy the same by distress and sale of the defaulter or defaulters' goods and chattels, returning to him or them the overplus, if any after deducting the charges following, viz. for serving every warrant of execution one shilling, and one shilling in the pound, of every pound levied, and twopence for every mile to be computed from the dwelling house of the constable levying the same, to the place of residence of every such defaulter or defaulters, and the collectors respectively shall, and may take one shilling and sixpence for every such warrant, and in case no goods and chattels of the defaulter or defaulters can be found, then it shall and may be lawful to and for the collector or collectors of the county wherein any real estate belonging to such defaulter or defaulters shall lie, and he or they is or are hereby required to cause an attachment to be laid under his or their hands and seals on such real estate for the amount of the said taxes and to cause the same to be advertised in the public gazette for three weeks successively, at the end of which time or as soon thereafter as the superior court shall meet in such county, or in case of no such court in such county, then as soon as the superior court shall sit in the county nearest thereto, the said collector or collectors shall, in case the owner or owners of the said land shall still be in default, make a return thereof to the said court, and the jury empanelled and sitting in the same, shall be and they are hereby required (without any emparlance being allowed) to give judgment against such defaulter or defaulters, for the amount of his, her or their taxes, together with costs of suit, and thereafter an execution shall issue founded on the said judgment, which shall be proceeded in by the sheriff, and a sale made of the said lands in the same manner, and attended with the like costs as for any other debt recovered by judgment.

Constable's fees for levying a warrant of distress.

Collectors' fees for issuing warrants, &c.

Real estate liable where there is no personal.

By a judgment in the superior court.

10. *And be it enacted by the authority aforesaid,* That the several persons herein after named, shall be collectors for the several counties herein after mentioned, viz. for the county of Chatham, Richard Wyly, esq. for the county of Liberty, Gideon Dowse, esq. for the county of Effingham, Abraham Ravot, esq. for the county of Burke, Isaac Walker, esq. for the county of Richmond, Joel Barnett, esq. for the county of Wilkes, Walton Harris, esq. for the county of Washington, William Fitzpatrick, esq. for the county of Franklin, John Barton, esq. for the counties of Glynn and Camden, John Berrian, esq.

Collectors appointed.

11. *And be it also enacted by the authority aforesaid,* That all persons whosoever, who are possessed of any lands or slaves in this state in their own, or in the right of others, or any ways liable to pay tax by virtue of this act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the first day of December next, and the collectors shall give a receipt, if required, to the person paying the same; and the said collectors for the several counties respectively within this state, shall on or before the twentieth day of January next, close their accounts and deliver the same on oath to the treasurer for the time being, and after deducting two pounds per hundred, as commissions, pay the said treasurer, all such monies as shall be by such collectors received in pursuance of this act; and the said receivers and collectors for each county, shall give an account in writing upon oath as aforesaid of their own lands and slaves, after the manner aforesaid, to the said treasurer, and pay the tax thereon according to the rates appointed by this act.

Tax to be paid by the first of December.

Collectors' commissions.

Their own lands, &c. to be returned.

12. *And be it also enacted by the authority aforesaid,* That any person or persons in giving in, or rendering his or her account of lands or slaves or other taxable pro-

Penalty for concealing taxable property.

erty, shall wilfully conceal any part thereof, all such persons shall forfeit the value of the tax for what they so concealed.

Persons failing to give in returns, to be doubly taxed.

13. *And be it also enacted by the authority aforesaid,* That any person neglecting or refusing to give in his or her account of the lands and slaves or other taxable property to the receivers aforesaid respectively, at such time and place as they shall appoint agreeable to this act, or by the first day of June next, at farthest, he or she shall be deemed a defaulter, and shall be doubly taxed for all his or her lands or slaves or other taxable property.

Tax preferred to all securities, &c.

14. *And be it enacted by the authority aforesaid,* That the taxes imposed by this act, shall be preferred to all securities and encumbrances whatever; and that in case any person shall happen to die between the time of giving in his or her account to the said receivers, and the paying of his or her tax, and any goods or chattels of the deceased, to the value of the sum so taxed, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages, or debts whatsoever; or otherwise a warrant of execution shall issue against the proper goods of such executors or administrators; and if any person, between the time of rendering the account of his or her estate to the receiver, as aforesaid and the time of paying in his or her tax, shall be about to depart this state, the said collector is hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such persons will find sureties to the liking of the collector for the payment thereof at the time of payment.

Administrators, &c. liable to pay out of their own estates.

Deeds, &c. made to evade the payment of tax—fraudulent and void.

15. *And be it also enacted by the authority aforesaid,* That all deeds of gift, conveyances, mortgages, sales and assignments of lands and tenements, goods and chattels of any person whatsoever, made with an intent to avoid paying the tax, are hereby deemed and declared to be fraudulent, null and void to all intents and purposes whatsoever. And in case any person who has mortgaged any part of his estate real or personal, shall refuse or neglect to pay the tax for the same, the mortgagee shall be answerable and liable to pay the same. *Provided,* That such estate shall be in the possession of the mortgagee.

Mortgagee liable in certain cases for tax.

Execution against former collectors.

And present collectors.

General issue may be plead.

16. *And be it enacted by the authority aforesaid,* That the treasurer for the time being, be and is hereby empowered and required to grant executions against all former collectors of taxes, provided the same are not paid into the treasury on or before the first day of May next; and against all collectors of the present tax hereby imposed if the same shall not be paid on or before the time is elapsed for paying the same; and if any collector or treasurer or other person shall be sued for any matter or thing by him or them done, in the execution of this act, it shall and may be lawful for such person or persons to plead the general issue, and give this act and the special matter in evidence; and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinue his action, the said defendant or defendants shall recover costs of suit.

One half of the tax may be paid in audited certificates.

17. *And be it enacted,* That any person liable to pay tax shall be at liberty to discharge one half of his, her or their tax in audited accounts or certificates, and the treasurer is hereby directed to receive the said moiety or one half, in audited accounts or certificates from the collectors of said tax.

By order of the House.  
JOSEPH HABERSHAM, *Speaker.*

Savannah, February 21, 1785.



*An act for imposing a tax on the inhabitants of the state of Georgia, and other persons holding property real or personal therein, for the use and support of the government thereof, from the first day of January to the thirty-first day of December, one thousand seven hundred and eighty-six.*

**W**HEREAS it is expedient that a sum should be raised for the purpose of discharging the debt of this state, and for defraying the expences of government: Pr. cam. 10. c.

1. *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 a tax of ten shillings for every one hundred pounds value of all lands within this state, granted to or surveyed for any person, as such lands shall be estimated at, shall be levied on the same according to the following mode, viz.* Tax on all lands granted or surveyed.

All tide swamp (including islands) cultivated and uncultivated, of the first quality, shall be rated at four pounds seventeen shillings per acre; ditto of the second quality, three pounds; ditto of the third quality, one pound seventeen shillings. Classed and rated according to quality.

All pine barren lands adjoining such swamp, or contiguous thereto, and within three miles of water carriage, at fifteen shillings.

All prime inland swamp, cultivated or uncultivated, at an average of three pounds seven shillings.

Ditto of the second quality, at one pound seventeen shillings.

Ditto of the third quality, at fifteen shillings.

Pine barren lands adjoining or contiguous thereto, seven shillings.

Salt marsh, at four shillings.

High river swamp or low grounds (including islands) cultivated and uncultivated (including such as are commonly called second low grounds) lying above Abècorne, and as high as the mouth of M'Bean's Creek on Savannah River, of the first quality, two pounds twelve shillings.

Ditto of the second quality, one pound ten shillings.

Ditto of the third quality, fifteen shillings.

High river swamp or low grounds (including islands) cultivated and uncultivated (including such as are commonly called low grounds) lying above M'Bean's Creek, as high as the mouth of Rae's Creek, of the first quality, three pounds fifteen shillings.

Ditto of the second quality, two pounds twelve shillings.

Ditto of the third quality, one pound two shillings.

High river swamp (including islands) cultivated and uncultivated, from the mouth of Rae's Creek to the mouth of Broad River, lying on the river Savannah, of the first quality, two pounds one shilling.

Ditto of the second quality, one pound two shillings.

Ditto of the third quality, seven shillings.

All good oak and hickory land (including islands) cultivated and uncultivated, from the mouth of Rae's Creek to the mouth of Broad River, within one mile of Savannah River, of the first quality, fifteen shillings.

Ditto of the second quality, seven shillings.

Ditto of the third quality, four shillings.

All good oak and hickory land (including islands) cultivated and uncultivated, from the mouth of Broad River up the Savannah River, within one mile of the same,

- and along the northernmost stream thereof (commonly called Keowee) to the marked line on the said stream, of the first quality, at eleven shillings.
- Ditto of the second quality, at six shillings.
- Ditto of the third quality, at three shillings.
- All good oak and hickory land, (including islands) cultivated and uncultivated, from the mouth of Tugalo River to the said marked line of the first quality, eleven shillings.
- Ditto of the second quality, at six shillings.
- Ditto of the third quality, at three shillings.
- All good oak and hickory lands (including islands) cultivated and uncultivated, from the mouth of Broad River to the marked line or head thereof, of the first quality, at eleven shillings.
- Ditto of the second quality, at six shillings.
- Ditto of the third quality, at three shillings.
- All high river swamp or low grounds (including islands) cultivated and uncultivated, including such as are commonly called second low grounds lying above the mouth of Canouchee Creek, to the mouth of Buck-head Creek, on the river Ogechee, of the first quality, at nineteen shillings.
- Ditto of the second quality, at eleven shillings.
- Ditto of the third quality, at four shillings.
- All good oak and hickory land (including islands) cultivated and uncultivated, from the mouth of Buck-head Creek, to the head of Ogechee River, of the first quality, at fifteen shillings.
- Ditto of the second quality, at seven shillings.
- Ditto of the third quality, at four shillings.
- All high river swamps or low grounds (including islands) cultivated and uncultivated, including such as are commonly called second low grounds, from Cathead, on the river Alatamaha, to the mouth of Oconee River, of the first quality, at one pound two shillings.
- Ditto of the second quality, at eleven shillings.
- Ditto of the third quality, at four shillings.
- All high river swamp or low grounds (including islands) cultivated and uncultivated, including such as are commonly called second low grounds, from the mouth of Oconee River, along the northern and southern streams, or up to the marked line, of the first quality, at thirty shillings.
- Ditto of the second quality, at fifteen shillings.
- Ditto of the third quality, at four shillings.
- All oak and hickory land (including islands) above the flowing of the tide on all the rivers from Cathead, on the river Alatamaha, to the river St. Mary's inclusive, to the marked line, of the first quality, at seven shillings.
- Ditto of the second quality, at four shillings.
- Ditto of the third quality, at two shillings.
- All other oak and hickory land throughout this state, of the first quality, at eleven shillings.
- Ditto of the second quality, at six shillings.
- Ditto of the third quality, at three shillings.
- All other pine land throughout the state, two shillings.
- All lands on the sea islands, or lying on or contiguous to the seashore, usually cultivated or capable of cultivation in corn or indigo, at two pounds five shillings.

Ditto of the second quality, one pound two shillings.

Ditto of the third quality, at eleven shillings.

2. *And be it enacted by the authority aforesaid,* That the sum of four shillings and eightpence, shall be levied on all free male white persons from the age of twenty-one years and upwards, who are entitled to vote at elections in this state and the sum of four shillings on all negroes, and other slaves whatsoever; within the limits of the same; and the sum of ten shillings for every one hundred pounds value of every lot, wharf or other lands, and on all buildings within the limits of any town, village or borough within this state; and the sum of one pound eight shillings upon every four wheeled, and the sum of fourteen shillings upon every two wheeled carriage, except waggons, carts, and drays; and the sum of twenty-one shillings and ninepence upon all male free negroes, mulattoes, and mustizoes from twenty-one to sixty years of age, over and above any taxable property they may be possessed of; and the sum of forty shillings for every stud horse; and the sum of ten shillings for every one hundred pounds value of every person's stock in trade, of persons in trade, shopkeepers and others to be given in upon oath; and the sum of three pounds five shillings and threepence on every practitioner of physic and law; and the sum of three pounds five shillings and threepence on all factors, brokers, and vendue masters throughout this state: *Provided nevertheless,* That in cases of extreme indigence or infirmity, the superior court of each county shall be and they are hereby empowered to remit the poll tax upon such indigent or infirm persons appearing in court and claiming such indulgence.

3. *And be it further enacted by the authority aforesaid,* That in case difficulty shall arise in the mind of any person with respect to the classing his land, or valuing his buildings, then and in that case, it shall and may be lawful for such person to call in three freeholders, who shall value and class the same, and their certificate shall be received by the receiver, as the value and respective classes of the same: *Provided,* it shall appear to the receiver that such freeholders have been qualified by a justice for that purpose.

4. *And be it further enacted by the authority aforesaid,* That all persons of the age of twenty-one years, holding lands in this state, who shall not reside within the limits of the same, or cultivate and improve his said lands in manner as is herein after mentioned, shall be doubly taxed, that is to say, that the sum of one pound for every one hundred pounds value of all lands within this state, shall be levied on all such property by the collectors herein after particularly named: *Provided nevertheless,* That no member of congress or any other person sent from without the limits of the state by public authority, shall be subject to the foregoing double tax. *And provided also,* That if any person or persons, who shall be citizens or residents in any one of the United States, shall cultivate and improve the lands which he or they hold in this state, at the rate of three acres for every one hundred acres thereof, the same shall be deemed a sufficient cultivation and improvement to excuse him or them from the double tax within the meaning of this act. A double tax shall also be laid for all uncultivated lands, held by any one individual (whether resident or non-resident) over and above two thousand acres, and under six thousand; a treble tax on all above six thousand and under twelve thousand; and a fourfold tax on all above twelve, and under twenty-four thousand; and so on in progression one fold higher in proportion to the double of the last grade; but a cultivation and improvement aforesaid at the rate of three acres for every hundred acres of land such individual possesses, shall be sufficient to excuse such individual from the double tax aforesaid.

Poll tax.

Tax on negroes.

On town lots, &amp;c.

On carriages

On stud horses;

On stock in trade.

On practitioners of law and physic.

Proviso.

Lands, how to be classed.

Double tax imposed in certain cases.

Proviso.

Cultivation.

Treble tax on all above six thousand acres, and fourfold on all over twelve thousand acres.

Receivers of  
tax returns to  
be appointed  
for each com-  
pany of militia.

5. *And be it enacted by the authority aforesaid,* That the mode of collecting the taxes shall be as follows : each county shall be considered as divided into districts, which shall be the same as are now laid off for the several companies of militia in each county ; the superior court for each county shall appoint one justice of the peace in each district, or where there is no justice of the peace, some other discreet person to receive the returns of the taxable property agreeable to this act ; and who shall be entitled to receive thirty shillings as a compensation for his trouble, the same to be paid by the collector of the county out of the money received by him for taxes, or credit him on his public account for the same. The district shall be laid out and the receivers appointed by the superior court of the county of Liberty, for the county of Glynn and Camden, until courts are held in said counties ; and the assistant justices for the counties of Franklin, Greene and Washington are authorized and required at the land courts in their respective counties on the first Monday in March next, to lay out their districts and appoint the receivers of taxable property in each of the said counties. And in case there should not be a sufficient number of justices collected at the said courts, or either of them, then and in that case it shall be the duty of one or more of the assistant justices to send out their summons to each of the justices of their county, or so many as may be a sufficient number to form a court, on the first Monday in April, to perform the aforesaid duty or duties. It shall be the duty of the receivers so appointed to give notice, by advertisement to the inhabitants of the district, of the time when they are to bring in their returns, at least thirty days before the time appointed ; he shall make out a return, including the whole so received by him, and also the taxable property of non-residents, and such defaulters as neglect or refuse to make their returns within his district, and transmit the same to the clerk of the county, and shall at the same time give an account on oath of his taxable property : The said clerk of the court shall digest the whole into one general return, containing a state of the taxable property of the whole county ; one copy of which he shall transmit to the treasurer of the state, and another to the collector of the said county appointed by this act ; and shall enter the same in a book to be kept in his office, for the free inspection of the inhabitants, and he shall be paid for his trouble the sum of five pounds by the collector as aforesaid. The returns of the receivers in the several districts shall be laid before the next superior court of the counties to which they are returned for their inspection, and the grand jury for the county shall particularly express their sentiments thereon ; the collector before he enters upon the duties of his office shall give bond, with good and sufficient security in a sum not exceeding fifteen hundred pounds to his honor the governor for the time being, and his successors in office, to be taken by the superior court for the county, or one of the assistant justices of such county, for the faithful performance of the duties of the said office, and shall take the following oath : “ I, *A. B.* appointed collector of taxes for the county of \_\_\_\_\_ do solemnly swear that I will faithfully discharge the duties required of me by law ; and that I will not directly or indirectly, exchange or suffer to be exchanged, any gold or silver coin, that I shall receive for or on account of taxes, for certificates or paper of any denomination whatever, or drafts on the treasury for audited certificates.” And in case of the death, or refusal, or neglect of such collector to enter such bond, or take such oath, then his honor the governor in council, is hereby authorized and required to appoint some other person willing to accept the same, who shall, in manner required by this act, enter into bond, and be vested with all the powers by this act given to the collectors herein after appointed : The collector shall attend in each district of the county, for the purpose of receiving the taxes, and shall give notice

Clerk of the  
court, his duty.

Collectors shall  
give bond and  
security.

And take this  
oath.

Their duty.

in each district by public advertisement, at least fifteen days before, of the time and place where he shall give such attendance: And if any collector shall presume to execute the said office without having given bond and security as aforesaid, such collector shall forfeit and pay the sum of one hundred pounds, to be recovered by any person who shall inform and sue for the same.

One hundred pounds penalty for acting without giving bond, &c.

6. *And be it also enacted by the authority aforesaid,* That all persons whatsoever, who are possessed of any lands granted to or surveyed for any person or persons, slave or slaves, carriages, either in their own right or in the right of any other person, or are liable to pay any other tax by virtue of this act, shall, on or before the first day of June next, render a particular account thereof in writing, upon oath or affirmation, setting forth in what county the said lands and slaves are, to the best of his or her knowledge, to the receiver in the district where such person resides at such time, and as the said receiver shall direct and appoint for the doing thereof, so that the same be done on or before the first day of June aforesaid; which oath or affirmation shall be in the words following: "I, *A. B.* do swear (or affirm, as the case may be) that the account which I now give in is a just and true account of the quantity and quality of the lands granted to or surveyed for me, which I now hold or lay claim to, and of the number of all slaves, riding carriages, stock in trade, or any other taxable property which I am possessed of, interested in or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge, information and belief; and that I will give a just and true answer to all lawful questions that may be asked me touching the same; and this I declare without any equivocation or mental reservation whatsoever. So help me God." Which oath or affirmation the receivers so appointed are hereby duly authorized, enjoined and required to administer.

Returns to be made on oath.

Oath.

7. *And whereas* there are divers tracts of land and slaves in this state, held, owned or claimed by persons not residents here, who pay no tax or other charges towards the support of the government of this state: *Be it therefore enacted by the authority aforesaid,* That all attorneys, trustees of or for any person or persons living without the limits of this state, shall make due and true returns to the receiver in the district where such attorney or trustee lives or resides as aforesaid, of all lands and slaves belonging to such absent persons for whom they are attorneys or trustees, and that such attorneys or trustees shall be subject and liable to pay the tax to become due by virtue of this act, or which is due by any former tax acts for such lands and slaves, out of his or their own proper estate; notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied, unless such attorney shall make oath before the receivers respectively, that he hath *bona fide* renounced his power and attorneyship before the payment of the said tax became due, without having done it only with an intention to avoid the payment of the said tax: *Provided always,* That if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax as is herein before directed, any thing herein before contained to the contrary thereof notwithstanding; and for levying whereof the same remedies shall be and are hereby given as for levying the tax to become due by virtue of this act on the proper estate of such attorney or trustee.

Attornies, agents, &c liable to the tax out of their own estates.

Or renounce their trust on oath before it is due.

Proviso.

8. *And be it also enacted by the authority aforesaid,* That in case any tracts of land shall be found by the receivers to belong to any person or persons, living or residing out of the limits of this state, and who have no attorney or attorneys, trustee or trustees,

Lands of absentees not given in, how treated.

legally constituted in this state, or which have not been returned to any of the receivers appointed for the counties, where the lands lie, then and in such case the receivers shall be and they are hereby authorized and required to charge the said lands for the payment of the tax herein imposed, according to the quantity and quality thereof; and for all taxes due by virtue of any former tax act, ratably and proportionally according to the quantity of acres, as if the same were in the actual possession of some person or persons living or residing in this state; and forthwith for three successive weeks to publish and give notice of such their charge and assessment in the gazette; and in case of no payment of the said taxes, the said lands shall thereafter be liable to a double tax; and to be proceeded against by attachment as herein after mentioned.

Lands of citizens in default to be treated in the same manner.

9. *And be it further enacted by the authority aforesaid,* That if it should be found there are any lands or other taxable property which belong to citizens of this state, and which have not been returned to the receivers agreeable to the time prescribed by law, the said receivers shall proceed to charge the said lands for the payment of the tax herein imposed in the same manner as is prescribed in the clause immediately preceding, and make return thereof to the collector for the county in which his district lies; and the said receiver, or person giving him information against such defaulter, shall be entitled to and receive one half of the amount of the tax so recovered.

Sheriffs made collectors.

10. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the sheriffs of the several counties in this state to collect the taxes imposed by this act.

A collector appointed for Glynn and Camden.

11. *And whereas* the counties of Glynn and Camden have no sheriff yet appointed for them or either of them: *Be it therefore enacted by the authority aforesaid,* That Michael Rudolph be, and he is hereby appointed collector for the said counties of Glynn and Camden,

Tax, when to be paid.

12. *And be it also enacted by the authority aforesaid,* That all persons whosoever, who are possessed of any lands or slaves in this state, in their own right, or in the right of others, or any wife liable to pay tax by virtue of this act, shall pay in their taxes to the several persons hereby appointed to receive the same on or before the first of November next ensuing; and the collector shall give a receipt if required to the person paying the same, and for that purpose the collectors shall give regular attendance in their respective counties; and if at the expiration of the said first day of November, any person or persons shall still be in default, the collector shall immediately proceed against such defaulter or defaulters, by distress and sale of the goods and chattels if to be found, otherwise on the land of such defaulter or defaulters, or so much thereof as will pay the whole amount of taxes due with costs; and the said collectors for the several counties respectively within this state, shall on or before the first day of January, one thousand seven hundred and eighty-seven, close their accounts and deliver the same on oath to the treasurer for the time being, and after deducting two and one half per cent. commissions, pay the said treasurer all such monies, as shall be by such collector received in pursuance of this act; and the said collectors for each county shall give an account in writing upon oath as aforesaid, of their own lands and slaves, and other taxable property, after the manner aforesaid, to the treasurer and pay the taxes thereon according to the rates appointed by this act.

Goods and chattels to be levied on, if to be found, otherwise land.

Collectors to deliver in their accounts on oath. Their commissions.

Penalty for concealment of taxable property.

13. *And be it also enacted by the authority aforesaid,* That if any person or persons in giving in or rendering his or her account of lands or slaves, or other taxable property, shall wilfully conceal any part thereof, all such persons shall forfeit twice the value of the tax for what they so concealed.

Double tax on defaulters.

14. *And be it also enacted by the authority aforesaid,* That any person neglecting or refusing to give in his or her account of the lands and slaves or other taxable proper-

ty, to the receivers aforesaid respectively at such time and place as they shall appoint agreeably to this act, he or she shall be deemed a defaulter, and shall be doubly taxed for all his or her lands or slaves, or other taxable property.

15. *And be it also enacted by the authority aforesaid,* That the taxes imposed by this act, shall be preferred to all securities and encumbrances whatsoever; and that in case any person shall die between the time of giving in his or her account to the said receivers, and the paying his or her tax, and any goods or chattels of the deceased, to the value of the sum so taxed, shall come into the hands of his or her executors or administrators, or any executors in their own wrong, such executor or administrator, shall pay the same by the time before limited, prior to all judgments, mortgages or debts whatsoever, or otherwise a warrant of execution shall issue against the proper goods of such executor or administrator; and if any person between the time of rendering the account of his or her estate to the receiver aforesaid, and the time of paying in his or her tax shall be about to depart this state, the said collector is hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such person will find sureties to the liking of the collector for the payment thereof at the time of payment.

Tax preferred  
to all securities.

Administra-  
tors, &c.

Persons about  
to depart the  
state.

16. *And be it further enacted by the authority aforesaid,* That all deeds of gift, conveyances, mortgages, sales, and assignments of land and tenements, goods and chattels of any person whatever, made with an intent to avoid paying tax, are hereby deemed and declared to be fraudulent, null and void, to all intents and purposes whatsoever; and in case any person who has mortgaged any part of his estate real or personal shall refuse or neglect to pay the tax for the same, the mortgagee shall be answerable and liable to pay the same, provided that such estate shall be in possession of said mortgagee.

Deeds, &c.  
made to evade  
this tax, deem-  
ed fraudulent &  
void.

17. *And be it further enacted by the authority aforesaid,* That the treasurer for the time being, be and he is hereby empowered and required to grant executions against all former collectors of taxes, provided the same are not paid into the treasury before the first day of June, except the collectors of the counties of Washington and Franklin, who are required to make and return the first of September, and against all collectors of the present tax hereby imposed, if the same shall not be paid on or before the time is elapsed for paying the same: And if any collector, or treasurer, or other persons, shall be sued for any matter or thing done in the execution of this act, it shall and may be lawful for such person or persons to plead the general issue and give this act and the special matter in evidence, and in case judgment shall be given for the defendant or defendants, or the plaintiff shall suffer a non-suit or discontinue his action; the said defendant or defendants shall recover costs of suit.

Executions a-  
gainst collec-  
tors.

General issue  
may be plead.

18. *And be it further enacted by the authority aforesaid,* That one half part of the amount of the taxes imposed by this act, shall be paid in gold or silver coin or orders on the treasury, and nothing else, and the remaining moiety may be discharged in certificates.

Tax to be paid  
in gold, sil-  
ver, &c.

19. *And be it further enacted,* That the act for the regular establishment and support of the public duties of religion, so far as it respects the appropriation of fourpence in the hundred pounds for the support of ministers, and which regulates the manner in which they shall exercise their functions, is hereby declared to be repealed.

A certain act  
repealed.

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 13, 1786.

*An act for imposing a tax on the inhabitants of the state of Georgia, and other persons holding property, real or personal therein, for the use and support of the government thereof, from the first day of January to the thirty-first day of December; one thousand seven hundred and eighty-seven.*

Preamble.

1. **W**HEREAS it is expedient that a sum should be raised for the purpose of discharging the debts of this state, and for defraying the expences of government. *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 a tax of twelve shillings and sixpence for every one hundred pounds value of all lands within this state, granted to, or surveyed for any person, as such lands shall be estimated shall be levied on the same according to the following mode, viz.

Lands granted or surveyed, taxed.

Classed and rated according to quality.

All tide swamp, (including islands) cultivated and uncultivated, of the first quality, shall be rated at four pounds seventeen shillings per acre.

Of the second quality, three pounds.

Of the third quality, one pound seventeen shillings.

All pine barren lands adjoining such swamp, or contiguous thereto, and within three miles of water carriage, at fifteen shillings.

All prime inland swamp, cultivated and uncultivated, at an average of three pounds seven shillings.

Of the second quality, at one pound seventeen shillings.

Of the third quality, at fifteen shillings.

Pine barren lands adjoining or contiguous thereto, seven shillings.

Salt marsh, at four shillings.

High river swamp or low grounds (including islands) cultivated or uncultivated, including such as are commonly called second low grounds, lying above Abercorn, and as high as the mouth of M<sup>c</sup>Bean's Creek, on Savannah River, of the first quality at two pounds twelve shillings.

Of the second quality, one pound ten shillings.

Of the third quality, fifteen shillings.

High river swamp or low grounds (including islands) cultivated or uncultivated, including such as are commonly called second low grounds, lying above M<sup>c</sup>Bean's Creek, and as high as the mouth of Rae's Creek, of the first quality, three pounds fifteen shillings.

Of the second quality, two pounds twelve shillings.

Of the third quality, one pound two shillings.

High river swamp (including islands) cultivated and uncultivated, from the mouth of Rae's Creek to the mouth of Broad River, lying on the river Savannah, of the first quality, two pounds one shilling.

Of the second quality, one pound two shillings.

Of the third quality, seven shillings.

All oak and hickory land (including islands) cultivated and uncultivated, from the mouth of Rae's Creek, to the mouth of Broad River, within one mile of Savannah River, of the first quality, fifteen shillings.

Of the second quality, seven shillings.

Of the third quality, four shillings.

All oak and hickory land (including islands) cultivated or uncultivated, from the mouth of Broad River up the Savannah River, within one mile of the same, and



- along the northernmost stream thereof (commonly called Keowee) to the marked line on the said stream, of the first quality, at eleven shillings.
- Of the second quality, at six shillings.
- Of the third quality, at three shillings.
- All oak and hickory land (including islands) cultivated or uncultivated, from the mouth of Tugalo River to the said marked line, of the first quality, at eleven shillings.
- Of the second quality, at six shillings.
- Of the third quality, at three shillings.
- All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River to the marked line or head thereof, of the first quality at eleven shillings.
- Of the second quality, at six shillings.
- Of the third quality, at three shillings.
- All high river swamp or low grounds (including islands) cultivated or uncultivated, including such are as commonly called second low grounds, lying above fort Argyle, to the mouth of Buckhead Creek on the river Ogechee, of the first quality, at nineteen shillings.
- Of the second quality, at eleven shillings.
- Of the third quality, at four shillings.
- All oak and hickory land (including islands) cultivated or uncultivated, from the mouth of Buckhead Creek to the head of Ogechee River, of the first quality, at fifteen shillings.
- Of the second quality, at seven shillings.
- Of the third quality, at four shillings.
- All high river swamp or low grounds (including islands) cultivated or uncultivated, including such as are commonly called second low grounds, from Cathead on the river Alamaha, to the mouth of Oconee River, of the first quality, at one pound two shillings.
- Of the second quality, at eleven shillings.
- Of the third quality, at four shillings.
- All high river swamp or low grounds (including islands) cultivated or uncultivated, including such as are commonly called second low grounds, from the mouth of Oconee River along the northern and southern streams, and on the north side of the Indian boundary line, of the first quality, at thirty shillings.
- Of the second quality, at fifteen shillings.
- Of the third quality, at four shillings.
- All oak and hickory land (including islands) above the flowing of the tide on all the rivers from Cathead, on the river Alamaha, to the river St. Mary's, inclusive, to the marked line, of the first quality, at seven shillings.
- Of the second quality, at four shillings.
- Of the third quality, at two shillings.
- All other oak and hickory land throughout the state, of the first quality, at eleven shillings.
- Of the second quality, at six shillings.
- Of the third quality, at three shillings.
- All other pine land throughout the state, at two shillings.
- All lands on the sea-islands, or lying on or contiguous to the sea-shore, usually cultivated, or capable of cultivation in corn or indigo, of the first quality, at two pounds five shillings.

Of the second quality, at one pound two shillings.

Of the third quality, at eleven shillings.

2. *And be it enacted by the authority aforesaid*, That the sum of five shillings shall be levied on all free male white persons from the age of twenty-one years and upwards in this state, and the sum of five shillings on all negroes and other slaves whatsoever, within the limits of the same, and the sum of twelve shillings and sixpence for every one hundred pounds value of every lot, wharf or other lands, and on all buildings within the limits of any town, village or borough within this state, and the sum of two pounds upon every four-wheeled, and the sum of one pound upon every two-wheeled carriage, except waggons, carts and drays, and the sum of five shillings upon all male free negroes, mulattoes and mustizoes, from twenty-one to sixty years of age, over and above any taxable property they may be possessed of, and the sum of twelve shillings and sixpence for every one hundred pounds value of every person's stock in trade, of persons in trade, shopkeepers and others, to be given in upon oath, and the sum of four pounds on every practitioner of physic or law, and the sum of four pounds on all factors, brokers and vendue masters throughout this state: *Provided nevertheless*, That in cases of extreme indigence or infirmity the superior court of each county shall be, and they are hereby empowered to remit the poll tax upon such indigent or infirm person claiming such indulgence.

3. *And be it further enacted by the authority aforesaid*, That in case difficulty shall arise in the mind of any person with respect to the classing of his lands or valuing his buildings, then and in that case, it shall and may be lawful for such person to call in three freeholders, who shall value and class the same, and their certificate shall be received by the receiver as the value and respective classes of the same: *Provided*, it shall appear to the receiver that such freeholders have been qualified by a justice for that purpose.

4. *And be it further enacted by the authority aforesaid*, That all persons of the age of twenty-one years, holding lands within this state, who shall not reside in the limits of the same, or cultivate and improve his said lands in manner as is herein after mentioned, shall be doubly taxed, that is to say, that the sum of twenty-five shillings for every one hundred pounds value of all lands within this state, shall be levied on all such property by the collectors herein after particularly named: *Provided nevertheless*, That no member of congress or any other person sent from without the limits of the state by public authority, shall be subject to the foregoing double tax: *And provided*, That if any person or persons who shall be citizens or residents in any one of the United States, shall cultivate and improve the lands which he or they hold in this state, at the rate of three acres for every one hundred acres thereof, the same shall be deemed a sufficient cultivation and improvement to excuse him or them from the double tax within the meaning of this act. A double tax shall be also laid for all uncultivated lands held by any one individual, whether resident or non-resident, over and above two thousand acres; but a cultivation and improvement aforesaid, at the rate of three acres for every hundred acres of land such individual possesses, shall be sufficient to excuse such individual from the double tax aforesaid: *Provided*, such cultivation be particularly specified and made a part of the return on oath.

5. *And whereas*, doubts may arise in determining what shall be deemed a lawful cultivation of such tract or tracts of land, as to exempt the proprietor or proprietors from a double tax: *Be it therefore enacted by the authority aforesaid*, That all cleared land under a good fence or enclosure for pasturage, or planted annually in any manner whatever, either by ploughing or hoing, shall be deemed a cultivation, and no other.

Tax on all free male white persons.

On negroes.

On lots, &c.

On carriages.

On free negroes.

On stock in trade.

On professions.

Proviso.

Lands in what manner to be classed.

Double tax on non-residents, male.

Proviso.

Proviso.

Cultivation.

Proviso.

What shall be deemed cultivation.

6. *And be it enacted by the authority aforesaid,* That the mode of collecting the taxes shall be as follows: each militia company shall form one district. The superior court at the stated spring term shall appoint a magistrate or some other discreet person in each district, to receive the returns of taxable property in each district: And the clerks of the respective courts shall, within twelve days after such appointment, give notice thereof to the persons appointed receivers, under the penalty of one hundred pounds in case such notice is not given: And the receiver so appointed, and after being notified as above, shall be, and they are hereby required, under the penalty of one hundred pounds, within twelve days from the time of his being so notified, to signify to one of the assistant justices of the county his refusal of the said office, or shall appear before him and take the following oath: "I, A. B. do solemnly promise and swear, that I will truly and faithfully perform the duty of receiver of returns of taxable property in the district to which I am appointed." In case the person so appointed shall signify his refusal, or the clerk shall neglect to give notice as above, the said assistant justice shall send out his summon to form a court within ten days, who shall take such measures as they may find necessary to procure, and before them at said meeting duly qualify as above, some discreet person to do said duty: *Provided*, the same shall not exceed the expence of three pounds, which the said court shall assess on the said district, to be noted in the return of the said receiver, and collected in the general tax: And it shall be the duty of the receivers so appointed to give notice by advertisement to the inhabitants of the district of the time when they are to bring in their returns, at least ten days before the time appointed; he shall make out a return, including the whole so received by him, and also all the taxable property of non-residents and such defaulters as neglect or refuse to make their returns within his district, and transmit the same to the clerk of the county on or before the first day of July, and shall at the same time give in an account on oath of his taxable property, and publish, within one month thereafter, in the gazette, the names of all such as have refused or neglected to give in their returns agreeably to law, under the penalty of fifty pounds for his neglect; and the said receivers shall be entitled to receive one shilling for each return in his district, to be allowed by the court, and credited on the tax of such receiver or his order in full compensation for his trouble. The clerk of the court shall digest the whole into one general return, agreeably to the form annexed to this act, containing a state of the taxable property of the whole county, one copy of which he shall transmit to the treasurer of the state, and another to the collector of the said county appointed by this act, and one shall be kept in his office for the free inspection of the inhabitants; and he shall be paid for his trouble the sum of one penny for every person returning his tax, to be paid by the collector as aforesaid. The returns of the receivers in the several districts shall be laid before the next superior court of the counties to which they are returned for their inspection, and the grand jury for the county shall particularly express their sentiments thereon. The collector, before he enters upon the duties of his office, shall give bond, with good and sufficient security, in a sum not exceeding, for the county of Chatham, eight thousand pounds; for the county of Effingham, two thousand pounds; for the county of Burke, four thousand pounds; for the county of Richmond, five thousand pounds; for the county of Wilkes, eight thousand pounds; for the county of Liberty, five thousand pounds; for the county of Glynn, one thousand pounds; for the county of Camden, two thousand pounds; for the county of Washington, two thousand pounds; for the county of Franklin, one thousand pounds; for the county of Greene, one thousand pounds; to his honor the governor for the time being and his successors in office, to be taken by the

Receivers of  
tax returns ap-  
pointed by the  
superior courts

Clerks, to give  
duty.

Penalty for ne-  
glect.

Receiver's oath

Proviso.

Collectors to  
give bond and  
security.

superior court for the county, or one of the assistant justices of such county, for the faithful performance of the duties of the said office, and shall take the following oath: "I, A. B. appointed collector of taxes of the county of \_\_\_\_\_, do solemnly swear, that I will faithfully discharge the duties required of me by law." And in case of the death, or refusal, or neglect of such collector to enter into such bond, or take such oath, then his honor the governor in council is hereby authorized and required to appoint some other person willing to accept the same, who shall, in manner required by this act, enter into bond, and be vested with all the powers given to the collectors herein after appointed. The collector shall attend in each district of the county for the purpose of receiving the taxes, and shall give notice in each district by public advertisement at least fifteen days before, of the time and place where he shall give such attendance; and if any collector shall presume to execute the said office without having given bond and security as aforesaid, such collector shall forfeit and pay the sum of one hundred pounds for every such offence, to be recovered by any person who shall inform and sue for the same.

And take this oath.  
Vacancies.

Their bonds to be sent to the treasurer.

7. *And be it further enacted*, That all bonds and securities given by the collectors appointed by or in pursuance of this act, shall be transmitted by the person taking the same to the treasurer, on or before the first day of January next, under the penalty of five hundred pounds for every neglect or refusal.

Returns of taxable property to be made on call.

8. *And be it also enacted by the authority aforesaid*, That all persons whatsoever, who are possessed of any lands granted to, or surveyed for any person or persons, slaves, or carriages, either in their own right or in the right of any other person, or are liable to pay any other tax by virtue of this act, shall on or before the first day of June next, render a particular account thereof in writing upon oath or affirmation, setting forth in what county the said lands and slaves are to the best of his, her or their knowledge, to the receiver in the district where such persons resides, at such time and place as the said receiver shall direct and appoint for the doing thereof, so that the same be done on or before the first day of June aforesaid: which oath or affirmation shall be in the words following: "I, A. B. do solemnly swear (or affirm as the case may be) that the account which I now give in is a just and true account of the quantity and quality of the lands granted to, or surveyed for me of which I was possessed, held or laid claim to, on the first day of April, one thousand seven hundred and eighty-seven, and of the number of all slaves, riding carriages, stock in trade, or of any other taxable property of which I was then possessed, interested in or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as guardian, executor, attorney, agent or trustee, or in any other manner whatsoever, according to the best of my knowledge, information and belief; and that I will give a just and true answer to all lawful questions that may be asked me touching the same; and this I declare without any equivocation or mental reservation whatsoever. So help me God." Which oath or affirmation the said receivers so appointed are hereby duly authorized, enjoined and required to administer.

The oath.

Penalty for concealment or false return.

9. And to the intent, that the lands in this state, may be truly and faithfully returned and in the name of the real owner or proprietor of the same, *Be it enacted*, That if any person shall be guilty of neglecting or refusing to give in a return of his taxable property, or shall return the same or any part thereof in the name of another or fictitious person, and be thereof convicted before any court proper to try the same, he shall be liable to pay to the clerk of the county, a fine of ten pounds for every hundred pounds valuation so neglected or concealed, one moiety thereof for the use of the county under the direction of the said court, and the other moiety to the informer or

informers; and shall also lose his free law for such time, as he had so concealed his property, year for year, and shall for such time be deprived of the privilege of voting at elections or bearing any part in that government which he had thus refused to support.

10. *And whereas* there are divers tracts of land and slaves in this state, held, owned or claimed by persons not residents here, who pay no tax or other charges towards the support of the government of this state: *Be it therefore enacted by the authority aforesaid*, That all attorneys and trustees of or for any person or persons living without the limits of this state, shall make due and true returns to the receiver in the district where such attorney or trustee lives or resides as aforesaid, of all lands and slaves belonging to such absent persons for whom they were attorneys or trustees, and that such attorneys or trustees shall be subject and liable to pay the tax to become due by virtue of this act, or which is due by any former tax acts for such lands and slaves, out of his or their own proper estates; notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied, unless such attorney shall make oath before the receivers respectively, that he hath *bona fide* renounced his power and attorneyship before the payment of the said tax became due, without having done it only with an intent to avoid the payment of the said tax: *Provided always*, That if such attorney shall, within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax as is herein before directed, any thing herein before contained to the contrary thereof notwithstanding; and for levying whereof the same remedies shall be and are hereby given as for levying the tax to become due by virtue of this act on the proper estate of such attorney or trustee.

Attornies, trustees, &c. to make returns, and pay the tax out of their own estates.

Or renounce their trust on oath.

Proviso.

11. *And be it also enacted by the authority aforesaid*, That in case any tracts of land shall be found by the receivers to belong to any person or persons living or residing out of the limits of this state, and who have no attorney or attorneys, trustee or trustees, legally constituted in this state or which have not been returned to any of the receivers appointed for the counties where the lands lie, then and in such case, the receivers shall be and they are hereby authorized and required to charge the said lands for the payment of the tax herein imposed according to the quantity and quality thereof, and for all taxes due by virtue of any former tax act, rateably and proportionably, according to the quantity of acres, as if the same were in the actual possession of some person or persons living or residing in this state; and forthwith for three successive weeks, to publish and give notice of such their charge and assessment in the gazette, and in case of non-payment of the said taxes, the said lands shall thereafter be liable to a double tax, and to be proceeded against by attachment as herein after mentioned.

Lands, &c. of absentees, not given in, how to be charged.

Double tax.

12. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the sheriffs of the several counties in this state, to collect the taxes imposed by this act, and that the secretary be instructed to furnish the sheriffs with the necessary acts to enable the different receivers to proceed on their appointments, and the sheriffs for the time being shall complete their collections notwithstanding they may not be chosen at the ensuing election.

Tax. how to be collected.

13. *And be it also enacted by the authority aforesaid*, That all persons whosoever, who are possessed of any lands or slaves in this state, in their own right or in the right of others, or any wise liable to pay tax by virtue of this act, shall pay in their taxes to the several persons appointed to receive the same; on or before the fifteenth day of November next, ensuing, and the collector shall give a receipt if required, to

When to be paid.

Goods and chattels to be seized, if to be found, otherwise land.

the person paying the same, and for that purpose the collectors shall give regular attendance in each district in their respective counties; and if at the expiration of the said fifteenth day of November any person or persons shall still be in default, the collector shall immediately proceed against such defaulter or defaulters, by distress and sale of the goods and chattels, if to be found, otherwise on the lands of such defaulter or defaulters, or so much thereof as will pay the whole amount of taxes due with costs, first giving five days' notice thereof by public advertisement; and the said collectors for the several counties respectively within this state, shall on or before the fifteenth day of January, one thousand seven hundred and eighty-eight, close their accounts and deliver the same on oath to the treasurer for the time being, and after deducting two and an half per centum commissions, pay to the said treasurer all such monies as shall be by such collectors received in pursuance of this act.

Penalty for refusing or making false returns.

14. *And be it also enacted by the authority aforesaid,* That any person so neglecting or refusing to give in his or her account of the lands, or slaves, or other taxable property, or any part thereof, to the receivers aforesaid respectively, at such time and place as they shall appoint agreeably to this act, he or she shall be deemed a defaulter, and shall be taxed in double the sum which would have been due had the same been returned agreeably to this act; the receivers shall use their utmost diligence to discover and return any taxable property so concealed, for which such receivers or other person who shall thus detect such defaulter shall be entitled to receive of the collector one half of the double tax so recovered of such defaulter.

Taxes, preferred to all encumbrances.

15. *And be it also enacted by the authority aforesaid,* That the taxes imposed by this act shall be preferred to all securities and encumbrances whatever, and that in case any person shall die between the time of giving in his or her account to the said receivers, and the paying of his or her tax, and any goods or chattels of the deceased to the value of the sum so taxed shall come into the hands of his or her executor or administrator, or any executor in his own wrong, such executor or administrator shall pay the same by the time limited, prior to all judgments, mortgages or debts whatsoever, or otherwise a warrant of execution shall issue against the proper goods of such executor or administrator; and if any person between the time of rendering the account of his or her estate to the receiver aforesaid, and the time of paying in his, her or their tax, shall be about to depart the county in which he lives, the said collector is hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come; unless such person will find security to the liking of the collector for the payment thereof at the time of payment.

Administrator, &c.

Persons about to leave the state.

Deeds, &c made to evade this tax, fraudulent and void.

16. *And be it also enacted by the authority aforesaid,* That all deeds of gift, conveyances, mortgages, sales, and assignments of lands and tenements, goods and chattels, of any person whatever, made with an intent to avoid paying the tax, are hereby deemed and declared null and void; and in case any person who has *bona fide* mortgaged any part of his estate real or personal, shall refuse or neglect to pay the tax for the same, the mortgagee shall be answerable and liable to pay the same. *Provided,* That such estate shall be in possession of said mortgagee.

Proviso.

Executions against collectors.

17. *And be it further enacted by the authority aforesaid,* That the treasurer for the time being, be and he is hereby empowered and required to grant executions against all former collectors of taxes who may be defaulters, immediately after the passing of this act. *Provided* no executions shall issue against the collectors for the year one thousand seven hundred and eighty six, until the first day of May; nor against the collectors for the tax imposed by this act, until the fifteenth day of January next.

Proviso.

18. *Whereas*, by a law passed the thirtieth of February, one thousand seven hundred and eighty-six, it is made the duty of the receivers to return of the persons of every age, sex and condition within his district, which from unavoidable delays has not yet been carried into full effect: *Be it enacted by the authority aforesaid*, That further time be given until the first day of June next to complete such return; and any person who shall neglect or refuse to comply in the manner pointed out in said act, by the said first day of June next, shall be liable to the fine therein imposed, to be sued for and recovered agreeably to said act.

Further time given to complete the general return.

19. *And be it further enacted*, That all taxes imposed by this act, shall be paid and received in gold and silver coin, or in bills of credit emitted by virtue of an act, entitled "An act for emitting the sum of fifty thousand pounds."

Tax to be paid in gold, silver, &c.

By order of the House.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 10, 1787.

• • • • •

*An act for laying a tax for the year one thousand seven hundred and eighty-eight.*

1. **BE IT ENACTED** by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same, That a tax of twelve shillings and sixpence for every hundred pounds value of all lands within this state granted to, or surveyed for any person, as such lands shall be estimated, shall be levied on the same according to the following mode, viz.

Tax on lands granted or surveyed.

All tide swamp (including islands) cultivated or uncultivated, of the first quality, shall be rated at four pounds seventeen shillings per acre.

Lands classed & rated according to quality.

Of the second quality, three pounds.

Of the third quality, one pound seventeen shillings.

All pine barren lands adjoining such swamp, or contiguous thereto, and within three miles of water carriage, fifteen shillings.

All prime inland swamp, cultivated or uncultivated, at an average of three pounds seven shillings.

Of the second quality, one pound seventeen shillings.

Of the third quality, at fifteen shillings.

All pine barren lands adjoining or contiguous thereto, seven shillings.

Salt marsh, at four shillings.

High river swamp or low grounds (including islands) cultivated or uncultivated (including such as are commonly called second low grounds) lying above Abercorne, and as high as the mouth of M'Bean's Creek on Savannah River, two pounds twelve shillings.

Of the second quality, one pound ten shillings.

Of the third quality, fifteen shillings.

High river swamp or low grounds (including islands) cultivated or uncultivated (including such as are commonly called second low grounds) lying above M'Bean's Creek, and as high as the mouth of Rae's Creek, of the first quality, three pounds fifteen shillings.

- Of the second quality, two pounds twelve shillings.  
 Of the third quality, one pound two shillings.  
 High river swamp (including islands) cultivated or uncultivated, from the mouth of Rae's Creek to the mouth of Broad River, lying on the river Savannah, of the first quality, two pounds one shilling.  
 Of the second quality, one pound two shillings.  
 Of the third quality, seven shillings.  
 All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Rae's Creek to the mouth of Broad River, within one mile of Savannah River, of the first quality, fifteen shillings.  
 Of the second quality, seven shillings.  
 Of the third quality, four shillings.  
 All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River, up Savannah River within one mile of the same, and up the Tugalo River to the marked line on said stream, of the first quality, at eleven shillings.  
 Of the second quality, at five shillings.  
 Of the third quality, at three shillings.  
 All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River, to the marked line or head thereof, of the first quality, eleven shillings.  
 Of the second quality, at six shillings.  
 Of the third quality, at three shillings.  
 All high river swamp or low grounds, (including islands) cultivated or uncultivated, including such as are commonly called second low ground, lying above Fort Argyle to the mouth of Buck-head Creek on the river Ogechee, of the first quality, nineteen shillings.  
 Of the second quality, at eleven shillings.  
 Of the third quality, at four shillings.  
 All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Buck-head Creek to the head of Ogechee, of the first quality, at fifteen shillings.  
 Of the second quality, at seven shillings.  
 Of the third quality, at four shillings.  
 All high river swamp or low grounds (including islands) cultivated or uncultivated, from the mouth of Buck-head Creek to the head of Ogechee, of the first quality, at fifteen shillings.  
 Of the second quality, at seven shillings.  
 Of the third quality, at four shillings.  
 All high river swamp or low grounds (including islands) cultivated or uncultivated, such as are commonly called second low grounds, from Cathead, in the river Altamaha, to the mouth of Oconee River, of the first quality, at one pound two shillings.  
 Of the second quality, at eleven shillings.  
 Of the third quality, at four shillings.  
 All high river swamp or low grounds (including islands) cultivated or uncultivated, including such as are commonly called second low grounds, from the mouth of Oconee River, along the northern streams, and on the north side of the Indian



- boundary line to the confluence of the Oconee and Appalachee, or south fork, of the first quality, at thirty shillings.
- Of the second quality, at fifteen shillings.
- Of the third quality, at four shillings.
- All river swamp (including islands) cultivated or uncultivated, from the confluence of the Oconee and Appalachee River, upwards, on the north side of the Indian boundary line, of the first quality, at twenty shillings.
- Of the second quality, twelve shillings and sixpence.
- Of the third quality, seven shillings.
- All oak and hickory lands (including islands) above the flowing of the tide on all the rivers from Cathead, on the river Alatamaha, to the river St. Mary's, inclusive, to the marked line, of the first quality, at seven shillings.
- Of the second quality, at four shillings.
- Of the third quality, at two shillings.
- All other oak and hickory lands throughout this state, of the first quality, at eleven shillings.
- Of the second quality, at six shillings.
- Of the third quality, at three shillings.
- All other pine lands throughout the state, at two shillings.
- All lands on the sea islands, or lying on or contiguous to the seashore, usually cultivated or capable of cultivation in corn or indigo, of the first quality, at two pounds five shillings.
- Of the second quality, at one pound two shillings.
- Of the third quality, at eleven shillings.
2. *And be it enacted by the authority aforesaid,* That the sum of five shillings shall be levied on all free white male persons from the age of twenty-one years and upwards in this state, and the sum of five shillings on all negroes, and other slaves whatsoever, within the limits of the same; and the sum of twelve shillings and sixpence for every one hundred pounds value of every lot, wharf or other lands, and on all buildings within the limits of any town, village or borough within this state; and the sum of eighty shillings on every four-wheeled, and the sum of forty shillings on every two-wheeled carriage, (except waggons, carts, and drays;) and the sum of five shillings upon all male free negroes, mulattoes and mustizoes, from twenty-one to sixty years of age, over and above any taxable property they may be possessed of; and the sum of twelve shillings and sixpence for every one hundred pounds value of every person's stock in trade, of persons in trade, shopkeepers and others, to be given in upon oath; and the sum of five pounds upon every practitioner of law and physic; and the sum of five pounds on all factors, brokers and vendue masters throughout this state: *Provided nevertheless,* That in cases of extreme indigence or infirmity, the superior court of each county shall be and they are hereby empowered to remit the poll tax upon such indigent or infirm person claiming such indulgence.
3. *And be it enacted by the authority aforesaid,* That in case difficulty shall arise in the mind of any person with respect to the classing of his land, or valuing his buildings, then and in that case, it shall and may be lawful for such person to call in three freeholders, who shall value and class the same, and their certificate shall be received by the receiver, as the value and respective classes of the same: *Provided,* it shall appear to the receiver that such freeholders have been qualified by a justice for that purpose.

Tax on free  
male white persons.

Lots.

Carriages.

Free negroes,  
&c.

Stock in trade.

Lawyers, &c.

Proviso.

Lands, in what  
manner to be  
classed.

Proviso.

Receivers to be appointed.

4. *And be it enacted by the authority aforesaid,* That the mode of collecting the taxes shall be as follows: each militia company shall form one district, the superior court at the stated spring term, shall appoint a magistrate, or some other discreet person in each district, to receive the returns of taxable property in such district, and the clerks of the respective courts shall, within twelve days after such appointments, give notice thereof to the persons appointed receivers, under the penalty of one hundred pounds, in case such notice is not given, and the receivers so appointed, and after being notified as above, shall be and they are hereby required, under the penalty of one hundred pounds, within twelve days from the time of his being notified, to signify to one of the assistant justices of the county of his refusal of the said office, or shall appear before him and take the following oath: "I, *A. B.* do solemnly promise and swear, that I will truly and faithfully perform the duty of receiver of returns of taxable property in the district to which I am appointed." In case the person so appointed shall signify his refusal, or the clerk neglect to give notice as above, the said assistant justice shall send out his summons to form a court within ten days, who shall take such measures as they may find necessary to procure, and before them at said meeting duly qualify as above, some discreet person to do said duty: *Provided,* the same shall not exceed the expence of three pounds, which the said court shall assess on the said district, to be noted in the return of the said receivers, and collected in the general tax. And it shall be the duty of the receiver appointed to give notice by advertisement to the inhabitants of the district, when they are to bring in their returns, at least ten days before the time appointed; he shall make out a return, including the whole so received by him, and also the taxable property of non-residents, and such defaulters as neglect or refuse to make their returns within his district, and transmit the same to the register of probates of each county, on or before the first day of July, and shall at the same time give an account on oath of the taxable property, and publish within one month thereafter in the gazette, the names of all such as have refused or neglected to give in their returns agreeable to law, under the penalty of fifty pounds for his neglect; and the said receiver shall be entitled to receive one shilling for each return in his district, to be allowed by the court, and credited on the tax of such receiver or his order, in full compensation for his trouble. The register of probates shall digest the whole into one general return, agreeable to the form annexed to this act, containing a state of the taxable property of the whole county and the amount thereof; one copy of which he shall transmit to the treasurer of the state, and another to the collector of the said county appointed by this act, and one shall be kept in his office, for the free inspection of the inhabitants; and he shall be paid for his trouble the sum of threepence for every person returning his tax, to be paid by the collector as aforesaid. The returns of the receivers in the several districts shall be laid before the next superior court of the county to which they are returned for their inspection, and the grand jury for the county shall particularly express their sentiments thereon; the collector, before he enters upon the duties of his office, shall give bond with good and sufficient security in a sum not exceeding, for the county of Chatham, eight thousand pounds; for the county of Effingham, two thousand pounds; for the county of Burke, four thousand pounds; for the county of Richmond, five thousand pounds; for the county of Wilkes, eight thousand pounds; for the county of Liberty, five thousand pounds; for the county of Glynn, one thousand pounds; for the county of Camden, two thousand pounds; for the county of Washington, two thousand pounds; for the county of Franklin, one thousand pounds; and for the county of Greene, one thousand pounds; to his honor the governor for the time

Their oath.

Provide.

Digest of the general return.

Collectors shall give bond and security and be sworn.

## TAX.

being, and his successors in office, to be taken by the superior court for the county, or one of the assistant justices of such county, for the faithful performance of the duties of the said office, and shall take the following oath: "I, *A. B.* appointed collector of taxes for the county of \_\_\_\_\_, do solemnly swear, that I will faithfully discharge the duties required of me by law." And in case of the death, refusal, or neglect of such collector to enter into such bond and take such oath, then his honor the governor in council is hereby authorized and required to appoint some other person willing to accept the same, who shall, in manner required by this act, enter into bond, and be vested with all the powers of this act given to the collectors herein after appointed. The collector shall attend in each district of the county, for the purpose of receiving the taxes, and shall give notice in such district by public advertisement, at least fifteen days before, of the time and place where he shall give such attendance: And if any collector shall presume to execute the said office without having given bond and security as aforesaid, such collector shall forfeit and pay the sum of one hundred pounds for each person's tax he shall receive, to be recovered by any person who shall inform and sue for the same.

5. *And be it enacted by the authority aforesaid,* That all bonds and securities given by the collectors appointed by or in pursuance of this act shall be transmitted by the person taking the same to the treasurer, on or before the first day of January next, under the penalty of five hundred pounds, for every neglect or refusal.

6. *And be it enacted by the authority aforesaid,* That all persons whatsoever, who are possessed of any lands granted to or surveyed for any person or persons, slaves or carriage, either in their own right, or in the right of any other person, or are liable to pay any other tax by virtue of this act, shall on or before the first day of June next, render a particular account thereof in writing upon oath or affirmation, setting forth in what county the said lands and slaves are, to the best of his, her or their knowledge, to the receiver in the district where such person resides, at such time and place as the said receiver shall direct and appoint for the doing thereof, so that the same be done on or before the first day of June aforesaid, which oath or affirmation shall be in the words following: "I, *A. B.* do solemnly swear (or affirm as the case may be) that the account which I now give in, is a just and true account of the quantity and quality of the lands granted to or surveyed for me, of which I was possessed, held or claimed on the first day of April, one thousand seven hundred and eighty-eight, and of the number of all slaves, riding carriages, stock in trade, or any other taxable property, of which I was then possessed interested in, or entitled unto, either in my own right, or in the right of any other person or persons whatsoever; as guardian, executor, attorney, agent or trustee, or in any other manner whatever, according to the best of my knowledge, information and belief, and that I will give a just and true answer to all lawful questions that may be asked me, touching the same, and this I declare without any equivocation or mental reservation whatsoever. So help me God." Which oath or affirmation the said receivers so appointed are hereby duly authorized, enjoined and required to administer.

7. *And be it enacted,* That if any person shall be guilty of neglecting or refusing to give in a return of his taxable property, or shall be convicted of fraud or making a false return, he shall be liable to pay to the clerk of the county a fine of ten pounds for every hundred pounds valuation so neglected or concealed, one moiety thereof for the use of the county under the directions of said court, and the other moiety to the informer or informers, and shall lose his free law for such time as he had concealed his property, year for year, and shall for such time be deprived of the privilege of voting at

Their bonds to be sent to the treasurer.

Returns to be made on oath.

Form thereof.

Persons refusing or making false returns, how to be punished.

elections or bearing any part in that government which he had thus refused to support.

8. *And whereas* there are divers tracts of land and slaves in this state, held, owned or claimed by persons not resident here, who pay no tax or other charge towards the government of this state. *Be it therefore enacted*, That all attorneys and trustees, of or for any person or persons living without the limits of this state, shall make due and true returns to the receiver in the district where such attorney or trustee lives or resides as aforesaid, of all lands and slaves belonging to such absent person, for whom they are attorneys or trustees, and that such attorneys or trustees shall be subject and liable to pay the tax to become due by virtue of this act, or which is due by any former tax acts, for such lands and slaves, out of his or their own proper estates, notwithstanding such attorney or trustee may renounce or disclaim acting as such before the said tax is levied, unless such attorney or trustee, shall make oath before the receivers respectively, that he hath *bona fide* renounced his power and attorneyship before the payment of the said tax became due, without having done it only with an intention to avoid the payment of the said tax; *Provided always*, That if such attorney shall within one year next after such oath made, again become attorney or trustee for such absent person, or act as such, every such attorney shall be liable to pay the said tax as is herein before directed, any thing herein before contained to the contrary notwithstanding, and for levying whereof the same remedies shall be, and are hereby given, as for levying the tax to become due by virtue of this act, on the proper estate of such attorney or trustee.

9. *And be it also enacted*, That in case any tracts of land shall be found by the receivers to belong to any person or persons living or residing out of the limits of this state, and who have no attorney or attorneys, trustee or trustees legally constituted in this state, or which have not been returned to any of the receivers appointed for the counties where the land lies, then and in such case the receivers shall be, and they are hereby authorized and required to charge the said land for the payment of the tax herein imposed according to the quantity and quality thereof, and for all taxes due by virtue of any former tax act ratably and proportionably according to the quantity of acres, as if the same were in the actual possession of some person or persons, living or residing in this state, and forthwith, for three successive weeks, to publish and give notice of such their charge and assessment in the gazette, and in case of non-payment of the said taxes, the said lands shall thereafter be liable to a double tax and to be proceeded against by attachment as herein after mentioned.

10. *And be it further enacted by the authority aforesaid*, That the following persons be appointed collectors, viz. for the county of Chatham, Alexander Watts; for the county of Effingham, Jenkin Davis; for the county of Burke, John Jones; for the county of Richmond, Joel Barnett; for the county of Wilkes, Frederic Sims; for the county of Liberty, James M. Stewart; for the county of Glynn, John Palmer; for the county of Camden, Nathaniel Ashley; for the county of Washington, Deoclesion Davis; for the county of Franklin, Thomas Payne; and for the county of Greene, John Swepton.

11. *And be it also enacted by the authority aforesaid*, That all persons whosoever are possessed of any lands or slaves in this state, in their own right or in the right of others, or any wise liable to pay tax by virtue of this act, shall pay in their taxes to the several persons hereby appointed to receive the same, on or before the fifteenth day of November next ensuing, and the collector shall give a receipt, if required, to the person paying the same; and for that purpose the collector shall give regular attendance in each district, in their respective counties, and if at the expiration of the said fif-

Attornies, trustees, &c. to make returns, &c and pay the tax out of their own estates.

Or renounce their trust on oath.

Proviso.

Lands not returned, how to be charged.

Double tax.

Collectors appointed.

Tax, when and how to be paid.

teenth day of November, any person or persons shall be in default, the collector shall immediately proceed against such defaulter or defaulters, by distress and sale of the goods and chattels, if to be found, otherwise on the lands of such defaulter or defaulters, or so much thereof as will pay the whole amount of taxes due with costs, first giving five days' notice by advertisement, and the said collectors for the several counties respectively within this state shall on or before the fifteenth day of January, one thousand seven hundred and eighty-nine close their accounts and deliver the same to the treasurer for the time being, and after deducting two and a half per centum commissions, pay the said treasurer all such monies as shall be by such collectors received in pursuance of this act.

12. *And be it also enacted by the authority aforesaid,* That any person neglecting or refusing to give in his or her account of the lands and slaves, or other taxable property, or any part thereof, to the receivers aforesaid respectively, at such time and place as they shall appoint agreeably to this act, he or she shall be deemed a defaulter, and shall be taxed in double the sum which would have been due had the same been returned agreeably to this act. The receivers shall use their utmost diligence to discover and return any taxable property so concealed for which such receivers or any other person who shall thus detect such defaulter shall be entitled to receive of the collector one half of the double tax of such defaulter.

13. *And be it enacted by the authority aforesaid,* That whenever the collector shall discover that any person has omitted to return any property, he shall summon three freeholders who shall reside in the district where such property shall be found, to ascertain the value of the said property, and to determine the amount of the double tax upon it, for which amount the collector is hereby empowered to levy in the manner herein before mentioned. And to the intent that the lands may be faithfully returned, and in the name of the real owners and proprietors of the same, *Be it enacted,* That when lands are not included in any tax return as aforesaid, it shall and may be lawful to give the same in evidence in any court of law in this state, that such land was vacant at that time.

14. *And whereas,* it has frequently happened, that between the day of receiving the tax returns and the day appointed for the payment of the tax, many persons have left the district in which they resided, and have been returned by the sheriffs as defaulters who had no property upon which they could levy or distrain: *Be it therefore enacted by the authority aforesaid,* That the sheriff shall be obliged to prove in a satisfactory manner, to the assistant judges of the county in which he acts, the indigence and inability of those whom he returns as defaulters without property.

15. *And be it also enacted by the authority aforesaid,* That the taxes imposed by this act, shall be preferred to all securities and encumbrances whatever; and that in case any person shall die between the time of giving in his or her account to the said receivers, and the paying of his or her tax, and any goods or chattels of the deceased, to the value of the sum so taxed, shall come into the hands of his or her executors or administrators, or executors in their own wrong, such executor or administrator shall pay the same by the time before limited, prior to all judgments, mortgages, or debts whatsoever; or otherwise a warrant of execution shall issue against the proper goods of such executor or administrator: And if any person, between the time of rendering the account of his or her estate to the receiver aforesaid, and the time of paying in his, her or their tax, shall be about to depart the county in which he lives, the said collector is hereby directed and required forthwith to levy the same, notwithstanding the day of payment is not already come, unless such per-

Penalty on persons refusing or making false returns.

Double tax.

Property in default.

Vacant land.

Insolvent list.

Tax preferred to all encumbrances.

Administrator.

Persons about to leave the state.

sons will find sureties to the liking of the collector for the payment thereof at the time of payment.

Deeds, &c. made to evade this tax fraudulent and void.

16. *And be it also enacted*, That all deeds of gift, conveyances, mortgages, sales and assignments of lands, tenements, goods and chattels, of any persons whatsoever, made with an intention to avoid paying the tax, are hereby deemed and declared null and void. And in case any person who has *bona fide* mortgaged any part of his estate real or personal, shall refuse or neglect to pay the tax for the same, the mortgagee shall be answerable and liable to pay the same: *Provided*, That such estate shall be in possession of said mortgagee.

Proviso.

Executions against collectors.

17. *And be it further enacted by the authority aforesaid*, That the treasurer for the time being be, and he is hereby empowered and required to grant executions against all former collectors of taxes who are or may be defaulters, immediately after the passing of this act.

Specific tax.

18. *And be it further enacted*, That an additional tax be imposed on and collected of the inhabitants and others holding or laying claim to property within this state, to the amount of four shillings and twopence sterling on every hundred pounds value, in specifics, to be estimated by the collectors of the taxes aforesaid in each county, in the manner directed by an act for raising supplies, passed the thirty-first day of October, one thousand seven hundred and eighty-seven, which said additional tax shall be paid by the first Tuesday in January next; and all and every defaulter or defaulters are hereby declared to be subject to the disabilities while in default, as defaulters are under by the said act, as well as the penalties therein imposed.

By order of the House.

N. BROWNSON, *Speaker*.

February 1, 1788.

.....

*An act for imposing a tax for the year one thousand seven hundred and ninety.*

Tax on lands granted or surveyed.

1. **B**E IT ENACTED, *by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That a tax of ten shillings for every hundred pounds value of all lands within this state, granted to or surveyed for any person, as such lands shall be estimated at, shall be levied on the same in the following mode, viz.

Lands classed and rated according to quality.

All tide swamps (including islands) cultivated or uncultivated, of the first quality, at ninety-seven shillings per acre; of the second quality, sixty shillings per acre; of the third quality, at thirty-seven shillings per acre.

All pine barren lands adjoining such lands or contiguous thereto, and within three miles of water carriage, at fifteen shillings per acre.

All prime inland swamps, cultivated or uncultivated, at an average of sixty-seven shillings per acre; and of the second quality, at thirty-seven shillings per acre; and of the third quality, at fifteen shillings per acre.

All pine barren lands adjoining or contiguous thereto, at four shillings per acre.  
Salt marsh, at four shillings per acre.

- All high river swamp or low grounds (including islands) cultivated or uncultivated, including such as are commonly called second low grounds, lying above Abercorn, and as high as the mouth of M<sup>c</sup>Bean's Creek, on Savannah River, of the first quality at fifty-two shillings per acre; of the second quality, at thirty shillings per acre; and of the third quality, at fifteen shillings per acre.
- All high river swamp as aforesaid, lying above M<sup>c</sup>Bean's Creek, and as high as the mouth of Rae's Creek, of the first quality, at seventy-five shillings per acre; of the second quality, at fifty-two shillings per acre; and of the third quality, at twenty-two shillings per acre.
- All high river swamp as aforesaid, from the mouth of Rae's Creek to the mouth of Broad River, lying on the river Savannah, of the first quality, at forty-one shillings per acre; of the second quality, at twenty-two shillings per acre; of the third quality, at seven shillings per acre.
- All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Rae's Creek, to the mouth of Broad River, within one mile of Savannah River, of the first quality, at fifteen shillings per acre; of the second quality, at seven shillings per acre; and for the third quality, at four shillings per acre.
- All oak and hickory land (including islands) cultivated or uncultivated, from the mouth of Broad River up the Savannah River, within one mile of the same, and up Tugalo River to the marked line on said stream, of the first quality, at eleven shillings per acre; of the second quality, at six shillings per acre; and of the third quality, at three shillings per acre.
- All oak and hickory land (including islands) cultivated or uncultivated, from the mouth of Broad River to the marked line on the head thereof, of the first quality, at eleven shillings per acre; of the second quality, at six shillings per acre; and of the third quality, at three shillings per acre.
- All high river swamp or low grounds (including islands as aforesaid) from Fort Argyle, to the mouth of Buckhead Creek, on the river Ogechee, of the first quality, at nineteen shillings per acre; of the second quality, at eleven shillings per acre; and of the third quality, at four shillings per acre.
- All oak and hickory lands as aforesaid, from the mouth of Buckhead Creek to the head of Ogechee River, of the first quality, at fifteen shillings per acre; of the second quality, at seven shillings per acre; and of the third quality, at four shillings per acre.
- All high river swamp or low grounds as aforesaid, from the mouth of Buckhead Creek to the head of Ogechee River, of the first quality, at fifteen shillings per acre; of the second quality, at seven shillings per acre; and of the third quality, at four shillings per acre.
- All high river swamp (including islands) cultivated or uncultivated, from Cathead on the river Alatomaha, to the mouth of Oconee River, of the first quality, at twenty-two shillings per acre; of the second quality, at eleven shillings per acre; and of the third quality, at four shillings per acre.
- All high river swamp or low grounds as aforesaid, from the mouth of Oconee River along the northern stream, and on the north side of the Indian boundary line, to the confluence of the Oconee and Appalachee or south fork, of the first quality at thirty shillings per acre; of the second quality at fifteen shillings per acre; and of the third quality, at four shillings per acre.

All river swamp as aforesaid, from the confluence of the Oconee River and Appalachee Rivers upwards, on the north side of the Indian boundary line, of the first quality, at twenty shillings per acre; of the second quality, at twelve shillings and sixpence per acre; and of the third quality, at seven shillings per acre.

All oak and hickory land (including islands) cultivated or uncultivated, above the flowing of the tide on all the rivers from Cathead, on the river Alatomaha, to river St. Mary's, inclusive, to the marked line, of the first quality, at seven shillings per acre; of the second quality, at four shillings per acre; and of the third quality, at two shillings per acre.

All other oak and hickory land throughout the state, of the first quality, at eleven shillings per acre; of the second quality, at six shillings per acre; and of the third quality, at three shillings per acre.

All lands on the sea-islands, or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation in corn or indigo, of the first quality, at forty-five shillings per acre; of the second quality, at twenty-two shillings per acre; and of the third quality, at eleven shillings per acre.

All other pine lands throughout the state, at two shillings per acre.

Tax on persons,  
negroes, &c.

2. *And be it enacted by the authority aforesaid,* That the sum of four shillings be levied on all free male white persons from the age of twenty-one years and upwards in this state, and the sum of four shillings on all negroes and other slaves whatsoever, within the limits of the same, and the sum of ten shillings for every hundred pounds value of every lot, wharf or other lands (not herein already enumerated) and on all buildings within the limits of any town, village or borough within this state, and the sum of sixty-four shillings on every four-wheeled, and the sum of thirty-two shillings on every two-wheeled carriage (waggons, carts and drays excepted) and the sum of four shillings upon all male free negroes, mulattoes and mustizoes, from the age of twenty-one and upwards, over and above the taxable property they may be possessed of.

On stock in  
trade, &c.

3. *And be it further enacted,* That the sum of two shillings shall be levied for every hundred pounds value of all persons' stock in trade, shopkeepers and others, actual residents, to be given in upon oath, and to be computed at the prime cost, and the sum of four pounds on all practitioners of law or physic, and the sum of four pounds on all factors and brokers, and on all foreign goods, wares, liquors and merchandize, and negroes sold, bargained or trafficked for by all such factors and brokers, the sum of fifty shillings on every hundred pounds by them so sold or disposed of, to be given in upon oath, and on all vendue masters (after qualification) throughout the state, the sum of four pounds.

Proviso.

4. *Provided nevertheless,* That in all cases of extreme indigence or infirmity, the superior court of each county shall be, and they are hereby authorized to remit the poll tax upon such indigent or infirm persons claiming the same.

Returns of tax-  
able property,  
how to be  
made.

5. *And be it enacted by the authority aforesaid,* That the mode of collecting the taxes shall be as follows: The receiver of taxable returns in each county shall give notice to each captain's district within his county, by advertising in the most public place of the said district, the day and place he will attend to receive their returns of taxable property; and the commanding officer of each company shall give to the receiver so attending a list of all the inhabitants liable to pay taxes within his district, on oath or affirmation, to the best of his knowledge and information; and it shall be the duty of the receiver of returns at all times, upon personal application, to receive the returns not given in at the time and place specially notified, at any time before he makes a



digest of the whole returns, and he shall, previous to entering on the execution of his duty, take and subscribe an oath or affirmation in the words following: "I, A. B. do solemnly swear (or affirm) that I will truly and faithfully perform all the duties of receiver of returns of taxable property in the county to which I am appointed, as required of me by this act, and will not receive any return but on oath or affirmation."

6. *And be it also enacted*, That all and every person liable to pay tax shall give in the list of his, her or their taxable property, as well as a list of every such person or persons as he, she or they, may be attorney or attorneys, executor or executors, administrator or administrators for, or in the county or counties where such attorney, executor or administrator resides, and every such person or persons giving in taxable property as aforesaid, shall make a return descriptive of the lands and other taxable property, as the same may be in the different counties of this state; and the receiver of such returns shall proceed, after being duly qualified in giving notice, to make a general return of the whole so received, and also of the taxable property of non-residents and defaulters within his district, and shall transmit a copy thereof to the collector of the county, superior court and treasurer of the state (under the penalty of two thousand pounds) including therein his own taxable property, and shall publish, within one month thereafter, in the gazette, the names of all defaulters, under the penalty of fifty pounds; and the said receiver shall be entitled to receive for each return made in his district, to be allowed as aforesaid, the sum of sixpence, and threepence for each name in the general returns to be transmitted to the treasurer, superior court and collector of taxes.

The collectors of the respective counties, before they enter on the duties of their office, shall give bond with sufficient security, as follows: for the county of Chatham, in the sum of eight thousand pounds; for the county of Effingham, two thousand pounds; for the county of Burke, four thousand pounds; for the county of Richmond, five thousand pounds; for the county of Wilkes, eight thousand pounds; for the county of Liberty, five thousand pounds; for the county of Glynn, one thousand pounds; for the county of Camden, two thousand pounds; for the county of Washington, two thousand pounds; for the county of Franklin, one thousand pounds; and for the county of Greene, one thousand pounds; as pointed out in and by the tax act\* of one thousand seven hundred and eighty-eight; and shall also take and subscribe the following oath, viz: "I, A. B. appointed collector of taxes for the county of ———, do solemnly swear, that I will faithfully discharge the duties required of me by law."

And in case of the death, refusal or neglect of any such collector to enter into such bond or take such oath, then his excellency the governor is hereby authorized and required to appoint some other person willing to accept the same, on the qualification aforesaid, who shall attend in each district of the county to receive such tax, and shall previously give public notice thereof, at least ten days, of the time and place of his attending; and if he shall presume to execute the said office without the qualifications aforesaid, he shall forfeit and pay double the sum for each person's tax he shall receive, to be recovered by any person who shall inform and prosecute for the same.

7. *And be it enacted by the authority aforesaid* That all bonds and securities given by the collectors appointed by or in pursuance of this act, shall be transmitted by the persons taking the same to the treasury, on or before the first day of August next, under the penalty of five hundred pounds for every such neglect or refusal.

\* See 10th section of said act.

Tax returns,  
when to be  
made on oath.

8. *And be it further enacted by the authority aforesaid,* That all persons whatsoever, who are possessed of any lands granted to, or surveyed for them, or for any other person or persons, slaves, or carriages, either in their own right or in the right of any other person, or are liable to pay any other tax by virtue of this act, shall, on or before the first day of July, render a particular account thereof in writing upon oath or affirmation, setting forth in what county the said lands and slaves are to the best of his; her or their knowledge, to the receiver of the district wherein such person resides, at such time and place as the said receiver shall direct and appoint for the doing thereof, so that the same be done on or before the first day of July aforesaid: which

Form thereof.

oath or affirmation shall be in the words following: "I, \_\_\_\_\_, do swear (or affirm as the case may be) that the account which I now give in is a just and true account of all the taxable property which I was possessed of, held or claimed, on the first day of February, one thousand seven hundred and ninety, or was interested in or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as parent, guardian, executor, agent or trustee, or in any other manner whatsoever, according to the best of my knowledge, information and belief; and that I will give a just and true answer to all lawful questions that may be asked me touching the same; and this I declare without any equivocation or mental reservation whatsoever. So help me God." Which said oath or affirmation the said receivers of tax returns are hereby respectively duly authorized and required to administer, and that gratis.

Persons refusing or making false returns, now punished.

9 *And be it further enacted,* That if any person or persons shall be guilty of neglecting or refusing to give in a return of his, her or their taxable property, or shall be convicted of fraud or making a false return thereof, he, she or they, shall be liable to pay to the clerk of the superior court of the county, a fine of ten pounds for every hundred pounds valuation so neglected or concealed, one moiety thereof for the use of the county under the directions of the superior court, and the other moiety to the informer or informers.

Attornies, trustees, &c. to give in returns, &c. and pay the tax out of their own estates.

10. *And whereas* there are divers tracts of land and sundry slaves in this state, owned, held, or claimed by persons not resident in the same, who pay no tax toward the support of the government thereof: *Therefore be it enacted by the authority aforesaid,* That all attornies and trustees of or for any person or persons living without the limits of this state, shall make true returns as aforesaid, and in the district where such attorney or trustee resides, and that such attorney or trustee, attornies or trustees shall be subject and liable to pay the tax to become due by virtue of this act, which may be due by any former tax act or acts, for such land or lands, slave or slaves, out of his, her or their own proper estate; notwithstanding such attorney or attornies, trustee or trustees, may renounce or disclaim acting as such before the said tax is levied, unless such attorney or attornies, trustee or trustees, shall make oath before the receiver aforesaid, that he or they, hath or have renounced such attorneyship before the payment of the said tax became due, without having done it only with an intention to avoid the payment thereof: *Provided always,* That if such attorney or attornies, trustee or trustees, shall, within one year next after such oath made, again become attorney or attornies, trustee or trustees, or act as such, he or they, shall be liable to pay the said tax as herein directed, any thing herein contained to the contrary notwithstanding; and for levying whereof the same remedies shall be and are herein given as for levying the tax to become due by virtue of this act on the proper estate or estates, of such attorney or attornies, trustee or trustees, or other person or persons acting as such,

Or renounce their trust on oath.

Proviso.

11. *And be it also enacted by the authority aforesaid,* That in case any lands or other taxable property shall be found by the receivers to belong to any person or persons residing without the limits of this state, and who have no attorney or attorneys, trustee or trustees, legally constituted in this state, or which have not been returned to any receiver appointed for the county where such lands are, then and in such case, the receivers shall be and they are hereby authorized and required to charge the said lands and other property for the payment of the tax imposed thereon, and also for all taxes due thereon by any former tax act, and forthwith once in each month to publish and give notice of such charge or assessment in the gazettes, and in case of non-payment of such taxes within six months the said lands and other property shall be thereafter liable to a double tax, and to be proceeded against by attachment in a summary way by the collector in the manner of distress and sale and to make titles to the person or persons purchasing the same, and to pay the money (lawful charges only to be deducted) into the treasury.

Lands, &c of absentees not returned, how to be charged.

12. *And be it enacted by the authority aforesaid,* That all persons whatsoever, who are possessed of any lands or slaves in this state, in his own right or in the right of others, or any wife liable to pay tax by virtue of this or any other tax act, shall pay in their taxes to the collectors that may be appointed to receive the same, in the manner herein after directed on or before the fifteenth day of December, one thousand seven hundred and ninety, and the respective collectors' receipts shall be held and taken as satisfactory, and if at the fifteenth day of December one thousand seven hundred and ninety aforesaid, any person or persons shall be in default, the collector of the county where such default shall happen, shall immediately proceed against such defaulter or defaulters by distress and sale of their goods and chattels, if any be found, otherwise on the land of such defaulter or defaulters, or so much thereof as will pay the amount of the taxes due with costs, and in all such cases to make titles to the purchasers of the property sold as aforesaid, and the said collectors respectively, shall on or before the first day of March, in the year one thousand seven hundred and ninety-one, close their accounts and deliver the same to the treasurer for the time being, and after deducting two and a half per centum on all such taxes as they shall receive, pay the remainder to the said treasurer.

Tax, how and when to be paid.

Goods and chattels to be levied on, if to be found, otherwise the land.

Collectors' commissions.

13. *And be it also enacted by the authority aforesaid,* That any person or persons neglecting or refusing to give in his her or their account of lands, slaves, or other taxable property as aforesaid, shall be taxed in double the sum herein already pointed out, and every receiver as aforesaid shall be entitled to receive of the collector to whom he accounts, one half of the double tax hereby so imposed on the property of defaulters, specially returned by such receivers.

Property in default to be doubly taxed.

14. *And be it further enacted,* That when any of the said receivers of returns, or collectors of taxes shall or may discover that any lands, slaves, or other taxable property hath not been returned as in this act pointed out, he or they shall summon three freeholders residents of the district where such lands may lie, or other property, be to ascertain the value of such lands or other property, and double the tax thereon for which amount the collector is hereby empowered and required to levy, sell, and convey, in the manner herein already mentioned.

How to be rated and assessed.

15. *Provided always nevertheless,* That all lands or other property vested in commissioners or trustees for public uses, shall not come within the purview or meaning of this act: *And provided also,* That no sale which shall be made under this act of the property of orphans having no guardian or trustee shall have any effect.

Proviso.

Property of orphans.

16. *And whereas* it has happened, and may frequently happen, that between the day of receiving the return and the day appointed for the payment of the said tax, many persons have left the districts in which they reside, and have been returned by the collector as insolvents, who had no property upon which they could levy and distrain: *Be it therefore enacted by the authority aforesaid,* That the collector in every such county shall be obliged to prove in a satisfactory manner to the superior court of the county in which he acts, the indigence or inability of those whom he returns insolvents having no property.

Insolvents:

Tax, preferred to all encumbrances.

17. *And be it also enacted by the authority aforesaid,* That the taxes imposed by this act shall be preferred to all securities and encumbrances whatsoever, and that in case any person or persons coming under the notice of this act, shall die between the time of giving in his, her or their returns to the receiver or receivers respectively, and the paying of his, her or their tax, and any goods or chattels of the deceased to the value of the sum so taxed shall come into the hands of his, her or their executors or administrators, or executors in their own wrong, such executors or administrators shall pay the sum by the time before limited, prior to all judgments, mortgages or debts whatsoever, or otherwise a warrant of execution shall issue against the proper goods and chattels of such executor or administrator; and if any person or persons between the time of rendering the account of his, her or their estate to the receiver aforesaid, and the time of his, her or their paying in the said tax, shall be about to depart the county in which he, she or they, may have immediately then preceding resided, the said collector and collectors is and are hereby directed and required forthwith to levy the same, notwithstanding the day of payment may not then be come; unless such person or persons shall and will find securities to be approved of by the said collector or collectors respectively, for the payment thereof at the day herein appointed.

Administrators.

Persons about to leave the state.

Deeds, &amp;c. made to evade this tax, fraudulent and void.

18. *And be it further enacted,* That all deeds of gift, conveyances, mortgages, sales and assignments of goods, lands, tenements and chattels of any kind, of any person or persons whatsoever, made with an intention to avoid paying the aforesaid tax, are hereby deemed and declared null and void; and in case any person who has *bona fide* mortgaged any part of his estate real or personal, shall refuse or neglect to pay the tax for the same, the mortgagee shall be answerable and liable to pay the same, if in actual possession of the premises.

Executions against collectors.

19. *And be it further enacted by the authority aforesaid,* That the treasurer for the time being, be and is hereby empowered and required to grant executions against all former collectors of taxes who are or may be defaulters, immediately after the passing of this act.

20. *And be it further enacted,* That the treasurer for the time being, be and is hereby required and directed to proceed and prepare a general return, to be made by the respective receivers of tax returns, to be approved of by the governor, and transmitted by the treasurer without delay to the aforesaid officers.

Collectors may sell property out of the county for which they are appointed.

21. *And be it further enacted,* That when the collector of the county finds no property real or personal therein of persons in arrears, to satisfy the tax due by virtue of this or any former tax act, such collector is hereby authorized and empowered to sell so much of the property of the person neglecting to pay as aforesaid, as may be situate in any other county or counties, as will satisfy the said tax and arrears of tax aforesaid, and make titles thereto. *Provided,* That thirty days' notice be previously given of the time and place of such sale, by such collector in the public gazette.

Tax in what it shall be paid.

*And be it further enacted by the authority aforesaid,* That the tax imposed by this act, shall be paid and collected in the following manner, that is to say: One half

thereof in merchantable rice, at twelve shillings per hundred weight; in inspected crop tobacco, at sixteen shillings and fourpence per hundred weight, or specie, and nothing else; any law to the contrary notwithstanding. And the remaining moiety shall be collected in the paper medium emitted under an act passed the fourteenth day of August, one thousand seven hundred and eighty-six, and nothing else.

22. *Be it also enacted by the authority aforesaid,* That the said specific articles shall be delivered at the inspection in Savannah, Sunbury, Augusta, New-Savannah, Louisville and Call's warehouses only; and that tobacco shall be received in well coopered hogsheds weighing not less than nine hundred and fifty pounds net, and rice in well coopered barrels weighing not less than five hundred and twenty-five pounds net.

Places appointed for the receipt of specific articles.

23. *And be it further enacted by the authority aforesaid,* That the governor shall, on the appointment of collectors and receivers of taxes of the several counties within this state, notify the same in the most public manner; and should it so happen that any of the aforesaid officers refuse or neglect to qualify within twenty days after the notification so given as aforesaid, then and in that case the governor is hereby authorized and required to fill up such vacancy or vacancies.

The governor to notify collectors, &c. of their appointments.

SEABORN JONES, *Speaker of the House of Representatives,*  
N. BROWNSON, *President of the Senate.*

Concurred, December 29, 1789.

EDWARD TELFAIR, *Governor.*

• • • • •

*An act for the support of government from the first Monday in November, one thousand seven hundred and ninety, to the first Monday in November, one thousand seven hundred and ninety-one, by raising a tax on persons and property.*

1. **BE IT ENACTED,** *by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same,* That a tax of six shillings specie or specifics for every hundred pounds value of all lands within this state, granted to or surveyed for any person, as such land is estimated by the tax act of the year one thousand seven hundred and ninety, be levied thereon agreeably to the mode, and collected as directed by the said tax act, except where the same is altered by this act.

Tax on lands granted or surveyed.

According to the tax act immediately preceding this act.

2. *And be it further enacted,* That the sum of two shillings and fourpence shall be levied on all free white males from the age of twenty-one years in this state; the sum of two shillings and fourpence on all negroes, mulattoes, or other slaves, and the like sum on all free negroes, or other free persons of color, upwards of sixteen years of age, over and above their property; the sum of six shillings on all and every hundred pounds value of every lot, wharf or other lands, not included in the said tax act, and on all buildings within the limits of any town, village or borough within this state; and the sum of two dollars on all four-wheeled carriages (waggons excepted); the sum of six shillings for every hundred pounds value of all stock in trade, including the amount of imports, purchases or consignments for the preceding year on all shopkeepers and others, to be given in upon oath, to be computed at the prime cost; the sum of forty-five shillings on all practitioners of law or physic, and each and every factor, broker and vendue master; and the sum of six shillings on every hundred pounds value of all foreign goods, wares and merchandize, and negroes sold, bargain-

Tax on persons and negroes.

On lots, &c.

On carriages & stock in trade, &c.

On doctors, &c.

On foreign wares, &c.

ed or trafficked for by such factors, brokers or vendue masters, and each and every of them.

Receivers and collectors to be sworn by the act laying a tax for 1795.

Proviso.

Entitled to the same fees, &c. allowed by said act, and subject to the same penalties, &c.

The governor and treasurer governed by the said act.

Clerks directed to receive returns of persons in default.

And transmit the same to the treasury.

Their fees.

One receiver to be appointed for each county.

Tax may be paid in specific articles, delivered at certain places, &c.

Inspections of cotton and rice established at sundry places.

3. *And be it further enacted by the authority aforesaid,* That the tax collectors and receivers appointed or to be appointed, shall be and hereby are invested with full power and authority to carry this act into execution at the days and times in the year one thousand seven hundred and ninety-one,\* as is mentioned in the said tax act for the year one thousand seven hundred and ninety, agreeably to the principles and spirit thereof: *Provided,* That no collector be allowed to disfrain for any tax imposed by this act previous to the first day of January, seventeen hundred and ninety-two, except where persons are removing, or about to remove, from the county in which the return is made; and such receivers of tax returns and collectors of taxes shall be entitled to the same fees and be subject to the same penalties, as in and by the said act is given and granted, demanded and required.

4. *And be it further enacted,* That the governor and treasurer be, and they are hereby respectively vested with all the powers given them by the said act, entitled "An act for imposing a tax for the year seventeen hundred and ninety.

5. *And be it further enacted by the authority aforesaid,* That the clerks of superior courts within their respective counties, at any time within sixty days from the passing of this act, be authorized and directed to receive any return, duly sworn to, from any defaulter of his, her or their taxable property; and where any person has been defaulter for the year seventeen hundred and ninety, the tax shall be collected and paid into the treasury, as pointed out in the tax act of that year, and if for any year preceding, it shall be collected and paid as above in the paper medium of this state, any law to the contrary notwithstanding. And it shall be the duty of the clerks of the superior courts where any defaulter shall give in his, her or their returns as aforesaid to transmit a list of the same, with the amount of taxable property so returned to the treasury of this state, and also to the collector in their respective counties, within four months from the passing of this act, and such defaulters so giving in their returns as aforesaid, shall be exempted from the pains and penalties pointed out in the said act, and the several collectors shall add an account of all such taxable property to the general returns of their respective counties, and pay the same into the treasury, and the clerks of the superior courts shall be allowed the sum of two shillings and fourpence for each return so received and transmitted as before directed.

6. *And be it further enacted,* That there shall be one receiver of taxable returns for each county except Wilkes, and in that there shall be a receiver appointed for each battalion of militia therein.

7. *And be it enacted,* That any person or persons chargeable with tax by this act, may pay the same or any part thereof in clean merchantable rice, delivered at Savannah, Sunbury or North Newport Bridge, at the rate of ten shillings per hundred weight; in crop or transfer tobacco notes, inspected, delivered at Savannah, fourteen shillings; each of the inspections at Augusta, New-Savannah, Georgetown, Louisville, and at no other place, at the rate of twelve shillings and sixpence per hundred weight, or in merchantable cotton, clear of seed, in bags: *Provided,* That no bag of cotton shall be received that shall not weigh at least one hundred pounds net, to be received at the several places aforesaid, at the rate of one shilling per pound.

8. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, an inspection of rice and cotton shall be established at Savannah,

\* See page 480.



pounds, one half to the informer, and the other half to the use of the county of which he is collector, to be recovered by bill, plaint or information.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

Concurred 10th December, 1790.

EDWARD TELFAIR, *Governor.*

• • • • •

*An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-two.*

Tax on all  
lands granted  
or surveyed

1. **B**E IT ENACTED by the Senate and House of Representatives of the state of Georgia in General Assembly met, That a tax of six shillings for every hundred pounds value of all lands within this state, granted to or surveyed for any person, as such lands shall be estimated at, shall be levied on the same in the following mode, to wit:

According to  
the following  
rates.

All tide swamps (including islands) cultivated or uncultivated, of the first quality, at forty-eight shillings and sixpence per acre; of the second quality, at thirty shillings per acre; and of the third quality, at eighteen shillings and sixpence per acre.

All pine barren lands adjoining such lands or contiguous thereto, and within three miles of water carriage, at seven shillings and sixpence per acre.

All prime inland swamp, cultivated or uncultivated, of the first quality, at an average of thirty-three shillings and sixpence per acre; of the second quality, at eighteen shillings and sixpence per acre; and of the third quality, at seven shillings and sixpence per acre.

All pine barren lands adjoining or contiguous thereto, at two shillings per acre.

Salt marsh, at two shillings per acre.

All high river swamp or low ground (including islands) cultivated or uncultivated (including such as are commonly called second low grounds) lying above Abercorn, and as high as the mouth of M'Bean's Creek on Savannah River, of the first quality, at twenty-six shillings per acre; of the second quality, at fifteen shillings per acre; and of the third quality, at seven shillings and sixpence per acre.

All high river swamps as aforesaid, lying above M'Bean's Creek, and as high as the mouth of Rae's Creek, of the first quality, at thirty-seven shillings and sixpence per acre; of the second quality, at twenty-six shillings per acre; and of the third quality, at eleven shillings per acre.

All high river swamps as aforesaid, from the mouth of Rae's Creek to the mouth of Broad River, lying on the Savannah River, of the first quality, at twenty shillings and sixpence per acre; of the second quality, at eleven shillings per acre; and of the third quality, at three shillings and sixpence per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Rae's Creek to the mouth of Broad River, within one mile of Savannah River, of the first quality, at seven shillings and sixpence per acre; of the second quality, at three shillings and sixpence per acre; and of the third quality, at two shillings per acre.



All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River up the Savannah River, within one mile of the same, and up Tugaloo River to the marked line on the said stream, of the first quality, at five shillings and sixpence per acre; of the second quality, at three shillings per acre; and of the third quality, at one shilling and sixpence per acre.

All oak and hickory land (including islands) cultivated or uncultivated, from the mouth of Broad River to the marked line on the head thereof, of the first quality, at five shillings and sixpence per acre; of the second quality, at three shillings per acre; and of the third quality at one shilling and sixpence per acre.

All high river swamp or low grounds (including islands) cultivated or uncultivated, from Fort Argyle to the mouth of Buckhead Creek, on the river Ogeechee, of the first quality, at nine shillings and sixpence per acre; of the second quality, at five shillings and sixpence per acre; and of the third quality at two shillings per acre.

All oak and hickory land as aforesaid, from the mouth of Buckhead Creek to the head of Ogeechee River, of the first quality, at seven shillings and sixpence per acre; of the second quality, at three shillings and sixpence per acre; and of the third quality, at two shillings per acre.

All high river swamp or low grounds (including islands) cultivated or uncultivated, from the mouth of Buckhead Creek to the head of Ogeechee River, of the first quality, at seven shillings and sixpence per acre; of the second quality, at three shillings and sixpence per acre; and of the third quality, at two shillings per acre.

All high river swamp (including islands) cultivated or uncultivated, from Cathead, on the river Alatamaha, to the mouth of Oconee River, of the first quality, at eleven shillings per acre; of the second quality, at five shillings and sixpence per acre; and of the third quality, at two shillings per acre.

All high river swamp or low grounds as aforesaid, from the mouth of Oconee River, along the northern stream on the north side of the Indian temporary line, to the confluence of the Oconee and Appalachee or south fork, of the first quality, at fifteen shillings per acre; and of the second quality, at seven shillings and sixpence per acre; and of the third quality, at two shillings per acre.

All river swamp as aforesaid, from the confluence of the Oconee River and Appalachee River, upwards, on the north side of the Indian temporary line, of the first quality, at ten shillings per acre; of the second quality, at six shillings and threepence per acre; and of the third quality, at three shillings and sixpence per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, above the flowing of the tide on all the rivers from Cathead, on the river Alatamaha, to the river St. Mary's, inclusive, to the marked line, of the first quality, at three shillings and sixpence per acre; of the second quality, at two shillings per acre; and of the third quality, at one shilling per acre.

All other oak and hickory lands throughout the state, of the first quality, at five shillings and sixpence per acre; of the second quality, at three shillings per acre; and of the third quality, at one shilling and sixpence per acre.

All lands on the sea islands, or lying on or contiguous to the seashore, usually cultivated or capable of cultivation in corn or indigo, of the first quality, at twenty-two shillings and sixpence; of the second quality, at eleven shillings; and of the third quality, at five shillings and sixpence per acre.

All other pine land throughout the state, at one shilling per acre.

Tax on free  
male white per-  
sons.

On negroes.

On lots, &c.

On carriages.

On free ne-  
groes.

On stock in  
trade.

Physicians, &c.

Proviso.

One receiver to  
be appointed  
for each bat-  
talion.

Their duty,  
&c.

Shall take an  
oath in these  
words.

Returns in what  
manner to be  
made.

2. *And be it enacted by the authority aforesaid,* That the sum of one shilling and twopence shall be levied on all free male white persons from the age of twenty-one years and upwards in this state, and the sum of one shilling and twopence on all negroes and other slaves whatever, under the age of sixty years, within the limits of the same; and the sum of three shillings and sixpence for every hundred pounds value of every lot, wharf or other lands, not herein already enumerated, and on all buildings within the limits of any town, village or borough within the same; and the sum of four shillings and eightpence on every four-wheeled carriage, including caravans, coaches and stage-waggons; and the sum of two shillings and fourpence on every two-wheeled carriage (waggons, carts and drays excepted;) and the sum of one shilling and twopence upon all male free negroes, mulattoes and mustizoes, from the age of twenty-one years and upwards, over and above the taxable property they may be possessed of; that the sum of three shillings and sixpence shall be levied for every hundred pounds value of all person's stock in trade, shopkeepers and others, to be given in upon oath, and to be computed at prime cost; the sum of twenty shillings on all professors of law or physic; and the sum of twenty shillings on all factors and brokers, and on all foreign goods, wares, liquors and merchandize, and negroes sold, bargained or trafficked for by all such factors and brokers, the sum of three shillings and sixpence on every hundred pounds by them so sold or disposed of, to be given in upon oath; and upon all vendue masters, after qualification, the sum of twenty shillings. *Provided nevertheless,* That in all cases of extreme indigence or infirmity, the inferior court of each county shall be and they are hereby authorized to remit the poll tax, upon such indigent or infirm person's claiming the same.

3. *And be it enacted by the authority aforesaid,* That there shall be one receiver for each battalion of militia throughout this state; and that the mode of taking the returns shall be as follows: The receiver of taxable returns in each battalion, shall give notice to each captain's district within the battalion, by advertising in the most public place of each district the day and place he will attend to receive the returns of taxable property therefor, and which notice shall be given at least ten days previous thereto. Such receiver shall likewise attend previous to making his return of defaulters, three different days in each district for that purpose, which days shall not be within seven days of each other; and the commanding officer of each company, shall give to the receiver so attending a list of all the inhabitants liable to pay taxes within his district, on oath or affirmation to the best of his knowledge and information; and it shall be the duty of the receiver of returns, at all times upon personal application, to receive the returns not given in at the time and place specially notified, at any time before he makes a digest of the whole returns; and he shall, previous to entering on the execution of his duty, take and subscribe an oath or affirmation in the words following, to wit: "I, A. B. do solemnly swear (or affirm) that I will truly and faithfully perform the duties of receiver of returns of taxable property in the battalion to which I am appointed, as required of me by this act, and will not receive any return but on oath or affirmation."

4. *And be it also enacted,* That all and every person liable to pay tax, shall give in the list of his, her or their taxable property, as well as a list of every such person or persons, as he, she or they, may be attorney or attornies, executor or administrator resides, describing as near as possible from the plats, deeds or other documents, the particular situation of such land, in what county, what particular watercourse on, and what lands it adjoins; and the receiver of such returns shall make a gener-

al digest, and return the whole of the taxable property received as aforesaid, and also of the taxable property of non-residents and defaulters within his battalion, and shall transmit three copies, one to the collector of the county, one to the inferior court, and one to the treasurer, under the penalty of one thousand pounds, including therein his own taxable property, and shall publish within one month thereafter, in the gazette, the names of defaulters, under the penalty of fifty pounds; and the receiver shall receive for each name returned to him the sum of ninepence; and it shall be his duty to transmit to the treasurer, clerk of the inferior court and collector of taxes, each a copy of such digest. And that the said several receivers to be appointed by this act, shall be paid by the collectors in their respective counties the sums which shall become due to them for their services, as allowed by this act. *Provided nevertheless*, That no receiver shall be allowed or paid by the collector, before such receiver shall produce a certificate from under the hands of the clerk of the inferior court of such county, that such receiver is entitled to such sum for his services, agreeable to this act, which certificate such clerks are hereby on application directed to give; and every collector shall be allowed credits for such payment in his settlement with the treasurer. And the treasurer is hereby required to transmit an alphabetical digest, from the several general returns in his office, of all the lands and other property returned as lying in each county, to the inferior courts of the respective counties, to be examined and compared with the return of such county, for which duty the treasurer shall be entitled to the sum of twenty shillings for each digest so transmitted; and it shall be the duty of each tax receiver to examine the alphabetical digest so transmitted by the treasurer, and report upon oath all lands and other property within his district not returned as aforesaid, and the quality of such land to the best of his knowledge and information, to the collector of such county; and it shall be the duty of such collector to proceed to collect the taxes due thereon, in the same manner as if such property had been returned under this act.

5. *And be it further enacted*, That the receivers and collectors of tax for the respective counties to be appointed by virtue of this act, shall be responsible to the executive department, and be amenable to such rules in the conducting the duties of their respective offices, as the executive may think necessary and proper. The collectors of the respective counties, before they enter on the duty of their office, shall give bond with sufficient security, as follows: For the county of Chatham in the sum of five thousand pounds; for the county of Effingham in the sum of one thousand pounds; for the county of Burke in the sum of two thousand pounds; for the county of Richmond in the sum of two thousand pounds; for the county of Columbia in the sum of one thousand five hundred pounds; for the county of Wilkes in the sum of four thousand pounds; for the county of Franklin in the sum of five hundred pounds; for the county of Greene in the sum of one thousand pounds; for the county of Elbert in the sum of one thousand pounds; for the county of Washington in the sum of one thousand pounds; for the county of Liberty in the sum of two thousand five hundred pounds; for the county of Glynn in the sum of five hundred pounds, and for the county of Camden in the sum of one thousand pounds; as pointed out in and by the tax act\* of the year one thousand seven hundred and eighty-eight; and shall also take and subscribe the following oath, to wit: "I, A. B. appointed collector of taxes for the county of \_\_\_\_\_, do solemnly swear, that I will faithfully discharge the duty required of me by law." And in case of the death, refusal or neglect of any collector to enter into such bond, or take such oath, then his excellency the governor is hereby authorized and required to

Receiver shall make a general digest, &c.

Under penalty of one thousand pounds.

Their fees.

Provis.

Treasurer to make an alphabetical digest, &c.

His fees.

Receivers duty herein.

Receivers and collectors amenable to the executive.

Collectors shall give bond and security in manner pointed out by act of 1788.

And take this oath.

\* See sect. 10 of the said act.

appoint some other person willing to accept the same, on the qualification aforesaid, who shall attend in each district of the county to receive such tax, and shall previously give public notice thereof, at least ten days, of the time and place of his attending; and if he shall presume to execute the said office without the qualification aforesaid, he shall forfeit double the sum for each person's tax he shall receive, to be recovered by any person who shall inform and prosecute for the same.

How the bonds shall be taken.

6. *And be it further enacted*, That the governor for the time being shall take bond and security of the collectors of each county respectively appointed in conformity to this act, for the due performance of all the duties required of them, and in the several counties (except the county of Richmond) shall transmit a dedimus to the inferior court judges, or any two of them, to receive and cause to be executed a bond by the collector, with two or more sufficient securities, to be approved of by the said judges, which bond shall be transmitted to the treasury forthwith by them. And the governor shall cause to be executed before him a bond with like security for the county of Richmond.

Tax returns to be made on oath.

7. *And be it further enacted by the authority aforesaid*, That all persons whatever, who are possessed of any lands granted to, or surveyed for them, or if any other person or persons, or of slaves or carriages, either in their own right or in the right of any other person, or are liable to pay any other tax by virtue of this act, shall, on or before the first day of July next, render a particular account thereof in writing upon oath or affirmation, setting forth in what county the said lands and slaves are, to the best of his, her or their knowledge, to the receiver of the district wherein such person resides, at such time and place as the said receiver shall direct and appoint for the doing thereof, so that the same be done on or before the first day of July aforesaid, which oath or affirmation shall be in the words following, to wit: "I, \_\_\_\_\_, do swear (or affirm as the case may be) that the account which I now give in, is a just and true account of all the taxable property which I was possessed of, held or claimed on the first day of February, or was interested in, or entitled to, either in my own right, or in the right of any other person or persons whatsoever; as parent, guardian, executor, agent or trustee, or in any other manner whatever, according to the best of my knowledge, information and belief, and that I will give a just and true answer to all lawful questions that may be asked me, touching the same, and this I declare without any equivocation or mental reservation whatever. So help me God." Which said oath or affirmation the said receivers of tax returns are hereby respectively duly authorized and required to administer, and that gratis.

Form thereof.

Penalty for refusing or making a false return.

8. *And be it further enacted*, That if any person or persons shall be guilty of neglecting or refusing to give in a return of his, her or their taxable property, or shall be convicted of fraud, or of making a false return thereof, he, she or they, shall be liable to pay to the clerk of the inferior court of the county, a fine of ten pounds for every hundred pounds valuation so neglected or concealed, one moiety thereof for the use of the county under the direction of the inferior court; and the other moiety to the informer or informers.

Attornies, trustees, &c. to make returns, and pay the tax out of their own estates.

9. *And be it enacted*, That all attornies and trustees of or for any person or persons living without the limits of this state, shall make true returns as aforesaid, and in the district where such attorney or trustee resides, and that such attorney or trustee, attornies or trustees, shall be subject and liable to pay the tax to become due by virtue of this act, or which may be due by any former tax act or acts, for such land or lands, slave or slaves, out of his, her or their own proper estate, notwithstanding such attorney or attornies, trustee or trustees, may renounce or disclaim acting as

such before the said taxes are levied, unless such attorney or attornies, trustee or trustees, shall make oath before the receiver aforesaid, that he or they hath or have renounced such attorneyship before the payment of said taxes become due, without having done it only with an intention to avoid the payment thereof: *Provided always*, That if such attorney or attornies, trustee or trustees, shall, within one year next after such oath made, again become attorney or attornies, trustee or trustees, or act as such, he or they shall be liable to pay the said tax as herein directed, any thing contained to the contrary notwithstanding; and for levying whereof the same remedy shall be and is hereby given, as for levying the tax to become due by virtue of this act, on the proper estate or estates of such attorney or attornies, trustee or trustees, or other person or persons acting as such.

Or renounce such trust on oath.

Proviso.

10. *And be it also enacted by the authority aforesaid*, That in case of any lands or other taxable property shall be found by the receivers to belong to any person or persons residing without the limits of this state, and who have no attorney or attornies, trustee or trustees, legally constituted in this state, or which have not been returned to any receiver appointed in the county where such lands are, then and in such case, the receivers shall be and they are hereby authorized and required to charge the said lands and other property, for the payment of the tax imposed thereon, and also for all taxes due thereon by any former tax act, and forthwith once in each month to publish and give notice of such charge or assessment in the gazette; and in case of non-payment of such taxes within six months, the said land and other property shall be thereafter liable to a double tax, and to be proceeded against by attachment in a summary way by the collector in the manner of distress and sale, and to make titles to the person or persons purchasing the same, and to pay the money (lawful charges only to be deducted) into the treasury.

Lands, &c of absentees not returned, how taxed.

Shall be published six months.

11. *And be it enacted by the authority aforesaid*, That all persons whatever who are possessed of any lands or slaves in this state in his or their own right, or in the right of any other person, or any ways liable to pay taxes by virtue of this or any other act, shall pay in their taxes to the collectors that may be appointed to receive the same, in the manner herein after directed, on or before the first day of December, and the respective collectors' receipts shall be held and taken as satisfactory; and if at the first day of March following any person or persons shall be in default, the collector of the county where such defaulter or defaulters shall happen, shall immediately proceed against such defaulter or defaulters by distress and sale, after due notice given, and stating the amount of the assessment levied or tax due by such person or persons, of the goods and chattels, if any to be found, otherwise on the land of such defaulter or defaulters, or so much thereof as will pay the amount of the taxes due, with costs, and in all such cases to make titles to the purchasers of the property sold as aforesaid; and the said collectors respectively shall, on or before the first day of June, in the year of our Lord one thousand seven hundred and ninety-three, close their accounts and deliver the same to the treasurer for the time being, and after deducting five per centum on all such taxes as they shall receive, pay the remainder to the said treasurer: *Provided nevertheless*, That no tax collector shall distrain for any tax in arrear until a demand is made at the house of the person so in arrear, nor shall he be allowed any greater fee for distraining than two shillings and fourpence, and a commission on the amount of the sale of the property sold at five per centum.

Lands, &c of other persons in default, how to be proceeded against.

Goods and chattels, &c to be levied on, if to be found; if not the lands.

Collectors to settle their accounts with the treasurer. Five per cent. commissions.

Proviso. Shall not distress before a demand is made at the house of the defaulter.

12. *And be it further enacted*, That when any of the said receivers of returns or collectors of taxes, shall or may discover that any lands or slaves, or other taxable property hath not been returned as in this act is pointed out, he or they shall sum-

Lands, &c in default, how to be proceeded against.

mon three freeholders, residents of the district where such lands may lie or other property be, to ascertain the value of such lands or other property, and double the tax thereon, for which amount the collector is hereby empowered and required to levy, sell and convey in the manner herein already mentioned. *Provided always nevertheless,* That all lands or other property vested in commissioners or trustees for public uses, shall not come within the purview of this act: *And provided also,* That no sale which shall be made under this act of the property of orphans (having no guardian or trustee) shall have any effect. *And whereas* it has happened and may frequently happen, that between the day of receiving the returns and the day appointed for the payment of the said tax, many persons have left the district in which they reside, and have been returned by the collectors as insolvents, who had no property upon which the collector could levy and distrain:

**Insolvents.** 13. *Be it therefore enacted by the authority aforesaid,* That the collector in every county shall be obliged to lay before the grand jury of each county, a list of such insolvents as may be in such county or counties, who shall allow or disallow the same.

**Tax preferred to all encumbrances.** 14. *And be it also enacted by the authority aforesaid,* That the taxes imposed by this act shall be preferred to all securities and encumbrances whatever; and that in case any person or persons coming under the notice of this act, shall die between the time of giving in his, her or their returns to the receiver or receivers respectively, and the paying of his, her or their tax, and any goods or chattels of the deceased, to the value of the sum taxed, shall come into the hands of his, her or their executors or administrators, or executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages or debts whatsoever, or otherwise a warrant of execution shall issue against the proper goods and chattels of such executor or administrator; and if any person or persons, between the time of rendering the account of his, her or their estate to the receiver aforesaid, and the time of his, her or their paying in the said tax, shall be about to depart the county in which he, she or they, may have immediately then preceded resided, the said collector or collectors is and they are hereby directed and required forthwith to levy the same, notwithstanding the day of payment may not then be come, unless such person or persons shall and will find securities to be approved of by the said collector or collectors respectively, for the payment thereof at the day herein appointed.

**Deeds, &c. made to evade this act, deemed fraudulent.** 15. *And be it further enacted,* That all deeds of gift, conveyances, mortgages, sales and assignments of goods, lands, tenements and chattels of any kind, of any person or persons whatsoever, made with an intention to avoid paying the aforesaid tax, are hereby deemed and declared null and void. And in case any person who has mortgaged his estate real or personal, shall refuse or neglect to pay the tax of the same, the mortgagee shall be liable to pay the same: *Provided,* That no sale for taxes under this act shall tend to affect the right of the state to any property mortgaged or secured to this state.

**Proviso.** 16. *And be it further enacted by the authority aforesaid,* That the treasurer for the time being be, and he is hereby empowered and required to grant executions against all former collectors of taxes who are or may be defaulters, immediately after the passing of this act; and he is hereby required and directed to proceed and prepare the form of a general return to be made by the respective receivers of tax returns, to be approved of by the governor, and transmitted by the treasurer without delay to the aforesaid officers,

**Executions against collectors.**

**Persons about to depart the state.**

**Administrators, &c.**

**Proviso. Trustees for public uses.**

**Proviso. Orphans.**

17. *And be it further enacted*, That where the collector of the county finds no property real or personal therein of persons in arrears to satisfy the tax due by virtue of this or any former tax act, such collector is hereby authorized and empowered to sell so much of the property of the person neglecting to pay as aforesaid, as may be situate in any other county or counties as will satisfy the said tax and arrears of tax aforesaid: *Provided*, That thirty days' notice be previously given, of the time and place of such sale, by such collector, in the public gazette.

Underselling in other counties may be said by collectors.

Proviso. Thirty days' notice.

18. *And be it also enacted*, That every person or persons refusing or neglecting to give in a list of his, her or their taxable property, agreeably to the directions of this act, shall forfeit and pay for every such neglect the sum of twenty shillings for every free male person above the age of twenty-one years; the sum of twenty shillings for every negro, and the sum of twenty shillings for every hundred acres of land, to be paid by the master or owner thereof, and to be recovered by bill, plaint or information before any court of record; the one half thereof to go to the informer, and the other half to the use of the county where such information is made, except where the prosecution is carried on by presentment, and in that case the whole shall be applied to the use of the county. *Provided always*, That such information or presentment be made within twelve months after such neglect or default.

Penalty for not returning taxable property.

Proviso.

19. *And be it enacted*, That it shall be the duty of the judges of the superior courts at their next term after the returns of the receivers of taxable property shall have been made agreeably to this act, to give it in charge to the grand juries of the several counties, that they do present all such persons as may be defaulters under this act. *Provided nevertheless*, That where any person or persons who may be a defaulter, shall, before any information or presentment be made against him or them, go to the clerk of the superior court of his county, and give in a list of his property upon oath in the same manner as ought to have been given to the receiver, such person or persons shall be exonerated from the pains and penalties of this act; and each person shall pay to such clerk for taking such list the sum of two shillings and fourpence, and every such clerk shall return to the collector of his county, on or before the first day of February one thousand seven hundred and ninety-three, a true list of such property, and also transmit to the treasurer a return thereof on or before the first day of May following.

Defaulters to be presented by the grand jury.

Proviso.

20. *And be it further enacted by the authority aforesaid*, That the tax imposed by this act, shall be paid and collected in gold and silver coin, or warrants drawn on the treasurer for the year one thousand seven hundred and ninety-two, and nothing else. And no replevin shall lie or other judicial interference be had in any levy or distrain for taxes under this law, but that the party injured be left to his proper remedy in a court of law. *And whereas* doubts have arisen whether the treasurer is justifiable in issuing his execution against the securities of any collector for any balance due by them, or hereafter may become due; for explaining the same,

Gold, silver, &c. to be received in payment of this act.

No replevin, &c.

21. *Be it enacted*, That the treasurer is fully authorized and he is hereby directed, that in all cases where any collector or collectors shall neglect to pay according to the directions of this act, the treasurer shall issue his execution against such collector or collectors and their securities.

Executions to issue against collectors in default.

22. *And be it further enacted*, That from and after the passing of this act, crop or transfer tobacco notes from the inspection at Petersburg in the county of Elbert, shall be receivable in the payment of taxes for the year one thousand seven hundred

Tobacco from Petersburg in specie to be received in payment of taxes for 1791.

and ninety-one, at the rate of ten shillings and sixpence per hundred, any former law to the contrary notwithstanding.

23. *And whereas* from the neglect of the receivers appointed for the county of Chatham in the districts of Great Ogechee and Cherokee Hill to take in a list of taxable property therefor, in the year one thousand seven hundred and eighty-nine, no returns were made for the said year, whereby no collection of tax from the inhabitants of the aforesaid districts was made, and it is just and right that every individual of the community should contribute to the support of government; for remedy whereof, *Be it further enacted*, That the receivers to be appointed under this act to take in the returns of the taxable property of the county of Chatham, be and they are hereby directed to require of the inhabitants of the districts of Great Ogechee and Cherokee Hill on oath, a list of the taxable property each of them were possessed of, at the time when the property ought to have been given in to the receiver appointed under and by virtue of the tax act, for the year one thousand seven hundred and eighty-nine aforesaid, which list such receiver shall keep separate from the tax return to be made under this act, and shall return the same to the treasurer, together with the general return to be made under this act, and the receiver shall have and receive the same allowance for his trouble as is by this act allowed receivers, and every person or persons neglecting or refusing to give in such list, shall be returned a defaulter, and shall be subject to all the pains and penalties as other person or persons refusing or neglecting to give in their taxable property under this act are, and shall be recovered in the manner herein pointed out. *Provided nevertheless*, That where it shall appear to the receiver that any person or persons hath or have given in their property for the aforesaid year, in such case such person or persons shall not be compelled to give in their return of taxable property, and that no person who is in arrear for the taxes of the said year, shall be compelled to pay in specie more than the real value of the paper medium at that time, which was four for one. And the collector for the county of Chatham shall receive and account with the treasurer for the aforesaid arrearages in the same manner as for the tax imposed by this act.

*And be it enacted by the authority aforesaid*, That any receiver making a false return, expressive of more or other than is to him given in, shall forfeit and pay to the party aggrieved a sum equal to double the amount of the tax on the property so illegally returned, and any collector demanding any other or more tax than by this act is imposed according to the respective returns shall forfeit and pay to the party aggrieved for every such offence fourfold on the sum so unlawfully received, to be recovered before any jurisdiction having cognizance thereof, and it shall be the duty of the sheriffs of the respective counties to execute all executions and other process issued by the treasurer against officers appointed by this act, under and by virtue of the same.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
N. BROWNSON, *President of the Senate.*

Concurred December 22, 1791.

EDWARD TELFAIR, *Governor.*

Receivers of returns for Chatham vested with certain powers.

Proviso. No persons in arrear, to pay more than the specie value of paper medium for that year.

Penalty on receivers for making false returns.

On collectors demanding more than due.

Sheriff shall execute all executions issued against collectors.



*An act to impose a tax on the inhabitants of this state for the support of the government for the year one thousand seven hundred and ninety-three.*

1. **BE IT ENACTED**, by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That a tax of eight shillings and twopence for every hundred pounds value of all lands within the state, granted to or surveyed for any person or persons, shall be paid and levied thereon. Tax on lands granted or surveyed.

2. *And be it further enacted*, That the value or estimation of such lands shall be rated agreeably to the estimation or value of lands in and by the act entitled "An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-two." After the rates prescribed by the tax act of 1792.

3. *And be it further enacted*, That the sum of one shilling and ninepence shall be levied on all free male white persons residents within this state from the age of twenty-one years and upwards; and the sum of one shilling and ninepence on all negroes and other slaves under the age of sixty years within the limits of the same; and the sum of four shillings and eightpence for every hundred pounds value of every lot, wharf or other lands not herein otherwise included, and the same sum for the like value of all buildings and improvements within the limits of any town, village or borough; and the sum of six shillings and sixpence upon all four-wheeled carriages, including caravans, coaches and stage-waggons (waggons carts and drays excepted;) and the sum of one shilling and ninepence on all free male negroes, mulattoes and mustizoes, from the age of twenty-one years and upwards, over and above the taxable property they may be possessed of within this state, and the sum of four shillings and eightpence shall be levied on every hundred pounds value of all persons' stock in trade, whether merchants, shopkeepers or other persons retailing the same within this state, to be given in on oath, and to be computed on prime cost; the sum of twenty-eight shillings on all professors of law or physic, factors, brokers, and vendue masters; and the sum of four shillings and eightpence on every hundred pounds value of all foreign goods, wares, liquors, negroes and merchandize of what nature or kind soever, sold, bargained or trafficked for by such factors and brokers; and four shillings and eightpence on every hundred pounds value on all goods, wares and liquors, negroes or other merchandize sold at vendue; such factors, brokers, and vendue masters to render the same in on oath. *Provided nevertheless*, That in all cases of extreme indigence or infirmity, the inferior court may remit the poll tax on such indigent or infirm person if he shall claim the same. Tax on all free male white persons. On negroes. On lots, &c. On carriages. On free negroes, &c. On stock in trade. On lawyers, &c. Proviso.

4. *And be it further enacted*, That the receivers of tax returns and collectors of taxes shall be appointed as they were appointed in and by the act to raise a tax for the year one thousand seven hundred and ninety-two; and their duties shall severally be the same as is therein pointed out and required for receivers and collectors under that law; and the regulations, restrictions, clauses and provisos, as well for the government and rule of such receivers and collectors as for the government and rule of the inhabitants of this state liable to pay tax, either for giving in returns or payment of taxes, or for the time and mode of so doing; except that the receivers of taxable returns in each county shall receive for each name returned to him the sum of sixpence, or for receiving and digesting such returns, or for levying on and selling property, shall be the same for carrying this law into execution as is therein contained for the regulations and restrictions under which this law is declared to operate. *Provided*, That no sales of land shall take place under this law, unless thirty days' notice of such sale shall have been given by publishing the same in some one of the public ga. Receivers to be appointed as directed by the act of 1792. See section 5. Their powers and duties the same as given by the said act. Proviso. No sales of land without thirty days' notice.

zettes of this state, together with the best description of such land the collector is able to procure, and which charge for publishing such notice, such collector may deduct from the amount sales of the property sold, or lawfully demand from the person owning and paying the tax for the same. *And provided*, That no sale for taxes shall be construed to have effect where it has already taken place or may hereafter take place of property mortgaged or secured to the state, or where the state has otherwise a legal or equitable title to the same.

Proviso  
Interest of the  
state secured.

The act laying  
a tax for the  
year 1792, in  
full force, ex-  
cept parts mili-  
tating with this  
act.

5. *And be it further enacted*, That for the better carrying the foregoing clause into execution, all and every part of the aforementioned act for raising a tax for the support of government for the year one thousand seven hundred and ninety-two not militating with this act, shall be held, deemed and considered as of full force and effect.

Non-residents  
selling wares,  
&c how to be  
proceeded a-  
gainst.

6. *And whereas* divers persons non-residents of this state import large quantities of goods, and evade the payment of taxes by not being in this state at the time usually prescribed for making returns for taxes, for remedy whereof, *Be it enacted*, That any non-resident who shall expose to sell any goods in this state, shall on his arrival or within seven days after entering the same, make return on oath to the receivers of taxable returns, and give security to the tax collector to pay the same on or before the time prescribed for paying the taxes imposed by this act. *Provided*, That such goods shall not be liable to pay the taxes where they may be exported or placed in the hands of a vendue master or factor to be actually disposed of by him or them, it shall and may be lawful for the tax collectors to proceed against him or them in like manner as persons about to remove out of the county on failure thereof.

Proviso.

Tax collectors  
sales, when  
fraudulent.

7. *Be it further enacted*, That sales for taxes, where the property shall be purchased in for, or be held by the person or persons previously entitled thereto, or by his, her or their executors or administrators, or by any other person or persons in trust for him, her or them, shall be held and considered as good evidence of a fraudulent intention and sale, where the same shall be contested, by *bona fide* creditor, lineal representative, or legatee, in any court of law and equity in this state; and such person or persons, on conviction of such fraudulent intention and sale, shall forfeit the amount of taxes he, she or they, may have paid on the same.

County tax.

8. *And be it further enacted*, That all persons who were heretofore, now are, or hereafter may be subject to a county tax, shall pay in the county where such person resides, in proportion to the whole amount of his or her taxable property, whether such lands be within that county or any other within this state.

Collector of Ef-  
ingham, his  
duty.

9. *And be it further enacted*, That the collector of taxes for the county of Effingham shall attend at the four following places within the county for the purpose of receiving the tax for the year one thousand seven hundred and ninety-two, and for the year one thousand seven hundred and ninety-three, at the houses of Joseph Jackson, Joshua Pierce, John Waldtour and John M'Call, and at no other place, any law to the contrary notwithstanding.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, December 20, 1792.

EDWARD TELFAIR, *Governor.*

*An act to impose a tax on the inhabitants of this state, for the support of the government for the year one thousand seven hundred and ninety-four.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That a tax of eight shillings and two-pence for every hundred pounds value of all lands within this state, granted to or surveyed for any person or persons, shall be paid and levied thereon. All lands granted or surveyed, taxed.
- 2.\* *And be it further enacted*, That the value or estimation of such lands shall be rated agreeably to the estimation or value of lands in and by the act, entitled "An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-two." To be rated & estimated according to the act for raising a tax for 1792.
3. *And be it further enacted*, That the sum of one shilling and ninepence shall be levied on all free male white persons residents within this state from the age of twenty-one years and upwards; and the sum of one shilling and ninepence on all negroes and other slaves under the age of sixty years, within the limits of the same; and the sum of four shillings and eightpence for every hundred pounds value of every lot, wharf or other lands not herein otherwise included; and the same sum for the like value of all buildings and improvements within the limits of any town, village or borough; and the sum of six shillings and sixpence on all four-wheeled carriages, including caravans, coaches and stage-waggons (waggons excepted); and the sum of one shilling and ninepence on all free male negroes, mulattoes and mul-tizoes, from the age of twenty-one years and upwards, over and above the taxable property they may be possessed of within this state; and the sum of four shillings and eightpence shall be levied on every hundred pounds value of all persons' stock in trade, whether merchants, shopkeepers, or other persons retailing the same within this state, to be given in on oath, and to be computed on prime cost; the sum of twenty-eight shillings on all professors of law or physic, factors, brokers, vendue masters and dancing masters; and the sum of four shillings and eightpence on every hundred pounds value of all foreign goods, wares, liquors, negroes and merchandize, of what nature or kind soever, sold, bargained or trafficked for by such factors and brokers; and four shillings and eightpence on every hundred pounds value on all goods, wares and liquors, negroes or other merchandize, sold at vendue: *Provided nevertheless*, Proviso. That in all cases of extreme indigence or infirmity, the inferior court may remit the poll tax on such indigent or infirm person, if he shall claim the same.
4. *And be it further enacted*, That the receivers of tax returns and collectors of taxes, shall be appointed as they were appointed in and by the act to raise a tax for the year one thousand seven hundred and ninety-two; and their duties shall severally be the same as is therein pointed out and required for receivers and collectors under that law; and the regulations, restrictions, clauses and provisos, as well for the government and rule of such receivers and collectors, as for the government and rule of the inhabitants of this state liable to pay tax, either for giving in returns, or payment of taxes, or for the time and mode of so doing; except that the receivers of taxable returns in each county shall receive for each name returned to him the sum of sixpence; or for receiving and digesting such returns, or for levying on and selling property, shall be the same for carrying this law into execution as is therein contained for the regulations and restrictions under which that law is declared to operate: *Pro-* Proviso. *vided*, The collector of taxes may and shall pay to the receiver of tax returns, month-

ly if required, the amount of such sums as the receiver may be entitled unto, for all persons who have paid their taxes at the time such demand is made; and the receivers of taxable returns shall not be entitled to demand or receive any allowance or pay for making returns of any person until the tax of any such person or persons is or are paid: *And provided*, That no sale of lands shall take place under this law, unless thirty days' notice of such sale shall have been given, by publishing the same in some one of the public gazettes of this state, together with the best description of such lands the collector is able to procure, and which charge for publishing such notice such collector may deduct from the amount of sales of the property sold or lawfully demanded from the persons owing and paying the tax for the same. *And provided*, That no sale for taxes shall be construed to have effect where it has already taken place, or may hereafter take place of property mortgaged or secured to the state, or where the state has otherwise a legal or equitable title to the same.

Proviso.  
Thirty days'  
notice to be given before the sale of lands

Property mortgaged to the state

All the act of 1792, not contrary to this act declared to be in force.

5. *And be it further enacted*, That for the better carrying the foregoing clause into execution, all and every part of the aforementioned act for raising a tax for the support of government for the year one thousand seven hundred and ninety-two, not militating with this act, shall be held, deemed and considered as of full force and effect.

6. *And whereas*, divers persons, non-residents of this state, import large quantities of goods, and evade the payment of taxes by not being in this state at the time usually prescribed for making returns for taxes: for remedy whereof, *Be it enacted*, That any non-resident who shall expose to sale any goods in this state, shall, on his arrival, or within seven days after entering the same, make return on oath to the receiver of taxable returns, and give security to the tax collector to pay the same on or before the time prescribed for paying the taxes imposed by this act: *Provided*, That such goods shall not be liable to pay the taxes where they may be exported, or placed in the hands of a vendue master or factor, to be actually disposed of by him or them, and on failing to comply as aforesaid, it shall and may be lawful for the tax collectors to proceed against him or them in like manner as against persons about to remove out of the county.

Non-residents, &c. vending goods, &c. how to be charged.

Evidence of fraudulent sales.

7. *And be further enacted*, That sales for taxes where the property shall be purchased in, for, or be held by the person or persons previously entitled thereto, or by his, her or their executors or administrators, or by any other person or persons in trust for him, her or them, shall be held and considered as good evidence of a fraudulent intention and sale, where the same shall be contested by a *bona fide* creditor, lineal representative or legatee, in any court of law and equity in this state; and such person or persons, on conviction of such fraudulent intention and sale, shall forfeit the amount of taxes he, she or they, may have paid on the same.

County tax.

8. *And be it further enacted*, That all persons who were heretofore, or hereafter may be subject to a county tax, shall pay in the county where such person or persons reside, in proportion to the whole amount of his or her taxable property, whether such lands be within that county or any other within this state.

Collector under the direction of the governor.

9. *And be it further enacted*, That his excellency the governor is hereby vested with full and ample powers to call on the collectors of the taxes in the several counties, in any manner he may think best (to pay into the treasury the monies they may have severally collected) at any time after the first day of March; and any collector failing to make such payment when required as aforesaid, shall be subject and liable to have execution issued against him for the full amount of his collection.

10. *And be it further enacted,* That the collector of the tax for the county of Wilkes, shall and he is hereby authorized to collect from the several persons liable to pay tax in said county, one eighth of the amount of their general tax for the year one thousand seven hundred and ninety-three; which said tax shall be subject to the order of the inferior court for the purpose of satisfying the several claims against the county for building bridges or otherwise, and for the support of the poor of said county.

County tax of one eighth to be laid in Wilkes.

11. *And be it further enacted,* That each collector of the public tax shall take the following oath: "That he hath not extorted from any person or persons any discount on any governor, president or speaker's warrant which he offered in settlement of the tax of the county for which he is appointed collector; and that he has not refused to receive or exchange the same;" which oath the treasurer is hereby directed to administer to the several collectors at the time of settlement.

Oath to be taken by the collector.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, December 19, 1793.

GEORGE MATHEWS, *Governor.*

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*An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-five.*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the State of Georgia, in General Assembly met,* That a tax of six shillings for every hundred pounds value of all lands within this state, granted to or surveyed for any person or persons, shall be paid and levied thereon; and the value or estimation of such lands shall be rated agreeable to the estimation or value of lands in and by the act entitled "An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-two."

Tax on all lands granted or surveyed, to be rated and estimated according to the act to raise a tax for the year 1792.

2. *And be it further enacted,* That the sum of one shilling and twopence shall be levied on all negroes and other slaves under the age of fifty years, within the limits of this state; and the sum of three shillings for every hundred pounds value of every lot, wharf or other lands not herein otherwise included, and the same sum on the like value of all buildings within the limits of any city, town, village or borough; and the sum of four shillings and eightpence on all four-wheeled carriages, including caravans, coaches and stage-waggon (waggon excepted); and the sum of one shilling and twopence on all free male negroes, mulattoes and mustizoes, from the age of twenty-one years and upwards, over and above the taxable property they may be possessed of within this state; and the sum of three shillings shall be levied on every hundred pounds value on all persons' stock in trade, whether merchants, shopkeepers or others retailing the same within this state, to be given in on oath to be computed at prime cost; and the sum of eighteen shillings and eightpence on all practitioners of law or physic; and the sum of eighteen shillings and eightpence on all factors, brokers and vendue masters; and the sum of three shillings on all foreign goods, wares, liquors, negroes and merchandize of what nature or kind soever, sold, bargained or trafficked for by such factors or brokers; and the sum of three shillings on all negroes and other merchandize sold at vendue.

Tax on negroes, &c.

On practitioners of law, &c.

Receivers and collectors to be appointed, as directed by the act of 1792, which act is in full force, &c.

3. *And be it further enacted,* That the receivers of tax returns and collectors of taxes shall be appointed as they were appointed by and under "An act to raise a tax for the year one thousand seven hundred and ninety-two;" and their duties shall severally be the same as is therein pointed out for receivers and collectors under that law, and the regulations, restrictions, clauses and provisos, as well for the government and rule of such receivers and collectors, as for the government and rule of the inhabitants of this state liable to pay tax, either for giving in returns or payment of taxes, or for the time and mode of so doing, (except that the receivers of taxable returns in each county shall receive the sum of two and one half per cent. on the amount of taxes accruing on the property by them returned) or for levying on or selling property, shall be the same for carrying this law into execution as is therein contained for the regulations and restrictions under which that law is declared to operate. *Provided,*

Receivers' compensation.

Proviso.

That the collector may and shall pay to the receivers of tax returns, monthly, if required, the amount of such sums as the receiver may be entitled unto for all persons who have paid their taxes at the time such demand is made; and the receivers of taxable returns shall not be entitled to demand or receive any allowance or pay for making returns of any person, until the tax of any such person or persons is or are paid.

Sales of land not to take place till thirty days' public notice be given.

*And provided* no sale of land shall take place under this law, unless thirty days' notice of such sale shall have been given, by publishing the same in some one of the public gazettes of this state, together with the best description of such land the collector is able to procure, and which charge for publishing such notice such collector may deduct from the amount of sales of the property sold, or lawfully demand from the person owning and paying tax for the same. *And provided also,* That no sale for taxes shall be construed to have effect where the property is mortgaged or secured to the state, or where the state has otherwise a legal or equitable title to the same.

Property mortgaged to the state.

Evidence of fraudulent sales.

4. *And be it further enacted,* That the sales for taxes, where the property shall be purchased in for, or in behalf of, the person or persons previously entitled thereto, or by his, her or their executors or administrators, or by any other person or persons, for him, her or them, shall be held and considered as good evidence of a fraudulent intention and sale when the same shall be contested by a *bona fide* creditor, lineal representative or legatee, in any court of law or equity in this state; and such person or persons on conviction of such fraudulent intention and sale, shall forfeit the amount of taxes he, she or they have paid on the same.

Non-residents vending goods, &c. how to be proceeded against.

5. *And whereas* divers persons, non-residents of this state, import large quantities of goods, wares and merchandize, and evade the payment of taxes by not being in the state, at the time usually prescribed for making returns for taxes; for remedy whereof, *Be it enacted,* That any non-resident who shall expose to sale any goods in this state, shall, on his arrival or within seven days after entering the same, make return on oath to the receiver of taxable returns, and give security to the tax collector to pay the same on or before the time prescribed for paying taxes imposed by this act: *Provided,* That such goods shall not be liable to pay the tax, when they may be exported or placed in the hands of a vendue master or factor, to be actually disposed of by him or them; and on failing to comply as aforesaid, it shall and may be lawful for the tax collector to proceed against him or them, in like manner as against persons about to remove out of the county.

6. *And be it further enacted,* That his excellency the governor is hereby vested with full power to call on all collectors of the taxes in the several counties, in any manner he may think best (to pay into the treasury the monies they may have severally collected) at any time after the first day of March, any collector failing to make such pay-

ment when thereunto required as aforesaid, shall be subject and liable to have execution issued against for the full amount of his collection.

7. *And be it further enacted*, That each collector of the public tax shall take the following oath: "That he hath not extorted or received from any person, any discount on any governor, president, or speaker's warrant which he offered in settlement of taxes of the county, for which he is appointed collector, and that he has not refused to receive or exchange the same." Which oath the treasurer is hereby directed and empowered to administer to the several collectors at the time of settlement, and every person making a return of his, her or their property, shall express in the body of such return to whom the lands therein were originally granted or conveyed by the state.

Collector's  
oath.

8. *Whereas* in and by an act entitled "An act to grant monies for the purpose of building and repairing court-houses and jails," passed at Augusta on the 15th December 1791, it is enacted "That the justices of the inferior court of each county in the state may levy a tax in specie upon the several persons liable to pay tax in the respective counties, not exceeding one fifth part of such persons' general tax. *Be it therefore enacted*, That so much of the act as is before recited shall be and the same is hereby declared to be repealed, so far as respects the counties of Liberty, Effingham, Greene and Montgomery, after completing the collection of the tax of the year one thousand seven hundred ninety-four: *And be it further enacted*, That the justices of the inferior courts of the counties of Liberty, Effingham, Greene and Montgomery, be and they are hereby authorized and empowered to levy a tax, on all taxable property within their respective counties which shall not exceed one half the amount of the general tax for the purpose of enabling the commissioners to build and keep in repair jails and court-houses in their several counties.

Certain parts  
of the 5th Dec-  
ember 1791  
repealed in cer-  
tain counties.

County tax of  
one half the ge-  
neral may be  
laid in said  
counties.

9. *And whereas* the state has been defrauded of a considerable part of her revenue arising from property not being returned in the county where the property may be, for remedy whereof: *Be it enacted*, That all persons possessing property liable to pay tax in any of the counties within this state, shall by themselves, or their attorneys, return such property where the same may be, within the time prescribed by this act.

Property to be  
returned in the  
county where it  
lies.

10. *And be it further enacted*, That for the better carrying the foregoing clauses into execution, all and every part of the aforesaid act for raising a tax for the support of government for the year one thousand seven hundred and ninety-two, not militating with this act, be deemed and considered of full force and effect.

Act of 1792 de-  
clared to be of  
force, &c.

THOMAS NAPIER, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 29, 1794.

GEORGE MATHEWS, *Governor.*

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*An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-six.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by authority thereof, That a tax of forty cents for every hundred dollars value on all lands within this

Tax on all  
lands granted  
or surveyed.

state, granted to or surveyed for any person, as such lands shall be estimated at, shall be levied on the same in the following mode, to wit,

rated.

All tide swamps (cultivated or uncultivated) including islands, of the first quality, at ten dollars and thirty-nine cents per acre; of the second quality at six dollars, forty-three cents per acre; and of the third quality, at one dollar seventy-seven cents per acre.

All pine lands adjoining such tide swamp lands, or contiguous thereto, and within three miles of water carriage, at one dollar sixty-one cents per acre.

All prime inland swamps, cultivated or uncultivated, of the first quality, at an average of seven dollars seventeen cents per acre; of the second quality, at three dollars ninety-seven cents per acre; of the third quality, at one dollar sixty-two cents per acre.

All pine barren lands adjoining or contiguous thereto, at forty-three cents per acre.

All salt marsh, at forty-three cents per acre.

All high river swamp and low grounds, cultivated or uncultivated, (including islands) including such as are commonly called second low grounds, lying above Abercorn Creek and as high as the mouth of M'Bean's Creek on Savannah River, of the first quality, at five dollars thirty-six cents per acre; of the second quality, at three dollars twenty-two cents per acre; and of the third quality, at one dollar sixty-one cents per acre.

All high river swamp as aforesaid, lying above M'Bean's Creek, and as high as the mouth of Rae's Creek, of the first quality, at eight dollars and three cents per acre; of the second quality at five dollars thirty-six cents per acre; and of the third quality, at two dollars thirty-five cents per acre.

All high river swamp as aforesaid, lying from the mouth of Rae's Creek, to the mouth of Broad River, lying on Savannah River, of the first quality, at four dollars eighteen cents per acre; of the second quality, at two dollars thirty-five cents per acre; of the third quality, at seventy-five cents per acre.

All oak and hickory lands cultivated or uncultivated, (including islands) from the mouth of Rae's Creek to the mouth of Broad River, and within one mile of Savannah River, of the first quality, at one dollar sixty-one cents per acre; of the second quality, at seventy-five cents per acre; and of the third quality at forty-three cents per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River up the Savannah River, and within one mile of the same, and up Tugalo River to the marked line on said stream, of the first quality, at one dollar and eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality at thirty-one cents per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River to the marked line on the head thereof, of the first quality, at one dollar eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality, at thirty-one cents per acre.

All high river swamp or low grounds (including islands) cultivated or uncultivated, from Fort Argyle to the mouth of Buck-head Creek, on Ogechee River; of the first quality, at two dollars three cents per acre; of the second quality, at one dollar eighteen cents per acre; and of the third quality, at forty-three cents per acre.

All oak and hickory lands as aforesaid, from the mouth of Buck-head Creek to the head of Ogechee River, of the first quality, at one dollar sixty-one cents per acre;



of the second quality, at seventy-five cents per acre; and of the third quality, at forty-three cents per acre.

All high river swamp or low grounds (including islands) cultivated or uncultivated, from the mouth of Buck-head Creek to the head of Ogechee River; of the first quality, at one dollar sixty-one cents per acre; of the second quality, at seventy-five cents per acre; of the third quality, forty-three cents per acre.

All high river swamp, cultivated or uncultivated, (including islands) from Cathead on the River Alatomaha, to the mouth of Oconee River, of the first quality, at two dollars thirty-five cents per acre; of the second quality, at one dollar eighteen cents per acre; of the third quality, at forty-three cents per acre.

All high river swamp or low grounds as aforesaid, from the mouth of Oconee River along the northern stream, on the north side of the Indian temporary line, to the confluence of the Oconee and Appalachee, or south fork, of the first quality, at three dollars twenty-two cents per acre; of the second quality, at one dollar sixty-one cents per acre; of the third quality at forty-three cents per acre.

All high river swamp as aforesaid, from the confluence of Oconee River and Appalachee River upwards, on the north side of the Indian temporary line, of the first quality, at two dollars fifteen cents per acre; of the second quality, at one dollar thirty cents per acre; and of the third quality, at seventy-five cents per acre.

All oak and hickory lands throughout the state, of the first quality, at one dollar eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality, at thirty-four cents per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, above the flowing of the tide on all rivers, from Cathead on the river Alatomaha, to the river St. Mary's inclusive, to the marked line aforesaid, of the first quality, at seventy-five cents per acre, of the second quality, at forty-three cents per acre; of the third quality, at twenty-one cents per acre.

All lands on the sea islands or lying on or contiguous to the seashore, and usually cultivated, or capable of cultivation, in corn, indigo, or cotton, of the first quality, at four dollars eighty-one cents per acre; of the second quality, at two dollars thirty-five cents per acre; and of the third quality, at one dollar eighteen cents per acre.

All other pine lands throughout the state at twenty-one cents per acre.

2. *And be it enacted by the authority aforesaid,* That the sum of thirty-seven and a half cents shall be levied on all free male white persons of the age of twenty-one years and upwards in this state, and the sum of thirty-seven and an half cents on all negroes and other slaves whatever under the age of sixty years within the limits of the same; and the sum or forty cents for every hundred dollars value of every lot, wharf, or other lands not herein already enumerated, and on all buildings within the limits of any town, village or borough within the same, the sum of fifty cents upon all male free negroes, mulattoes, and mustizoes, from the age of twenty-one years and upwards, over and above the taxable property they may be possessed of; that the sum of twenty cents shall be levied for every hundred dollars value of all persons stock in trade, shopkeepers and others, and to be computed at prime cost, and the return to be made on oath that the stock in trade so returned is the highest estimation of the stock in such persons possession, at any time not exceeding three months preceding the time appointed by this law for such stock in trade to be estimated and returned; the sum of four dollars on all professors of law or physic, and the sum of fifty dollars on all billiard tables, and the sum of four dollars on all factors and brokers; and on all foreign wares, liquors, and merchandize, sold, bargained, or trafficked for,

Poll tax.

Tax on negroes

On lots, &amp;c.

On free negroes.

On stock in trade.

On professors of law and physic.

On factors, &amp;c.

by all such factors and brokers, the sum of eighteen and three quarter cents on every hundred dollars, by them so sold or disposed of, to be given in upon oath, and the sum of fifty cents upon every hundred dollars of the funded stock of the United States to be given in by the holders thereof in like manner as such stock in trade. *Provided nevertheless,* That in all cases of extreme indigence or infirmity the inferior court of each county shall be and they are hereby authorized to remit the poll tax upon such indigent or infirm persons claiming the same.

Proviso:

One receiver to be appointed for each county. Mode of taking returns.

3. *And be it enacted by the authority aforesaid,* That there shall be one receiver for each county throughout this state, and that the mode of taking the returns shall be as follows, the receiver of tax returns in each county shall give notice to each captain's district within the county by advertising in the most public place of each district the day and place he will attend to receive the returns of taxable property therefor, and which notice shall be given at least ten days previous thereto, such receiver shall likewise attend previous to making his return of defaulters three different days in each district for that purpose, which days shall not be within seven days of each other, and the commanding officer in each company shall give to the receiver so attending a list of all the inhabitants liable to pay taxes within his district, on oath or affirmation to the best of his knowledge and information, and it shall be the duty of the receiver of returns at all times upon personal application, to receive the returns not given at the time and place, specially notified, at any time before he makes a digest of the whole returns; and he shall previous to entering on the execution of his duty, take and subscribe an oath or affirmation in the words following, to wit: "I, A. B. do solemnly swear (or affirm) that I will truly and faithfully perform the duties of receiver of returns of taxable property in the county to which I am appointed as required of me by this act, and will not receive any return but on oath or affirmation."

List of defaulters.

Receiver's oath.

Returns to contain a description, &c. of all lands, &c.

4. *And be it also enacted,* That all and every person liable to pay tax, shall give in the list of his, her or their taxable property, as well as a list of every such person or persons as he, she or they may be attorney or attornies, executor or executors, administrator or administrators for, in the county or counties wherein such attorney, executor or administrator resides, describing as near as possible from the plats, deeds or other documents, the particular situation of such land, in what county, what particular water courses on, and what lands it adjoins; and the receiver of such returns shall make a general digest, and return the whole of the taxable property received as aforesaid, and also of the taxable property of non-residents and defaulters within his county, and shall transmit three copies, one to the collector of the county, one to the inferior court, and one to the treasurer, under the penalty of four thousand dollars, including therein his own taxable property, and shall publish within one month thereafter in the gazette the names of the defaulters, under the penalty of two hundred dollars; and the receiver shall receive two and one half per cent. on the taxes arising from all property returned, and six and one fourth cents on each return of a poll without property, and it shall be his duty to transmit to the treasurer and clerk of the inferior court, and collector of taxes, each a copy of such digest. And that the said several receivers to be appointed by this act shall be paid by the collectors in their respective counties, the sums which shall become due them for their services as allowed by this act: *Provided,* That no receiver shall be allowed or paid by the collectors before such receiver shall produce a certificate from under the hands of the clerk of the inferior court of such county, that such receiver is entitled to such sum for his services agreeably to this act, which certificate such clerks are

Receiver's compensation

Proviso.

hereby on application directed to give, and every collector shall be allowed credits for such payments in his settlement with the treasurer, and who is hereby required to transmit an alphabetical digest (from the several general returns in his office) of all the lands and other property returned as lying in each county, to the inferior courts of the respective counties, to be examined and compared with the returns of such county, for which duty the treasurer shall be entitled to the sum of five dollars for each digest so transmitted, for which sums his excellency the governor is authorized to draw a warrant on the treasury, on the treasurer's producing and depositing in the executive office a receipt for such digest from the clerk of the inferior court of the county, and in case the treasurer shall fail or neglect to transmit such alphabetical digest on or before the last day of each year, he shall forfeit and pay the sum of fifty dollars for each digest not transmitted, to be recovered by the justices of the inferior court, in any court having cognizance thereof, and applied to the use of such county. And it shall be the duty of each tax receiver to examine the alphabetical digest so transmitted by the treasurer, and report upon oath all lands and other property within his district not returned as aforesaid, and the quality of such land, to the best of his knowledge and information, to the collector for such county; and it shall be the duty of such collector to proceed to collect the taxes due thereon in the same manner as if such property had been returned under this act.

Treasurer shall make a general digest.

And transmit it to the several inferior courts, or forfeit fifty dollars.

Receiver's duty therein.

5. *And be it further enacted,* That the receivers and collectors of tax for the respective counties, to be appointed by virtue of this act, shall be responsible to the executive department, and be amenable to such rules in concluding the duties of their respective offices as the executive may think necessary and proper. The collectors of the respective counties, before they enter on the duties of their office, shall give bond with sufficient security, as follows: for the county of Chatham, in the sum of twenty thousand dollars; for the county of Camden, in the sum of four thousand dollars; for the county of Glynn, in the sum of two thousand dollars; for the county of McIntosh, in the sum of five thousand dollars; for the county of Liberty, in the sum of five thousand dollars; for the county of Bryan, in the sum of three thousand dollars; for the county of Effingham, in the sum of two thousand dollars; for the county of Scriven, in the sum of two thousand dollars; for the county of Burke, in the sum of five thousand dollars; for the county of Montgomery, in the sum of two thousand dollars; for the county of Washington, in the sum of four thousand dollars; for the county of Warren, in the sum of four thousand dollars; for the county of Hancock, in the sum of four thousand dollars; for the county of Greene, in the sum of five thousand dollars; for the county of Richmond, in the sum of eight thousand dollars; for the county of Columbia, in the sum of six thousand dollars; for the county of Wilkes, in the sum of ten thousand dollars; for the county of Oglethorpe, in the sum of eight thousand dollars; for the county of Elbert, in the sum of five thousand dollars; for the county of Franklin, in the sum of four thousand dollars; for the county of Jackson, in the sum of three thousand dollars; for the county of Bullock, in the sum of two thousand dollars; for the county of Lincoln, in the sum of three thousand dollars; for the county of Jefferson, in the sum of three thousand dollars: and shall also take and subscribe the following oath or affirmation, to wit: "I, *A. B.* appointed collector of tax for the county of \_\_\_\_\_, do solemnly swear, that I will faithfully discharge the duty required of me by law." And in case of the death, refusal or neglect of any collector to enter into such bond, or take such oath, then his excellency the governor is hereby authorized and required to appoint some other person willing to accept the same, on the qualification afore-

Collectors responsible to the executive.

Shall give bond and security.

And take this oath.

Vacancies.

said, who shall attend in each district of the county to receive such tax, and shall previously give at least ten days' notice thereof; and if he shall presume to execute the said office without the qualification aforesaid, he shall forfeit double the sum for each person's tax he shall receive, to be recovered by any person who shall inform and prosecute for the same, in any court or tribunal having cognizance of debts to that amount.

Collectors' bonds, how to be taken.

6. *And be it further enacted*, That the governor for the time being shall take bond and security of the collectors of each county respectively, in conformity to this act, for the due performance of all the duties required of them, and shall transmit a dedimus to the justices of the inferior court of the several counties, or any two of them, to receive and cause to be executed such bond with two or more securities, to be approved of by such justices, which bond shall be forthwith transmitted by them to the treasury office.

Returns to be made on oath.

7. *And be it further enacted by the authority aforesaid*, That all persons whatsoever who are possessed of any lands granted to or surveyed for them, or of any other person or persons, or of slaves or carriages, either in their own right or of any other person or persons whatsoever, or are liable to pay any other tax by virtue of this act, shall, on or before the first day of May next, render a particular account thereof, on oath, in writing, setting forth in what county such lands and slaves are, to the best of his, her or their knowledge, to the receiver of the county wherein such person resides, at such time and place as the receiver of such county shall appoint for the doing thereof, so that the same be done on or before the first day of May aforesaid, which oath or affirmation shall be in the words following, viz. "I, \_\_\_\_\_, do swear or affirm (as the case may be) that the account which I now give in is a just and true account of all the taxable property which I was possessed of, held or claimed on the first day of January last, or was interested in or entitled unto, either in my own right or the right of any other person or persons whatsoever, as parent, guardian, executor, administrator, agent or trustee, or in any other manner whatever, according to the best of my knowledge, information and belief; and that I will give a just and true answer to all lawful questions that may be asked me touching the same, and all this I declare without any equivocation or mental reservation whatever. So help me God." Which said oath or affirmation the receivers of tax returns for the several counties are hereby respectively authorized to administer gratis.

Form thereof

Penalty for refusing to make return or giving false ones.

8. *And be it further enacted*, That if any person or persons shall neglect or refuse to give in a return of his, her or their taxable property, or shall be convicted of fraud, or of making a false return thereof, he, she or they shall be liable to pay to the clerk of the inferior court of the county a fine of ten dollars for every hundred dollars' valuation so neglected or concealed, one half whereof for the use of the county, under the directions of the inferior court, and the other half to the use of the informer or informers.

Attornies, trustees, &c. to make returns, and pay the tax imposed by this act.

9. *And be it enacted*, That all attornies or trustees of or for any person or persons living without the limits of this state, shall make true returns as aforesaid in the district wherein such attorney or trustee resides, and that such attorney or attornies, trustee or trustees, shall be subject and liable to pay the tax to become due by this act, or which may be due by virtue of any former tax act or acts, for such land or lands, slave or slaves, out of his, her or their own proper estate, notwithstanding such attorney or attornies, trustee or trustees, may renounce or disclaim acting as such before the said taxes are levied, unless such attorney or attornies, trustee or trustees, shall make oath before the receiver aforesaid, that he or they hath or have re-

Or renounce their trust on oath.

nounced such trust or attorneyship before the payment of such tax become due, without having done it only with design to avoid the payment thereof: *Provided always,* Proviso. That if such attorney or attorneys, trustee or trustees, shall, within one year next after making such oath, again become attorney or attorneys, trustee or trustees, or act as such, he or they shall be liable to pay the said tax as herein directed, any thing herein contained to the contrary notwithstanding; and for levying whereof the same remedy shall be and is hereby given as for levying the tax to become due by virtue of this act, on the proper estate or estates of such attorney or attorneys, trustee or trustees, or other person or persons acting as such.

10. *And be it further enacted by the authority aforesaid,* That in case any land or other taxable property shall be found by the receivers to belong to any person or persons residing without the limits of this state, and who have no attorney or attorneys, trustee or trustees, legally constituted in this state, or which have not been returned to any receiver appointed to the county where such lands are, then and in such case the receivers shall be, and they are hereby authorized and required to charge the said lands and other property for the payment of the tax imposed thereon, and also for all the taxes due thereon by any former tax act, and forthwith, once in each month, to publish and give notice of such charge or assessment in the gazette; and in case of non-payment of such taxes within six months, the said lands and other property shall be thereafter liable to double tax, and to be proceeded against by attachment in a summary way by the collector, in the manner of distress and sale, and to make titles to the person or persons purchasing the same, and to pay the money, lawful charges only to be deducted, into the treasury. Double tax.

11. *And be it enacted by the authority aforesaid,* That all persons whatsoever who are possessed of any lands or slaves in this state, in his or their own right, or in the right of any other person, or any ways liable to pay tax by virtue of this or any other act, shall pay in their taxes to the collectors that may be appointed to receive the same in the manner herein after directed, on or before the first day of December next, and the respective collectors' receipts shall be held and taken as satisfactory; and if on the said first day of December, any person or persons shall be in default; the collector of the county where such default shall happen, shall immediately proceed against such defaulter by distress and sale, after due notice given of such sale, which in no case shall be less than twenty days' advertisement in one of the public gazettes of the state, and stating the amount of the assessment levied or tax due by such person or persons, of goods and chattels, if any to be found, otherways on the lands of such defaulter or defaulters, or so much thereof as will pay the amount of the taxes due, with costs, and in all such cases to make titles to the purchasers of the property sold as aforesaid; and the said collectors respectively shall, on or before the first day of February, in the year of our Lord one thousand seven hundred and ninety-seven, close their accounts and deliver the same to the treasurer for the time being, and, after deducting five per cent. on all such taxes as they shall receive, pay the remainder to the treasurer. And the tax collectors shall, at all sales of land for taxes, first offer such part of such lands for sale as may be reasonably expected to produce the amount of tax due by the owner thereof; and if he shall not have a bid for such part of the said lands, he may then offer a larger quantity, until he can produce bids to the amount of the taxes due; and that no sale of lands heretofore or hereafter made by tax collectors of more than one tract or grant belonging to or sold as the property of one person, or one company or society of persons, where such tract first sold shall have produced or amounted to the taxes due by such person, or on all the lands re-

Lands, &c. of absentees not returned, how to be proceeded against.

Double tax.

Tax, how and when to be paid.

Goods and chattels, to be levied on, if to be found; if not the lands; on twenty days' notice being given.

Such part of the land to be sold as will pay the tax.

turned or represented as the property of such person or persons, shall be deemed or considered valid, but such sales are hereby declared to be null and void.

Property not  
returned sub-  
ject to double  
tax.

Proviso.

Proviso.

12. *And be it further enacted*, That when any of the said receivers of returns or collectors of taxes, shall or may discover that any land, or slaves, or other taxable property, hath not been returned as in this act pointed out, he or they shall summons three freeholders, residents of the district where such lands may lie or property be, to ascertain the value of such lands or other property, and double the tax thereon, for which amount the collector is hereby empowered and required to levy, sell and convey in the manner herein already mentioned: *Provided always nevertheless*, That all lands or other property vested in commissioners or trustees for public uses shall not come within the purview of this act: *And provided also*, That no sale which shall be made under this act of the property of orphans (having no guardian or trustee) shall have any effect.

Resolvents.

13. *And whereas*, It has happened, and may frequently happen, that between the day of receiving the return and the day appointed for the payment of the said tax, many persons have left the district in which they reside, and have been returned by the collectors as insolvents who had no property upon which the collectors could levy and distrain: *Be it therefore enacted by the authority aforesaid*, That the collectors in any county shall be obliged to lay before the grand jury of each county a list of such insolvents as may be in such county or counties on oath, who shall allow or disallow the same.

Title to be  
preferred to all  
encumbrances.

Administra-  
tors, &c.

Persons about  
to remove.

14. *And be it enacted by the authority aforesaid*, That the taxes imposed by this act shall be preferred to all securities and encumbrances whatever, and that in case any person or persons coming under the notice of this act shall die between the time of giving in his, her or their returns to the receiver or receivers respectively, and the paying of his, her or their tax, and any goods or chattels of the deceased, to the value of the sum taxed shall come into the hands of his, her or their executors or administrators, or executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages or debts whatsoever, or otherwise a warrant of execution shall issue against the proper goods and chattels of such executor or administrator; and if any person or persons, between the time of rendering the account of his, her or their estate to the receiver aforesaid, and the time of his, her or their paying in the said tax, shall be about to depart the county in which he, she or they may have immediately then preceding resided, the said collector or collectors is and they are hereby directed and required forthwith to levy the same, notwithstanding the day of payment may not then have arrived, unless such person or persons shall and do find securities, to be approved of by the said collector or collectors respectively, for the payment thereof at the day herein appointed.

Deeds, &c.  
made to evade  
this tax—void.

Proviso.

Executions to  
issue against  
collectors

15. *And be it further enacted*, That all deeds of gift, conveyances, mortgages, sales and assignments of goods, lands, tenements and chattels of any kind, of any person or persons whatsoever, made with an intention to avoid paying the aforesaid tax, are hereby deemed and declared null and void: And in case any person who has mortgaged his estate, real or personal, shall refuse or neglect to pay the tax of the same, the mortgage shall be liable to pay the same; *Provided*, That no sale for taxes under this act shall tend to affect the state title to any property mortgaged or secured thereto.

16. *And be it further enacted by the authority aforesaid*, That the treasurer for the time being be, and he is hereby empowered and required to grant executions against all former collectors of taxes who are or may be defaulters immediately after the pas-

ing of this act, and he is hereby required and directed to proceed and prepare the form of a general return to be made by the respective receivers of tax returns to be approved of by the governor, and transmitted by the treasurer without delay to the aforesaid officers.

17. *And be it further enacted*, That where the collector of the county finds no property real or personal therein of persons in arrear to satisfy the tax due by virtue of this or any former tax act, such collector is hereby authorized and empowered, to sell so much of the property of the person neglecting to pay as aforesaid, as may be situated in any other county or counties as will satisfy the said tax, and arrears of tax as aforesaid, without further notice than his giving twenty days' previous publicity of such sale, by advertisement in one of the gazettes of this state, and the collectors shall be allowed the sum of fifty cents for each execution levied, and five per cent on all amount of sales.

Property out of the county, may be sold.

18. *And be it also enacted*, That every person or persons, refusing or neglecting to give in a list of his her or their taxable property agreeably to the directions of this act, shall forfeit and pay for every such neglect the sum of one dollar for every free male person above the age of twenty-one years, the sum of one dollar for every negro; the sum of eighty cents on every hundred dollars value of every lot, wharf or other lands not therein already enumerated, and on all buildings within the limits of any town, village or borough, within the same, to be paid by the master or owner thereof, and to be recovered by bill, plaint, or information before any court of record; the one half thereof to go to the informer and the other half to the use of the county where such information is made, except where the prosecution is carried on by presentment, and in that case the whole shall be applied to the use of the county: *Provided always*, That such information or presentment be within twelve months after such neglect or default.

Penalty for refusing to give in returns.

Proviso.

19. *And whereas* divers persons non-residents of this state import large quantities of goods, wares, and merchandize, and evade the payment of taxes by not being in this state at the time usually prescribed for making returns for taxes, for remedy whereof: *Be it enacted*, That any non-resident who shall expose to sale any goods in this state, shall on his arrival or within seven days after entering the same make return on oath to the receiver of taxable returns and give security to the tax collector to pay the same on or before the time prescribed for paying taxes imposed by this act: *Provided* That such goods shall not be liable to pay the tax, when they may be exported or placed on the hands of a vendue master to be actually disposed of by him or them, and on failing to comply as aforesaid, it shall and may be lawful for the tax collector to proceed against him or them in like manner as against persons about to remove out of the county.

Tax on non-residents vending goods, &c. in this state.

Proviso.

20. *And be it further enacted*, That it shall be the duty of the judges of the superior courts at their next term, after the returns of the receiver of taxable property shall have been made agreeably to this act, to give it in charge to the grand juries of the several counties, that they do present all such persons as may be defaulters under this act; *Provided nevertheless*, That where any person or persons who may be a defaulter, shall before any information or presentment be made against him or them go to the clerk of the superior court of his county, and give in a list of his property upon oath, in the same manner as ought to have been given to the receiver, such person or persons shall be exonerated from the pains and penalties of this act; and each person shall pay to such clerk for taking such list the sum of fifty cents, and every such

Defaulters to be presented by the grand jury.

Proviso.

clerk shall return to the collector of his county on or before the first day of December one thousand seven hundred and ninety-six a true list of such property, and also transmit to the treasurer a return thereof, on or before the first day of February following.

Tax to be paid  
in specie  
No replevin,  
do.

*And be it enacted by the authority aforesaid,* That the tax imposed by this act shall be paid and collected in specie, and nothing else; and no replevin shall lie or other judicial interference be had in any levy of distrain for taxes under this law, but that the party injured be left to his proper remedy in a court of law.

Receivers appointed by this act to take returns for 1795 where they have not been taken.

21. *And whereas* many of the persons appointed by the last legislature in the respective counties to receive returns of taxable property of such county did not accept their appointments, or failed to perform the duties thereof, by reason whereof no returns have been made from many districts in some counties, and in others from no district therein, for the year 1795, and in consequence thereof, no tax has been collected from such districts and counties; and it is just and necessary that every individual of the community should contribute his proportion of the means for the support of government: *Be it therefore further enacted,* That the receivers to be appointed by virtue of this act, in all such districts and counties where no returns of taxable property have been made for the year 1795 as aforesaid, be and they are hereby directed to require of the inhabitants of such districts on oath a list of the taxable property each of them were possessed of at the time when the returns ought to have been given in to the receivers appointed under and by virtue of the tax law for that year, which lists such receivers shall keep separate from the tax returns to be made by virtue of this act; and shall return the same to the treasurer together with the general return to be made under this act, and such receivers shall have and receive for their trouble, such allowance as is by this act allowed for receiving the general returns, and every person neglecting or refusing to give in such list, shall be returned a defaulter, and shall be subject to all the pains and penalties as other persons neglecting or refusing to give in their returns under this act, and shall be recovered in manner herein after pointed out for default under the present act. *Provided nevertheless,* That where it shall be shewn satisfactory to the receiver that any person or persons have given in their return of taxable property for the aforesaid year, in such case, such person shall not be compelled to give in his or her return again; and that the collectors of the respective counties where such neglects have happened shall receive and account with the treasurer for the aforesaid arrearages, in the same manner as for the tax imposed by this act.

Proviso.

Certain parts of the tax act for 1795, repealed.

22. *And whereas* in and by the tax law for the year 1795 aforesaid, it is enacted that the returns for all lands shall be made and the taxes paid in the county wherein such land is situate, which tends to deprive the state of a very considerable part of her revenue and it is likewise calculated to incommode and harrass the citizens thereof unnecessarily, and to subject them to the loss of their property without having been intentionally defaulters, *Be it therefore enacted,* That so much of the aforesaid act as is before recited, relative to returning lands in the county where they lie, is hereby repealed, and the owners of all lands or their agents, guardians, or trustees, lying out of the county wherein such person resides may make returns of all such lands in the county where they reside, and pay the tax due thereon for the year 1795 aforesaid, in manner and form herein before prescribed for persons residing in any county or district for which the receiver or receivers have not acted as aforesaid, and such receivers are required to receive the same and the collectors to collect the taxes due thereon in manner before mentioned; and any sale of lands lying out of the county wherein



such owner or owners resides, or such attorney, guardian, or trustee resides, under and by virtue of the act 1795 aforesaid, is declared null and void; provided the owner or owners shall within four months after the passing of this act return such lands and pay the taxes due thereon for the said year 1795, in manner herein before prescribed.

23. *And be it further enacted*, That the sum of ten dollars shall be levied on all negroes brought into this state by sea, for settlement or sale, except such as may be brought in by emigrants from any other part of the United States for settlement, to be paid to the tax collector of the county within which such negroes may arrive, within the space of twenty days after such arrival, and a return of which negroes shall be made to the receiver of tax returns of the county within five days after such arrival, specifying the number and sexes of negroes so imported, and in case of neglect or refusal to make such returns or payment, the said negroes shall be and are hereby declared to be forfeited to and for the use of the state, and such tax collector is hereby authorized and required to sell and dispose of such negroes, and to lodge the amount of sales thereof in the treasury. *Provided*, That the tax collectors appointed by virtue of this act shall not be entitled to receive more than one per cent. on the tax imposed by this act on negroes brought into this state by sea, nor the receivers of tax returns more than one half per centum on the amount of such tax, and such collectors shall quarterly account for and pay into the treasury all monies so by them received for such tax. Tax on negroes imported into this state.

24. *And provided also*, That nothing in this act shall be construed to impose a tax of ten dollars on negroes brought into this state actually belonging to the vessels bringing them as mariners. Proviso.

25. *And be it further enacted by the authority aforesaid*, That any receiver making a false return expressive of more, or other than is to him given in, shall forfeit and pay to the party aggrieved a sum equal to double the amount of the tax on the property so illegally returned; and any collector demanding any other or more tax than by this act is imposed according to the respective returns, shall forfeit and pay to the party aggrieved, for every such offence four fold on the sum so unlawfully received, to be recovered before any jurisdiction having cognizance thereof: And it shall be the duty of the sheriffs of the respective counties to execute all executions and other process issued by the treasurer against officers appointed by this act, under and by virtue of the same. Penalty for receivers making false returns. Penalty for collectors demanding more than due.

THOMAS STEPHENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 22, 1796.

JARED IRWIN, *Governor.*

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*An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-seven.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority thereof, That a tax of thirty-five cents, for every hundred dollars value, on all lands Tax on lands.

- within this state, granted to or surveyed for any person, as such lands shall be estimated at, shall be levied on the same in the following mode, to wit :
- All tide swamp, (cultivated or uncultivated) including islands, of the first quality, at ten dollars thirty-nine cents per acre ; of the second quality, at six dollars forty-three cents per acre ; and of the third quality, at one dollar seventy-seven cents per acre.
- All pine lands adjoining such tide swamp lands or contiguous thereto, and within three miles of water-carriage, at one dollar sixty-one cents per acre : all prime inland swamps (cultivated or uncultivated) of the first quality, at an average of seven dollars seventeen cents per acre ; of the second quality, at three dollars ninety-seven cents per acre ; of the third quality, at one dollar sixty-two cents per acre.
- All pine barren lands adjoining or contiguous thereto, at forty-three cents per acre.
- All salt marsh, at forty-three cents per acre.
- All high river swamp and low grounds, (cultivated or uncultivated) including islands, including such as are commonly called second low grounds, lying above Abercorn Creek, and as high as the mouth of M'Bean's Creek, on Savannah River, of the first quality, at five dollars thirty-six cents per acre ; of the second quality, at three dollars twenty-two cents per acre ; and of the third quality, at one dollar sixty-one cents per acre.
- All high river swamp as aforesaid, lying above M'Bean's Creek, and as high as the mouth of Rae's Creek, of the first quality, at eight dollars three cents per acre ; of the second quality, at five dollars and thirty-six cents per acre ; and of the third quality, at two dollars thirty-five cents per acre.
- All high river swamp as aforesaid, from the mouth of Rae's Creek to the mouth of Broad River, lying on Savannah River, of the first quality, at four dollars eighty-eight cents per acre ; of the second quality, at two dollars thirty-five cents per acre ; of the third quality, at seventy-five cents per acre.
- All oak and hickory lands (cultivated or uncultivated) including islands, from the mouth of Rae's Creek to the mouth of Broad River, and within one mile of Savannah River, of the first quality, at one dollar sixty-one cents per acre ; of the second quality, at seventy-five cents per acre ; and of the third quality, at forty-three cents per acre.
- All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River, up the Savannah River, and within one mile of the same, and up Tugalo River to the marked line on the said stream, of the first quality, at one dollar and eighteen cents per acre ; of the second quality, at sixty-eight cents per acre ; and of the third quality, at thirty-one cents per acre.
- All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River to the marked line on the head thereof, of the first quality, at one dollar eighteen cents per acre ; of the second quality, at sixty-eight cents per acre ; and of the third quality, at thirty-one cents per acre.
- All high river swamp or low grounds (including islands) cultivated or uncultivated, from Fort Argyle to the mouth of Buck-head Creek on Ogechee River, of the first quality, at two dollars three cents per acre ; of the second quality, at one dollar eighteen cents per acre ; and of the third quality, at forty-three cents per acre.
- All oak and hickory lands aforesaid, from the mouth of Buck-head Creek to the head of Ogechee River, of the first quality, at one dollar sixty-one cents per acre ; of the second quality at seventy-five cents per acre ; and of the third quality, at forty-three cents per acre.

All high river swamp or low grounds (including islands) cultivated or uncultivated, from the mouth of Buck-head Creek to the head of Ogechee River, of the first quality at one dollar sixty-one cents per acre; of the second quality, at seventy-five cents per acre; and of the third quality, at forty-three cents per acre.

All high river swamp (cultivated or uncultivated) including islands, from Cathead, on the river Alatomaha, to the mouth of Oconee River, of the first quality, at two dollars thirty-five cents per acre; of the second quality, at one dollar eighteen cents per acre; of the third quality, at forty-three cents per acre.

All high river swamp or low grounds as aforesaid, from the mouth of Oconee River, along the northern stream on the north side of the Indian temporary line, to the confluence of the Oconee and Appalachee or south fork, of the first quality, at three dollars twenty-two cents per acre; of the second quality, at one dollar sixty-one cents per acre; of the third quality at forty-three cents per acre.

All river swamp as aforesaid, from the confluence of Oconee River and Appalachee upwards, on the north side of the Indian temporary line, of the first quality, at two dollars fifteen cents per acre; of the second quality, at one dollar and thirty cents per acre; and of the third quality at seventy-five cents per acre.

All other oak and hickory lands throughout this state, of the first quality, at one dollar and eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality at thirty-four cents per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, above the flowing of the tide on all rivers from Cathead, on the river Alatomaha, to the river St. Mary's, inclusive, to the marked line aforesaid, of the first quality, at seventy-five cents per acre; of the second quality, at thirty-five cents per acre; of the third quality, at twenty-one cents per acre.

All lands on the sea islands or lying on the sea points to the seashore, usually cultivated or capable of cultivation in cotton, of the first quality, at four dollars eighty-one cents per acre; of the second quality, at two dollars thirty-five cents per acre; and of the third quality, at one dollar eighteen cents per acre.

All other pine lands throughout the state, at twenty-one cents per acre.

2. *And be it enacted by the authority aforesaid,* That the sum of thirty-one and a quarter cents shall be levied on all free male white persons of the age of twenty-one <sup>Poll tax,</sup> years and upwards in this state; and the sum of thirty-one and a quarter cents on all negroes and other slaves whatever, under the age of sixty years, within the limits of the same; and the sum of thirty-one and a quarter cents for every hundred <sup>And tax on negroes.</sup> dollars value of every lot, wharf or other lands not herein already enumerated, and on all buildings within the limits of any town, village or borough within the same; the sum of fifty cents upon all male free negroes, mulattoes and mustizoes, from the age of twenty-one years and upwards, over and above the taxable property they may be possessed of; that the sum of twenty cents shall be levied for every hundred dollars value of all persons' stock in trade, shopkeepers and others, and to be computed at prime cost, and the return to be made on oath that the stock in trade so returned is the highest estimation of the stock in such person's possession, at any time not exceeding three months preceding the time appointed by this law for such stock in trade to be estimated and returned; the sum of four dollars on all professors of law and physic; and the sum of fifty dollars on all billiard tables; and the sum of three hundred dollars on every EO table, or other instrument of the like construction for the purpose of gambling; that the tax imposed on EO and billiard

tables may be levied and collected at any time after the passing of this act, wherever such tables may be found; and every tax collector is hereby required to proceed immediately against persons keeping such tables; as is directed in cases of non-payment of taxes on other property; and the sum of four dollars on all factors and brokers, and on all foreign wares, liquors and merchandize, sold, bargained or trafficked for by all such factors and brokers; the sum of eighteen and three quarter cents on every hundred dollars by them so sold or disposed of, to be given in upon oath; and the sum of fifty cents upon every hundred dollars of the funded stock of the United States, to be given in by the holders thereof in like manner as stock in trade: *Provided nevertheless*, That in all cases of extreme indigence or infirmity, the inferior court of each county shall be, and they are hereby authorized to remit the poll tax upon such indigent or infirm persons claiming the same.

Receivers of  
tax returns to  
be appointed  
for the respec-  
tive counties.

3. *And be it enacted by the authority aforesaid*, That there shall be a receiver for each county throughout this state, and the mode of taking the returns shall be as follows: The receiver of tax returns in each county shall give notice to each captain's district within the county, by advertising in the most public place, of each district the day and place he will attend to receive the returns of taxable property therefor; and which notice shall be given at least ten days previous thereto; such receiver shall likewise attend previous to making his return of defaulters, three different days in each district for that purpose, which days shall not be within seven days of each other; and the commanding officer in each company shall give to the receiver so attending a list of the inhabitants liable to pay taxes within his district, on oath or affirmation, to the best of his knowledge and information, under the penalty of thirty dollars in case of failure, to be recovered before any justice of the peace within the county, one half to the person suing for the same, the other for the use of the poor of such county. And it shall be the duty of the receiver of returns at all times, upon personal application, to receive the returns not given at the time and place specially notified, at any time before he makes a digest of the whole returns; and he shall, previous to entering on the execution of his duty, take and subscribe an oath or affirmation in the words following, to wit: "I, *A. B.* do solemnly swear (or affirm) that I will truly and faithfully perform the duties of receiver of returns of taxable property in the county to which I am appointed, as required of me by this act, and will not receive any return but on oath or affirmation."

Manner of re-  
ceiving re-  
turns.

Receivers oath.

List of taxable  
property.

4. *And be it also enacted*, That all and every person liable to pay tax shall give in the list of his, her or their taxable property, as well as a list of every such person or persons as he, she or they may be attorney or attornies, executor or executors, administrator or administrators for, in the county or counties wherein such attorney, executor or administrator resides, describing as near as possible, from plats, deeds or other documents, the particular situation of such land, in what county, what particular water course on, and what lands it adjoins, for whom surveyed or to whom granted; and the receiver of such returns shall make a general digest; and return the whole of the taxable property received as aforesaid, and also of the taxable property of non-residents and defaulters within his county, and shall transmit three copies, one to the collector of the county, one to the inferior court, and one to the treasurer; and that the said tax receivers do deliver the aforesaid three copies, to wit, to the collector and clerk of the inferior court, on or before the fifteenth day of July next, and to the treasurer, on or before the first day of August thereafter, under the penalty of one thousand dollars for each offence, including therein his own taxable property and shall publish within one month thereafter in the gazette the names of the default-

Duty of receivers therein.

Under penalty  
of two thou-  
sand dollars,

ters, under the penalty of two hundred dollars; and the receivers shall receive two and one half per cent. on the taxes arising from all property returned, and six and one fourth cents on each return of a poll without property; and it shall be his duty to transmit to the treasurer, and clerk of the inferior court, and collector of taxes, each a copy of such digest. And that the said several receivers to be appointed by this act shall be paid by the collectors in their respective counties, the sums which shall become due them for their services as allowed by this act: *Provided*, That no receiver shall be allowed or paid by the collectors before such receiver shall produce a certificate from under the hands of the clerk of the inferior court of such county, that such receiver is entitled to such sum for his services agreeable to this act; which certificates such clerks are hereby on application directed to give; and every collector shall be allowed credits for such payments in his settlement with the treasurer, who is hereby required to transmit an alphabetical digest (from the several general returns in his office,) of all the lands and other property returned as lying in each county, to the inferior courts of the respective counties, to be examined and compared with the returns of such county; for which duty the treasurer shall be entitled to the sum of five dollars for each digest so transmitted, for which sums his excellency the governor is authorized to draw a warrant on the treasury, on the treasurer's producing and depositing in the executive office a receipt for such digest from the clerk of the inferior court of the county; and in case the treasurer shall fail or neglect to transmit such alphabetical digest on or before the last day of each year, he shall forfeit and pay the sum of fifty dollars for each digest not transmitted, to be recovered by the justices of the inferior court, in any court having cognizance thereof, and applied to the use of such county. And it shall be the duty of each tax receiver to examine the alphabetical digest so transmitted by the treasurer, and report upon oath all lands and other property within not returned as aforesaid, and the quality of such land, to the best of his knowledge and information, to the collector of such county; and it shall be the duty of such collector to proceed to collect the taxes due thereon, in the same manner as if such property had been returned under this act, and shall be accountable for the same to the treasurer.

Under penalty of two hundred dollars.

their compensation.

Treasurer to have five dollars for examining said returns.

5. *And be it further enacted*, That the receivers and collectors of tax for the respective counties shall be responsible to the executive department, and be amenable to such rules in conducting the duties of their respective offices, as the executive may think necessary and proper. The collectors of the respective counties before they enter on the duties of their office shall give bond with sufficient security, as follows: For the county of Chatham, in the sum of twenty thousand dollars; for the county of Camden, in the sum of four thousand dollars; for the county of Glynn, in the sum of two thousand dollars; for the county of McIntosh, in the sum of five thousand dollars; for the county of Liberty, in the sum of five thousand dollars; for the county of Bryan, in the sum of three thousand dollars; for the county of Effingham, in the sum of two thousand dollars; for the county of Scriven, in the sum of two thousand dollars; for the county of Burke, in the sum of five thousand dollars; for the county of Montgomery, in the sum of two thousand dollars; for the county of Washington, in the sum of four thousand dollars; for the county of Warren, in the sum of four thousand dollars; for the county of Hancock, in the sum of four thousand dollars; for the county of Greene, in the sum of five thousand dollars; for the county of Richmond in the sum of eight thousand dollars; for the county of Columbia, in the sum of six thousand dollars; for the county of Wilkes, in the sum of ten thousand dollars; for the county of Oglethorpe, in the sum of eight thousand

Receivers and collectors responsible to the executive, the latter to give bond and security.

dollars ; for the county of Elbert, in the sum of five thousand dollars ; for the county of Franklin, in the sum of four thousand dollars ; for the county of Jackson, in the sum of three thousand dollars ; for the county of Bullock, in the sum of two thousand dollars ; for the county of Lincoln, in the sum of three thousand dollars ; for the county of Jefferson, in the sum of three thousand dollars ; and shall also take and subscribe the following oath or affirmation, to wit: " I, *A. B.* appointed collector of tax for the county of \_\_\_\_\_ do solemnly swear that I will faithfully discharge the duty required of me by law ;" and in case of death refusal or neglect, of any collector to enter into such bond, or take such oath, then his excellency the governor is hereby authorized and required to appoint some other person willing to accept the same on the qualification aforesaid, who shall attend in each district of the county to receive such tax ; and shall previously give at least ten days' notice thereof, and shall attend at least two days in each captain's district ; and not within ten days of each other, and if he shall presume to execute the said office without the qualification aforesaid, he shall forfeit double the sum for each person's tax he shall receive, to be recovered by any person who shall inform and prosecute for the same in any court or tribunal having cognizance of debts to that amount.

Their oath.

Vacancies.

The governor shall take bond and security.

6. *And be it further enacted*, That the governor for the time being shall take bond and security of the collectors of each county respectively, in conformity to this act, for the due performance of all the duties required of them ; and shall transmit a *de dimus*. to the justices of the inferior court of the several counties, or any two of them, to receive and cause to be executed such bond with two or more securities to be approved of by such justices, which bond shall be forthwith transmitted by them to the treasury office.

Returns of taxes to be rendered on oath.

7. *And be it further enacted by the authority aforesaid*, That all persons whatsoever who are possessed of any lands, granted to or surveyed for them, or for any other person or persons, or of slaves, either in their own right, or in any other person or persons whatever, or are liable to pay any tax by virtue of this act, shall on or before the first day of May next, render a particular account thereof, on oath in writing, setting forth in what county such lands and slaves are, to the best of his, her or their knowledge, to the receiver of the county wherein such person resides, at such time and place as the receiver of such county shall appoint for the doing thereof, so that the same be done on or before the first day of May aforesaid ; which oath or affirmation shall be in the words following, viz. " I \_\_\_\_\_ do swear or affirm (as the case may be) that the account which I now give in, is a just and true account of all the taxable property which I was possessed of, held or claimed on the first day of January last, or was interested in or entitled unto, either in my own right or in the right of any other person or persons whatsoever, as parent, guardian, executor, administrator, agent or trustee, or in any other manner whatever, according to the best of my knowledge, information and belief, and that I will give a just and true answer to all lawful questions that may be asked me touching the same ; and all this I declare without any equivocation or mental reservation whatever. So help me God." Which said oath or affirmation the receivers of tax returns, for the several counties, are hereby respectively authorized to administer gratis.

Form of the oath.

Penalty for neglect or giving false returns.

8. *And be it further enacted*, That if any person or persons shall neglect or refuse to give in a return of his, her or their taxable property, or shall be convicted of fraud or making a false return thereof, he, she or they, shall be liable to pay to the clerk of the inferior court of the county, a fine of ten dollars, for every hundred dollars valuation so neglected or concealed ; one half whereof for the use of the county, under

the direction of the inferior court, and the other half to the use of the informer or informers; to be recovered in any court having cognizance of the same.

9. *And be it enacted*, That all attornies or trustees of, or for any person or persons living without the limits of this state, shall make true returns as aforesaid, in the district wherein such attorney or trustee resides; and that such attorney or attornies, trustee or trustees, shall be subject and liable to pay the tax to become due by this act, or which may be due by virtue of any former tax act or acts, for such land or lands, slave or slaves, out of his or their own proper estate, notwithstanding such attorney or attornies, trustee or trustees may renounce or disclaim acting as such before the said taxes are levied; unless such attorney or attornies, trustee or trustees, shall make oath before the receiver aforesaid, that he or they hath or have renounced such trust, or attorneyship, before the payment of such tax became due without having done it only with a design to avoid the payment thereof. *Provided always*, That if such attorney or attornies, trustee or trustees, shall within one year next after making such oath, again become attorney or attornies, trustee or trustees, or act as such, he or they shall be liable to pay the said tax as herein directed, any thing herein contained to the contrary notwithstanding; and for levying whereof the same remedy shall be, and is hereby given as for levying the tax to become due by virtue of this act on the proper estate or estates of such attorney or attornies, trustee or trustees, or other person or persons acting as such.

10. *And be it further enacted by the authority aforesaid*, That in case any land or other taxable property shall be found by the receivers to belong to any person or persons residing without the limits of this state; and who have no attorney or attornies, trustee or trustees, legally constituted in this state, or which have not been returned to any receiver appointed to the county where such lands are, then and in such case the receivers shall be, and they are hereby authorized and required to charge such lands and other property for the payment of the tax imposed thereon, and also for all taxes due thereon by any former tax act, and forthwith once in every month to publish and give notice of such charge or assessment in the gazette, and in case of non-payment of such taxes within six months, the said lands and other property shall be thereafter liable to double tax and to be proceeded against by attachment in a summary way by the collector in the manner of distress and sale, and to make titles to the person or persons purchasing the same, and to pay the money, lawful charges only to be deducted into the treasury, *Provided*, the owner or owners, his or her agent or attorney, shall not within twelve months after such sale apply for the surplus; and it shall be the duty of every tax collector, and he is hereby required on the day on which he shall come to a final settlement with the treasurer, or on the day when he is required by law to close his accounts, to make a return on oath, which shall be certified and vouched for by at least two justices of the peace for the county, of all land sold by him for the taxes, specially setting forth the tax for which it was sold, the price it sold for, and the purchaser or purchasers, and in case of failure such collector and his securities shall be subject to a penalty of two thousand dollars, to be recovered in any court having cognizance thereof to the use of the prosecutor, and shall also be subject to an action at law for damages by any person aggrieved thereby.

11. *And be it further enacted by the authority aforesaid*, That all persons whatsoever who are possessed of any lands or slaves in this state, in his or their own right, or in the right of any other person or any ways liable to pay tax by virtue of this or any other act, shall pay in their taxes to the collectors that may be appointed to receive

Defaulter's property to be sold

Manner of sale.

the same, in the manner herein after directed, on or before the first day of February next, and the respective collectors' receipts shall be held and taken as satisfactory; and if on the said first day of February, any person or persons shall be in default, the collector of the county where such default shall happen, shall immediately proceed against such defaulters by distress and sale (after due notice given of such sale which in no case shall be less than twenty days' advertisement in one of the public gazettes of the state, and stating the amount of the assessment levied, or tax due by such person or persons) of goods and chattels, if any to be found, otherwise of the lands of such defaulter or defaulters, or so much thereof as will pay the amount of taxes due with costs, but no sale of lands shall be made or be valid unless two months' notice thereof be given by advertisement in one of the gazettes of the state, which shall be regularly published until the day of sale: And in all cases to make titles to the purchasers of the property sold as aforesaid, and the said collectors respectively shall, on or before the first day of June, in the year of our Lord one thousand seven hundred and ninety-eight, close their accounts, and deliver the same to the treasurer for the time being, and after deducting five per centum, on all such taxes as they shall receive pay the remainder to the said treasurer. And the tax collectors shall at all sales of land for taxes first offer such part of such lands for sale as may be reasonably expected to produce the amount of tax due by the owner thereof, and if he shall not have a bid for such part of the said lands, he may then offer a larger quantity until he can produce bids to the amount of the taxes due; and that no sale of lands heretofore or hereafter made by tax collectors of more than one tract or grant belonging to or sold as the property of one person, or one company or society of persons, where such tract first sold, shall have produced or amounted to the taxes due by such person, or on all the lands returned or represented as the property of such person or persons shall be deemed and considered valid, but such sales are hereby declared to be null and void.

Double tax in certain cases.

Proviso.

Proviso.

11. *And be it further enacted*, That when any of the said receivers of returns or collectors of taxes shall or may discover that any land or slaves, or other taxable property hath not been returned as in this act pointed out, he or they shall summon three free holders, residents of the district where such lands may lie, or property be, to ascertain the quality of such lands or other property, and double the tax thereon, for which amount the collector is hereby empowered and required to levy, sell, and convey in the manner herein already mentioned. *Provided always nevertheless*, That all lands or other property vested in commissioners or trustees, for public uses shall not come within the purview of this act: *And provided also*, That no sale which shall be made under this act of the property of orphans (having no guardian or trustee) shall have any effect.

13. *And whereas* it has happened and may frequently happen that between the day of receiving the returns and the day appointed for the payment of the said tax, many persons have left the district in which they reside, and have been returned by the collectors as insolvents, who had no property upon which the collector could levy and detain.

Insolvent list to be corrected by grand juries.

*Be it therefore enacted by the authority aforesaid*, That the collector in any county shall be obliged to lay before the grand jury of each county, a list of such insolvents as may be in such county or counties on oath who shall allow or disallow the same.

Taxes preferred to all encumbrances.

14. *And be it enacted by the authority aforesaid*, That the taxes imposed by this act, shall be preferred to all securities and encumbrances whatever, and that in case any person or persons coming under the notice of this act, shall die between



the time of giving in his, her or their returns, to the receiver or receivers respectively, and the paying of his, her or their tax, and any goods or chattels of the deceased, to the value of the sum taxed, shall come into the hands of his, her or their executors or administrators, or executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages, or debts whatsoever, otherwise a warrant of execution shall issue against the proper goods and chattels of such executor or administrator; and if any person or persons between the time of rendering the account of his, her or their estate to the receiver aforesaid, and the time of his, her or their paying in the said tax, shall be about to depart the county in which he, she or they may have immediately then preceding resided; the said collector or collectors is and they are hereby directed and required forthwith to levy the same, notwithstanding the day of payment may not then have arrived, unless such person or persons shall and do find security to be approved of by the said collector or collectors respectively, for the payment thereof at the day herein appointed.

15. *And be it further enacted*, That all deeds of gift, conveyances, mortgages, sales, and assignments of goods, lands, tenements and chattels, of any kind of any persons whatsoever, made with an intention to avoid paying the aforesaid tax, are hereby deemed and declared null and void; and in case any person who has mortgaged his estate real or personal, shall refuse or neglect to pay the tax of the same the mortgagee shall be liable to pay the same. *Provided*, That no sale for taxes under this act shall tend to affect the state title to any property mortgaged or secured thereto.

Deeds, &c. made to evade the payment of tax fraudulent and void.

16. *And be it further enacted by the authority aforesaid*, That the treasurer for the time being, be and he is hereby empowered and required to grant executions against all former collectors of taxes who are or may be defaulters, immediately after the passing of this act; and he is hereby required and directed to proceed and prepare the form of a general return to be made by the respective receivers of tax returns, to be approved of by the governor, and transmitted to the treasurer without delay to the aforesaid officers.

Executions against collectors in default.

Form of the general return.

17. *And be it further enacted*, That where the collector of the county finds no property real or personal therein of persons in arrears to satisfy the tax due by virtue of this or any former tax act, such collector is hereby authorized and empowered to sell so much of the property of the person neglecting to pay as aforesaid, as may be situate in any other county or counties as will satisfy the said tax and arrears of tax as aforesaid, without further notice than his giving twenty days' previous publicity of said sale, by advertisement in one of the gazettes of this state; and the collectors shall be allowed the sum of fifty cents for each execution levied, and five per centum on the amount of all sales.

Collectors may sell property lying out of their county.

18. *And be it further enacted*, That every person or persons refusing or neglecting to give in a list of his, her or their taxable property agreeably to the directions of this act, shall forfeit and pay for every such neglect, the sum of one dollar for every free male above the age of twenty-one years, and the sum of one dollar, for every negro; the sum of eighty cents on every hundred dollars value of every lot, wharf, or other lands not herein already enumerated, and on all buildings within the limits of any town, village, or borough within the same, to be paid by the master or owner thereof and to be recovered by bill, plaint, or information before any court of record; the one half thereof to go to the informer, and the other half to the use of the county where such information is made, except where the prosecution is carried on by presentment; and in that case, the whole shall be applied to the use of the county: *Provided always*,

Additional tax on defaulters.

That such information or presentment be made within twelve months after such neglect or default.

Tax on merchandise sold by non-residents,

19. *And whereas*, divers persons non-residents of this state, import large quantities of goods, wares and merchandize, and evade the payment of taxes, by not being in this state, at the time usually prescribed for making returns for taxes, for remedy: *Be it enacted*, That any non-resident who shall expose to sale any goods in this state, shall on his arrival or within seven days after entering the same, make return on oath, to the receiver of taxable returns, and give security to the tax collector to pay the same on or before the time prescribed for paying taxes imposed by this act. *Provided*, That such goods shall not be liable to pay the tax when they may be exported, or placed in the hands of a vendue master to be actually disposed of by him or them; and on failing to comply as aforesaid; it shall and may be lawful for the tax collector to proceed against him or them, in like manner as against persons about to remove out of the county.

Proviso.

Defaulters to be presented.

20. *And be it further enacted*, That it shall be the duty of the judges of the superior courts, at their next term, after the returns of the receiver of taxable property shall have been made agreeably to this act, to give it in charge to the grand juries of the several counties, that they do present all such persons as may be defaulters under this act. *Provided nevertheless*, That where any person or persons who may be a defaulter, shall before any information or presentment be made against him or them, go to the clerk of the superior court of his county, and give in a list of his property upon oath, in the same manner as ought to have been given to the receiver, such person or persons shall be exonerated from the pains and penalties of this act; and each person shall pay to such clerk for taking such list, the sum of fifty cents; and every such clerk shall return to the collector of his county, on or before the first day of December, one thousand seven hundred and ninety-seven, a true list of such property, and also transmit to the treasurer a return thereof, on or before the first of February following.

Proviso.

Tax how to be paid.

21. *And be it enacted by the authority aforesaid*, That the tax imposed by this act shall be paid and collected in specie, bank bills of the United States, or of the different branches thereof, governor, president and speaker's warrants, agreeably to the order of the present legislature, and nothing else: And no replevin shall lie, or any judicial interference be had in any levy or distrain for taxes under this law, but that the party injured be left to his own proper remedy in a court of law.

Tax collectors to have credit in certain cases

22. *And whereas*, in conformity to the tax law of one thousand seven hundred and ninety-five, many persons had returned their lands in the counties where they lie; but have since taken advantage of the law of one thousand seven hundred and ninety-six, and paid the taxes thereon in the counties where they reside, and the collectors still stand charged with the amount of the returns so made: *Be it enacted*, That the treasurer be and he is hereby directed and authorized to credit any tax collector with the amount of returns made of lands by persons residing in other counties: *Provided*, such collector shall make oath, that such taxes have not been paid to him, and the treasurer shall make returns of all such lands to the collector of the county where the owner, trustee, agent, attorney or guardian may reside, requiring such collector to shew whether the taxes have or have not been paid to him, and if not, the said collector is authorized and required to proceed against such owner, agent, trustee or guardian as in cases of default.

Proviso.

Tax on negroes imported for sale.

23. *And be it further enacted*, That the sum of fifteen dollars shall be levied on all negroes brought into this state by sea, for settlement or sale, except such as may

be brought in by emigrants from any other part of the United States for settlement, to be paid to the tax collector of the county within which such negroes may arrive, within the space of twenty days after such arrival, and a return of which negroes shall be made to the receiver of tax returns of the county, within five days after such arrival, specifying the number and sexes of negroes so imported; and in case of neglect or refusal to make such returns or payment, the said negroes shall be and are hereby declared to be forfeited to and for the use of the state, and such tax collector is hereby authorized and required to sell and dispose of such negroes and lodge the amount of sales thereof in the treasury; *Provided* That the tax collectors appointed by virtue of this act, shall not be entitled to receive more than one per centum, on the tax imposed by this act, on negroes brought into this state by sea, nor the receiver of tax returns more than one half per centum on the amount of such tax; and such collector shall quarterly account for, and pay into the treasury all monies so by them received for such tax; *And provided also*, That nothing in this act shall be construed to impose a tax of fifteen dollars on any negroes brought into this state, actually belonging to the vessels bringing them as mariners.

Proviso.

Proviso.

24. *And be it further enacted by the authority aforesaid*, That any receiver making a false return, expressive of more or other than is to him given in, shall forfeit and pay to the party aggrieved a sum equal to double the amount of the tax on the property so illegally returned; and any collector demanding any other or more tax than by this act is imposed, according to the respective returns, shall forfeit and pay to the party aggrieved for every such offence fourfold on the sum so unlawfully received, to be recovered before any jurisdiction having cognizance thereof, and it shall be the duty of the sheriff of the respective counties, to execute all executions and other process issued by the treasurer against officers appointed by this act, under and by virtue of the same.

Penalties on receivers and tax collectors for mal-practices.

25. *And be it further enacted*, That in case any collector of taxes for any county in this state shall not settle his accounts with the treasurer, and pay in the amount of his collection by the time pointed out in this act, the treasurer shall publish in one of the gazettes of this state a notification, requiring all and singular the tax collectors who may be in arrear, to come forward and settle their accounts, and pay the balance they may respectively owe into the treasury, within two months from the date of such notification, which shall be regularly published six weeks successively, stating the sums due by each collector, their names and securities; and in case of failure to make settlement and pay in the monies as aforesaid, the treasurer is authorized and directed to issue his execution against every collector so in default, directed to all and singular the sheriffs of this state, and transmitted to the sheriff of the county for which the collector is appointed, who is required to levy the same immediately, if there is any property of the defendants in the county, if not, to transmit the same to any other county where the defendants, or either of them, may have property; and the sheriff of such other county is in like manner to levy the same; and no execution issued by the treasurer in manner herein prescribed shall be stayed by reason of the death of the said collector or his securities, as to the sum due or the legality of the execution.

Executions to issue against collectors.

26. *And be it further enacted*, That the collectors of the several counties shall, before they receive the taxes from defaulters in their respective counties, ascertain and enter in a book to be kept for that purpose, the taxable property in default, and the amount of taxes due by such defaulter, an exact copy of which book or digest

Taxable property of defaulters to be entered in a book for that purpose.

they shall transmit to the treasurer, and another copy shall lodge with the receiver of taxes of the said county, who shall add the same to his digest previous to such collector's receiving the taxes from such defaulters; and in case any collector shall attempt to receive the taxes, or any part thereof, from such defaulter or defaulters, before he shall transmit the aforesaid digests to the treasurer and receiver as aforesaid, he shall forfeit double the amount so received, to be recovered by execution to be issued by the treasurer, as in cases of default, on information thereof to the treasurer.

Former collectors in default to return digests to the treasurer.

27. *And be it further enacted*, That all former collectors in default shall, within sixty days after the passing of this act, return a digest to the treasurer, and another to the receiver, of all monies received or which they may receive from defaulters as aforesaid, in the manner herein pointed out, and in failure thereof shall be subject to execution, and the penalties which collectors under this act are subject to.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred, February 11, 1797.

JARED IRWIN, *Governor.*



*An act to impose a tax for the support of the government for the year one thousand seven hundred and ninety-eight.*

Tax on all lands granted or surveyed according to the estimation laid down by the act of 1797.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority thereof, That a tax of thirty-five cents for every hundred dollars value of all lands within this state, granted to or surveyed for any person or persons, shall be paid and levied thereon the value or estimation of such lands to be rated agreeably to the estimation or value of lands in and by an act, entitled "An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-seven."

Poll tax.

2. *And be it further enacted*, That the sum of thirty-one and a quarter cents shall be levied on all free male white persons resident within this state, of the age of twenty-one years or upwards; and the sum of thirty-one and a quarter cents on all negroes and slaves, under the age of sixty years, within the limits of the same; and the sum of thirty-one and a quarter cents for every hundred dollars value of every lot, wharf or other land not particularly estimated in the act before recited, and on all buildings within the limits of any town, village, borough or city within the same; the sum of fifty cents on all male free negroes, mulattoes and multizoes, of the age of twenty-one years or upwards, over and above the taxable property they may be possessed of; the sum of twenty cents for every hundred dollars value of all persons' stock in trade, merchants, shopkeepers and others, to be computed at prime cost, and the return to be made on oath that the stock in trade so returned is the highest estimation of the stock in such person's possession, at any time not exceeding three months preceding the time appointed by law for such stock in trade to be estimated and returned; the sum of four dollars on all professors of law and physic; the sum of fifty dollars on all billiard tables; and the sum of three hundred dollars on every EO table, or other instrument of similar construction used or intended for gambling; the sum of four

Tax on negroes.

On lots, &c.

On free negroes.

On stock in trade.

On physicians, &c.  
On billiard tables, &c.

dollars on all factors and brokers; and the sum of eighteen and three quarter cents On factors, &c. on every hundred dollars value of all foreign wares, liquors and merchandize, sold, bargained and trafficked for by all such factors and brokers; and the sum of fifty cents on every hundred dollars of the funded stock of the United States, to be given in by the holders thereof in like manner as stock in trade: *Provided nevertheless,* That in Proviso. all cases of extreme indigence or infirmity, the inferior court of each county shall, and they are hereby authorized to remit the poll tax on such indigent or infirm person claiming the same.

3. *And be it further enacted,* That the sum of fifteen dollars shall be levied on all negroes brought into this state by sea, for settlement or sale, as long as the importation is by law permitted, except such as may be brought in by emigrants from any other part of the United States for the purpose of actual settlement; which sum shall be paid agreeably to the requisitions contained in the before recited tax act for the year one thousand seven hundred and ninety-seven, with this further provision, that nothing shall be received in payment of said tax except specie, at the following rates, To be paid in specie. to wit, French crowns at one hundred six and a quarter cents, and other coin at the rates established by the laws of the United States, or bank bills of the United States.

4. *And be it further enacted,* That the inferior court of the respective counties of this state, or any three or more of the members of the said court, shall be, and they are hereby authorized and required to elect the receiver or receivers of tax returns (as the case may be) for the time being, and the collectors of taxes in their respective counties, within forty days after the annual adjournment of the General Assembly, and take bond, with two or more good and sufficient securities, in such sum as may be provided for in the tax law for the time being, conditioned for the faithful performances of the duties required of them by law, which bond shall by the said justices or inferior court be transmitted to the secretary of state within the term of forty days as aforesaid, and shall, on the appointment of said collectors and receivers, qualify them into office. Receivers and collectors to be appointed by the inferior courts. Who shall give bond and security.

5. *And be it further enacted,* That if it should so happen that any of the counties shall not elect, take bond and qualify the collectors and receivers of tax returns pursuant to this act, that then and in that case, his excellency the governor shall appoint a receiver of tax returns and collector of taxes, and issue a commission, directed to the justices of the inferior court of the county where such neglect or default may happen, to take bond and qualify the parties or persons so elected. Vacancies.

6. *And be it further enacted,* That the duties of the said receivers and collectors shall severally be the same as is pointed out for receivers and collectors in and by the act to raise a tax for the support of government for the year one thousand seven hundred and ninety-seven; and the regulations, restrictions, clauses and provisos, as well for the government and rule of such collectors and receivers, as for the government and rule of all such persons as are liable to pay tax, either for giving in returns or payment of taxes, or for the time and mode for so doing, shall be the same for carrying this law into execution, as is therein contained for the regulations and restrictions under which that law is declared to operate. Receivers and collectors to be governed by the tax act of 1797, which is declared to be in operation for the collection of this tax.

7. *And be it further enacted,* That for the purpose of carrying the intent and meaning of the foregoing clause more fully into execution, that every part of the before recited act to raise a tax for the support of government for the year one thousand seven hundred and ninety-seven, not militating with this act, shall be held, deemed and considered as of full force and effect. All parts of said act not contrary to this act declared to be in force.

Property of defaulters how to be taxed.

8. *And be it further enacted*, That the receivers of tax returns shall, in thirty days after publishing the names of defaulters, proceed to and assess all such defaulters in a sum equal, according to the best of his opinion, to the full amount of the tax of such defaulter or defaulters, which said assessment shall be deemed and held good against such defaulter or defaulters; and the collector shall proceed against such defaulter or defaulters for double the amount of the said assessment, in manner pointed out by the said tax act of one thousand seven hundred and ninety-seven, for proceeding against defaulters: *Provided*, That if any defaulter or defaulters so assessed shall, at any time before the collector shall levy for the same, make return upon oath before the receiver of his or her taxable property, the said assessment shall be considered void, and the collector shall consider the return as the proper charge against said defaulter.

Proviso.

Double tax on all lands owned by one person above ten thousand acres unless five acres for ever be cultivated.

9. *And be it further enacted*, That any person or persons owning more than ten thousand acres of land within this state, shall cultivate or cause to be cultivated, five acres for every hundred acres over and above ten thousand acres as aforesaid, and in default thereof, a double tax shall be assessed by the collectors of the respective counties where such default shall be made; and that all lands of this description shall be and are hereby declared chargeable in the original grantee or grantees' name, any law to the contrary notwithstanding.

Accounts of the arrears of collectors to be put up at the state house.

10. *And be it further enacted*, That at the meeting of every General Assembly hereafter it shall be the duty of the treasurer to make out an account of the arrears of all collectors of taxes and holders of public monies, and to post it up in the state-house for the information of the members.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to February 2, 1798.

JAMES JACKSON, *Governor.*

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*An act to impose a tax for the support of government for the year one thousand seven hundred and ninety-nine.*

Tax on all lands granted or surveyed, to be estimated according to the tax act of 1797.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority thereof, That a tax of thirty-five cents for every hundred dollars value of all lands within this state, granted to or surveyed for any person or persons, shall be paid and levied thereon, the value or estimation of such lands to be rated agreeably to the estimation or value of lands in and by an act, entitled "An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-seven."

Poll tax.

2. *And be it further enacted*, That the sum of thirty-one and a quarter cents shall be levied on all free male white persons resident within this state, of the age of twenty-one years or upwards; and the sum of thirty-one and a quarter cents on all negroes and other slaves, under the age of sixty years, within the limits of the same; and the sum of thirty-one and a quarter cents for every hundred dollars value of every lot, wharf or other land not particularly estimated in the act before recited, and on all buildings within the limits of any town, village, borough or city within the same; the

Tax on negroes

on lots, &c.

sum of fifty cents on all free male negroes, mulattoes and mustizoes, of the age of twenty-one years or upwards, over and above the taxable property they may be possessed of; the sum of twenty cents on every hundred dollars value of all persons' stock in trade, merchants, shopkeepers and others, to be computed at prime cost, and the return to be made on oath that the stock in trade so returned is the highest estimation of the stock in such person's possession at any time not exceeding three months preceding the time appointed for such stock in trade to be estimated and returned; the sum of four dollars on all professors of law and physic; the sum of fifty dollars on all billiard tables; and the sum of three hundred dollars on every farro, equality, or EO table, or other instrument of similar construction used or intended for the purpose of gambling: And all and every person and persons who may set up or keep any table of the aforementioned constructions, shall pay the sum hereby levied notwithstanding the same may not have been used at the time of making returns of taxable property, and shall whenever the collector may deem it necessary, oblige the person or persons keeping the same to give security for the payment thereof; and in case security is not given, the collector shall proceed to levy on any property real or personal belonging to the holders or keepers of such tables, notwithstanding the time for collecting the general tax may not have taken place. The sum of four dollars on all factors and brokers; and the sum of eighteen and three quarter cents, on every hundred dollar's value of all foreign wares, liquors and merchandize, sold, bartered and trafficked for by all such factors and brokers; and the sum of fifty cents on every hundred dollars of the funded stock of the United States, to be given in by the holders thereof in like manner as stock in trade. *Provided nevertheless*, That in all cases of extreme indigence or infirmity, the inferior court of each county shall and they are hereby authorized to remit the poll tax on such indigent or infirm person claiming the same.

On free negroes.

On stock in trade

On physicians, &c.  
On billiard tables, &c.

On factors, &amp;c.

On sale of foreign wares, &amp;c.

On funded stock of the United States.  
Provided.

3. *And be it further enacted*, That nothing shall be received in payment of said taxes except specie at the following rates, to wit: French crowns at one hundred six and a quarter cents; and other coin at the rates established by the laws of the United States, or bank bills of the United States.

Tax to be paid in specie.

4. *And be it further enacted*, That the inferior courts of the respective counties of this state, or any three or more of the members of the said courts shall be and they are hereby authorized and required to elect the receiver or receivers of tax returns (as the case may be) for the time being, and the collectors of taxes in their respective counties, within forty days after the annual adjournment of the general assembly, and take bond with two or more good and sufficient securities, in such sum as may be provided for in the tax law for the time being, conditioned for the faithful performance of the duties required of them by law; which bond shall, by the said justices or inferior court be transmitted to the secretary of state within the term of forty days as aforesaid, and shall, on the appointment of the said collectors and receivers, qualify them into office.

And give bond and security.

5. *And be it further enacted*, That if it should so happen that any of the counties shall not elect, take bond and qualify the collectors and receivers of tax returns pursuant to this act, that then and in that case, his excellency the governor shall appoint a receiver of tax returns and collector of taxes, and issue a commission directed to the justices of the inferior court of the county where such neglect or default may happen, to take bond and qualify the parties or persons so elected.

Vacancies;

Duties of receivers and collectors, the same as pointed out in the tax act for 1797.

6. *And be it further enacted*, That the duties of the said receivers and collectors shall severally be the same as pointed out for receivers and collectors in and by the "Act to raise a tax for the support of government for the year one thousand seven hundred and ninety-seven;" and the regulations, restrictions, clauses and provisos, as well for the government and rule of such collectors and receivers, as for the government and rule of all persons as are liable to pay tax, either for giving in returns or payment of taxes, or for the time and mode for so doing shall be the same for carrying this law into execution, as is therein contained, for the regulations and restrictions under which that law is declared to operate.

All of the said act not repugnant to this, declared to be in force.

7. *And be it further enacted*, That for the purpose of carrying the intent and meaning of the foregoing clause more fully into execution, that every part of the before recited "Act to raise a tax for the support of government for the year one thousand seven hundred and ninety-seven," not militating with this act, shall be held, deemed, and considered as of full force and effect.

Persons not making returns, shall be liable to double tax.

8. *And be it further enacted*, That the receiver of tax returns shall within thirty days after publishing the names of defaulters, proceed to, and assess all such defaulters in a sum equal, according to the best of his opinion to the full amount of the tax of such defaulter or defaulters, which said assessment shall be held and deemed good against such defaulter or defaulters, for double the amount of the said assessment in manner pointed out by the said act of one thousand seven hundred and ninety-seven, for proceeding against defaulters: *Provided*, That if any defaulter or defaulters so assessed, shall at any time before the collector shall levy for the same, make return upon oath before the receiver of his or her taxable property, the said assessment shall be considered void, and the collector shall consider the return as the proper charge against said defaulter.

Proviso.

The treasurer shall post up in the state-house at the meeting of the General Assembly an account of all arrears, &c.

9. *And be it further enacted*, That at the meeting of every General Assembly hereafter, it shall be the duty of the treasurer to make out an account of the arrearages of all collectors of taxes, and holders of public monies; and to post it up in the state-house for the information of the members.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
ROBERT WALTON, *President of the Senate.*

Assented to February 13, 1799.

JAMES JACKSON, *Governor.*

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*An act to raise a tax for the support of government for the year one thousand eight hundred.*

Tax on all lands granted or surveyed.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority thereof, That a tax of thirty-five cents for every hundred dollars value on all lands within this state, granted to or surveyed for any person, as such lands shall be estimated at, shall be levied on the same, in the following mode, to wit:

At the following rates.

All tide swamp, (cultivated or uncultivated) including islands, of the first quality, at ten dollars thirty-nine cents per acre; of the second quality, at six dollars forty-three cents per acre; and of the third quality, at one dollar seventy-seven cents per acre.

All pine lands adjoining such tide swamp lands or contiguous thereto, and within three miles of water-carriage, at one dollar sixty-one cents per acre: all prime inland swamps (cultivated or uncultivated) of the first quality, at an average of seven



- dollars seventeen cents per acre; of the second quality, at three dollars ninety-seven cents per acre; of the third quality, at one dollar sixty-two cents per acre.
- All pine barren lands adjoining or contiguous thereto, at forty-three cents per acre.
- All salt marsh, at forty-three cents per acre.
- All high river swamp and low grounds, (cultivated or uncultivated) including islands, including such as are commonly called second low grounds, lying above Abercorn Creek, and as high as the mouth of M'Bean's Creek, on Savannah River, of the first quality, at five dollars thirty-six cents per acre; of the second quality, at three dollars twenty-two cents per acre; and of the third quality, at one dollar and sixty-one cents per acre.
- All high river swamp as aforesaid, lying above M'Bean's Creek, and as high as the mouth of Rae's Creek, of the first quality, at eight dollars three cents per acre; of the second quality, at five dollars and thirty-six cents per acre; and of the third quality, at two dollars thirty-five cents per acre.
- All high river swamp as aforesaid, lying from the mouth of Rae's Creek to the mouth of Broad River, on Savannah River, of the first quality, at four dollars eighteen cents per acre; of the second quality, at two dollars thirty-five cents per acre; and of the third quality, at seventy-five cents per acre.
- All oak and hickory lands (cultivated or uncultivated) including islands, from the mouth of Rae's Creek to the mouth of Broad River, and within one mile of Savannah River, of the first quality, at one dollar sixty-one cents per acre; of the second quality, at seventy-five cents per acre; and of the third quality, at forty-three cents per acre.
- All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River, up the Savannah River, and within one mile of the same, and up Tugalo River to the marked line on the said stream, of the first quality, at one dollar and eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality, at thirty-one cents per acre.
- All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River to the marked line on the head thereof, of the first quality, at one dollar eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality, at thirty-one cents per acre.
- All high river swamp or low grounds (including islands) cultivated or uncultivated, from Fort Argyle to the mouth of Buck-head Creek on Ogechee River; of the first quality, at two dollars three cents per acre; of the second quality, at one dollar eighteen cents per acre; and of the third quality, at forty-three cents per acre.
- All oak and hickory lands as aforesaid, from the mouth of Buck-head Creek to the head of Ogechee River, of the first quality, at one dollar sixty-one cents per acre; of the second quality, at seventy-five cents per acre; and of the third quality, at forty-three cents per acre.
- All high river swamp or low grounds (including islands) cultivated or uncultivated, from the mouth of Buck-head Creek to the head of Ogechee River, of the first quality at one dollar sixty-one cents per acre; of the second quality, at seventy-five cents per acre; and of the third quality, at forty-three cents per acre.
- All high river swamp (cultivated or uncultivated) including islands, from Cathead, on the river Alatamaha, to the mouth of the Oconee River, of the first quality, at two dollars thirty-five cents per acre; of the second quality, at one dollar eighteen cents per acre; and of the third quality, at forty-three cents per acre.

All high river swamp or low grounds as aforesaid, from the mouth of the Oconee River, along the northern stream on the north side of the Indian temporary line, to the confluence of the Appalachee or South fork, of the first quality, at three dollars twenty-two cents per acre; of the second quality, at one dollar sixty-one cents per acre; of the third quality at forty-three cents per acre.

All river swamp as aforesaid, from the confluence of Oconee and Appalachee Rivers upwards, on the north side of the Indian temporary line, of the first quality, at two dollars fifteen cents per acre; of the second quality, at one dollar and thirty cents per acre; and of the third quality at seventy-five cents per acre.

All other oak and hickory lands throughout this state, of the first quality, at one dollar and eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality at thirty-four cents per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, above the flowing of the tide on all rivers from Cathed, on the river Alatomaha, to the river St. Mary's, inclusive, to the marked line aforesaid, of the first quality, at seventy-five cents per acre; of the second quality, at forty-three cents per acre; and of the third quality, at twenty-one cents per acre.

All lands on the sea islands or lying on or contiguous to the seashore, usually cultivated or capable of cultivation in corn, indigo or cotton, of the first quality, at four dollars eighty-one cents per acre; of the second quality, at two dollars and thirty-five cents per acre; and of the third quality, at one dollar eighteen cents per acre.

All other pine lands throughout the state, at twenty-one cents per acre.

2. *And be it further enacted*, That the sum of thirty-one and one fourth cents shall be levied on all free male white persons from the age of twenty-one years and upwards in this state; and the sum of thirty-one and a quarter cents on all negroes and other slaves whatever, under the age of sixty years within the limits of the same; and the sum of thirty-one and a quarter cents for every hundred dollars value of every lot, wharf, or other lands not herein already enumerated; and on all other buildings within the limits of any town, village or borough within the same, the sum of thirty-one and a quarter cents upon all male free negroes, mulattoes and mustizoes from the age of twenty-one years and upwards, over and above the taxable property they may be possessed of; and the sum of thirty-one and a quarter cents shall be levied for every hundred dollars value of all person's stock in trade, shopkeepers and others, and to be computed at prime cost, and the return to be made on oath, that the stock in trade so returned is the highest estimation of the stock in such person's possession, at any time not exceeding three months, preceding the time appointed by this law for such stock in trade to be estimated and returned; the sum of one dollar on all four-wheeled carriages (waggon excepted) and the sum of fifty cents on all two-wheeled carriages (carts and drays excepted;) the sum of four dollars on all practitioners of law and physic and the sum of one hundred dollars on all billiard tables; and the sum of five hundred dollars on all EO tables or other instrument of the like construction for the purpose of gambling: And whenever it shall so happen that the person or persons owning or holding such table in possession, refuse legally to return the said table or tables, or after returning the same; shall neglect or refuse to pay the tax thereon, when thereunto required, it shall be, and is hereby made the duty of the collector of tax, to levy on the said table or tables or instrument, and expose the same to public sale, after giving such notice as is required for the sale of personal property; and should the said table or tables after being set up

Full tax.

Tax on slaves.

On lots, &c.

On free negroes.

On stock in trade.

On carriages.

On physicians, &c.

On billiard tables, &c.

for sale, not sell for the full tax due on the said table or tables, that then all the property of the owner or owners, shall be liable for the taxes aforesaid; and further the person or persons owning such table or tables, is hereby made liable to return and pay the like tax in every county in this state wherever he, she or they may carry the same: That the tax on E O, and billiard tables may be levied and collected at any time after the passing of this act; wherever such tables may be found: and every tax collector is hereby required to proceed immediately against persons keeping such tables as is directed in cases of non-payment of taxes on other property; and the sum of four dollars on all factors and brokers, and on all wares, liquors, and merchandize, sold, bargained or trafficked for by such factors and brokers; and the sum of eighteen and three quarter cents on every hundred dollars by them so sold or disposed of, to be given in upon oath; and the sum of fifty cents on every hundred dollars of the funded stock of the United States, to be given in by the holders thereof in like manner as stock in trade: *Provided nevertheless*, That in all cases of extreme indigence or infirmity, the inferior court of each county shall be, and they are hereby authorized to remit the poll tax upon such indigent or infirm person claiming the same.

On brokers,  
&c

On funded  
stock.

Proviso.

3. *And be it further enacted*, That there shall be a receiver for each county throughout this state, and that the mode of taking the returns shall be as follows: The receiver of tax returns in each county shall give notice to each captain's district within the county, by advertising in the most public place of each district, the day and place he will attend to receive the returns of taxable property therefor; and which notice shall be given at least ten days previous thereto; each receiver shall likewise attend, previous to making his return of defaulters, three different days in each district for that purpose, which days shall not be within seven days of each other; and the commanding officer in each company shall give to the receiver so attending, a list of the inhabitants liable to pay taxes in his district, on oath or affirmation, to the best of his knowledge and information, under the penalty of thirty dollars in case of failure, to be recovered before any justice of the peace within the county, one half to the person suing for the same, the other for the use of the poor of such county. And it shall be the duty of the receiver of returns, at all times upon personal application, to receive the returns not given at the time and place specially notified, and at any time before he makes a digest of the whole returns; and he shall, previous to the entering on the execution of his duty, take and subscribe the following oath or affirmation, to wit, "I, A. B. do solemnly swear (or affirm) that I will truly and faithfully perform all the duties of receiver of returns of taxable property in the county to which I am appointed, as required of me by this act, and will not receive any return but upon oath."

One receiver to  
be appointed  
for each county,  
their duty.

List of default-  
ers.

Receiver's oath

4. *And be it further enacted*, That all and every person liable to pay tax shall give in a list of his, her or their landed property, as well as a list of every such person or persons as he, she or they may be attorney or attorneys, executor or executors, administrator or administrators of, describing as near as can be from the plats, deeds, or other documents, the particular situation of such lands, what particular water course on, and what lands it adjoins, for whom surveyed, or to-whom granted; and the receiver of such returns shall make a general digest and return of the whole of the taxables received as aforesaid, and also of the taxable property of non-residents and defaulters within his county, and shall transmit three copies, one to the collector of the county, one to the inferior court, and one to the treasurer; and that the said tax receivers do deliver the aforesaid three copies, to wit, to the collector and clerk of the inferior court, on or before the fifteenth day of July next; and to the treasurer,

Returns of tax-  
able property  
to be made on  
oath.

on or before the first day of August next, under the penalty of one thousand dollars for each offence, including therein his own taxable property; and shall publish within one month thereafter, in the gazette, the names of defaulters, under the penalty of two hundred dollars; and the receivers shall receive two and one half per centum on the tax arising from all property returned, and six and one quarter cents on each return of a poll without property; and it shall be his duty to transmit to the treasurer, the clerk of the inferior court, and the collector of taxes, each a copy of such digest. And that the said several receivers to be appointed by this act shall be paid by the collectors in their respective counties the sums which shall become due them for their services, as allowed by this act: *Provided*, That no receiver shall be allowed, or paid by the collectors, before such receiver shall produce a certificate from under the hand of the clerk of the inferior court of such county that such receiver is entitled to such sum for his services, agreeably to this act; which certificate such clerks are hereby on application directed to give; and every collector shall be allowed credits for such payments in his settlement with the treasurer, who is hereby required to transmit an alphabetical digest (from the several general returns in his office) of all the lands and other property returned as lying in each county, to the inferior courts of the respective counties, to be examined and compared with the returns of such county, for which duty the treasurer shall be entitled to five dollars for each digest so transmitted, for which sums his excellency the governor is authorized to draw a warrant on the treasury, on the treasurer's producing and depositing a deposition in the executive office a receipt for such digest from the clerk of the inferior court of the county. In case the treasurer shall fail or neglect to transmit such alphabetical digest on or before the last day of each year, he shall forfeit and pay the sum of fifty dollars for each digest not transmitted, to be recovered by the justices of the inferior court, in any court having cognizance thereof, and applied to the use of such county. And it shall be the duty of each tax receiver to examine the alphabetical digest so transmitted by the treasurer, and report upon oath all the lands and other property within his district not returned as aforesaid, and the quality of such land to the best of his knowledge and information, to the collector of such county; and it shall be the duty of such collector to collect the taxes due thereon, in the same manner as if such property had been returned under this act, and shall be accountable for the same to the treasurer.

Receiver's fees.

Provide.

The treasurer shall make a general digest.

His fees therefor.

Receiver's duty therein.

Receivers and collectors responsible to the governor.

Collectors shall give bond and security.

5. *And be it further enacted*, That the receivers and collectors of tax for the respective counties, shall be responsible to the executive department, and to be amenable to such rules in conducting the duties of their respective offices, as the executive may think necessary and proper. The collectors of the respective counties, before they enter on the duties of their office, shall give bond with sufficient security as follows: For the county of Chatham, in the sum of twenty thousand dollars; for the county of Camden in the sum of four thousand dollars; for the county of Glynn, in the sum of two thousand dollars; for the county of McIntosh, in the sum of five thousand dollars; for the county of Liberty in the sum of five thousand dollars; for the county of Bryan, in the sum of three thousand dollars; for the county of Effingham, in the sum of two thousand dollars; for the county of Scriven, in the sum of two thousand dollars; for the county of Burke, in the sum of five thousand dollars; for the county of Montgomery, in the sum of two thousand dollars; for the county of Washington, in the sum of four thousand dollars; for the county of Hancock, in the sum of eight thousand dollars; for the county of Greene, in the sum of five thousand dollars; for the county of Richmond, in the sum of eight thousand dol-

lars; for the county of Columbia, in the sum of six thousand dollars; for the county of Wilkes, in the sum of eight thousand dollars; for the county of Oglethorpe, in the sum of eight thousand dollars; for the county of Warren, in the sum of four thousand dollars; for the county of Elbert in the sum of five thousand dollars; for the county of Franklin, in the sum of four thousand dollars; for the county of Jackson, in the sum of three thousand dollars; for the county of Bullock, in the sum of two thousand dollars; for the county of Lincoln, in the sum of three thousand dollars; and for the county of Jefferson, in the sum of three thousand dollars; and shall also take and subscribe the following oath or affirmation, to wit: "I, A. B. appointed collector of tax for the county of——, do solemnly swear <sup>Their oath.</sup> that I will faithfully discharge the duty required of me by law;" and in case of death, refusal or neglect of any collector, to enter into such bond or take such oath, <sup>Vacancies.</sup> then his excellency the governor is hereby authorized and required to appoint some other person willing to accept the same on the qualification aforesaid: who shall attend in each district of the county to receive such tax, and shall previously give at least ten days' notice thereof, and shall attend at least two days in each captain's district, and not within ten days of each other; and if he shall presume to execute the said office without the qualification aforesaid, he shall forfeit double the sum for each person's tax he shall receive, to be recovered by any person who shall inform and prosecute for the same in any court or tribunal, having cognizance of debts to that amount.

6. *And be it further enacted,* That the governor for the time being shall take bond and security of the collectors of each county respectively in conformity to this act, <sup>Governor to take bonds of collectors.</sup> for the due performance of all the duties required of them; and shall transmit a demimus to the justices of the inferior court of the several counties, or any two of them, to receive and cause to be executed such bond with two or more securities, to be approved of by such justices; which bond shall be forthwith transmitted by them to the treasury office.

7. *And be it further enacted,* That all persons whatsoever who are possessed of any lands granted to, or surveyed for them, or for any other person or persons, or of slaves, either in their own right or of any other person or persons whatever, or are liable to pay other tax by virtue of this act, shall, on or before the first day of May next, render a particular account thereof on oath in writing, setting forth in what county such lands and slaves are, to the best of his, her or their knowledge, to the receiver of the county wherein such person resides, at such time and place as the receiver of the county shall appoint for the doing thereof, so that the same be done on or before the first day of May aforesaid; which oath or affirmation shall be in the words following, viz. "I, —— do swear or affirm (as the case may be) that the account which I now give in, is a just and true account of all the taxable property which I was possessed of, held or claimed on the first day of January last, or was interested in or entitled unto, either in my own right, or in right of any other person or persons whatsoever, as parent, guardian, executor, administrator, agent or trustee, or in any other manner whatever, according to the best of my knowledge, information and belief, and that I will give a just and true answer to all lawful questions that may be asked me touching the same; and all this I declare without any equivocation or mental reservation whatever. So help me God." Which oath or affirmation the receivers of tax returns for the several counties are hereby respectively authorized and required to administer gratis. <sup>Tax, when and how to be paid.</sup> <sup>Oath to be taken by persons making returns.</sup>

Penalty for refusing to give in or giving in a false return.

8. *And be it further enacted*, That if any person or persons shall neglect or refuse to give in a return of his, her or their taxable property, or shall be convicted of fraud or of making a false return thereof, he she or they shall be liable to pay to the clerk of the inferior court of the county a fine of ten dollars for every hundred dollars' valuation so neglected or concealed, one half whereof to the use of the county under the direction of the inferior court, and the other half to the use of the informer or informers; to be recovered in any court having cognizance of the same.

Attornies, trustees, &c. to make returns and pay the tax out of their own estates.

9. *And be it further enacted*, That all attornies or trustees of, or for any person or persons living without the limits of this state, shall make true returns as aforesaid in the district wherein such attorney or trustee resides, all that such attorney or attornies, trustee or trustees shall be liable to pay the tax to become due by this act, or which may be due by any former tax act or acts, for such land or lands, slave or slaves, out of his or their own proper estate, notwithstanding such attorney or attornies, trustee or trustees, may renounce or disclaim acting as such before the said taxes are levied, unless such attorney or attornies, trustee or trustees, shall make oath before the receiver aforesaid, that he or they hath or have renounced such trust or attorneyship, before the payment of such tax became due, without having done it only with design to avoid the payment thereof: *Provided always*, That if such attorney or attornies, trustee or trustees, shall within one year next after making such oath again become attorney or attornies, trustee or trustees, or act as such, he or they shall be liable to pay the said tax herein directed, any thing herein contained to the contrary notwithstanding; and for levying whereof the same remedy shall be and is hereby given as for levying the tax to become due by virtue of this act, on the proper estate or estates of such attorney or attornies, trustee or trustees, or other person or persons acting as such.

to renounce their trust on oath.

Proviso.

Lands, &c. of absentees in default, how to be proceeded against.

10. *And be it further enacted by the authority aforesaid*, That in case any land or other taxable property shall be found by the receivers to belong to any person or persons, residing without the limits of this state, and who have no attorney or attornies, trustee or trustees, legally constituted in this state, or which have not been returned to any receiver appointed to the county where such lands are, then and in such case, the receivers shall be and they are hereby authorized and required to charge such lands and other property for the payment of the tax imposed thereon, and also for all taxes due thereon by any former tax act; and forthwith once in every month, to publish and give notice of every such charge or assessment in the gazette: And in case of non-payment of such taxes within six months, the said lands and other property shall be thereafter liable to double tax, and to be proceeded against by attachment in a summary way by the collector in the manner of distress and sale, and to make titles to the person or persons purchasing the same, and to pay the money, lawful charges only to be deducted into the treasury: *Provided*, The owner or owners, his or her agent or attorney, shall not within twelve months after such sale, apply for the surplus: And it shall be the duty of every tax collector, and he is hereby required on the day on which he shall come to a final settlement with the treasurer; or on the day on which he is required by law to close his accounts, to make a return on oath which shall be certified and vouched for by at least two justices of the peace for the county, of all lands sold by him for the taxes, specially setting forth the tax for which it was sold, the price it sold for, and the purchaser or purchasers. And in case of failure, such collector and his securities shall be subject to a penalty of two thousand dollars, to be recovered in any court having cognizance thereof, to the use of the prosecutor, and shall also be subject to an action at law for damages by any person aggrieved thereby.

How to be advertised or sold.

Proviso.

Penalty for collectors for failing to settle with the treasurer.

11. *And be it further enacted,* That all persons whatsoever who are possessed of any lands or slaves in this state, in his or their own right, or in the right of any other person, or any ways liable to pay tax by virtue of this or any other act, shall pay in their taxes to the collector that may be appointed to receive the same, in the manner herein after directed, on or before the first day of February, in the year one thousand eight hundred and one, the respective collectors' receipts shall be held and taken as satisfactory; and if on the said first day of February any person or persons shall be in default, the collector of the county where such default shall happen, shall immediately proceed against such defaulters by distress and sale (after due notice given of such sale, which in no case shall be less than twenty days' advertisement in one of the public gazettes of this state, and stating the amount of the assessment levied or tax due by such person or persons) of goods and chattels, if any to be found, otherwise of the lands of such defaulter or defaulters, or so much thereof as will pay the amount of taxes due with costs; but no sale of lands shall be made or be valid, unless two months' notice thereof be given by advertisement in one of the gazettes of this state, which shall regularly be published until the day of sale; and in all such cases to make titles to the purchasers of the property sold as aforesaid. And the said collectors respectively shall, on or before the first day of June, in the year of our Lord one thousand eight hundred and one, close their accounts and deliver the same to the treasurer for the time being, and after deducting five per centum on all such taxes as they shall receive, pay the remainder to the said treasurer. And the tax collectors shall at all sales of lands for taxes, first offer such part of such lands for sale as may reasonably be expected to produce the amount of tax due, by the owner thereof; and if he shall not have a bid for such part of said lands, he may then offer a larger quantity, until he can produce bids to the amount of the tax due; and that no sale of lands heretofore or hereafter made by tax collectors of more than one tract or grant, belonging to or sold as the property of one person, or one company or society of persons, where such tracts first sold shall have produced or amounted to the taxes due by such person, or on all the lands returned, or represented as the property of such person or persons, shall be deemed or considered valid, but such sales are hereby declared to be null and void.

12. *And be it further enacted,* That when any of the said receivers of returns or collectors of taxes, shall or may discover that any land or slaves or other taxable property, hath not been returned as in this act pointed out, he or they shall summon three freeholders, residents of the district where such land may lie or property be, to ascertain the quality of such land, and double the tax thereon; for which amount the collector is hereby empowered and required to levy, sell and convey in the manner herein already mentioned. *Provided always nevertheless,* That all lands or other property vested in commissioners or trustees, for public uses, shall not come within the purview of this act. *And provided also,* That no sale which shall be made under this act of the property of orphans (having no guardian or trustee,) shall have any effect.

13. *And whereas* it has happened, and may frequently happen, that between the day of receiving the return, and the day appointed for the payment of the said tax, many persons have left the district in which they resided, and have been returned by the collectors as defaulters, who had no property upon which the collectors could levy and distrain: *Be it therefore enacted by the authority aforesaid,* That the collector in any county shall be obliged to lay before the grand jury of each county, a list of such in-

solvents as may be in such county or counties on oath, who shall allow or disallow the same.

This tax preferred to all encumbrances.

14. *And be it further enacted*, That the taxes imposed by this act, shall be preferred to all securities and encumbrances whatever: and that in case any person or persons coming under the notice of this act, shall die between the time of giving in his, her or their returns to the receivers respectively, and the paying of his, her or their taxes, and any goods or chattels of the deceased to the value of the sum taxed, shall come into the hands of his, her or their executors or administrators, or executors in their own wrong, such executors or administrators shall pay the same by the time before limited, prior to all judgments, mortgages or debts whatsoever, otherwise a warrant of execution shall issue against the proper goods and chattels of such executor or administrator; and if any person or persons between the time of rendering the account of his, her or their estate to the receiver aforesaid, and the time of his, her or their paying in the said tax, shall be about to depart the county in which he, she or they may have immediately then preceding resided; the said collector or collectors is and they are hereby directed and required, forthwith to levy the same, notwithstanding the day of payment may not then have arrived, unless such person or persons shall and do find securities to be approved of by the said collector or collectors respectively for the payment thereof, at the day herein appointed.

Persons about to leave the county.

Deeds, &c made to evade this tax—void

Mortgage.

Proviso.

Executions against collectors.

15. *And be it further enacted*, That all deeds of gift, conveyances, mortgages, sales and assignments of goods, lands, tenements and chattels of any kind of any persons whatsoever, made with an intention to avoid paying the aforesaid tax, are hereby declared null and void; and in case any person who has mortgaged his estate, real or personal, shall refuse or neglect to pay the tax of the same, the mortgagee shall pay the same. *Provided*, That no sale for taxes under this act, shall tend to affect the state title to any property mortgaged or secured thereto.

16. *And be it further enacted*, That the treasurer for the time being, be and he is hereby empowered and required to grant executions against all former collectors of taxes who are or may be defaulters immediately after the passing of this act; and he is hereby required and directed to proceed and prepare the form of a general return to be made by the respective receivers of tax returns, to be approved of by the governor, and transmitted by the treasurer, without delay to the aforesaid officers.

Property without the county may be sold for tax.

Collectors' compensation

17. *And be it further enacted*, That where the collector of the county finds no property real or personal therein of persons in arrears, to satisfy the taxes due by virtue of this or any former tax act, such collector is hereby authorized and empowered to sell so much of the property of the person neglecting to pay as aforesaid, as may be situate in any other county or counties as will satisfy the said tax and arrears of tax as aforesaid, without further notice than his giving twenty days' previous publicity of said sale by advertisement in one of the gazettes of this state; and the collectors shall be allowed fifty cents for each execution levied, and five per centum on the amount of such execution.

Penalty for refusing to make returns.

18. *And be it further enacted*, That every person or persons refusing or neglecting to give in a list of his, her or their taxable property agreeably to the directions of this act, shall forfeit and pay for every such neglect, the sum of one dollar for every free male above the age of twenty-one years, and the sum of one dollar for every negro; the sum of eighty cents on every hundred dollars value of every lot, wharf or other lands not herein enumerated, and on all buildings within the limits of any town, village or borough within the same, to be paid by the master or owner thereof, and to be re-



covered by bill, plaint or information before any court having cognizance thereof; the one half thereof to go the informer, and the other half to the use of the county, where such information is made; except where the prosecution is carried on by presentment, and in that case the whole shall be applied to the use of the county: *Provided*, That such information or presentment be made within twelve months after such neglect or default.

19. *And whereas* divers persons non-residents of this state, import large quantities of goods, wares and merchandize; and evade the payment of taxes by not being in the state at the time usually prescribed for making returns for taxes, for remedy: *Be it enacted*, That any non-resident who shall expose to sale any goods in this state, shall on his arrival, or in seven days after entering the same, make return on oath, to the receiver of taxable returns, and give security to the tax collector to pay the same on or before the time prescribed for paying taxes by this act: *Provided*, That such goods shall not be liable to pay the tax when they may be exported, or placed in the hands of a vendue master to be actually disposed of, by him or them; and on failing to comply as aforesaid, it shall and may be lawful for the tax collector to proceed against him or them in like manner as against persons about to remove out of the county.

Tax on the sale of goods, &c. by non-residents.

20. *And be it further enacted*, That it shall be the duty of the judges of the superior courts, at their next term after the returns of the receivers of taxable property shall have been made agreeably to this act, to give it in charge to the grand juries of the several counties, that they do present all such persons as may be defaulters under this act: *Provided nevertheless*, That where any person or persons who may be a defaulter, shall before any information or presentment be made against him or them, go to the clerk of the superior court of his county, and give in a list of his property upon oath, in the same manner as ought to have been given in to the receiver, such person or persons shall be exonerated from the pains and penalties of this act; and each person shall pay to such clerk for taking such list, the sum of fifty cents; and every such clerk shall return to the collector of his county on or before the first day of December one thousand eight hundred, a true list of such property, and also transmit to the treasurer a return thereof, on or before the first day of February following.

Grand juries to present defaulters.

21. *And be it further enacted*, That the tax imposed by this act shall be collected in specie, bank bills of the United States, or of the different branches thereof, governor, president and speaker's warrants, and in nothing else; and no replevin shall lie, or any judicial interference be had in any levy or distrain for taxes under this law, but the party injured be left to his own proper remedy in a court of law.

Tax to be paid in specie.

No replevin, &c.

22. *And be it enacted by the authority aforesaid*, That any receiver making a false return, expressive of more or other than is to him given in, shall forfeit and pay to the party aggrieved a sum equal to double the amount of the tax on the property so illegally returned; and any collector demanding any other or more tax than by this act is imposed, according to the respective returns, shall forfeit and pay to the party aggrieved for every such offence fourfold on the sum so unlawfully received, to be recovered before any jurisdiction having cognizance thereof. And it shall be the duty of the sheriffs of the respective counties to execute all executions and other process issued by the treasurer against officers appointed by this act, under and by virtue of the same.

Penalty on receivers for making false returns.

23. *And be it further enacted*, That in case any collector of taxes for any county in this state shall not settle his accounts with the treasurer, and pay in the amount of his collection by the time pointed out by this act, the treasurer shall publish, in one of the gazettes of this state, a notification, requiring all and singular the tax collec-

Executions to issue against collectors.

tors who may be in arrears to come forward and settle their accounts, and pay the balance they may respectively owe into the treasury, within two months from the date of such notification, which shall be regularly published six weeks successively, stating the sums due by each collector, their names and securities; and in case of failure to make settlement and pay in the monies as aforesaid, the treasurer is authorized and directed to issue his execution against every collector in default, directed to all and singular the sheriffs of this state, and transmitted to the sheriff of the county for which the collector is appointed, who is required to levy the same immediately, if any property of the defendants in the county, if not, to transmit the same to any other county where the defendants, or either of them, may have property; and the sheriff of such other county is in like manner to levy the same: and no execution issued by the treasurer in manner herein prescribed, shall be stayed by reason of the death of the said collector or his securities, as to the sum due, or the legality of the execution.

Taxable property in default.

24. *And be it further enacted*, That the collectors of the several counties shall, before they receive the taxes from defaulters in their respective counties, ascertain and enter in a book to be kept for that purpose, the taxable property in default, and the amount of taxes due by such defaulters; an exact copy of which book or digest they shall transmit to the treasurer, and another copy shall lodge with the receivers of taxes of the said county, who shall add the same to his digest, previous to such collectors' receiving the taxes from such defaulters; and in case any collector shall attempt to receive taxes, or any part thereof, from such defaulter or defaulters, before he shall transmit the aforesaid digest to the treasurer and receiver as aforesaid, he shall forfeit double the amount so received, to be recovered by execution to be issued by the treasury as in case of default, on information thereof to the treasurer.

Collectors in default.

25. *And be it further enacted*, That all former collectors who are in default, shall within sixty days after the passing of this act, return a digest to the treasurer, and another to the receiver, of all monies received or which they may receive from defaulters as aforesaid, in the manner pointed out, and on failure thereof shall be subject to execution, and the penalties which collectors under this act are subjected to.

Power of the executive in certain cases.

26. *And be it further enacted*, That where there may be a defalcation of revenue in the opinion of the executive, proceeding from sales of land in the different counties of this state for want of buyers, that he be and is hereby authorized to cause the same to be sold by the collectors of such counties at some one of the principal cities, towns or court-houses within the circuit to which such collectors belong.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
DAVID EMANUEL, *President of the Senate.*

Assented to December 4, 1799.

JAMES JACKSON, *Governor.*

*An act to raise a tax for the support of government for the year one thousand eight hundred and one.*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority thereof,* That a tax of thirty-five cents for every hundred dollars value on all lands within this state, granted to or surveyed for any person, as such lands shall be estimated at, shall be levied on the same, in the following mode, to wit:

Tax on all lands granted or surveyed.

At the following rates.

All tide swamp, (cultivated or uncultivated) including islands, of the first quality, at ten dollars thirty-nine cents per acre; of the second quality, at six dollars forty-three cents per acre; and of the third quality, at one dollar seventy-five cents per acre.

All pine lands adjoining such tide swamp lands or contiguous thereto, or within three miles of water-carriage, at one dollar sixty-one cents per acre: all prime inland swamp (cultivated or uncultivated) of the first quality, at an average of seven dollars seventeen cents per acre; of the second quality, at three dollars ninety-seven cents per acre; of the third quality, at one dollar sixty-two cents per acre.

All pine barren lands adjoining or contiguous thereto, at forty-three cents per acre.

All salt marsh, at forty-three cents per acre.

All high river swamp and low grounds, (cultivated or uncultivated) including islands, including such as are commonly called second low grounds, lying above Abercorn Creek, and as high as the mouth of M'Bean's Creek, on Savannah River, of the first quality, at five dollars thirty-six cents per acre; of the second quality, at three dollars twenty-two cents per acre; and of the third quality, at one dollar and sixty-one cents per acre.

All high river swamp as aforesaid, lying above M'Bean's Creek, and as high as the mouth of Rae's Creek, of the first quality, at eight dollars three cents per acre; of the second quality, at five dollars and thirty-six cents per acre; and of the third quality, at two dollars thirty-five cents per acre.

All high river swamp as aforesaid, lying from the mouth of Rae's Creek to the mouth of Broad River, on Savannah River, of the first quality, at four dollars eighty cents per acre; of the second quality, at two dollars thirty-five cents per acre; and of the third quality, at seventy-five cents per acre.

All oak and hickory lands (cultivated or uncultivated) including islands, from the mouth of Rae's Creek to the mouth of Broad River, and within one mile of Savannah River, of the first quality, at one dollar sixty-one cents per acre; of the second quality, at seventy-five cents per acre; and of the third quality, at forty-three cents per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River, up the Savannah River, and within one mile of the same, and up Tugalo River to the marked line on the said stream, of the first quality, at one dollar and eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality, at thirty-one cents per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, from the mouth of Broad River to the marked line on the head thereof, of the first quality, at one dollar eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality, at thirty-one cents per acre.

All high river swamp or low-grounds (including islands) cultivated or uncultivated, from Fort Argyle to the mouth of Buck-head Creek on Ogechee River; of the

first quality, at two dollars three cents per acre; of the second quality, at one dollar eighteen cents per acre; and of the third quality, at forty-three cents per acre. All oak and hickory lands as aforesaid, from the mouth of Buck-head Creek to the head of Ogechee River, of the first quality, at one dollar sixty-one cents per acre; of the second quality, at seventy-five cents per acre; and of the third quality, at forty-three cents per acre.

All high river swamp or low grounds (including islands) cultivated or uncultivated, from the mouth of Buck-head Creek to the head of Ogechee River, of the first quality at one dollar sixty-one cents per acre; of the second quality, at seventy-five cents per acre; and of the third quality, at forty-three cents per acre.

All high river swamp (cultivated or uncultivated) including islands, from Cathead, on the river Alatomaha, to the mouth of the Oconee River, of the first quality, at two dollars thirty-five cents per acre; of the second quality, at one dollar eighteen cents per acre; and of the third quality, at forty-three cents per acre.

All high river swamp or low grounds as aforesaid, from the mouth of the Oconee River, along the northern stream on the north side of the Indian temporary line, to the confluence of the Oconee and Appalachee or south fork, of the first quality, at three dollars twenty-two cents per acre; of the second quality, at one dollar sixty-one cents per acre; of the third quality at forty-three cents per acre.

All river swamp as aforesaid, from the confluence of Oconee and Appalachee Rivers upwards, on the north side of the Indian temporary line, of the first quality, at two dollars fifteen cents per acre; of the second quality, at one dollar and thirty cents per acre; and of the third quality at seventy-five cents per acre.

All other oak and hickory lands throughout this state, of the first quality, at one dollar and eighteen cents per acre; of the second quality, at sixty-eight cents per acre; and of the third quality at thirty-four cents per acre.

All oak and hickory lands (including islands) cultivated or uncultivated, above the flowing of the tide on all rivers from Cathead, on the river Alatomaha, to the river St. Mary's, inclusive, to the marked line aforesaid, of the first quality, at seventy-five cents per acre; of the second quality, at forty-three cents per acre; and of the third quality, at twenty-one cents per acre.

All lands on the sea islands or lying on or contiguous to the seashore, usually cultivated or capable of cultivation in corn, indigo or cotton, of the first quality, at four dollars eighty-one cents per acre; of the second quality, at two dollars and thirty-five cents per acre; and of the third quality, at one dollar eighteen cents per acre.

All other pine lands throughout this state, at twenty-one cents per acre.

Pol. tax.

Tax on slaves.

On lots, &c.

On free negroes.

On stock in trade.

2. *And be it further enacted,* That the sum of thirty-one and a quarter cents shall be levied on all free male white persons from the age of twenty-one years and upwards in this state; and the sum of thirty-one and a quarter cents on all negroes and other slaves whatever, under the age of sixty years within the limits of the same; and the sum of thirty-one and a quarter cents for every hundred dollars value of every lot, wharf, or other lands not herein already enumerated; and on all other buildings within the limits of any town, village or borough within the same, the sum of thirty-one and a quarter cents upon all male free negroes, mulattoes and multi-zoes from the age of twenty-one years and upwards, over and above the taxable property they may be possessed of; and the sum of thirty-one and a quarter cents shall be levied for every hundred dollars value of all person's stock in trade, shop-

keepers and others, and to be computed at prime cost, and the return to be made on oath, that the stock in trade so returned is the highest estimation of the stock in such person's possession, at any time not exceeding three months, preceding the time appointed by this law for such stock in trade to be estimated and returned; the sum of one dollar on all four-wheeled carriages (waggon excepted) and the sum of fifty cents on all two-wheeled carriages (carts and drays excepted;) the sum of four dollars on all practitioners of law and physic and the sum of one hundred dollars on all billiard tables; and the sum of five hundred dollars on all E O tables or other instrument of the like construction for the purpose of gambling: And whenever it shall so happen that the person or persons owning or holding such table in possession, refuse legally to return the said table or tables, or after returning the same; shall neglect or refuse to pay the tax thereon, when thereunto required, it shall be, and is hereby made the duty of the collector of tax, to levy on the said table or tables or instrument, and expose the same to public sale, after giving such notice as is required for the sale of personal property; and should the said table or tables after being set up for sale, not sell for the full tax due on the said table or tables, that then all the property of the owner or owners, shall be liable for the taxes aforesaid; and further the person or persons owning such table or tables, is hereby made liable to return and pay the like tax in every county in this state wherever he, she or they may carry the same: That the tax on E O, and billiard tables may be levied and collected at any time after the passing of this act; wherever such tables may be found: and every tax collector is hereby required to proceed immediately against persons keeping such tables as is directed in cases of non-payment of taxes on their property; and the sum of four dollars on all factors and brokers, and on all wares, liquors, and merchandize, sold, bargained or trafficked for by such factors and brokers; and the sum of eighteen and three quarter cents on every hundred dollars by them so sold or disposed of, to be given in upon oath; and the sum of fifty cents on every hundred dollars of the funded stock of the United States, to be given in by the holders thereof in like manner as stock in trade: *Provided nevertheless*, That in all cases of extreme indigence or infirmity, the inferior court of each county shall be, and they are hereby authorized to remit the poll tax upon such indigent or infirm person claiming the same.

3. *And be it further enacted*, That the following sums shall be paid on all suits hereafter commenced in the superior or inferior, or mayor's courts, where the debt or damages sued for shall not exceed one hundred dollars, the sum of fifty cents; above one hundred and not exceeding three hundred, one dollar; above three hundred and not exceeding five hundred dollars, one dollar and fifty cents; and on all sums above five hundred dollars, two dollars; to be paid to the clerk by the plaintiff before the suit or process issues, for the use of the state; which sums shall be taxed in the bill of costs: And the clerks of the respective courts of all the counties in this state, are hereby required to make annual returns to the comptroller, on oath, on or before the first day of January in every year, of the number of suits commenced, and the sums received thereon; and shall at the same time remit to the treasurer the amount of such return, deducting therefrom five per centum. And any clerk failing to make such returns, and pay or remit the monies as aforesaid, shall on complaint made by the treasurer to the judge or justices or their respective courts, be liable to a writ of attachment for contempt, and fined at the discretion of the court, and continuing in default be dismissed from office, and suffer execution from the treasurer in like manner as tax collectors.

On carriages.

On physicians,  
&c.  
On billiard tables,  
EO, &c.On brokers,  
&c.On funded  
stock.

Proviso.

On suits at law.

Receivers and  
directors to  
be appointed.

4. *And be it further enacted*, That on the first Monday in January annually, the justices of the inferior courts, and the justices of the peace of the respective counties of this state, shall be and they are hereby authorized and required to elect the receiver or receivers of tax returns (as the case may be) for the time being, and collector of taxes in their respective counties.

The tax act  
of 1797 to be  
in full force  
for the collecti-  
on of this tax.

5. *And be it further enacted*, That the same rules and regulations for carrying this act into effect, shall be observed as are laid down for carrying into effect the tax law of the year one thousand seven hundred and ninety-seven; except the returns of the receivers of tax returns, and they shall be returned to the comptroller general: *Provided*, That no sales which shall be made under this act of property belonging to orphans, shall have any effect.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 1, 1800.

JAMES JACKSON, *Governor.*

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## TOBACCO INSPECTION.

*An act to regulate the inspection of tobacco.*

Inspectors shall  
not sell other  
tobacco than  
what is made  
on their own  
plantations.

14. *And whereas*, it is highly improper that the same person should be inspector and vender of tobacco: *Be it enacted by the authority aforesaid*, That no person to be appointed inspector of tobacco by virtue of this act shall be allowed to sell tobacco as aforesaid, unless the same shall be of the growth and manufacture of his own plantation or plantations, and then he shall produce a certificate signed by two or more of the inspectors to be appointed as aforesaid of its being so; and any person who shall sell in violation hereof, on conviction before the superior court of the county in which he shall reside, shall be discharged from acting as inspector, and the said court shall proceed and appoint another in his stead, and the persons so offending shall be liable to a fine not exceeding the sum of fifty pounds, which shall be sued for and recovered in any court of record in this state, and paid into the public treasury thereof; and the person or persons making information against such offender, shall be entitled to one half the amount of said fine.

Under penal-  
ty of dismis-  
sion and fifty  
pounds' fine.

How to be re-  
covered and  
applied.

The former and latter parts of this act repealed and re-enacted by the following act of 1791.

By order of the House,

WILLIAM GIBBONS, *Speaker.*

Augusta, 14th February, 1786.

*An act for regulating the inspection of tobacco.*

**W**HEREAS it has been found by experience that the several laws now in force for regulating the inspection of tobacco throughout this state, are unequal to the purpose for which they were intended: Preamble.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met,* That from and immediately after the passing of this act, no person shall put on board or receive into any ship, brigantine, schooner, sloop, bylander, boat or other vessel, in order to be exported therein, any tobacco which shall not have been packed in hogheads or casks, upon any pretence whatever, before the same shall have been viewed and inspected according to the directions of this act; that all tobacco whatever to be received or taken on board any ship, brigantine, schooner, sloop, bylander or other vessel, and to be therein exported, or to be carried and put on board any other ship, brigantine, schooner, sloop, bylander or other vessel for exportation as aforesaid, shall be received or taken on board at the several warehouses for that purpose herein after mentioned, or some or one of them, and at no other place or places whatsoever: And any master, mate or boatswain of any ship or other vessel, which shall arrive in this state in order to load with tobacco during the continuance of this act, shall, before the said ship or vessel be permitted to take on board any tobacco whatever, make oath before the collector of the customs of the port where such ship or vessel shall arrive, which oath the said collector is hereby empowered and required to administer, that they will not permit any tobacco whatsoever to be taken on board their respective ships or other vessels, except the same be packed in hogheads or casks, stamped by some inspector legally thereunto appointed, which oath they shall subscribe in a book to be kept for that purpose by the said collector. And if any master shall cause any person who is not really and *bona fide* mate or boatswain, to come on shore and take such oath, he shall for said offence forfeit and pay five hundred pounds; and if any commander or master of any ship or vessel shall take on board, or suffer to be taken on board the ship or vessel whereof he is master, any tobacco brought from any other place than such public place herein mentioned, or any hoghead or cask of tobacco not stamped by such lawful inspector, or shall suffer to be brought on board any tobacco except in hogheads or casks stamped as aforesaid, every such commander or master shall forfeit and pay twenty pounds for each hoghead, one moiety thereof to the use of the informer, and the other moiety to the use of the state, to be recovered by bill, plaint or information before any court of record. No tobacco to be exported without inspection at some established warehouse.

2. *And be it further enacted,* That every master of a ship or vessel wherein tobacco shall be laden, shall at the time of clearing out deliver to the collector a fair manifest of all the tobacco on board his ship or vessel, expressing the marks and numbers of every hoghead, and the tare and net weight stamped thereon, the person by whom shipped, and from what warehouse; and shall make oath thereto, that the same is a just and true account of the marks, numbers, tare and net weight of each respective hoghead, as the same was taken down by the person or persons appointed by him to take the same, before the said tobacco was stowed away; and no ship or vessel shall be cleared by the collector before he shall have received such list or manifest, which shall by the said collector be transmitted to the treasurer of this state for the time being. The collectors of customs to administer an oath to masters, &c. loading tobacco.

Public ware-  
houses for the  
inspection of  
tobacco.

3. *And be it further enacted by the authority aforesaid,* That public warehouses for the inspection of tobacco pursuant to this act shall be kept at the several places herein after mentioned, that is to say, at Augusta, the three tobacco inspections already established, called and known by the names of Calls, Richmond and Augusta, at Henry Arrington's, on Savannah River; at New Savannah, on the lands of John Twigg; at Yamacraw,\* on the lot of Mordecai Sheftall; at Hardwick's, at the mouth of Ogechee; at Louisville, on the land of John Shelman; at Galphinton, on the land of Robert Forfyth; at Georgetown, on the land of Arthur Fort; at Lexington, on the land of Charles Statum; at the Rock Landing, on the land of John M'Kenzie; at Mount Pelier, on the land of Charles M'Donald; in the town of Greenborough, on the land of John Armour; at the town of Wallington, on the lot of ———; at the mouth of Broad River, on the land of John Oliver, on the land of White, Robison, & Co. at their iron works on Sweet Water, and at Pace's Ferry, on the land of Drury Pace. And the proprietors of each warehouse are hereby entitled to demand and receive for the storage of each hoghead of tobacco inspected at his warehouse, the sum of one shilling and twopence: *Provided,* the said tobacco does not lay longer in such warehouse than twelve months; and for every month after the owner or proprietor of such tobacco shall pay at the rate of sixpence per month, which duty or storage shall be paid to the several inspectors before the same be removed from the said warehouse, who shall be answerable to the owner or proprietor thereof for the full amount of such storage by them received.

Storage for  
each hoghead  
one shilling &  
twopence.

Proviso.

And sixpence  
for every  
month after  
the year.

Scales and  
weights to be  
provided by  
proprietors.

4. *And be it further enacted,* That there shall be kept at the several warehouses herein appointed, and all others hereafter to be appointed, a good and sufficient pair of scales with weights sufficient to weigh fifteen hundred weight at least, and a set of small weights, the same that are or ought to be provided for the standard weights of each county and that the proprietors of such warehouses provide the same.

5. *And be it further enacted,* That all tobacco brought to any of the public warehouses shall be viewed, inspected, and examined by two persons thereunto appointed who shall be called inspectors, which said inspectors shall be appointed in the following manner, that is to say: The judges of the inferior† courts in the several counties in which inspectors are appointed (except as herein after is excepted) shall at their county courts to be held between the first day of May, and first day of September in each year nominate and appoint three fit and proper persons for inspectors at each of their several warehouses within their respective counties, who shall be commissioned by the governor, the two first in the nomination shall be considered as the acting inspectors for the ensuing year, and in case of sickness, death, or inability of either of the two first inspectors the third shall act, and also on the disagreement of the said inspectors, the third shall be called in to decide on such hoghead or hogheads of tobacco, and the said judges shall have power on complaint in writing being lodged in the office of the clerk of the inferior court and being duly notified thereof by such clerk, such justices or any three of them, shall within three days after such notice to them given, summon the inspector before them, first ordering a copy of the complaint to be served on him or them and within five days thereafter, such justice shall consider such complaint and may continue or dismiss from office him or them, as the court shall judge just; and such courts shall fill up all vacancies that may happen at any of

Judges of the  
inferior court  
to appoint in-  
spectors.

Third inspector  
to act in certain  
cases.

Said court may  
dismiss or con-  
tinue inspec-  
tors.

\* Repealed by act of 1798, sect. 4.

† See act of 1798, sect. 1.



their said courts to continue to the end of the then inspection: *Provided always, and be it enacted*, That the third inspector on the death or removal of any inspector in the same nomination shall be considered as inspector and shall act accordingly: *And provided nevertheless*, That where the inferior courts shall fail to nominate persons for inspectors the governor is hereby empower to make such appointments (except that the first five magistrates on the list for the county of Richmond not being merchants shall annually betwixt the tenth day of May and the tenth day of August nominate to his excellency the governor three lists containing persons each capable and fit to serve as inspectors at the respective warehouses at Augusta, and the governor shall within ten days after the said lists shall be transmitted to him appoint and commission three fit and discreet persons out of each list to serve as inspectors at each warehouse at Augusta, as described by this act;) and that every person so appointed inspector by virtue of this act, shall before he enters on the execution of his office, give bond with security in the penalty of five hundred pounds payable to the governor for the time being and his successors in office; conditioned for the true and faithful performance of his duty according to the directions of this act, and liable to be put in suit upon any neglect of duty, which bond shall be given or entered into before the inferior court, or any judge thereof, and lodged in the clerk's office of the county.

Upon death or removal of any inspector the third shall act. Governor to appoint, if the inferior court neglect.

How to be appointed in Richmond county.

Shall give bond and security.

6. *And be it further enacted*, That all inspectors to be appointed by virtue of this act, shall constantly attend their duty at the warehouse or warehouses under their charge from the first day of October, till the first day of August yearly (except Sundays) and the holy days observed at christmases, easter and whitsuntide, or when hindered by sickness, and afterwards they or one of them, shall constantly attend at the same except Sundays to deliver tobacco for exportation until all the tobacco remaining there the said first day of August be delivered, and no inspector shall be obliged to view any tobacco between the said first day of August and the said first day of October, and every inspector neglecting to attend as aforesaid, shall forfeit and pay to the party aggrieved five shillings for every neglect or shall be liable to an action to recover all such damages as he or they shall have sustained by occasion of every such neglect, together with his or their full costs, at the direction of such party. And that all persons having tobacco at the public warehouses may have equal justice, the inspectors shall enter into a book to be kept for that purpose, the marks and owners' names of all tobacco brought to their respective warehouses for inspection, as the same shall be brought in, and shall view and inspect the same in due time as it shall be entered in such book, without favor or partiality, and uncase and break every hogthead or cask of tobacco brought them to be inspected as aforesaid; and if they shall agree that the same is good, sound, well-conditioned, merchantable, and clear of trash, then such tobacco shall be weighed in scales with weights of the lawful standard, and the hogthead or cask shall be stamped in the presence of the said inspectors or one of them, with the name of the warehouse at which inspected, and also the tare of the hogthead or cask, and quantity of net tobacco therein contained, and the inspectors at such warehouse shall issue a receipt for each hogthead of tobacco they shall pass, if required by the owner, if the same weighs nine hundred and fifty, which receipt shall be in form following, to wit:

Inspectors, when to attend the warehouses.

How liable for neglect.

Their duty.

Form of receipt or note,

River

Warehouse, the day of

179

Oronoko

Sweet scented leaf

Stemmed leaf

Mark No.	Grofs	Tare	Net	Grofs	Tare	Net
Grofs	Tare	Net	Received of			

hogthead of crop tobacco, marks, numbers, weights and species as per above, to be delivered by us to the said day of 179 for exportation when demanded. Witness our hands, the

Size of hog-heads.

7. And be it further enacted, That the size of the hogthead or cask shall not exceed forty-nine inches in length, and thirty-one inches in the raising head, and to weigh nine hundred and fifty pounds net at least.

Weight.

Receipts to be printed, under penalty of twenty pounds.

8. And be it also enacted, That no inspector or inspectors shall, under any pretence whatever, issue a receipt for any other than such as shall be printed, in which the date shall be inserted at full length; and if any inspector or inspectors shall presume to issue a receipt in any other manner than is hereby expressed, he or they for such offence shall forfeit and pay twenty pounds, to be recovered with costs by any person who may sue for the same in any court within this state having cognizance thereof; which receipts as aforesaid shall be furnished by the proprietor of the warehouse; but if the said two inspectors shall at any time disagree concerning the quality of tobacco brought for their inspection to any warehouse under their charge, they shall, as soon as conveniently may be, call in an additional inspector appointed to attend such warehouse, who shall determine and pass or reject such tobacco; and if he shall pass the same, his name shall be entered in a book kept by the inspectors appointed, opposite the mark, number and weight of the hogthead by him passed, together with the name of the inspector at such warehouse who shall officiate with him: And the inspectors at each of the warehouses established by this act shall constantly keep so many able hands at their respective warehouses, not less than two, for the purpose of taking care of all tobacco brought to such warehouse, and stowing it away after the same shall be inspected and stamped; and it shall be lawful for the inspectors to employ the said hands in the yard when not otherwise sufficiently employed by this act; and no inspector shall, by himself, his servant, or any other person, either directly or indirectly, be concerned in picking any refused tobacco (unless it be his own property) on any pretence whatever, under the penalty of being forever thereafter disabled from holding the office of inspector.

Upon disagreement in passing tobacco, how to proceed.

Hands to be kept by inspectors, to take care and stow away tobacco; inspectors not to pick tobacco; penalty thereof.

Refuse tobacco, how to be picked.

9. And be it further enacted, That when any tobacco shall be refused by the inspector, the proprietor thereof shall be at liberty to separate the good from the bad; but if he refuses or neglects to do so within one month of such refusal, the inspectors shall employ one of the pickers attending to the warehouse, to pick and separate such refused tobacco, and give the owner credit for so much thereof as shall be found merchantable, after paying the pickers one tenth part of the quantity saved; and the inspectors shall cause the tobacco which shall be judged by them unfit to pass to be burnt, under the penalty of fifty pounds for every failure, one half to the informer, recoverable with costs, before the court of the county wherein such warehouse shall be.

Shall be burnt, under penalty of fifty pounds.

Receipts for transfer tobacco.

10. And be it further enacted, That when any tobacco shall be brought to any warehouse for the discharge of any public or private debt or contract in bulk or casks, the inspectors or one of them, after they have received, examined and weigh-

ed the said tobacco according to the directions of this act, shall deliver to the person bringing the same as many receipts under the hands of the said inspectors, as shall be required for the full quantity of tobacco so received by them, in which shall be expressed whether the tobacco received be sweet scented, Oronoko leaf, or stemmed, which receipts shall be in the form following, to wit:

River

Warehouse, the

day of

Form thereof.

Received of

mand to him or his order.

pounds of transfer tobacco, to be delivered on de-

11. *And be it enacted*, That from and after the passing of this act, if any inspector shall presume to deliver any tobacco in his warehouse without an order from the owner or proprietor of such tobacco, every inspector so offending, and being thereof duly convicted in the superior court or the inferior court of any county, shall be incapable of serving ever after as an inspector in this state, and shall moreover be liable to pay a penalty of fifty pounds, one half to the informer, and the other half to the use of the state, to be recovered by bill, plaint, or information.

Inspectors not to deliver out tobacco without order from the owner, under penalty of disqualification and fine.

12. *And be it further enacted*, That no inspector shall accept or receive, directly or indirectly, any gratuity, fee or reward for any thing by him to be done in pursuance of this act, other than his said allowance or fees by this act allowed such inspector, being thereof convicted, shall forfeit and pay one hundred pounds, to be recovered with costs by any person who will inform and sue for the same. *And be it also enacted*, That if any person hereafter shall make a fire within any of the public warehouses, or within fifty yards of such warehouse, other than in a room for the use of the inspectors, or in some house having a chimney, such person or persons shall, for every such offence, forfeit twenty pounds, to be recovered with costs by information, to the use of the informer; and if a servant or slave, he or she shall, by order of some justice of the peace, receive on his or her bare back twenty-five lashes for every such offence.

Shall receive no additional fee, under penalty of one hundred pounds.

Persons making fires near a warehouse subject to fine, &c.

13. *And be it further enacted*, That he or they who shall forge or counterfeit, alter or erase the stamp or receipt of any inspector or inspectors, or shall cause or procure such stamp or receipt to be forged or counterfeited, altered or erased, or shall aid or assist in forging or counterfeiting, altering or erasing, such stamp or receipt, or shall have in his custody or possession any inspector's stamp or receipt which shall have been altered or erased, knowing the same to have been altered or erased, and shall not discover such altered or erased stamp or receipt to a justice of the peace within five days after they or either of them shall have come to his or their possession; or cause to be exported any hogshead of tobacco stamped with forged or counterfeited stamp; or shall receive or demand tobacco of an inspector upon forged or counterfeited, altered or erased stamp or receipt, knowing the same to be counterfeited or forged, or shall put or pack, or caused to be put or packed, into any hogshead or cask stamped by an inspector, any tobacco whatever, or shall draw or take out, or cause to be taken out any stave or staves, plank or heading-board of any hogshead or cask of tobacco so stamped as aforesaid, after the same shall have been delivered out of any of the public warehouses aforesaid, and being thereof convicted, shall suffer six months' imprisonment, stand four hours in the pillory, and pay a fine of one hundred pounds.

Forging, &c. of the receipt, &c. of any inspector, how to be punished.

14. *And be it enacted*, That if any inspector or inspectors shall give, deliver, or issue to any person whatever his or their receipt, expressed to be for any hog-

Inspectors issuing receipts for tobacco not received shall suffer death.

head or cask of tobacco which they have not actually received into the warehouse whereof they are inspectors at the time of giving such receipt or shall give, deliver or issue, more than one receipt for any one hoghead or cask of tobacco by him or them received, except when authorized by law so to do, such inspector or inspectors being thereof convicted by due course of law shall be adjudged a felon, and shall suffer death by being hanged.

Lost receipts,  
how established.

15. *And be it further enacted*, That if any inspector's receipt be actually lost, mislaid, or destroyed, the person or persons entitled to receive the tobacco by virtue of any such receipt, shall make oath before any justice of the peace of the county where the same is payable, to the number and date of every such receipt, to whom and where payable, and for what quantity of tobacco the same was given, and that such receipt is lost, mislaid or destroyed, and that he she or they at the time such receipt was lost, mislaid or destroyed, was lawfully entitled to receive the tobacco therein mentioned; and shall take a certificate thereof from such justice, and upon producing a certificate thereof, the inspectors who signed such receipt and lodging the same with them; the inspectors shall and they are hereby required and directed to pay and deliver to the person obtaining such certificate the tobacco for which any such receipt was given, if the same or any part thereof shall not have been before by them paid by virtue of the said receipt, and shall be thereby discharged from all actions, suits, and demands on account of such receipt and if any person shall be convicted of making a false oath, or producing a forged certificate, in the case aforesaid such person shall suffer as in case of wilful and corrupt perjury or forgery as the case may be.

Inspection, two  
shillings per  
hoghead ex-  
cept Calls, Rich-  
mond and  
Augusta.  
By whom to be  
paid.

Inspector's  
oath.

16. *And be it further enacted*, That the inspectors at the several warehouses except Calls, Richmond and Augusta shall be and they are hereby entitled to receive for each hoghead of tobacco by them inspected the sum of two shillings which shall be paid the inspectors, by the merchants, or other persons to whom the same shall be delivered, and every such inspector before entering on the duties of his office shall take the following oath, to wit: "I, A. B. do solemnly swear that I will diligently and carefully view, examine, and inspect all tobacco brought to the warehouse whereof I am appointed inspector, and that not separate and apart from, but in presence of my fellow, and that I will not receive any tobacco that is not in my judgment sound, well conditioned, merchantable and clear of trash, and that I will not change, alter, or give out any tobacco, other than such hogheads or casks for which the receipt to be taken was given, but that I will in all things well and faithfully discharge my duty in the office of an inspector to the best of my skill and judgment, and according to the directions of this act, without fear, favor, affection, malice or partiality. So help me God."

Transfer to-  
bacco when to  
be prized into  
crop hog-  
heads.

17. *And be it further enacted*, That the inspectors at the different warehouses in this state shall, and they are hereby required to prize up all such parcels of transfer tobacco as shall or may be lodged in their respective warehouses, into crop hogheads to contain nine hundred and fifty pounds net, or upwards each, within two months after the date of the receipt passed or given by the inspectors for such tobacco, and the said inspectors shall keep a book to be called a transfer book, in which an exact and particular account of all such parcels of tobacco shall be kept; and where any person or persons holding such transfer receipts to the amount of nine hundred and fifty pounds and producing the same to such inspectors, they shall deliver to such owner or proprietor a crop hoghead or hogheads of tobacco to the amount of such receipts, first deducting from such receipts the sum of eight per centum, for cask, shrinkage and prizing the same, for which they shall pass their receipts or notes; and

the several inspectors at each of the warehouses within this state, shall proceed to sell all the transfer tobacco that may remain in their possession on the second Monday in September annually at the warehouse in the respective counties, and the inspectors selling such transfer tobacco shall be accountable to the owner or owners of such transfer tobacco for the monies arising from such sales deducting at the rate of eight per centum for wastage, cart, prizing and cooerage.

And how to be delivered out or sold.

18. *And be it also enacted by the authority aforesaid,* That every hoghead of tobacco shall have at least six good hoops, and the owner or owners of such tobacco failing to have his, her or their tobacco in such state, shall be obliged to pay the inspectors for finding such hoop or hoops the sum of twopence per hoop, before the delivery of such tobacco: And the inferior court of the county in which such tobacco inspections may be, is hereby directed to appoint some fit and discreet person or persons to examine the weights at the different inspections in the first Mondays in October and January in each year, and regulate the same agreeably to the standard of this state.

Hogheads how to be hoopsed.

Weights to be yearly regulated by the inferior court.

19. *And be it further enacted by the authority aforesaid,* That every proprietor or owner of a warehouse shall keep the same in repair and shall always have a sufficient shelter or house room to secure all tobacco which shall be brought to the same, the doors to be well secured by good locks, bolts or bars; in default whereof the owner or proprietor shall be accountable and pay to the person or persons whose tobacco shall be lost or damaged, all damages and costs which may be recovered by action in either of the superior or inferior courts: And the courts of the several counties within this state wherein any warehouse for the inspection of tobacco now is, or may hereafter be established, shall and they are hereby required at their first meeting annually to appoint three of their number to examine from time to time into the state and condition of such warehouses, and whether they are built and secured according to this act, and the justices so appointed, or any two or more of them, finding that the said warehouses are not in good and sufficient repair shall within ten days give notice in writing to the proprietor or proprietors of such warehouse or warehouses to repair the same, and if such proprietor or proprietors having notice as aforesaid, shall refuse or neglect so to do within two months from the time of such notice; it shall and may be lawful for the justices so appointed, or any two or more of them, to let such repairs to the lowest bidder, taking bond with sufficient security of the undertaker in double the sum to be paid him for such repairs conditioned for the due performance thereof; and the inspectors at any warehouse wanting repairs as aforesaid are hereby empowered and directed to stop in their hands the amount of the sum to be paid for such repairs, out of the monies arising on storage which money so stopped as aforesaid shall be paid into the hands or to the order of the justices letting such repairs, to be by them paid to the undertaker thereof.

Warehouses to be kept in good repair by proprietors of answerable for all damages.

To be examined yearly by the inferior court.

Repairs to be made by the inferior court, who may pay for the same out of the storage, if they are not made by the proprietors.

20. *And be it further enacted,* That from and after the passing of this act, any person or persons bringing to any of the aforesaid warehouses, any hoghead or hogheads of tobacco, and the inspectors on weighing the same shall judge it good and merchantable according to the directions of this act, and under nine hundred and fifty pounds net, such tobacco shall be kept by the inspector marked in their transfer book as light crop tobacco, but no receipt or note shall be given for the same in less than two months except the owner or proprietor thereof shall require the same, and the owner or proprietor of any such hoghead may at any time within two months, prize into such light hoghead so much other tobacco as will make the same nine hun-

Hogheads weighing less than 950 lbs. marked transfer.

dred and fifty pounds net or upwards in which case the inspectors shall pass their receipt for the same as crop tobacco and mark it on their books as such: And if the owner or proprietor of such tobacco shall neglect or refuse to prize the same within two months the inspectors shall and may consider the same as transfer, and shall be allowed the same per centum thereon as other transfer tobacco; and wherever from the situation and condition of any hoghead of tobacco the inspectors find it necessary, they shall have the same repacked, and for every such hoghead the pickers shall be entitled to receive for their services, in prizing and cooping the same, the sum of five shillings, except it be done by the owner of such tobacco.

Allowance to  
pickers.

Their oath.

Proviso:

Hogheads to  
be well cooper-  
ed and shipped,  
and branded  
with the word  
Georgia.

Cooper's fees.

shall forfeit  
fourfold for  
over charge.

Inspectors to re-  
ceive nothing  
for cooping,  
under penalties  
of removal.

21. *And be it further enacted by the authority aforesaid,* That no person shall attend any warehouse to pick refused tobacco or act as a cooper, except he shall have been appointed by the court and approved of by a majority of the inspectors at such warehouse: Any such picker shall take the following oath, to wit: "I, A. B. do solemnly swear, that I will carefully pick such refused tobacco that I may have charge of, and will faithfully and truly make a return of the net proceeds thereof, without any waste or embezzlement to my knowledge. So help me God." And the pickers and coopers so appointed shall be under the directions of the inspectors: *Provided,* That nothing herein contained shall be construed to prevent the planter from picking or cooping his own tobacco; and the planters shall at all times have the free use of prizes for that purpose.

22. *And be it further enacted,* That the several inspectors appointed by this act shall be obliged to deliver each hoghead to the person shipping the same, well coopered with at least six good hoops; and every hoghead of tobacco, before it be removed from any warehouse within this state, shall be branded with the word "GEORGIA," in letters of one inch long, which brand shall be provided at the expence of the owner or owners of each respective warehouse.

23. *And be it enacted,* That from and after the first day of October next, the coopers at each of the several warehouses shall have and receive for each hoghead by them coopered, and for finding nails, the sum of one shilling and sixpence, and no more, to be paid by the owner thereof; and if any cooper or coopers shall demand or receive any greater fee or reward for such services, he or they shall for every such offence, forfeit and pay fourfold to the party aggrieved, to be recovered before a justice of the peace in the county where such offence is committed, and on being convicted thereof, shall be rendered incapable of acting as a cooper at any of the warehouses thereafter.

24.\* *And be it further enacted,* That no inspector or inspectors of tobacco shall receive any emoluments for cooping any tobacco that may be brought to the warehouse at which they are inspectors, under the penalty of being removed from office, upon information and proof thereof before the county inferior court. And that from and after the passing of this act, the pickers at the several warehouses shall have and receive for their trouble in picking any refused tobacco one tenth part of all such tobacco by them saved.

25 Gives salaries to certain inspectors—repealed by act of 1793, sect. 3.

26 Relates to the same thing—repealed by the third section of the same act,

\* Inspectors allowed to cooper tobacco by act of 1796.

27. *And be it further enacted*, That all and every act or parts of acts that have been passed respecting the inspection of tobacco, that is repugnant and contradictory to this act, be and is hereby repealed. Repealing clause.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

N. BROWNSON, *President of the Senate.*

Concurred December 23, 1791.

EDWARD TELFAIR, *Governor.*

• • • • •

*An act for the better regulation of the inspection of tobacco in this state; and for other purposes.*

1. **W**HEREAS it has been found to be injurious to the interest of the planters of tobacco in this state, that the inspectors should be appointed from the citizens of any particular county: for remedy whereof, Preamble.

*Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met*, That it shall and may be lawful for the justices of the inferior courts of the counties of Richmond, Columbia, Lincoln, Elbert, Franklin, Jackson, Oglethorpe, Greene, Wilkes, Hancock, Warren, Burke, Jefferson and Washington, to recommend two persons for inspectors to any county where warehouses are established by law; and the said county courts respectively shall be obliged to appoint three inspectors out of the number so recommended, for each warehouse that may be in such county; and in case of failure or refusal of any or each of the said counties so to recommend, the court shall proceed to elect out of such persons as may be recommended; and in case no recommendations are made, the court may elect from any candidates that may offer. Inspectors, how to be appointed.

2. *And be it further enacted*, That an inspection of tobacco shall be and the same is hereby established at the town of Sparta, in the county of Hancock; and the inferior court of the said county are authorized and empowered to fix and determine on the spot whereon the said warehouse shall be erected in the town aforesaid; which said warehouse shall be under the same rules and regulations as other warehouses established by law in this state. Warehouse, established at Sparta.

3. *And be it further enacted*, That an inspection of tobacco shall be and the same is hereby established at the city of Savannah; and the justices of the inferior court of the county of Chatham are hereby authorized and empowered to determine on the spot of ground whereon the warehouse and inspection shall be established, and to appoint inspectors for the same; which said inspection and warehouse shall be subject to such rules and regulations as are prescribed by law for all other warehouses and inspections within this state. And at Savannah.

4. *And be it further enacted*, That all former laws respecting an inspection at Savannah, so far as relates to that inspection only, shall be and are hereby repealed. Repealing clause.

DAVID MERIWETHER, *Speaker of the House of Representatives,*

DAVID EMANUEL, *President of the Senate,*

Assented to February 2, 1798.

JAMES JACKSON, *Governor.*

*An act to authorize Zachariah Lamar, esq. to lay out a town at the mouth of Broad River, and to establish inspections in the county of Wilkes.*

Provable.

**W**HEREAS it is necessary, and will be greatly conducive to the general convenience of the citizens on the upper part of this state, that a town should be laid out and a tobacco inspection established at the mouth of Broad River, in the county of Wilkes;

Zachariah Lamar authorized to lay out a town called Lincoln, at the mouth of Broad River and to establish a public warehouse.

*Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same, That Zachariah Lamar, of the aforesaid county, be and he is hereby fully authorized and empowered to lay out a town on his own lands, situate on the south side of the mouth of Broad River, into any and such number of half acre lots as he may think proper, and to dispose of and make titles to the same according to the usual manner of conveyance; which said town shall be called and known by the name of Lincoln. And the said Zachariah Lamar is hereby further authorized and empowered to erect a public warehouse for the reception and inspection of tobacco in the said town of Lincoln, subject always to the laws that have been or may hereafter be provided for the inspection of tobacco.*

2. *And whereas Dionysius Oliver, of the aforesaid county of Wilkes, hath petitioned the legislature to authorize him to erect a warehouse on his own land, in the aforesaid county of Wilkes, in the fork, between the aforesaid Broad River and the river Savannah, for the reception and inspection of tobacco; and whereas the same is likewise thought necessary for the convenience of the upper settlers:*

Dionysius Oliver's warehouse established at Petersburg.

*Be it further enacted, That the said Dionysius Oliver is hereby authorized and empowered to erect the said warehouse, and the said inspection is hereby established, subject always to such laws as have been, or may hereafter be made, for regulating the inspection of tobacco as aforesaid.*

By order of the House.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 8, 1786.

.....

*An act to repeal some parts, and to amend other parts, of an act to regulate the inspections of tobacco.*

1, 2, 3, 4, 5, Re-enacted, with alterations, by act of 1791.

6. *And whereas several petitions have been presented to the present General Assembly, praying the establishment of other inspections within this state:*

Warehouses established at Louisville, Washington (in Wilkes) New-Savannah, called Tugg's, & another called Arrington's, at Calphinton, at the falls of Ochee, and at Reed's Bluff.

*Be it therefore enacted by the authority aforesaid, That the following inspections be, and the same are hereby established, under the same regulations as those already established in or near the town of Augusta: On John Shellman's lot of ground in Louisville; on some public lot in the town of Washington; on such other lot in the said town as the commissioners of the academy in the county of Wilkes may point out; on the land of general Twiggs, at New Savannah, near the mouth of Butler's creek; and on land of Henry Arrington at the same place; on land of Robert For-*



tyth, in the county of Golphinton; on land of Arthur Fort, near the falls of Ogeechee; and on land of George Handley and Christopher Hillary, at Reed's Bluff.

By order of the House.

JOHN POWELL, *Speaker.*

Augusta, February 4, 1789.

.....

*An act to establish an inspection of tobacco on the Savannah River, at the mouth of Lightwood-log Creek.*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, it shall and may be lawful for an inspection of tobacco to be opened, at the mouth of Lightwood-log Creek, in Elbert county on the land of Nehemiah Howard, which said inspection shall be governed by the laws which now are in force or which may hereafter be made for the government of the several inspections within this state.

Inspection of tobacco to be established at the mouth of Lightwood-log Creek, in Elbert county, &c.

2. *Be it also enacted,* That the right of building said warehouse is hereby vested in the said Nehemiah Howard, his heirs and assigns, who shall be entitled to receive the same storage as is directed by law to be received in the other inspections in this state.

Vested in Nehemiah Howard.

3. *And be it further enacted,* That so much of an act entitled "An act for regulating the inspections of tobacco," passed the twenty-third day of December, one thousand seven hundred and ninety-one, as relates to granting of salaries to the inspectors of Calls, Richmond, and Augusta warehouses, be and the same is hereby repealed.

Salaries repealed.

4. *And be it further enacted,* That the inspectors at the warehouses known by the name of Richmond and Augusta warehouses, shall be entitled to receive the same price for each hoghead of tobacco, by them inspected, as are allowed by law to the inspectors of other warehouses within this state, which shall be paid at the time of shipment.

Inspectors of Richmond and Augusta warehouses to receive customary fees.

5. *And be it further enacted,* That the weights at the several warehouses within this state, shall be adjusted in the manner pointed out in a former law regulating the inspection of tobacco, on the first Monday in January and October annually.

Weights, when to be adjusted.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 19, 1793.

GEORGE MATHEWS, *Governor.*

.....

*An act to establish an inspection of tobacco on the Savannah River, at the mouth of Coldwater Creek.*

1. **BE IT ENACTED** *by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same* That it shall and may be lawful for an inspection of tobacco to be opened at the mouth of Coldwater Creek, in Elbert county on the land of John Cunningham; which said inspec-

Inspection of tobacco at the mouth of Coldwater Creek.

tion shall be regulated by the same laws which are now in force, or which may hereafter be made for the government of the several inspections in this state.

And vested in John Cunningham.

2. *Be it also enacted*, That the right of the said warehouse is hereby vested in John Cunningham, his heirs and assigns, who shall be entitled to receive the same storage as is directed by law to be received at the other inspections within this state.

Inspectors may cooper tobacco.

3. *Be it further enacted*, That it shall and may be lawful for the several inspectors of tobacco within this state, either by themselves, or persons by them employed to cooper the tobacco which may be brought to their several inspections, who shall be entitled to receive the same fee which is allowed by law in this state for the coopering of tobacco, any law or custom to the contrary notwithstanding.

THOMAS STEPHENS, *Speaker of the House of Representatives*,  
BENJAMIN TALIAFERRO, *President of the Senate*.

Concurred February 11, 1796.

JARED IRWIN, *Governor*.

• • • • •

*An act to establish a tobacco inspection in the town of Peterburgh, one on the south side of Broad River at the mouth thereof; and one other on the lands of Ezekiel Harris above Augusta.*

Inspection established in Peterburgh.

1. **B**E IT ENACTED *by the Senate and House of Representatives of the state of Georgia in General Assembly met*, That it shall and may be lawful for an inspection of tobacco to be established in the town of Peterburgh, in the county of Elbert, on lots thirty-five and thirty-seven, the property of William Watkins; and that the said warehouse with all the benefits and emoluments be, and is hereby vested in him the said William Watkins, his heirs and assigns.

And vested in William Watkins.

Another on the south side of Broad River, vested in Thomas Walton.

2. *And be it enacted by the authority aforesaid*, That one other tobacco inspection shall be established on the south side of Broad River, at the mouth thereof, on the lands of Thomas Walton, junr. and that the right of the said warehouse be, and is hereby vested in the said Thomas Walton, jun. his heirs and assigns.

And another on the lands of Ezekiel Harris, vested in said Harris.

3. *And be it enacted*, That another warehouse be and is hereby established on the plantation of Ezekiel Harris in the county of Richmond; and that the right of the said warehouse be and is hereby vested in the said Ezekiel Harris, his heirs and assigns.

Subject to the inspection laws.

4. *And be it further enacted*, That the aforesaid tobacco inspections shall be regulated and governed by the same laws that now are or may hereafter be made for the government of the several tobacco inspections within this state, and the proprietors thereof shall be allowed to receive the same storage as is direct by law to be received at other tobacco inspections.

DAVID MERIWETHER, *Speaker of the House of Representatives*,  
DAVID EMANUEL, *President of the Senate*.

Concurred February 11, 1797.

JARED IRWIN, *Governor*.

*An act to establish an inspection of tobacco at the White Bluff on the Oconee River, in the county of Washington.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That it shall and may be lawful for an inspection of tobacco to be opened at the White Bluff on the Oconee River, in the county of Washington, on the land of Thompson Lawson; which said inspection shall be regulated by the existing laws now of force, or that may hereafter be made for the inspection of tobacco.

Inspection established at the White Bluff on the Oconee River

And vested in Thompson Lawson.

2. *And be it further enacted,* That the right of the said warehouse is hereby vested in Thompson Lawson, his heirs and assigns, who shall be entitled to receive the same storage as other inspectors, and that James Jones and Jesse Armstrong be the inspectors thereof.

Inspectors appointed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 11, 1797.

JARED IRWIN, *Governor.*

.....

*An act to establish tobacco inspections at the several places herein after mentioned, and for improving the navigation of Broad River and Oconee River.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, That there shall be a tobacco inspection established on the land of Reuben Easten, esq. on Broad River, at Davis' Ford, to be known by the name of Easten's Warehouse; and that one other tobacco inspection be established on the land of James Hughes, on Savannah River, near Barkeisdale's Ferry, to be known by the name of Hughes' Warehouse; one other tobacco inspection to be established at the mouth of the Alatamaha on the land of John M'Intosh, to be known by the name of Darien Warehouse; and that one other tobacco inspection be established at the Long Bluff on the Oconee River, in the county of Washington, to be called the Long Bluff Warehouse; all of which shall be subject to such rules and regulations as other warehouses established by law.

Easten's warehouse established.

Hughes' warehouse established.

Darien warehouse established.

Long Bluff warehouse established.

*And whereas,* the increasing value of the lands in Savannah renders it impossible for any person or company to erect a warehouse for the purpose of storing and inspecting tobacco at the present rates of storage:

2. *Be it therefore enacted,* That the rates of storage at the warehouse erected or to be erected in the said city, be fifty cents per hoghead.

Fifty cents storage in Savannah.

*And whereas,* it is represented to the present General Assembly, that many of the citizens of Elbert, Oglethorpe, Wilkes, Jackson, and Franklin, are improperly and unjustly restrained from partaking of the advantages and benefits which nature has ordained and granted them, by a number of persons, whose interest it has become to obstruct and hinder the passage of fish up the Broad River, by stopping the current and stream; being in divers places by fish dams and traps, so as really to become a monopoly to individuals, and detrimental to the inhabitants bordering on the said river,

One fourth part of the channel of Broad River to be kept open for the passage of fish; under penalty of one hundred dollars for each day so obstructed.

3. *Be it therefore enacted by the authority aforesaid,* That all and every person or persons shall be obliged and compelled to leave at least one fourth part of the main channel of the said Broad River, clear of all and every encumbrance whatever, except its natural obstructions; under the penalty of one hundred dollars for every day, any such artificial impediments now in the meaning of this act remains unremoved, three fourths thereof to any person or persons, who shall inform, prosecute and convict the offender; the other fourth to the use of the fund for opening and improving the navigation of the said river: *Provided,* That no penalty imposed by this act, shall take place prior to the twenty-fifth day of February next.

Proviso.

The middle stream between Coleman's and Anthony's mills on Broad River to be kept open.

4. *And be it further enacted,* That all that part of Broad River commonly called the Middle River, running between Coleman's and Anthony's mill dams, shall before and after its junction with either of the rivers on which the said mill dams are erected, be and is hereby declared to be a free passage for fish up the said river, and to be clear of all and every obstruction whatever, to the final junction of all its parts with the main river aforesaid, and to the mouth thereof.

*And whereas,* divers persons inhabitants of the counties aforesaid, have already subscribed considerable sums for the purpose of opening Broad River, from the fork thereof to Peterburgh, and others will it is expected willingly subscribe to so valuable an object.

Persons subscribing to open Broad River, may appoint five directors.

Their powers and duty.

Proviso.

Proviso.

Penalty for telling trees, &c. into Broad River when opened.

How recovered and applied.

One fourth part of the Oconee River, and the north middle & south forks thereof to be kept open for the passage of fish.

Under penalty of one hundred dollars per day.

5. *Be it therefore enacted,* That on the first day of May next, the subscribers that then may be, are hereby authorized to meet, and from their own body choose or elect five persons to act as commissioners and agents to contract with any person or persons, and at their discretion superintend the carrying the work of opening the said river out of the funds that then may be in hand, and annually to renew the collections as they may judge advisable; and the said superintendents or agents, shall keep regular and distinct accounts of all monies expended by them in carrying on the said work, which shall be submitted to the general and annual meeting of the subscribers to the fund: *Provided,* That nothing herein contained shall in any manner authorize they the said superintendents or agents for clearing and improving the navigation of the river aforesaid, to injure, impair or disturb either of the mills or dams belonging to the said Coleman and Anthony: *And provided,* That the said dams shall not extend into the said river farther than the islands to which such dams are respectively joined.

6. *And be it further enacted,* That in case any person or persons shall fell any trees, erect dams, or in any other manner injure or prejudice the navigation of the said river when opened or improved, any such person so offending shall forfeit and pay the sum of one hundred dollars for every day such obstructions shall remain unremoved; three fourths thereof to the use of any person or persons informing and prosecuting to conviction the offender, the other part to the use of the fund for opening the navigation aforesaid, to be recovered in any court having cognizance thereof.

7. *And be it further enacted,* That from and after the passing of this act, it shall not be lawful for any person or persons to stop or keep stopped the main sluices of the Oconee River, from the Rock Landing up to the fork of the Appalachee and Oconee Rivers, nor up the said river Oconee to the confluence of the two branches thereof, called the north and middle forks, up the main river to the mulberry fork, and up the north fork to the cedar shoals, and up the said river Appalachee to the high shoals; but the same is hereby declared to be at least one fourth part thereof, including the main channel, a free passage up the said rivers for fish; nor shall any person or persons, under the penalty of one hundred dollars per day, stop or cause to

be stopped more than three fourths of any part or parts of the rivers aforesaid, by fifth dams or other obstructions whatever, to be recovered in any court of record having cognizance thereof; and that the judges of the inferior court of each county be authorized to appoint commissioners to keep open the said rivers, any law to the contrary notwithstanding.

How recovered and applied. Inferior courts to appoint commissioners to keep open said rivers.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 ROBERT WALTON, *President of the Senate.*

Assented to February 15, 1799.

JAMES JACKSON, *Governor.*

• • • • •

*An act for establishing a warehouse on the land of Claiborn Webb, on Broad River, and one other warehouse on the land of John Willhight, in the county of Elbert.*

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That there shall be a tobacco inspection established on the land of Claiborn Webb, on Broad River, which shall be known by the name of Webb's Warehouse.

Webb's warehouse established.

2. And that one other tobacco inspection shall be established on the land of John Willhight, in the fork of Broad River, in the county of Elbert, to be known by the name of Willhight's Warehouse; which warehouses shall be subject to such rules and regulations as other warehouses in this state now are or hereafter may be.

Willhight's warehouse established.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 DAVID EMANUEL, *President of the Senate.*

Assented to November 30, 1799.

JAMES JACKSON, *Governor.*

• • • • •

*An act to establish a tobacco inspection in the county of Oglethorpe, on lands of John Griffith.*

**BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That there shall be a tobacco inspection established on the land of John Griffith, on Broad River, to be known by the name of Griffith's Warehouse; which said warehouse or tobacco inspection shall be subject to such rules and regulations as other tobacco inspections, established by law in this state.

DAVID MERIWETHER, *Speaker of the House of Representatives.*  
 DAVID EMANUEL, *President of the Senate.*

Assented to December 5th, 1800.

JAMES JACKSON, *Governor.*

*By the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same.*

*An act for the more full and complete establishment of a public seat of learning in this state.*

Preamble.

AS it is the distinguishing happiness of free governments that civil order should be the result of choice and not necessity, and the common wishes of the people become the laws of the land, their public prosperity and even existence very much depends upon suitably forming the minds and morals of their citizens. When the minds of the people in general are viciously disposed and unprincipled, and their conduct disorderly, a free government will be attended with greater confusions and evils more horrid than the wild uncultivated state of nature: It can only be happy where the public principles and opinions are properly directed and their manners regulated. This is an influence beyond the sketch of laws and punishments, and can be claimed only by religion and education. It should therefore be among the first objects of those who wish well to the national prosperity, to encourage and support the principles of religion and morality, and early to place the youth under the forming hand of society, that by instruction they may be moulded to the love of virtue and good order. Sending them abroad to other countries for their education will not answer these purposes, is too humiliating an acknowledgment of the ignorance or inferiority of our own, and will always be the cause of so great foreign attachments, that upon principles of policy it is inadmissible.

This country, in the times of our common danger and distress, found security in the principles and abilities which wise regulations had before established in the minds of our countrymen; that our present happiness, joined to the pleasing prospects, should conspire to make us feel ourselves under the strongest obligation to form the youth, the rising hope of our land, to render the like glorious and essential services to our country.

*And whereas, for the great purpose of internal education, divers allotments of land have at different times been made, particularly at their sessions in July, one thousand seven hundred and eighty-three, and February, one thousand seven hundred and eighty-four, all of which may be comprehended and made the basis of one general and complete establishment: Therefore, the representatives of the freemen of the state of Georgia in General Assembly met, this twenty-seventh day of January, in the year of our Lord one thousand seven hundred and eighty-five, enact, ordain and declare, and by these presents it is enacted, ordained and declared—*

Board of visitors defined,

1. The general superintendence and regulation of the literature of this state, and in particular of the public seat of learning, shall be committed and intrusted to the governor and council, the speaker of the House of Assembly, and the chief justice of the state, for the time being, who shall ex-officio compose one board, denominated "The Board of Visitors,"\* hereby vested with all the powers of visitation, to see that the intent of this institution is carried into effect; and John Houstoun, James Habersham, William Few, Joseph Clay, Abraham Baldwin, William Houstoun, Nathan Brownson, John Habersham, Abiel Holmes, Jenkin Davies, Hugh Lawson, William Glascock, and Benjamin Taliaferro, esqrs. who shall compose another board, denominated "The Board of Trustees." These two boards united, or a majority of each of them, shall compose the "Senatus Academicus of the University of Georgia."

with a general superintending power over literature, &c. Board of trustees nominated

Both boards united to be styled "The Senatus Academicus"

\* Board of visitors defined by act of 1800, sect. 3.

2. All statutes, laws, and ordinances, for the government of the university, shall be made and enacted by the boards united, or a majority of each of them, subject always to be laid before the General Assembly, as often as required, and to be repealed or disallowed, as the General Assembly shall think proper.

With power to make laws, statutes, &c. but subject to be repealed by the legislature.

3. Property vested in the university shall never be sold without the joint concurrence of the two boards, and by an act of the legislature, but the leasing, farming, and managing of the property of the university for its constant support, shall be the business of the board of trustees; for this purpose they are hereby constituted a body corporate, and politic, by the name of "The Trustees of the University of Georgia," by which they shall have perpetual succession, and shall and may be a person in law, capable to plead, and be impleaded, defend, and be defended, answer, and be answered unto, also to have, take, possess, acquire, purchase, or otherwise, receive lands, tenements, hereditaments, goods, chattels or other estates, and the same to lease, use, manage, or improve, for the good and benefit of said university, and all property given or granted to or by the government of this state for the advancement of learning in general, is hereby vested in such trustees, in trust as herein described.

Property vested in the university, not to be sold without the consent of both boards and the legislature. Trustees incorporated.

4. As the appointment of a person to be the president and head of the university is one of the first and most important concerns, on its respect and usefulness greatly depend, the board of trustees shall first examine and nominate, but the appointment of the president shall be by the two boards jointly, who shall also have the power of removing him from office for misdemeanor, unfaithfulness, or incapacity. †

President of the university to be appointed by the two boards jointly, and removed in like manner.

5. There shall be a stated annual meeting of the Senatus Academicus at the university, or at any other place or time to be appointed by themselves, at which the governor of the state or in his absence, the president of the council shall preside, their records to be kept by the secretary of the university.

Senatus Academicus to meet annually.

6. As the affairs and business of the university may make more frequent meetings of the trustees necessary, the president and two of the members are empowered to appoint a meeting of the board, notice always to be given to the rest, or letters left at the usual places of their abode, at least fourteen days before the said meeting, seven of the trustees thus convened shall be a legal meeting. In case of the death, absence, or incapacity of the president the senior trustee shall preside; the majority of the members present shall be considered a vote of the whole, and where the members are divided the president shall have a casting vote; *Provided always*, That nothing done at these special meetings, shall have any force or efficacy after the rising of the then next annual meeting of the trustees.

Records to be kept by their secretary.

Board, how to be formed in the interim.

Provide.

7. The trustees shall have the power of filling up all vacancies of their own board, and appointing professors, tutors, secretary, treasurers, stewards, or any other officers which they may think necessary, and the same to discontinue or remove, as they may think fit; but not without seven of their number, at least, concurring in such act.

Trustees to fill vacancies in their own board, and appoint necessary officers.

8. The trustees shall prescribe the course of public studies, appoint the salaries of the different officers, form, and use a public seal, adjust and determine the expenses, and adopt such regulations, not otherwise provided for, which the good of the university may render necessary.

Shall regulate the course of public studies, & fix salaries.

9. All officers appointed to the instruction and government of the university shall be of the christian religion; and within three months after they enter upon the execution of their trust, shall publicly take the oath of allegiance and fidelity, and the oaths of office prescribed in the statutes of the university; the president, before the

All officers to be of the christian religion, & take an oath.

governor or president of the council, and all other officers before the president of the university.

Officers, student, &c. exempt from militia duty.

10. The president, professors, tutors, students, and all officers and servants of the university whose office require their constant attendance, shall be, and they are hereby excused from military duty, and from all other such like duties and services, and all lands and other property of the university is hereby exempted from taxation.

Lands exempt from taxes. Religious sentiments to be no disqualification.

11. The trustees shall not exclude any person of any religious denomination whatsoever, from free and equal liberty and advantages of education, or from any of the liberties, privileges and immunities of the university in his education, on account of his, her or their speculative sentiments in religion, or being of a different religious profession.

President of the university with the trustees, shall have power to confer honors, &c.

12. The president of the university, with the consent of the trustees, shall have power to give and confer all honors, degrees and licenses, as are usually conferred in colleges or universities, and shall always preside at the meeting of the trustees, and at all the public exercises of the university.

Senatus Academicus, how to exercise their superintendance of literature in this state.

13. The Senatus Academicus at their stated annual meetings shall consult and advise, not only upon the affairs of the university, but also to remedy the defects, and advance the interests of literature through the state in general. For this purpose it shall be the business of the members, previous to their meeting, to obtain an acquaintance with the state, and regulations of the schools and places of education in their respective counties, that they may be thus possessed of the whole, and have it lie before them for mutual assistance and deliberation. Upon this information they shall recommend what kind of schools and academies shall be instituted, agreeably to the constitution, in the several parts of the state, and prescribe what branches of instruction shall be taught and inculcated in each. They shall also examine, and recommend the instructors to be employed in them, or appoint persons for that purpose. The president of the university as often as the duties of his station will permit, and some of the members, at least once in a year, shall visit them, and examine into their order and performances.

All public schools to be considered as parts of the university.

14. All public schools, instituted or to be supported by funds or public monies, in this state, shall be considered as parts or members of the university, and shall be under the foregoing directions and regulations.

Trustees to recommend necessary public measures to the legislature.

15. Whatsoever public measures are necessary to be adopted for accomplishing these great and important designs, the trustees shall from time to time represent and lay before the General Assembly.

All laws contrary to this act repealed.

16. All laws and ordinances heretofore passed in any wise contrary to the true intent and meaning of the premises, are hereby repealed, and declared to be null and void.

This charter to be signed and sealed.

17. In full testimony and confirmation of this charter, ordinance and constitution, and all the articles therein contained, *The representatives of the freemen of the state of Georgia in General Assembly, hereby order*, That this act shall be signed by the honorable Joseph Habersham, esqr. speaker of the House of Assembly, and sealed with the public seal of this state, and the same, or the enrolment thereof in the records of this state, shall be good and effectual in law, to have and to hold the powers, privileges, and immunities, and all and singular the premises herein given, or which are meant, mentioned or intended to be hereby given, to the said board of visitors and trustees, and to their successors in office for ever.

JOSEPH HABERSHAM, *Speaker.*

Savannah, January 27, 1785.



An act to repeal an ordinance passed at Augusta the twenty-sixth day of January, one thousand seven hundred and eighty-six, so far as respects fixing the seat of the university of this state, and "An act for the more full and complete establishment of a public seat of learning in this state, so far as respects the appointment of trustees," passed at Savannah the twenty-seventh day of January, one thousand seven hundred and eighty-five; and to appoint a board of trustees, and to define the board of visitors, and to fix a permanent seat for the said university.

1. **W**HEREAS the aforefaid recited acts have not been carried into effect, and many of the original board have died and removed, so that doubts have arisen whether there is in existence a legal board: for remedy whereof, *Be it enabled by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That the permanent seat of the university shall be in the county of Jackson, Franklin, Hancock, Greene, Oglethorpe, Wilkes, or Warren.* Exampl'd.  
Seat of the university.
2. *And be it further enacted, That Abraham Baldwin, Hugh Lawson, Benjamin Taliaferro, Joseph Clay, jun. James Jackson, John Twiggs, John Clarke (of Wilkes) the rev. Robert M. Cunningham, John Milledge, Josiah Tatnall, jun. Ferdinand O'Neal, John Stewart and James M'Neil, shall compose the board of trustees, whose duty it shall be to carry this institution completely into effect.* Board of trustees nominated.
3. *And be it further enacted, That the governor, the judges of the superior courts, the president of the Senate, the speaker of the House of Representatives, and the senators from the different counties (except the counties in which the governor, the judges, the president of the Senate and speaker of the House of Representatives for the time being shall reside) who shall form a board of visitors, whose duty it shall be to superintend and regulate the literature of this state, and in particular of the public seat of learning.* Board of visitors defined  
Their power.
4. *And be it further enacted, That it shall be the duty of the board of trustees to call on all persons who may be in possession, or who have been in possession of any funds, papers or books belonging to the said university in any manner whatever, to make settlements with and deliver over said property into the hands of them, or a committee appointed for that purpose; and in case of failure, to commence suits for the same; and that they the said trustees be and they are hereby vested with all the powers given by the charter passed the twenty-seventh day of January, one thousand seven hundred and eighty-five.* Board of trustees directed to call on persons having the property of the university in possession  
And vested with the powers given by the charter
5. *And be it further enacted, That so much of the before recited acts as militate against this act, be and the same is hereby repealed.*

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 5, 1800.

JAMES JACKSON, *Governor.*

An act to establish an academy in the county of Chatham, and for vesting certain property in Selina, countess dowager of Huntingdon.

1st and 2d Sections of this act respects the property of the rev. Bartholomew Zuberbuhler—repealed by act of December the 8th, 1791.

3. And whereas there is in this state a very considerable property, as well real as personal, known and distinguished by the name of Bethesda College or Orphan-House estate, originally intended for an academy, and devised in trust by the late rev. George Whitefield for literary and benevolent purposes, to Selina, countess of Huntingdon: *Be it enacted by the authority aforesaid,* That the said estate be vested in the said Selina, countess of Huntingdon, any law to the contrary notwithstanding.

The Orphan-house estate vested in the countess of Huntingdon.

4th and 5th Sections relates to Zuberbuhler's estate. See note upon 1st and 2d sect.

6. And whereas there may be in the said county of Chatham lands unlocated and not granted: *Be it further enacted,* That all such vacant lands not contained within any tract for which a grant has been obtained, be reserved for the use of the said academy or seminary of learning: *Provided,* That the quantity of vacant land thus reserved shall not exceed five thousand acres.

All vacant land reserved for the use of the academy. *Provide* Not exceeding 5000 acres.

7. And be it enacted by the authority aforesaid, That one thousand pounds specie of confiscated property lying in the county of Chatham, be put into the hands of the said trustees by the sheriff of the said county, or such other officer as may be in the lawful possession of such property, or legally entitled to such possession.

One thousand pounds worth of confiscated property to be put into the hands of the trustees.

8. And be it enacted by the authority aforesaid, That the following persons be and they are hereby appointed trustees for the said academy, viz. John Houstoun, John Habersham, William Gibbons, sen. William Stevens, Richard Wyly, James Houstoun, Samuel Elbert, Seth John Cuthbert, and Joseph Clay, jun. esqrs.

Trustees appointed.

9. And be it further enacted by the authority aforesaid, That if either of the trustees before nominated should refuse to accept such appointment, or if after his acceptance he should resign or die, his place shall be supplied in the following manner, to wit: the remaining trustees, or a majority of them, shall nominate three persons, one of whom shall be appointed by the executive to supply the vacancy.

Vacancies.

10. And be it further enacted by the authority aforesaid, That all acts appropriating any sums or allotments for said academy, be and the same are hereby repealed.

Repealing clause.

NATHAN BROWNSON, *Speaker.*

Augusta, February 1, 1788.



An act to quiet the heirs and representatives of the late rev. Bartholomew Zuberbuhler in and to ascertain estate, lying and being in the counties of Chatham and Glynn.

Preamble.

1. **W**HEREAS the aforesaid Bartholomew Zuberbuhler, in and by his last will and testament, made certain dispositions of his estate for benevolent purposes, which were declared by the legislature of the state of Georgia to be impracticable, and could not be carried into execution in and by an act, entitled "An act to establish an academy in the county of Chatham, and for vesting certain property in Selina, countess dowager of Huntingdon," passed at Augusta the first day of February, one thousand seven hundred and eighty-eight; and it further appearing by the

said act, that the rights of any person legally the heirs of the said Bartholomew Zuberbuhler should not be barred from their claims: *And whereas* the legislature, by their act passed at Augusta on the third day of February, one thousand seven hundred and ninety-nine, did declare, that Bartholomew and Jacob Waldburger, being then in possession of the said estate, should keep the same, subject to an action of ejectment or claim of the said trustees, that the right of the heirs and applicants to the same might be determined:

*Be it therefore enacted,* That the real estate of the said Bartholomew Zuberbuhler, and of which he died possessed, or was entitled to in the then province, now state of Georgia, shall go to and be vested in the said Bartholomew Waldburger, as eldest son and heir of his father, Jacob Waldburger, who was the nephew of the said Bartholomew Zuberbuhler, to hold to him the said Bartholomew Waldburger, his heirs and assigns forever. And as to the personal estate of the said Bartholomew Zuberbuhler, it shall go to and be equally divided amongst the said Bartholomew Waldburger, Jacob Waldburger, and Henrietta, the wife of Zachariah Hofkins, sons and daughter of the deceased Jacob Waldburger, being the grand nephews and niece of the said Bartholomew Zuberbuhler, and to their and each of their heirs and assigns forever, any law to the contrary notwithstanding; subject nevertheless to the payment of lawful and just debts due and owing from the estate of the said Bartholomew Zuberbuhler; and such estate to be assets in the hands of the said Bartholomew and Jacob Waldburger, and subject also to an annuity of one hundred pounds for four years, payable to the trustees of the academy of the county of Chatham, to be applied for by them and their successors in office for the support of the said academy: on failure thereof, the trustees aforesaid are empowered to sue for and recover the same against the said Bartholomew and Jacob Waldburger, in any of the courts of law within this state.

The estate real and personal of Bartholomew Zuberbuhler, deceased, vested in the heirs of Jacob Waldburger, deceased.

Subject to the payment of four hundred pounds to the trustees.

2. *And be it further enacted,* That all claims of the said trustees of Chatham county in and to the said estate of the said Bartholomew Zuberbuhler (except as to the annuity herein directed to be paid) shall be and is hereby barred.

Further claims of the trustees barred.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 8, 1791.

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*An act to explain an act, entitled "An act to establish an academy in the county of Chatham, and for vesting certain property in Selina, countess dowager of Huntingdon.*

1. **W**HEREAS there is in this state a considerable property, real and personal, known and distinguished by the appellation of Bethesda College or Orphan-House estate, originally intended for an academy, and devised in trust by the late rev. George Whitefield for literary and benevolent purposes, to Selina, countess dowager of Huntingdon, and the same was, in and by an act, entitled "An act to establish an academy in the county of Chatham, and for vesting certain property in Selina, countess dowager of Huntingdon," vested in her accordingly: *And whereas*, the said Selina, countess dowager of Huntingdon, was a British subject, and is, since the passing of the said act, departed this life, whereby the said trust is concluded, and the

Preamble.

heirs of the said Selina being likewise British subjects and non-residents, are incapable of receiving or executing the same, and it therefore becomes necessary for the legislature to explain their intention respecting the premises, as well to effect the end for which the same was devised, as to remove all doubts, in and concerning the same: *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That the true intent and meaning of the said act was, and the same shall be construed to have been a vesting of the said Bethesda College or Orphan-House estate in the said Selina, in trust for benevolent and literary purposes, only during her natural life, and no longer.

Orphan-house estate vested in the counties of Huntington no longer than her natural life.

The property of said estate vested in thirteen trustees for ever.

Their powers for the government of the said college called "Bethesda."

2. *And be it further enacted,* That the said property both real and personal called Bethesda College, or Orphan-House estate, as aforesaid, shall from and after the passing of this act, be under the inspection of thirteen trustees, a majority of whom shall have power to employ such professors and tutors, and to establish such rules and regulations for admission into and the governance of the said college, and to employ such overseers and managers for the working the said estate to advantage, and to do all other, and further acts and things in and concerning the same as they may think necessary and beneficial for carrying the original intention of the aforesaid institution into full effect, to hold the same, and the powers hereby vested to the said trustees and their successors in office for ever.

Incorporated.

Provided:

3. *And be it further enacted,* That the trustees hereby appointed, shall be and they are hereby declared a body corporate, and as such shall be authorized to use a common seal, and shall be liable to sue and be sued. *Provided,* That no action shall be brought against the said trustees for the term of two years after the passing of this act.

Trustees nominated.

4. *And be it further enacted,* That George Houstoun, William Stevens, William Gibbons, sen. Joseph Habersham, Joseph Clay, junr. William Gibbons, junr. John Morell, Joliah Tatnall, junr. John Milledge, James Whitefield, junr. George Jones, Jacob Waldburger, and James Jackson shall be, and they are hereby appointed trustees for the purposes hereby intended; and in case of vacancy either by death, resignation or other means, the said trustees or a majority of them, shall ballot for three persons, out of whom his excellency the governor shall select one to fill the same.

Vacancies.

Shall account annually with the governor.

5. *And be it further enacted,* That the said trustees, or a majority of them, shall once in every year well, truly and faithfully account for, and have their accounts, receipts, and expenditures, in and concerning the premises, audited, and the same with a copy of their proceedings, laid before the governor for public information.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, *Governor.*

December 20, 1791.

*An act for establishing an academy or seminary of learning at Sunbury in the county of Liberty.*

1. **W**HEREAS the legislature in compliance with the constitution, and from the Preamble. great advantages that necessarily result from the establishment of public seminaries, did by their resolve of the fourteenth of February, one thousand seven hundred and eighty-six, appropriate or set apart unsold confiscated property, in the county of Liberty aforesaid, to the amount of one thousand pounds, and empower certain commissioners therein named, to sell and dispose of the same for the said purpose, who have hitherto declined acting under the said appointments. *Be it therefore enacted by the freemen of the state of Georgia in General Assembly met, and by the authority of the same,* That Abel Holmes, James Dunwoody, John Elliot, Gideon Doufe, and Peter Wynn, be, and are hereby appointed commissioners of the Sunbury academy, with full power and authority for them, or a majority of them to sell and dispose of any confiscated property within the county of Liberty, at public sale, first giving thirty days' notice in one of the gazettes of this state, to the amount of one thousand pounds as aforesaid, which shall remain in their hands, to be appropriated to the building a suitable house for the said academy. Commissioners appointed for the academy of Liberty county, with power to sell confiscated property to the amount of one thousand pounds for its use.

2. *And be it further enacted,* That each of the said commissioners shall previous to their acting, give bond to his honor the governor for the time being, in the sum of one thousand pounds, for the faithful discharge of said trust, and for their returning into the public treasury of this state, any monies arising from the said sale of confiscated property which may remain in their hands over and above the sum by this act vested in them. Shall give bond and security to the governor.

NATHAN BROWNSON, *Speaker.*

Augusta, February 1, 1788.

*An act for erecting and establishing an academy in the town of Louisville, and for other purposes therein mentioned.*

**W**HEREAS it is of the greatest utility and importance in all well regulated gov- Preamble. ernments, to encourage and promote the education of youth, and the promotion and advancement of useful learning. *And whereas* there is not at this time any academy established for the purposes aforesaid in the said town.

1. *Be it therefore enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That the rev. Commissioners appointed for the academy of Louisville. David Bothwell, John Shellman, James Meriwether, John Cobbs, and Josiah Sterrett, be, and they are hereby appointed commissioners for carrying into effect the intention of this act, as is hereafter pointed out.

2. *And be it further enacted by the authority aforesaid,* That the said commissioners Empowered to sell certain lots. of Louisville be and they are hereby directed, to lay out forty acres of the land reserved for the said academy, and belonging to the said town of Louisville, into four acre lots, and also one acre lot for erecting the said academy on, and deliver a plan thereof to the commissioners or trustees of the said academy, who are hereby authorized and empowered to sell the said four acre lots to the highest bidder, and shall con-

vey the same to the purchaser or purchasers in a full and ample manner, expressing in the deed or conveyance the intention of the sale of such lots.

And to purchase one thousand pounds worth of confiscated property.

3. *And whereas*, other counties of the said state have been empowered by preceding legislatures to purchase confiscated property to the amount of one thousand pounds, for the purpose of erecting academies: *Be it therefore further enacted by the authority aforesaid*, That the said commissioners or trustees of the said academy be and are hereby authorized in like manner, to purchase such confiscated property at the first sale or sales that may take place, to the amount of one thousand pounds, and apply the same as heretofore directed.

Vested with power to erect the academy, &c.

4. *And be it further enacted by the authority aforesaid*, That the said commissioners or trustees of the said academy be, and they are hereby authorized and empowered, as soon as they shall be enabled by the fund arising from the sale of the aforementioned four acre lots and confiscated property, to erect on the said one acre lot that shall be laid out on the most eligible place and convenient situation for that purpose, a building commodious and proper to answer the intention of this act, as an academy aforesaid, and to enter into such contracts for erecting the same, as may be thought most advantageous for the said fund by a majority of the said commissioners, and further to procure and agree with proper masters and professors for the teaching, instructing and ruling the same, and to institute such bye-laws for the increasing the said fund and better governing the said academy, as to the said commissioners may appear best adapted for the purposes aforesaid.

Shall account annually with the governor, and liable to be displaced.

5. *And be it further enacted by the authority aforesaid*, That the said commissioners or trustees shall, yearly and every year, render a just and true account of the fund of the said academy to the governor for the time being, or his successors in office, for examination, and if found guilty of mal-practice, such offending commissioners shall be displaced, and others appointed for that purpose in his or their room.

THOMAS STEVENS, *Speaker of the House of Representatives.*

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 22, 1796.

JARED IRWIN, *Governor.*

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## VAGABONDS.

*An act to amend an act entitled "An act for the punishment of vagabonds and other idle and disorderly persons," passed the twenty-ninth day of February, one thousand seven hundred and sixty-four.*

Preamble.

1. **W**HEREAS divers idle and disorderly persons, having no visible estate or lawful employment, and who are able-bodied men, capable of laboring for their support, yet frequently stroll from divers parts of the world to this state, and from one county to another within the same, neglecting to labor or to follow any honest employment for their support, and either failing altogether to list themselves as tithables, or by their idle and disorderly life rendering themselves incapable of paying

their levies when lifted, by which means they become a pest to society: for remedy whereof, *Be it enacted by the representatives of the freemen of the state of Georgia in General Assembly met, and by the authority of the same,* That all able-bodied persons, not having some visible property, or who do not follow some honest employment, sufficient for the support of themselves and for their families (if any), and who shall be found loitering and neglecting to labor for reasonable wages, and likewise all persons who run from their habitations, and have wives or children, without suitable means for their subsistence, and all other idle vagrants or disorderly persons, wandering abroad without betaking themselves to some lawful employment or honest labor, shall be deemed and adjudged vagabonds.

Persons, deemed  
vagabonds.

2. *And be it enacted by the authority aforesaid,* That if any such vagabonds as aforesaid shall be found within any county in this state, wandering, strolling, loitering about or misbehaving himself, it shall be lawful for any justice of the peace of the county, on application to him made or on his own knowledge, and he is hereby required, by a warrant under his hand, to cause such vagabond to be brought before him, and to examine and inform himself, as well by the oath and examination of the person apprehended, as of any other person or persons whatsoever, or by any other ways or means the justice shall think proper, of the condition and circumstance of the person or persons so apprehended, and if it shall then appear that any person so apprehended is under the description of vagabonds within this act, or if it doth appear upon trial that any such person doth not cultivate at least three acres of ground in some grain or other, or that he is of some mechanic trade, and works at that trade for his support, or that he is in some honest employment engaged by the state or some citizen thereof of good fame, that then and in that case the said justice shall cause every such vagabond to give bond with sufficient security for his good behaviour, and for his engaging himself to some lawful calling or honest labor; and if he shall fail to give such security to the satisfaction of the justice, then the said justice is hereby required to commit him to the common jail of the county, there to remain until such security be given, or until the next superior court of the said county; which court is hereby empowered, if no security be then offered, to bind such vagabond to service or wages for the term of one year; and such wages, after deducting the charge of the prosecution and his necessary clothing, shall be applied towards supporting the family of such person so bound (if any) or otherwise paid to the person himself after his time of service is expired, in full of all other recompence or reward whatever; but if any such vagabond be of such evil repute that no person will receive him into service, in such case the court shall order him a number of lashes, not exceeding thirty-nine, to be well laid on his bare back at the public whippingpost, and then to be discharged; and in both cases every such vagabond shall be afterwards liable to the like prosecution and punishment for every offence of vagrancy whereof he shall be guilty as aforesaid: *Provided nevertheless,* That any such vagrant or idle person upon his insisting and taking the oath pointed out by law, and fully becoming a soldier in the new levies, shall be exempted from the punishments heretofore and herein inflicted by this act.

How to be  
treated.

May be taken  
up.

And compelling  
to give security,  
to labor.

Or be committed  
to jail.

May be bound  
out by the su-  
perior court.

Or whipp'd  
not exceeding  
thirty-nine  
lashes.

Proviso.

Or enlist.

3. *And whereas* it may be that some evil disposed persons, after having committed some felonious crime against the laws and good order of some one of the states of the Union, and after being apprehended and found guilty of the charge, so far as to be committed to jail, or to have been bound in a recognizance to appear before any court of record for further trial, and have since either broke jail or from the custody of

Criminals fleeing from other states to be adjudged vagabonds. How to be treated in other respects.

the officer, or have forfeited their recognizance, and have fled from the laws of the state where the crime was committed and have come to this state for refuge, to the great prejudice of the same: *Be it therefore enacted by the authority aforesaid,* That any person now within the limits of this state, or that may hereafter come within the same, who may have been found guilty of any felonious crime prior to his coming within this state, so far as to have been committed to jail for the same, or to have been bound in a recognizance to appear before any court of record for further trial, and has since broke jail or from the custody of the officer, or have forfeited their recognizance, and fled from the laws of the state where the crime was committed and done, in any such case the said person or persons shall be deemed and adjudged vagrants, and subject to all the pains and penalties expressed in this law, and shall be confined in jail until applied for by the executive authority of the state where the crime was committed, or until the executive of this state shall find it convenient to send such offender or offenders under a safe guard to the state where the crime was committed and done.

By order of the House.

N. BROWNSON, *Speaker.*

February 1, 1788.

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## VENDUES.

*An act for the better regulating of vendues within this state.*

Preamble.

1. **W**HEREAS it appears necessary for promoting the revenue of the state, and encouraging the commerce of the same, that the sale of goods at public vendue should be subject to better regulations than heretofore.

Vendue masters for Savannah, Augusta, Sunbury and St. Mary's appointed for two years.

*Be it therefore enacted, and it is hereby enacted by the freemen of the state of Georgia in General Assembly met, and by the authority of the same,* That from and after the passing of this act, four vendue masters shall be appointed for the town of Savannah, one for the town of Augusta, one for the town of Sunbury, and one for the town of St. Mary's, who shall continue for, and during the term of two years, and shall give bond to the governor and his successors in office with two sufficient securities in the sum of one thousand pounds for the faithful discharge of their duties, and for well and truly performing the terms and payments in and by this act directed and required.

Shall give bond and security, &c.

Their powers and duty.

2. *And be it further enacted by the authority aforesaid,* That the said vendue masters and no others, shall from and after the passing of this act, have full power and authority to set up and expose to sale by public outcry, and vendue all and any houses, lands, ships and vessels, goods and wares and merchandize and property whatsoever, rendering and paying to the state treasurer for the use of the state, one per centum of the gross amount of the sale so by him or them made as aforesaid, in manner following, that is to say, that each and every of the said vendue masters, shall once

shall pay into the treasury one per cent on all sales.



in every three months render an account upon oath to the said treasurer (which oath any judge or justice of the peace is hereby empowered to administer; and the treasurer is hereby directed to file the said account with the said oath in his office) of all the effects and property by him or them sold at any time before the said time of rendering the said account; and since his last settlement, and shall then immediately pay to the said treasurer the full amount of the said one pound in the hundred pounds upon the account; and upon any failure in rendering the said account upon oath, or of payment of the said sum of one per centum, any vendue master, so failing or neglecting, shall be discharged from the appointment, the bond put immediately in suit, and some other person appointed in his room; and if any person or persons other than the said vendue masters shall be found selling or disposing of any houses, lands, ships or vessels, goods wares merchandize or property whatsoever, within the towns of Savannah, Augusta, Sunbury or St. Mary's, or within two miles of the same, except as herein after excepted by way of public vendue or auction, each person or persons so offending and being legally convicted, shall for every such offence forfeit the sum of one hundred pounds to the use of the poor of the county where such offence shall be committed; and moreover it shall and may be lawful for any justice of the peace of the towns respectively upon his own view, or the testimony and information of one or more creditable witnesses to him given of any person selling any lands, ships or vessels, goods, wares, merchandize or other property whatsoever, by way of public auction or vendue as aforesaid, except as by this act is excepted, within the said towns or within two miles of the same, to cause such person so offending to be apprehended and may oblige him, her or them to find sureties for his her or their good behaviour, and appearance at the next superior court to be held in the said county where the offence is committed.

Penalty for failure therein.

Other persons selling, &c in two miles of said places shall forfeit one hundred dollars for the use of the poor.

And give security for their good behaviour.

3. *And be it further enacted,* That if the party so bound over, shall during the continuance of his, her or their recognizance, presume to sell, or expose to sale at public vendue as aforesaid, any lands, houses, goods, wares, merchandize, or other property whatsoever within any of the said towns, or within two miles of the same, such selling or exposing to sale, shall be deemed and is hereby declared to be a breach of the said recognizance.

Their recognizance how forfeited.

4. *Provided always, and it is hereby further enacted,* That nothing herein contained shall extend or be construed to extend to hinder any lawful executor or executors, administrator or administrators to expose to sale, by way of public auction, vendue or otherwise, any lands, tenements, goods or chattels or other property of their respective testators or intestates, or to hinder any sheriff, constable, or other officer, to sell and dispose of by way of vendue, any lands, houses, ships, vessels or other property whatever taken in execution and liable to be sold by order of law, but that all and every such person or persons may do therein as they might have done, any prohibition in this or any former law contained to the contrary notwithstanding.

Not to hinder legal sales by executors, &c.

5. *And be it further enacted by the authority aforesaid,* That no vendue shall be held by any vendue master in the district of any other vendue master, and that their fees or recompence for selling at public vendue, collecting the money, and paying over the same without loss or waste shall be as follows: for houses, lands, negroes, ships, sloops, schooners and other vessels two and a half per centum, and for all other goods and property whatsoever five per centum.

They shall not sell out of their districts.

their compensation.

6. *And be it further enacted by the authority aforesaid,* That if any vendue master shall neglect or refuse to pay over the monies arising from the sales of any houses, lands, goods, wares, merchandize or any other property sold as aforesaid, either at

Monies, &c how to be recovered of them.

private sale, or public auction, to the owner of the same, or his or her legal representatives, within a reasonable time after demand made, and after the sale of the property aforesaid, all such debts due by such vendue master shall be considered as coming under, and may be sued for and recovered from them or their securities, as in cases of courts merchants.

Repealing  
clause.

7. *And be it further enacted*, That all laws heretofore made and enacted so far as they relate to vendues, be and they are hereby repealed.

THOMAS NAPIER, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred December 8, 1794.

GEORGE MATHEWS, *Governor.*

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*An act respecting vendue masters.*

Preamble.

1. **WHEREAS** it hath been determined by a joint resolution of both branches of this present legislature, that it is necessary to increase the number of vendue masters for the city of Savannah, and to appoint others for other places in this state: *Be it enacted*, That there shall be six vendue masters for the city of Savannah, to wit, the same that were elected by joint ballot of both houses on Tuesday the twenty-fourth day of January past, and who shall in every respect proceed and conduct themselves in conformity to the terms of the act for regulating vendues, passed the eighth day of December one thousand seven hundred and ninety-four, for and during the time they may continue in office.

Six vendue  
masters appointed  
for Savannah

One for Augusta,  
Louisville &  
other places.

2. *And be it further enacted*, That there shall be one vendue master for the town of Augusta; one for Louisville; one for St. Mary's; one for Washington in Wilkes; one for Petersburg; and two for Liberty county; who shall be appointed by concurred resolution of both houses, and in all matters shall conform to the aforesaid act for regulating vendues.

Corporation of  
Savannah to  
appoint them &  
take bond and  
security.

3. *And be it further enacted*, That the mayor and aldermen of the city of Savannah be, and they are hereby authorized, after the expiration of one year from the first day of March next, to appoint vendue masters for the city of Savannah annually; and are required to take bond and security of such vendue masters, agreeably to the act for regulating vendues aforesaid, which bonds they shall transmit to the treasury office; and the said mayor and aldermen shall fill all vacancies which may happen of vendue masters either from death, resignation, suspension or removal from office, by the governor or otherwise.

In other places  
to be appointed  
by the inferior  
courts.

4. *And be it further enacted*, That the justices of the inferior court in every other county, where vendue masters are directed by law to be appointed, to appoint such vendue master, take bond and security, and fill all vacancies which may happen in like manner, as the mayor and aldermen are authorized to do for the city of Savannah.

Tax on certain  
lots in Savannah  
remitted.

5. *And be it further enacted*, That the tax on all lots in the city of Savannah, from which the improvements have been destroyed by the late dreadful fires, (ex-

cept such as may have been incurred, to be established by the oath of the owner, agent or trustee for the year one thousand seven hundred and ninety-six, and one thousand seven hundred and ninety-seven) be remitted.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 13, 1797.

JARED IRWIN, *Governor.*

WESTERN TERRITORY.

*An act, declaring null and void a certain usurped act, passed by the last legislature of this state at Augusta, on the seventh day of January, one thousand seven hundred and ninety-five, under the pretended title of "An act supplementary to an act, entitled an act for appropriating a part of the unlocated territory of this state for the payment of the late state troops, and for other purposes therein mentioned; declaring the right of this state to the unappropriated territory thereof, for the protection of the frontiers, and for other purposes:" And for expunging from the face of the public records the said usurped act, and for declaring the right of this state to all lands lying within the boundaries therein mentioned.*

1. **W**HEREAS the free citizens of this state, or in other words the community Preamble. thereof, are essentially the source of the sovereignty of the state, and no individual or body of men can be entitled to, or vested with any authority which is not expressly derived from that source, and the exercise or assumption of powers not so derived, become of themselves oppression and usurpation; which it is the right and duty of the people in their representatives to resist, and to restore the rights of the community so usurped and infringed:

*And whereas* the will or constitution of the good people of this state is the only existing legal authority derived from the essential source of sovereignty, and is the only foundation of the legislative power or government thereof, and so far as that will or constitution expressly warrants the legislature may go but no further; and all constructive powers not necessarily deduced from that expressive will, are violations of that essential source of sovereignty, and the rights of the citizens, and are therefore of no binding force or effect on the state, or the good people thereof, but null and void:

*And whereas* the last legislature of this state not confining itself to the powers with which that body was constitutionally invested, did usurp a power to pass an act on the seventh day of January one thousand seven hundred and ninety-five, entitled "An act supplementary to an act entitled an act for appropriating a part of the unlocated territory of this state, for the payment of the late state troops and for other purposes therein mentioned, declaring the right of this state to the unappropriated territory thereof, for the protection and support of the frontiers, and for other purposes;" by which an enormous tract of unascertained millions of acres of the vacant territory of this state, was attempted to be disposed of to a few individuals in fee

simple, and the same is not only unfounded as being without express constitutional authority, but is repugnant to that authority as well as to the principles and form of government, the good citizens of this state have chosen for their rule, which is democratical, or a government founded on equality of rights; and which is totally opposed to all proprietary grants or monopolies in favor of a few, which tend to build up that destructive aristocracy in the new, which is tumbling in the old world; and which if permitted, must end in the annihilation of democracy and equal rights; those rights and principles of government which our virtuous forefathers fought for, established with their blood.

*And whereas* the fourth section of the fourth article of the constitution of the United States declares, "The United States shall guarantee to every state in this Union a republican form of government," which could never have been intended to be a republican aristocracy, and which such extravagant grants tend to establish; the constitution of the United States expressly acknowledging a republican democracy as the foundation of the people, it receiving all its force and power from their hands or their gift, which is manifest from its context, "We, the people of the United States:"

*And whereas*, as before mentioned, the said usurped act is repugnant to the constitutional authority, inasmuch as that, by the sixteenth section of the first article of the constitution of this state, it is declared, "That the General Assembly shall have power to make all laws and ordinances which they shall deem necessary and proper for the good of the state, which shall not be repugnant to this constitution." And the said usurped act is opposed to the good of the state, and it is self-evident that the legislature which assumed the power did not deem it for the good of the state.

1st. Because self-preservation or the protecting itself, is the greatest good and first duty of every government, and, as has been shewn, immense monopolies of land by a few individuals, under the sanction of the government, is opposed to the principles of democracy, or the fundamental laws the citizens of this state have chosen for their rule, which, so far from being for the good or self-preservation of the democratical or equal government, is most manifestly for its destruction and injury.

2d. Because the expression "Good of the state" embraces the good of the citizens composing the state, and the good of the citizens consists in the peaceable pursuit of happiness, and the enjoyment of all rights, natural or acquired, not expressly delegated for the purposes of government; and a sale of such an enormous tract to a few speculators, which was and is the common right of all the good citizens of this state, is contrary to those rights, and therefore to their manifest injury, and of course to the injury of the state.

3d. Because even supposing constitutional authority to have been vested in the legislature for the purpose of such disposal, the legislature was not vested with power to transfer the sovereignty and jurisdiction of the state over the territory attempted to be disposed of, which it has done by opening a door for sale to foreign powers, and a relinquishment of the powers of taxation until the proprietors choose to be represented, which is in fact dismembering the state, and which transfer and relinquishment of taxation cannot be for the good of the state.

4th. Because there was no necessity or pressing urgency for the sale of such an immense tract of territory, equal to some European kingdoms, to carry into execution and operation the extinguishment of the Indian claims to the lands between the Oconee and Oakmulgee, contemplated by the act, entitled "An act for appropriating a part of the unlocated territory of this state for the payment of the late state troops,

and for other purposes therein mentioned," the subterfuge on which the said usurped act of the seventh of January, one thousand seven hundred and ninety-five, was founded, when the whole amount of the appropriation for that purpose was but thirty thousand dollars, and funds to a greater amount were then in the treasury unappropriated: And because no state or nation is justified in wantonly dissipating its property or revenues, and a legal alienation of which can only take place from the most pressing necessity; and the territory attempted to be disposed of, was the said usurped law valid, was wantonly dissipated, it being disposed of for the trifling sum of five hundred thousand dollars, a sum not adequate to the annual quit rents such lands were charged with, previously to the revolution, by the British king; which wanton dissipation cannot be for the good of the state.

5th. Because, exclusive of the immense loss of revenue to which the state is exposed from the relinquishment of taxation, the sum of five hundred thousand dollars was accepted as the consideration money for the sale, and the sum of eight hundred thousand dollars offered by persons of as large a capital and as much respectability and credit, and on terms more advantageous to the state, was refused; which, as it was (should the said usurped act have been considered valid) a clear loss of three hundred thousand dollars to the revenues of the state, it is evident that the law authorizing the sale was not deemed by the legislature for "The good of the state," which consisted in obtaining the highest price and the most advantageous terms.

6th. For the very excellent reasons given by his excellency the governor in his dissent to the first bill for the disposal of the said territory, delivered to the House of Representatives on the twenty-ninth of December, one thousand seven hundred and ninety-four, and which bill was not materially different from the act in question; and which reasons prove, that his excellency as a negative branch of the legislature, although he concurred in the law, did not deem it for "The good of the state," and which dissent was in the words following:

1st. I doubt whether the proper time is arrived for disposing of the territory in question.

2d. If it was the proper time, the sum offered is inadequate to the value of the land.

3d. The quantity reserved for the citizens is too small, in proportion to the extent of the purchase.

4th. That greater advantages are secured to the purchasers than to the citizens.

5th. That so large an extent of territory being disposed of to companies of individuals, will operate as monopolies, which will prevent or retard settlements, population and agriculture.

6th. That should such disposition be made, at least one fourth of the lands should be reserved for the future disposal of the state.

7th. That if public notice was given, that the land was for sale, the rivalry in purchasers would most probably have increased the sums offered.

8th. The power given to the executive by the constitution, the duty I owe the community and the sacredness of my oath of office, will I flatter myself, justify this dissent in the minds of the members of the legislature, and of my other fellow citizens.

*And whereas* the said usurped act passed on the seventh day of January, one thousand seven hundred and ninety-five, is also regugnant to the afore recited sixteenth section, inasmuch as it is regugnant to the seventeenth or subsequent section of the said first article, which declares: "They (the legislature) 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 present county, or counties, such new county or counties shall have their representation apportioned out of the number of representatives of the county or counties out of which it or they shall be laid out, and when any new county shall be laid off in the vacant territory belonging to the state, such county shall have a number of representatives not exceeding three, to be regulated and determined by the General Assembly." And the territory disposed of not lying within the limits of any county already laid off, and a sale and grant thereof, should the said usurped law be deemed valid, having been made it could not be defined the vacant territory belonging to the state, whereby the constitutional powers vested in the General Assembly by the said seventeenth section would be barred and prevented, and consequently the settlers on the territory sold, be deprived of the constitutional right of representation, and is not only thus repugnant to the said sixteenth and seventeenth sections, but thereby and by the relinquishment of the right of taxation, until the settlers were represented, which they cannot constitutionally be, is also repugnant to the whole letter and spirit of the constitution, it operating as a dereliction of jurisdictional rights, and a virtual dismemberment of the state.

*And whereas* in and by the articles of confederation entered into and finally ratified on the first day of March one thousand seven hundred and eighty-one, by the then Thirteen States of America, the territory within the limits of each of the said states is to each of them respectively confirmed and guaranteed, first by the second article, to wit: "Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by the confederation expressly delegated to the United States in congress assembled." And second by the last clause in the second section of the ninth article, "No state shall be deprived of territory for the benefit of the United States:" And in and by the first clause of the sixth article of the federal constitution of the United States, "All engagements entered into before the adoption of the said constitution, shall be as valid against the United States under the said constitution as under the confederation:" And by the twelfth article of the amendments to the said constitution, ratified and adopted, "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

*And whereas* in and by the definitive treaty of peace, signed at Paris on the third of September, one thousand seven hundred and eighty-three, the boundaries of the United States were established, and the said United States fully recognized and acknowledged by the first article thereof, in the words following: "His Britannic majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, to be free, sovereign and independent states; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, proprietary and territorial rights of the same." And by the second article it is declared: "And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is agreed that the following are and shall be their boundaries." And those boundaries thereby declared, which limit the westwardly and southwardly parts of this state, are thus defined: "Along the middle of the Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line drawn due east from the termination of the line last mentioned in the latitude of

thirty-one degrees north of the equator, to the middle of the river Appalachicola or Chatahoochee; thence along the middle thereof, to its junction with Flint River; thence straight to the head of St. Mary's River; and thence along the middle of St. Mary's River to the Atlantic Ocean." And the king of Great Britain did, by proclamation dated the seventh day of October, in the year one thousand seven hundred and sixty-three, annex to the then province of Georgia, all the lands lying between the said river St. Mary's and the Alatamaha, its former boundary claimed by South-Carolina under her charters; and the state of South-Carolina, in and by a convention held and concluded between the commissioners of the said states, at Beaufort, under the authority and articles of the confederation, on the twenty-eighth day of April, in the year one thousand seven hundred and eighty-seven, did confirm to the state of Georgia the southward and westwardly boundaries described in the said treaty of Paris, by accession and relinquishment of all right, title and claim which the said state possessed from the original charter thereof to the government, sovereignty and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim in or to the said land; and the boundaries so described also coincide with the boundaries of this state, as described by the land act of this state now in force, passed at Savannah the seventeenth of September, in the year one thousand seven hundred and eighty-three (except as to the northern boundary of the state) which by the said convention is thus established and ratified by the first article thereof: "The most northern branch or stream of the river Savannah, from the sea or mouth of such stream to the fork or confluence of the rivers now called Tugalo or Keowee, and from thence to the most northern branch or stream of the said river Tugalo, till it intersects the north boundary of South-Carolina, if the said branch or stream of Tugalo extends so far north, reserving all the islands in the said rivers Savannah and Tugalo, to Georgia; but if the head spring or source of any branch or stream of the said river Tugalo does not extend to the north boundary of South-Carolina, then a west line to the Mississippi.

*And whereas*, until the formation of the confederation there could possibly belong to no territorial rights to the United States, nor after such formation within the chartered limits of any state, but such as were specially ceded and relinquished by the respective states; and the people of the state of Georgia have by no act of theirs, or in any manner or shape whatever, transferred or aliened or delegated a power to transfer or alien the territory attempted to be disposed of by the said usurped act passed on the seventh of January, in the year one thousand seven hundred and ninety-five, and the same and every part thereof is hereby declared to be vested in the state and people thereof, and inalienable, but by a convention called by the people for that express purpose, or by some clause of power expressed by the people delegating such express power to the legislature in the constitution.

*And whereas* divested of all fundamental and constitutional authority which the said usurped act might be declared by its advocates, and those who claim under it, to be founded on: Fraud has been practised to obtain it, and the grants under it. And it is a fundamental principle both of law and equity, that there cannot be a wrong without a remedy, and the state and the citizens thereof have suffered a most grievous injury in the barter of their rights by the said usurped act and grants, and there is no court existing if the dignity of the state would permit her entering and for the trial of fraud and collusion of individuals, or to contest her sovereignty with them, whereby the remedy for so notorious an injury could be obtained; and it can no where

better lay than with the representatives of the people chosen by them, after due promulgation by the grand juries of most of the counties of the state, of the means practised, and by the remonstrances of the people to the convention, held on the tenth day of May, in the year one thousand seven hundred and ninety-five, setting forth the atrocious speculation, corruption and collusion, by which the said usurped act and grants were obtained.

*And whereas* the said petition and remonstrances of the good people composing the state, to the said late convention held at Louisville on the said tenth day of May, one thousand seven hundred and ninety-five, produced a resolution of that body in the following words: "*Resolved*, That it is the opinion of the convention, that from the numbers, respectability, and ground of complaint stated in the sundry petitions laid before them, that this is a subject of importance meeting legislative deliberation. *Ordered therefore*, That such petitions be preserved by the secretary, and laid before the next legislature at their ensuing session." Which resolution invests this legislature with conventional powers quo ad hoc, or in common terms, for the purpose of investigating the same, and which gives additional validity to legislative authority, were the powers of one legislature over the acts of another to be attempted to be questioned.

*And whereas* it does appear from sundry affidavits and a variety of proofs satisfactory to this legislature, as well as from the presentments of the grand juries on oath of a considerable majority of the counties of the state, and by the afore recited petitions and remonstrances of the good people thereof to the convention, and by numerous petitions to this present legislature to the same purport, as also from the selfevident proof of fraud, arising from the rejection of eight hundred thousand dollars, and the acceptance of five hundred thousand dollars, as the consideration money for which the said territory was sold; that fraud and corruption are practised to obtain the said act and grants, and that a majority of those members of the legislature, who voted in favor of the afore said act were engaged in the purchase, and a majority of one vote only appeared in favor of the said usurped act in Senate, and on which majority in that branch the same was passed, and corruption appears against more than one member of that body; which exclusive of the many deceptions used, and the inadequacy of price for such an immense and valuable tract of country, would be sufficient in equity, reason and law to invalidate the contract, even supposing it to be constitutional, which this legislature declares it is not.

*Be it therefore enacted*, That the said usurped act, passed on the seventh day of January, in the year one thousand seven hundred and ninety-five, entitled \* "An act supplementary to an act entitled an act for appropriating a part of the unlocated territory of this state, for the payment of the late state troops and for other purposes therein mentioned; declaring the right of this state to the unappropriated territory thereof, for the protection of the frontiers, and for other purposes," be, and the same is hereby declared null and void, and the grant or grants, right or rights, claim or claims, issuing deduced or derived therefrom, or from any clause, letter or spirit of the same, or any part of the same, is hereby also annulled, rendered void, and of no effect; and as the same was made without constitutional authority, and fraudulently obtained, it is hereby declared of no binding force or effect on this state or the people thereof; but is and are to be considered both law and grants as they ought to be ipso facto of themselves void, and the territory therein mentioned is also hereby declared to be the sole property of the state, subject only to the right of

The act of disposing part of the Western Territory and the grants, &c. founded thereon, declared null and void.

\* This act also declared void by the constitution of the state.



treaty of the United States, to enable the state to purchase under its pre-emption the right Indian title to the same.

2. *And be it further enacted*, That within three days after the passing of this act the different branches of the legislature shall assemble together, at which meeting the officers shall attend with the several records, documents and deeds in the secretary's, surveyor general's and other public offices, and which records and documents shall then and there be expunged from the face and indexes of the books of record of the state, and the enrolled law or usurped act shall then be publicly burnt,\* in order that no trace of so unconstitutional, vile and fraudulent a transaction, other than the infamy attached to it by this law, shall remain in the public offices thereof, and it is hereby declared the duty of the county officers of record, where any conveyance, bond or other deed whatever, shall have been recorded, relating to the sale of said territory under the said usurped act, to produce the book wherein the said deed, bond or conveyance may be so recorded, to the superior court at the next session of the court after the passing this law, and which court is hereby directed to cause such clerk or keeper of the public records of the court to obliterate the same in their presence; and if such clerk or keeper of records neglect or refuse so to do, he shall be and is hereby declared incapable of holding any office of trust or confidence in this state, and the superior court shall suspend him: And from and after the passing of this act, if any clerk of a county, notary public or other officer keeping record, shall enter any transaction, agreement, conveyance, grant, law or contract relative to the said purchase under the said usurped act on their books of record, whereby claim can be derived of authority of record, he or they shall be rendered incapable of holding any office of trust or profit within this state, and be liable to a penalty of one thousand dollars, to be recovered in any court within and under the jurisdiction of this state; one half thereof to be given for the benefit of the informer, and the other half to be lodged in the treasury for the use of the commonwealth.

And orders to be expunged from the public records.

3. *And be it further enacted*, That the said usurped law passed on the seventh of January, in the year one thousand seven hundred and ninety-five, shall not, nor shall any grant or grants issued by virtue thereof, or any deed or conveyance, agreement or contract, scrip or paper relative thereto, be received as evidence in any court of law or equity of this state, so far as to establish a right to the said territory or to any part thereof: *Provided*, That nothing herein contained shall be construed to prevent such deed or conveyance, agreement or contract, between individuals, scrip issued by the pretended purchasers, or other paper from being received as evidence in private actions for the recovery of any monies given, paid or exchanged, as the consideration for the pretended sales by the original pretended purchasers or persons claiming and selling by and under them.

The law grants, &c not to be admitted as evidence to establish a title to the said territory.

Proviso.

4. *And be it further enacted*, That his excellency the governor be, and he is hereby empowered and required to issue warrants on the treasurer after the expiration of sixty days in favor of such persons as may have *bona fide* deposited monies, bank bills, or stock in the funds of the United States or warrants, in part, or in whole payment of pretended shares of the said pretended purchased territory; *Provided*, The same shall be now therein and not otherwise: *And provided also*, That the risk attending the keeping the sum or sums so paid in, be deemed and is hereby declared to lay entirely with the persons who deposited them, and that any charge of guards or other expen-

Money paid in to the treasury how to be returned.

Proviso.

Proviso.

\* Which was accordingly done on the day of February 1796.

ces for safe keeping thereof, be deducted therefrom; and in case of neglect of application to his excellency therefor within eight months\* after the passing this act, the same shall be and is hereby deemed property, directed and escheated to and for the use of this state.

The right to extinguish the Indian title or to apply to congress for that purpose, declared to be in the people and government of this state.

5. *And be it further enacted*, That any pretended power assumed, usurped, or intended by the said act, or any clause, or letter of the same, or which may or can be construed to that purpose by the said usurped act, grant or grants under it, or from the journals of the Senate or House of Representatives, to apply to the government of the United States for the extinguishment of the Indian claims to the lands within the boundaries in the said usurped act mentioned, and the holding any treaty by the said general government in consequence of any application therefor by the company purchasers under the said usurped act, so far as may affect the rights of this state to the lands therein described, is and are also hereby declared null and void, and the right of applying for, and the extinguishment of Indian claims to any lands within the boundaries of this state, as herein described, being a sovereign right, is hereby further declared to be vested in the people and government of this state, to whom the right of pre-emption the same belongs, subject only to the controlling power of the United States to authorize any treaty or treaties for and to superintend the same.

This law how to be promulgated.

6. *And be it further enacted*, That in order to prevent future frauds on individuals as far as the nature of the cause will admit, his excellency the governor is hereby required, as soon as may be, after the passing of this law, to promulgate the same throughout the United States.

THOMAS STEPHENS, *Speaker of the House of Representatives.*  
BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 13, 1796.  
JARED IRWIN, *Governor.*

\* Time extended by act of 1799, sect. 1, &c. further time by act of 1799.

• • • • •

*An act to extend the time for the pretended purchasers of the Western Territory of this state, to receive the sums they deposited in the treasury, and for further expunging from the face of the public records certain entries relative to the pretended sales of the Western Territory of this state, under the usurped act, passed the seventh of January, one thousand seven hundred and ninety-five.*

The governor to issue warrants on the treasurer in favor of those who have deposited money therein.

1. **BE IT ENACTED** by the Senate and House of Representatives of the state of Georgia, in General Assembly met, That his excellency the governor be and he is hereby empowered and required to issue warrants on the treasurer from and immediately after the passing of this act, in favor of such persons as may have *bona fide* deposited money, bank bills, or stock in the funds of the United States, or warrants in part or in whole payment of pretended shares of the said pretended purchased territory under an usurped act, passed at Augusta on the seventh day of January, in the year one thousand seven hundred and ninety-five, under the pretended title of "An act supplementary to an act, entitled 'An act for appropriating a part of the unlocated territory of this state for the payment of the late state troops, and for other

purposes therein mentioned,' declaring the right of this state to the unappropriated territory thereof, for the protection of the frontiers, and for other purposes." *Provided*, That the risk attending the keeping of the sum or sums so paid in be deemed and is hereby declared to lay entirely with the persons who deposited them, and that any charge of guards or other expences for the safe keeping thereof be deducted therefrom: *And provided also*, That application be made for the sums so deposited on or before the first day of June, one thousand seven hundred and ninety-eight.

*Proviso*  
To be at their  
risk. Unlawful  
Expences to be  
deducted.

*Proviso*.

*And whereas*, in and by an act passed the thirteenth day of February, in the year one thousand seven hundred and ninety-six, annulling the said usurped act passed the seventh day of January, one thousand seven hundred and ninety-five, the secretary, surveyor general and other public officers, were required, within three days after the passing the same, to produce to the legislature all deeds and documents relating to the pretended sale of the Western Territory of this state, to be expunged therefrom, in order that no trace of so infamous a transaction should remain in the public offices of the state; and it appears that, either from the indisposition of the secretary of the state at that period, or through mistake or neglect, certain pretended mortgages relative thereto, and given by the pretended purchasers, which were entered in the book of mortgages marked *E. E.* in the said office, were neglected to be produced to the late legislature to be expunged from the said book, and burnt in conformity to the concurred resolution under the authority of the said act: *Be it therefore enacted*, That the said book *E. E.* shall, on the day† after the passing of this act, be brought into the representative chamber, and then and there, at or about the hour of twelve o'clock of the said day, the said pretended mortgages, entered in the said book *E. E.* from page one hundred and thirty-three to page one hundred and sixty-two, inclusive, shall be carefully expunged from the said book *E. E.* and burnt in the presence of the Senate and House of Representatives; and the president of the Senate and speaker of the House of Representatives shall designate, under their hands, on a sheet of paper to be inserted or pasted on in the place from whence they shall be so taken, the authority by which the same was done, and the number of pages so expunged.

Certain other  
documents re-  
lative to the  
said sale to be  
expunged and  
burnt.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred February 10, 1797.

JARED IRWIN, *Governor.*

† Which was accordingly done on the

day of February, 1797.

*An act to carry into effect the twenty-fourth section of the first article of the constitution.*

1. **W**HEREAS by the twenty-fourth section of the first article of the constitution it is among other things declared, that the foregoing section of this article having declared the common rights of the free citizens of this state in and to all the territory without the present temporary boundary line, and within the limits of this state, thereby defined; by which the contemplated purchases of certain companies of a considerable portion thereof are become constitutionally void, "and justice and good faith require that the state should not detain a consideration for a contract

which has failed, the legislature at their next session shall make provision by law for returning to any person or persons who has or have *bona fide* deposited monies for such purchases in the treasury of this state:

Proviso.

“*Provided*, That the same shall not have been drawn therefrom in terms of the act passed the thirteenth day of February, one thousand seven hundred and ninety-six, commonly called the rescinding act, or the appropriation laws of the years one thousand seven hundred and ninety-six and one thousand seven hundred and ninety-seven, nor shall the monies paid for such purchases ever be deemed a part of the funds of this state, or liable to be appropriated as such, but until such monies be drawn from the treasury, they shall be considered altogether at the risk of the persons who have deposited the same.”

Grantees, their attorneys, &c. on what terms they may draw the money by them deposited.

2. *Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same*, That any pretended grantee or grantees, his or their acknowledged agent, or agents or other person or persons having deposited any sum or sums of money, for the aforesaid pretended purposes, shall be entitled to receive the same under the following restrictions, (that is to say) that the treasurer on receiving the original treasury receipt, given to any person or persons, or the receipt of the pretended grantees, or their acknowledged agent or agents, to any person or persons, or the receipt of any person or persons in whose name or names any sum or sums of money was deposited, in the treasury, for or on account of any or either of the pretended companies, to any person or persons, for any sum or sums of money, for any pretended share or shares of land or western territory of this state, pretendedly sold as aforesaid, the person or persons applying, making oath before the said treasurer that the money signified to be received, was *bona fide* deposited in the treasury, or paid to the said pretended grantees, their acknowledged agent, or any person or persons in whose name or names any sum, or sums of money has or have been lodged in the treasury, for or on account of any or either of the pretended companies as aforesaid, and that the receipt produced is the original receipt of the treasurer, grantees, agent, or person or persons in whose name or names any sum or sums of money has or have been lodged in the treasury, as aforesaid, given at the time the money was paid, and that he or they has or have therewith delivered in all pretended documents relative to any pretended title in his or their possession or power, under the pretended authority aforesaid, which shall be filed in the treasury office, and the oath be there subscribed and preserved; shall issue to the person or persons depositing the same as aforesaid, a certificate expressing the date, name or names, together with the sum mentioned in the document deposited as aforesaid.

What parties must be produced.

On oath.

Money deposited by the pretended companies, not be put on the treasurer.

3. *Provided always, and it is hereby enacted*, That the treasurer shall not receive any such pretended document chargeable to any of the pretended companies, in the treasury books exceeding the sum or sums deposited by each of the respective pretended companies and which is in the treasury at the time such receipt or pretended document is presented to him; nor shall he give any certificate or certificates for any sum or sums of money exceeding the amount which may be in the treasury as aforesaid, at the credit of the aforesaid respective pretended firms.

The Governor shall draw warrants on the treasurer in favor of said companies, &c.

4. *And be it further enacted by the authority aforesaid*, That his excellency the governor be and he is hereby authorized and required, on receiving the certificate or certificates of the treasurer as aforesaid, to issue an order to the treasurer in the words following:

“ You are hereby required to return out of the monies deposited by *A. B.* pretended company, or by *C. D.* who held a receipt for monies paid to or on account of said pretended company, now filed in the treasury agreeably to your certificate of and debit the said pretended company with the same.”

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to February 16, 1799.

JAMES JACKSON, *Governor.*

• • • • •

*An act to amend an act to carry the twenty-fourth section of the first article of the constitution into effect.*

1. **W**HEREAS it has been found by experience that the relief intended by the act, entitled “ An act to carry the twenty-fourth section of the first article of the constitution into effect,” does not extend to the attorneys, executors or legal representatives of those persons who held receipts or documents for monies deposited under the usurped act of the seventh day of January, one thousand seven hundred and ninety-five, it being a requisite in the said act for the person applying to make oath, that the receipt produced is the original receipt given at the time the money was paid :

2. *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same,* That attorneys with legal powers, or executors and administrators of deceased holders, shall not be obliged to make oath, that the money signified in the receipt or document produced was *bona fide* paid at the time the receipt was given, but shall be entitled to a return of deposit on returning into the treasury the original receipt of the treasurer, grantee or grantees, his or their agent or agents, or such other documents under their or either of their hands, as may tend to an acknowledgment of receipt on equitable construction of that act, and making oath as therein mentioned, that he, she or they hath or have therewith returned in all documents or pretended title thereto appertaining within their custody, power, possession or knowledge, so far as respects the receipt or document returned, and that they believe the money was *bona fide* deposited by the principal giving such power, testator or intestate, under whose title they respectively act, and that to the best of their knowledge and belief the receipt or documents lodged is or are the genuine receipts or documents originally given by the treasurer, grantee or grantees, his or their agent or agents, or any other person or persons who hath or have deposited monies under the said usurped act :

*Provided always,* That where attorneys only shall apply, the powers from their principal shall disclaim and renounce all pretended title to the said pretended sales of Western Territory of this state, and declare therein that such attorney is in possession of all receipts, titles or documents appertaining thereto; which power shall be acknowledged before some magistrate or notary public of this or the United States.

3. *And be it further enacted,* That persons holding papers called citizens' rights, or original treasury receipts, shall in all cases be entitled to a return of deposit on producing and lodging the same as by the said act directed, on making oath that they have

paid a *bona fide* consideration therefor, and believe the receipt produced is the genuine original receipt of the treasurer.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 6, 1799.

JAMES JACKSON, *Governor.*

• • • • •

*An act to carry the twenty-third section of the first article of the constitution into operation.\**

Preamble

1. **W**HEREAS the twenty-third section of the first article of the constitution, speaking of the powers of the legislature, is in the words following, to wit: "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; but the property of the soil, in a free government, being one of the essential rights of a free people, it is necessary in order to avoid disputes that the limits of this state should be ascertained with precision and exactness, and this convention composed of the immediate representatives of the people, chosen by them to assert their rights, and to revise the powers given by them to the government, and from whose will and ruling authority of right flows: Doth assent and declare the boundaries of this state to be as follow. That is to say, the limits, boundaries, jurisdictions, and authority of the state of Georgia, do and did, and of right ought to extend from the sea, or mouth of the river Savannah, along the northern branch or stream thereof, to the fork or confluence of the rivers now called Tugalo and Keowee, and from thence along the most northern branch or stream of the said river Tugalo, till it intersects the northern boundary line of South-Carolina, if the said branch or stream of Tugalo extends so far north, reserving all the islands in the said rivers Savannah and Tugalo to Georgia, but if the head spring or source of any branch or stream of the said river Tugalo does not extend to the north boundary line of South-Carolina, then a west line to the Mississippi to be drawn from the head spring or source of the said branch or stream of Tugalo River, which extends to the highest northern latitude; thence down the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line drawn due east from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Appalachicola or Chatahouchee; thence along the middle thereof to its junction with Flint River; thence straight to the head of St. Mary's River; and thence along the middle of St. Mary's River to the Atlantic Ocean; and from thence to the mouth or inlet of Savannah River, the place of beginning; including and comprehending all the lands and waters within the said limits, boundaries and jurisdictional rights, and also all islands within twenty leagues of the sea coast. And this convention doth further declare and assent, that all the territory without the present temporary line and within the limits aforesaid, is now of right the property of the free citizens of this state, and held by them in sovereignty

\* This act repealed in part by act of 1800.

inalienable but by their consent: *Provided nevertheless*, That nothing herein contained shall be construed so as to prevent a sale to or contract with the United States by the legislature of this state, of and for all or any part of the Western Territory of this state, lying westward of the river Chatahouchee, on such terms as may be beneficial to both parties; and may procure an extension of settlement and an extinguishment of Indian claims in and to the vacant territory of this state to the east and north of the said river Chatahouchee, to which territory such power of contract or sale by the legislature shall not extend: *And provided also*, the legislature may give its consent to the establishment of one or more governments westward thereof; but monopolies of land by individuals being contrary to the spirit of our free government, no sale of territory of this state, or any part thereof, shall take place to individuals, or private companies, unless a county or counties shall have been first laid off including such territory and the Indian rights shall have been extinguished thereto." *And whereas* it will much add to the harmony of the Union and tranquility of the citizens of this state, to carry the powers thereby given to the legislature, of selling the territory belonging to this state westward of the Chatahouchee to the United States into operation.

2. *Be it enacted*, That Abraham Baldwin, James Jones and Benjamin Taliaferro, esqrs. representatives of this state in congress, or a majority of them, be and they are hereby authorized and empowered, to meet any person or persons who may be appointed on the part of the United States, and they are hereby properly and duly authorized as commissioners on the part of the state of Georgia; with him or them, to treat, consult, conclude and agree for the sale of all or any part of the territory within the constitutional limits of this state, westward of a line beginning at a point in the middle of the river Chatahouchee, where it shall be intersected by the thirty-first degree of north latitude; thence up the said river to the most western bend thereof; thence a due north line to the northern boundary of this state, including all the islands in the said river, and reserving the navigation of the said river so far as the said line shall extend thereon, alike free to the citizens of the United States as those of the state of Georgia, on such terms and reasonable compensation for the same as may be beneficial to both parties, and shall procure to this state all the land east and north of the aforesaid line within a reasonable time, viz. not exceeding the term of three years, all the land lying and being between the Oconee and Oakmulgee rivers, and a line to be run from the head source of the said Oakmulgee River along the ridge dividing the waters of the same, from the waters of the Chatahouchee River, to the Curryhee Mountain; and not to exceed the term of ten years; all the land east of the aforesaid river and line, the same to be obtained and the Indian rights thereto extinguished by, and at the sole expence of the said United States, and on such agreement and ratification of the same by the congress of the United States, full and ample deeds of cession and sale, as well of territorial, as jurisdictional rights, and of all claims, or demands of this state of, in or to, the territory so concluded on to be sold, to sign, seal, execute and deliver to the United States, to hold the same to the said United States in sovereignty forever.

3. *Provided always and be it further enacted*, That the said United States, shall within three years restore to this state all that tract of country called and known by the name of the Tallissee county, which was purchased of the Creek Indians by this state, at a treaty held with the said Indians, at Galphinton on the twelfth day of November, in the year of our Lord one thousand seven hundred and eighty-five, and

which was ceded by the United States to the said Indians, by the treaty of New-York, in contravention of the said treaty of Galphinton; and this General Assembly doth hereby unequivocally declare that the said tract of country is and of right doth belong to this state, by virtue of, and as derived from the compact

Provide.

aforsaid. *And provided*, That whenever the territory ceded as aforesaid, shall contain a number of inhabitants sufficient to entitle them to a representative in the congress of the United States; agreeably to the principle established in the constitution thereof for regulating the representation of the states, now in the Union, that then the said inhabitants shall be entitled to a representation in the congress of the United States, and shall be received into the Union as an independent state and shall be entitled to every right granted and secured by the said constitution to the states therein named.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

ROBERT WALTON, *President of the Senate.*

Assented to, February 15, 1799.

JAMES JACKSON, *Governor.*

• • • • •

*An act to amend an act entitled "An act to carry the twenty-third section of the first article of the constitution into operation so far as relates to the powers vested by the same in the honorable Abraham Baldwin, James Jones and Benjamin Taliaferro, esq. commissioners on the part of Georgia, to make a cession of part of the unlocated territory of said state to the United States."*

Preamble.

1. **W**HEREAS the powers vested by the above recited act in the said commissioners have been found too limited to enable them to carry the same into operation: *Be it therefore enacted by the Senate and House of Representatives in General Assembly met*, That the honorable Abraham Baldwin, James Jones, Benjamin Taliaferro and James Jackson, esq. representatives of this state in congress, or a majority of them, be and are hereby authorized and empowered to meet any person or persons who now are, or hereafter may be appointed on the part of the United States; and they are hereby duly authorized and empowered as commissioners on the part of Georgia, with full and unlimited powers to treat, consult, conclude and agree for the sale of all or any part of territory within the constitutional limits of this state, west of a line commencing at a point upon our northern boundary line, where Crow Creek, a branch of Tennessee River, intersects the same, running from thence in a direct course to fall upon the thirty-first degree of north latitude, seventy geographical miles west of the Chatahouchee river, on such terms and reasonable compensation for the same as may be beneficial to both parties, and shall procure to this state all the land east and north of the aforesaid line, within a reasonable time.

Commissioners appointed to sell the western territory to congress.

Repealing clause.

2. *And be it further enacted*, That all laws and clauses of laws militating against this act shall be and are hereby repealed.

DAVID MERIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 2, 1800.

JAMES JACKSON, *Governor.*



An act to regulate the wharfs and shipping in the several ports of this province, and ascertaining the rates of wharfage, of shipping and storage, and also the duty of an harbor master for the port of Savannah, and to authorize the said harbor master, to put in force an act entitled an act to amend an act, to prevent persons throwing ballast or rubbish or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same.

1. **W**HEREAS the increase of trade, and quantity of produce brought for sale to the several ports of this province, require a regulation in the rates of wharfage and storage, and the number of vessels resorting to the said ports, and in particular to the port of Savannah, makes it necessary to have some person appointed to overlook, and regulate such vessels while in the said port. *Be it enacted*, That from and immediately after the passing of this act, the several owners and occupiers of wharfs in the several ports of this province, shall be allowed to charge, demand, and receive the several rates herein after mentioned, for the wharfage of shipping, merchandize and storage, and no more, that is to say,

£. s. d.

For every ship, snow, brigantine or bylander loading at a wharf, one shilling and fourpence each day	0	1	4
For every such vessel lying and not loading at a wharf, two shillings and eightpence each day	0	2	8
For every sloop or schooner (coasters trading from one part of this province to another only excepted,) loading at a wharf, tenpence each day	0	0	10
For every sloop or schooner lying and not loading at a wharf, one shilling and eightpence each day	0	1	8
And for the wharfage of goods, landed or laden from one vessel to another at any wharf as follows,			
For every barrel or half barrel of rice or other grain, every barrel of turpentine, rosin, tar, beef, pork, beer, cider, small barrels of bread, and barrels of the like size of any other goods, dry goods excepted, one penny	0	0	1
For every barrel, cask, box or other package of indigo, twopence	0	0	2
For corn, pease, oats, and other grain not in barrels, landed or taken in from any vessel, by any other vessel lying at a wharf, and for salt landed or laden on board any other vessel, for every one hundred bushels, one shilling	0	1	0
For every thousand feet of inch, three quarter inch and feather edge boards, and in proportion for plank, timber and oars reduced to inch measure, landed or taken from vessels or rafts by any vessel lying at a wharf, one shilling	0	1	0
For every thousand of shingles and canes landed or taken in from boats or rafts, sixpence	0	0	6
For every thousand of barrel heading and barrel staves, landed or taken in as is above mentioned, ninepence	0	0	9
For every thousand of hoghead staves, heading or hoops, one shilling	0	1	0
For every thousand of pipe staves and handspikes, one shilling and sixpence	0	6	1
For every thousand of butt staves, two shillings	0	0	2

	£.	s.	d.
For every cord of firewood, fourpence	0	0	4
For every cord of tanner's bark, fourpence	0	0	4
For every thousand of bricks or hearth tiles, sixpence	0	0	6
For every article herein before enumerated, that shall lay longer than one week upon any wharf, the whole wharfage before rated each week.			
For every tierce of ship bread, hoghead of wine, and other goods in hogheads and tierces of about sixty-three gallons, one penny halfpenny	0	0	1½
For every hoghead of rum, pipe of wine, and other goods in hogheads and pipes of about one hundred and twenty gallons, threepence	0	0	3
For every hoghead of sugar of one thousand weight and under, fourpence	0	0	4
For every hoghead of sugar of above one thousand weight, sixpence	0	0	6
For every one hundred weight of hemp, one penny	0	0	1
For every ton of logwood, fustic, lignumvitæ, or braffetto, landed or loaded from any vessel at any wharf, and not lying above one week, sixpence	0	0	6
And for every week after, sixpence	0	0	6
For every ton of the like wood taken in by one vessel from another lying at a wharf, threepence	0	0	3
For every hundred feet of mahogany and other heavy wood accounting inch measure, that shall not lay longer on a wharf than one week, one penny halfpenny	0	0	1½
For every ton of iron and other heavy goods, fourpence	0	0	4
For lime, at the rate of eightpence each hundred bushels	0	0	8
For every large bale, hoghead, tierce or vat of the like size, threepence	0	0	3
For every case, trunk, case chest, box, bundle, coil of cordage, or hamper, one penny	0	0	1
For every coach or other four-wheeled carriage, one shilling and sixpence	0	1	6
For every riding chair or chaise, ninepence	0	0	9
For every pot, skillet, jug or keg of shot or paint not enclosed in any package, each dozen twopence	0	0	2
For every grind or quern stone, one halfpenny	0	0	½
For every keg of bread, flour, butter, tallow, lard and such like articles, fourpence each dozen	0	0	4
For every barrel of one hundred weight of gunpowder, twopence and in proportion for smaller barrels of the same	0	0	2
For every ton of coals, fourpence	0	0	4
For every week after the first week that it shall lie on the wharf, twopence	0	0	2
For every hundred of paving or Bermuda stones, fourpence	0	0	4
For every hundred of raw or tanned hides, one shilling and sixpence, and so in proportion for raw or tanned sides	0	1	6
For every thousand pounds weight, and in proportion for smaller quantities of hay or corn blades, fourpence	0	0	4
For every other article of goods not before enumerated, at the rate of fourpence each ton, according to weight or measure	0	0	4

	£.	s.	d.
For every species of goods the same rates and allowances as for landing, and for the weighing of goods and merchandize, that is to say,			
For every barrel of rice or turpentine, weighing three hundred and seventy-five pounds and upwards, not exceeding seven hundred pounds gross, one penny	0	0	1
For every tierce, barrel or hoghead of any kind of goods, upwards of seven hundred pounds, and not exceeding eleven hundred pounds, (indigo excepted) ninepence	0	0	9
For every hoghead or cask of any kind of goods, weighing upwards of eleven hundred pounds, per hundred weight, one penny	0	0	1
For every ton of fustic, logwood, brafiletto, lignumvitæ or other wood per ton weight, two shillings and twopence	0	2	2
For every ton of iron or other heavy goods, one shilling and sixpence	0	1	6
For every draught of deer skins, hemp, foreign bark or any other kind of goods, not weighing upwards of two hundred and fifty pounds, twopence halfpenny	0	0	2½
For every draught above two hundred and fifty pounds of such like goods, fourpence	0	0	4
For every draught or package above two hundred and fifty pounds weight and not exceeding five hundred pounds weight when more than one is weighed, fivepence	0	0	5
For every barrel, hoghead or other package of indigo, threepence	0	0	3
And for the storage of goods, that is to say,			
For every barrel or other cask or package of indigo each hundred weight per week, one penny	0	0	1
For every hoghead, tierce, barrel, large trunk, case or bale of any goods that shall be put into any store for one or more nights not exceeding one week, fivepence	0	0	5
For every week or part of a week, after the same rate as above.			
For every smaller cask, box, bag, or other package of such goods, one or more nights not exceeding one week, twopence halfpenny and for every week or part of a week after at the same rate.			
For every hoghead of rum, pipe of wine, tierce or hoghead of bottled liquor, and for every hoghead or large tierce of sugar per week, fivepence	0	0	5
And for every week or part of a week after fourpence	0	0	4
For every whole barrel of rice not exceeding six hundred and fifty pounds gross, for the first and last week, one penny halfpenny	0	0	1½
And for every intervening week per barrel, one penny	0	0	1
For every half barrel of rice, barrel of pork, beef, bread, and other barrels and packages not before rated, not weighing above three hundred and seventy-five pounds gross, for the first and last week, one penny	0	0	1
And for every intervening week, one halfpenny	0	0	½
And in proportion to the foregoing rates for every other article not enumerated above, according to size and weight.			

2. And whereas, some regulation is necessary to be made with respect to the mooring of ships or vessels at the said wharfs and in the river before the said town of Sa-

Vessels lying before the town of Savannah, how to be moored,

Harbor master to superintend the same.

Who shall employ persons to raise cables of vessels lying improperly, & receive twenty shillings therefor.

And enforce an act to prevent throwing rubbish, &c. into rivers.

Masters of vessels throwing ballast into Savannah River, how to be treated.

Harbor master to inform on oath.

Masters of vessels to forfeit one hundred pounds on failing to comply with this act.

Harbor master shall inspect the wharfs and prosecute offenders.

And decide disputes between masters of vessels and wharfingers.

And examine and regulate the public lands.

vannah, *Be it therefore further enacted*, That all vessels lying in the river Savannah before the said town, common or hamlets of Yamacraw, and the trustees' gardens, and not loading at any wharf, shall be properly moored head and stern as near the bank on the north side of the said river as conveniently may be, and that no vessel whatever not loaded as aforesaid, shall be permitted to lie and take in her loading in the middle of the said river on any pretence whatsoever; and that the harbor master of the said port of Savannah do from time to time give notice to any master of a vessel who shall not comply herewith, and upon his refusal or neglect shall proceed against the offenders as herein after is directed.

3. *And be it enacted by the authority aforesaid*, That in case any vessel properly moored in the said river and within the limits above mentioned, shall be overlaid by the cable of any other vessel, except in squalls or storms of wind, the master or commander of the vessel so overlaying shall, upon application made to him by any person belonging to the vessel so overlaid, raise his anchor and moor properly; and in case of his refusal so to do, it shall be lawful to and for the harbor master to employ men and boats to raise such anchor at the expence of the party refusing, who shall likewise pay the said harbor master one pound for his trouble therein; and the said harbor master is hereby authorized and required to put in force the act entitled "An act to amend an act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province and for keeping clear the channels of the same."

4. *And whereas*, masters of vessels do frequently discharge their ballast in the river Savannah before they come up to the town under the pretence of lighting their vessels; *Be it enacted by the authority aforesaid*, That any master of a vessel so discharging his ballast contrary to the direction of the above mentioned act entitled "An act to amend an act to prevent persons throwing ballast, or rubbish or falling trees into the rivers and navigable creeks within this province and for keeping clear the channels of the same, shall be proceeded against and be liable to the several penalties as directed in the said act; and the harbor master is hereby required to give information, upon oath, to the chief justice or one of the assistant justices of the general court of this province, as soon as the same shall come to his knowledge, of all and every offence or offences that shall be committed against the said before recited act.

5. *And be it further enacted*, That all and every master or masters of vessels, who shall neglect or refuse to comply with the several regulations of this act not provided for by the acts to prevent persons throwing ballast, or rubbish, or falling trees into the rivers or navigable creeks, shall forfeit and pay the sum of one hundred pounds, to be recovered and applied as herein after is directed.

6. *And be it further enacted*, That the said harbor master shall from time to time inspect the several wharfs erected or to be erected, and in case any owner, occupier, or lessee shall have offended against this act, and upon notice thereof to him given shall not comply therewith, the said harbor master is hereby directed to proceed according to the directions herein mentioned and expressed.

7. *And be it further enacted*, That all disputes and differences which may arise between masters of vessels or wharfingers, relating to the hauling in or hauling off of any such vessel to or from any wharf or wharfs, or in mooring such vessel, shall be referred to and immediately decided by the said harbor master.

8. *And be it further enacted*, That no vacant space of public landing under the Bluff of the town of Savannah, at the end of or opposite to any street, shall be encumbered with any lumber or thing whatsoever; on pain that such lumber or thing whatsoever shall

encumbering any public landing as aforesaid, shall be forfeited seized on and sold by the harbor master, if not removed in twenty-four hours after notice shall be given by the said harbor master to the owner, or the person who shall have the charge of such lumber, or other thing, or who shall have encumbered, or cause to be encumbered, any such public landing therewith, and the monies arising from the sale of any such lumber or thing whatsoever, after deducting the charges of seizing and selling the same, shall be applied in manner herein after directed.

9. *And be it further enacted*, That the said harbor master shall, before he enters upon the execution of his office, take and subscribe the following oath before one of the justices of the peace for the parish of Christ Church, who is hereby empowered to administer and give a certificate of the same, to wit: "I, *A. B.* do solemnly swear that I will to the best of my skill, knowledge and ability, without partiality or prejudice, execute the office and perform the duty of harbor master in the town and port of Savannah, as directed in and by an act of the General Assembly, entitled "An act for regulating and ascertaining the rates of the wharfage of shipping, merchandize, and storage in the several ports, and the duty of an harbor master for the port of Savannah, and that I will also put in force another act of the General Assembly entitled an act, to amend an act to prevent persons throwing ballast, or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same according to the power vested in me by the before recited act, and that I will perform the said duty without delay, and put the said act in full force and effect according to the tenor and meaning thereof, and directions to me therein given. So help me God." And the said harbor master is hereby authorized to receive from the master or commander of every vessel coming into the port of Savannah, the fees following, that is to say, for every ship, snow, brigantine or bylander the sum of five shillings, and for every sloop or schooner (coasters trading from one part of this province to another only excepted) the sum of three shillings.

10. *And be it further enacted*, That all the penalties hereby inflicted or forfeitures hereby declared, under the sum of eight pounds, shall be recovered by warrant of distress and sale of the offender's goods, under the hands and seals of any two justices of the peace for the parish of Christ Church, and before whom proof thereof shall be made by the said harbor master; and where the same shall amount to more than eight pounds, the said harbor master is hereby enabled to sue for and recover the same in any court of record in this province, by action of debt, bill, plaint or information, and that this act shall be taken in evidence without special plea; and the said penalties and forfeitures when recovered to be paid to the public treasurer, and applied as the General Assembly shall hereafter direct; and if any person shall be sued for any act, matter or thing done in pursuance thereof, that this act and the special matter thereof shall be given in evidence on the general issue, and upon such suit being discontinued or judgment passing against the plaintiff therein, the defendant shall recover double costs.

11.\* *And be it further enacted*, That the clerk of the market shall, once in every three months, examine all scales, weights and measures used on the wharfs, and that the same be agreeable to the standards in his care, and in default thereof shall forfeit and pay into the hands of the commissioners of the market of the town of Savannah a sum not exceeding two pounds, to be applied as herein before is directed.

\* Vested in the corporation of Savannah. See act of 1789.

Wharfingers to  
be sworn.

12. And in order to prevent frauds and deceits being committed in the weighing of rice and other commodities, *Be it enacted*, That every wharfinger or any other person employed by him, shall, previous to the undertaking such business, be sworn before any of his majesty's justices of the peace within the said province, faithfully to execute the same, and shall weigh the said enumerated goods, and deliver an exact and true account of all goods by him weighed, to the parties, if required; and in case any person or persons shall be found to have false weights or measures, and under the said standard, every such person or persons shall forfeit and pay the sum of ten pounds for ever such offence, to be recovered as herein before is directed.

Persons having  
false weights,  
to forfeit ten  
pounds.

Continuation.

13. *And be it further enacted*, That this act shall be and continue in force for and during the term of three years, and from thence to the end of the then next session of the General Assembly, and no longer.

By order of the Common House of Assembly.

WILLIAM YOUNG, *Speaker*.

By order of the Upper House.

JAMES HABERSHAM, *President*.

Council Chamber, 12th of March, 1774.

JAMES WRIGHT.

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*An act to regulate the pilotage of vessels to and from the several ports of this state.*

1. **W**HEREAS it is highly necessary for the safety of all ships and vessels bound inward to and outward from the several ports of this state, that there should be a sufficient number of skilful and able pilots constituted and appointed for the bringing in and carrying out the same: for the more expeditious and effectual performance of which, *Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same*, That the several persons herein after named be commissioners for the regulation of pilots, rates, and all matters relating to the pilotage for the ports herein after mentioned, viz. for the bar of Tybee and river Savannah, and for the several bars and inlets lying to the northward of St. Catharine's Bar, Richard Wayne, Alexander Watt, William Hunter, James Robertson, in the room of George Parker, deceased, and William Belcher; for the bar of St. Catharine's and river Midway, and for the several bars and inlets to the southward of St. Catharine's Bar as far as Turtle River, John Lawson, sen. Adam Alexander, Alexander Forrester, James Montfort and John Cooper, of St. Simon's; and for the bar of St. Mary's, and for all the bars and inlets north of the said Turtle River, James Seagrove, Thomas King, William Johnson, Harrison Carter, and Phinehas Miller. Three of each respectively are hereby declared to be a quorum, and who are hereby empowered to nominate, appoint and license such person or persons, as they shall think to be most fit and competent to act as pilots for the conducting of vessels inward and outward from the several ports for which they shall be licensed, during their good behaviour severally and respectively. And if there shall happen to be a deficiency of the said number of five commissioners respectively, by death, resignation or departure out of this state, the surviving or remaining number, in such case, shall apply to the governor or commander in chief for the time be-

Commissioners  
of pilotage ap-  
pointed.

For the bar of  
Tybee.

For the bar of  
St. Catharine's.

For the bar of  
St. Mary's.

Who may nomi-  
nate pilots &  
license them.

Vacancies.

ing, who is hereby empowered to appoint a new commissioner or commissioners to fill any vacancy that shall so happen, and so on from time to time, and at all times hereafter, whensoever there shall be a deficiency of the said number of five commissioners for each district.

2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, no person shall be entitled to receive any fee gratuity or reward for conducting or piloting any vessel inward to, or outward from any of the ports or harbors for which a pilot shall be licensed, unless such person is properly nominated, appointed and licensed by the commissioners of the port where such vessel is bound to, or going from, and that no person may meddle, interfere, or disturb the licensed pilots in the way of their duty.

No person to act as pilot unless licensed.

3. *Be it further enacted by the authority aforesaid,* That any person or persons acting or pretending to act as a pilot or pilots without having proper authority, from the commissioners aforesaid, shall for every such offence be subject to a fine, not exceeding one hundred dollars, at the discretion of the commissioners of the port, or a majority of them, who are hereby authorized to assess such fine, and enforce the payment, or imprisonment of the party offending, in the same manner and time, as is heretofore pointed out for recovering fines, from pilots or masters of vessels, not willing to abide by the award or decree of the commissioners of pilotage, any law, custom, or usage to the contrary of this act notwithstanding.

Penalty for doing.

4. *And be it further enacted by the authority aforesaid,* That every pilot or pilots, warranted or to be warranted or licensed as aforesaid, shall enter into bond with the commissioners of pilotage, with two or more securities in the penalty of two thousand dollars to his honor the governor and his successors, for the due execution of their office, and shall take and subscribe the following oath, to be tendered by the said commissioners, or any quorum of them, for the time being, before the said pilot or pilots shall be entitled to receive any fee or reward, in that capacity, viz.

Pilots shall give bond and security.

"I, *A. B.* appointed pilot for the port and harbor of \_\_\_\_\_ do solemnly and sincerely swear, that I will well and truly execute and discharge the business and duty of a pilot in the said port and harbor of \_\_\_\_\_, according to the best of my skill and knowledge, and that I will at all times (wind and weather permitting) use my best endeavors to repair on board all ships and vessels that I shall conceive to be bound for, coming into, or going out of the said port or harbor of \_\_\_\_\_ that appears to want a pilot; and do further swear, that I will from time to time, and at all times, make the best despatch in my power, to carry safely out, or bring over the bar, \_\_\_\_\_ and to the place of discharge, every ship or vessel committed to my care; and that I will from time to time, truly observe, fulfil and follow to the best of my skill, ability, and knowledge all such orders as I shall from time to time receive from the commissioners of pilotage or the major part of them, in all matters and things relating to the business of a pilot."

And take an oath.

5. *And be it further enacted by the authority aforesaid,* That in case any damage, dispute, complaint, or difference shall happen or arise, or be made against, or between any master or pilot for, or concerning the pilotage of any ship or vessel, or any other matter incident, of or relative to the business, or care of a pilot, in any of the said harbors, all such damages, disputes, complaints, differences, (when the claim does not exceed one hundred dollars) are hereby ordered to be heard and determined by the commissioners or a majority of them, appointed for the care of the pilotage, where such damage, or dispute shall happen, who by their decree, arbitration, or or-

Differences between pilots & masters of vessels, how to be determined.

der, shall and may lawfully decide, adjust, and regulate every such damage, dispute, complaint or difference; and if either of the said parties, master or pilot shall refuse to abide by, fulfil, or perform the decree, or order, or other adjudication of the said commissioners or a majority of them, who shall hear and determine the same, the party so refusing shall be subject, in addition to the former award, to the penalty of not exceeding one hundred dollars, as the said commissioners or a majority of them shall think proper to adjudge, the whole to be levied by warrant of distress under the hand and seal of the said commissioners or any three of them, and sale of the offender's goods, and such part of the said award and penalty so inflicted and recovered as the commissioners inflicting the same, shall think reasonable to satisfy any damage the party aggrieved shall suffer by such neglect, act, matter or thing as aforesaid, shall be paid to the party aggrieved, and the remainder to be applied for improving the navigation of the port and harbor where such penalty is recovered; and in case of default of payment, of such award and penalty, and no property to be found belonging to the party offending, then and in that case an attachment shall go in like manner under the hand and seal of the said commissioners, or any three of them, against the person of the party so refusing, who is hereby to be kept in prison for a term not exceeding six months, without bail or mainprize, any thing in this, or any former act to the contrary notwithstanding.

Pilots answerable for damages happening from want of skill.

If over one hundred dollars to be recovered in a court of record.

Commissioners may remove pilots from office.

6. *And be it further enacted by the authority aforesaid,* That if any ship or vessel whatsoever or the cargo and freight therein contained, shall happen to receive any damage or miscarriage, or be lost through the neglect, insufficiency, or default of, or in any of the pilots for any of the said harbors, after such pilot takes charge of the same, and the claim exceeds one hundred dollars, the said pilot shall in such case, on conviction thereof in any court of record, in this state, be obliged to answer and make good to the sufferers, or to the master of such ship or vessel, all and every the damages and losses which he, or they shall sustain through the said pilots neglect or default in any manner or wise whatsoever.

7. *And be it further enacted by the authority aforesaid,* That if any of the pilots for the ports aforesaid for the time being, shall be found not sufficiently skilled, or shall become incapable of acting, or shall be negligent, or misbehave in his duty towards the commissioners, or any one of them, then and in such case the commissioners of the port or harbor for which such pilot is licensed, shall annul or revoke the warrant or license of every such incapable or offending pilot, who shall thenceforth be totally suspended, and be deemed incapable to receive and take any fee, gratuity, or reward, for the guiding or piloting of any ship or vessel inward to, or outward from any of the said ports; and if such suspended pilot shall under any pretence whatsoever, pilot or attempt to pilot any ship or vessel inwards to, or outwards from any of the aforesaid ports, he shall on due proof thereof before the commissioners or a majority of them; be subject to a fine for every such offence not exceeding one hundred dollars.

Masters of vessels refusing to receive a pilot on board, compellable to pay him fees.

8. *And be it further enacted by the authority aforesaid,* That any person, master or commander that shall bring any ship or vessel to any of the bars or the coast of any of the said harbors, and shall refuse to receive on board any warranted or licensed pilot, the said person, master or commander, so refusing and afterwards bringing in the said ship or vessel into any of the ports aforesaid, shall and is hereby made liable to pay the pilot first offering to come on board ship or vessel without the bar, to take charge thereof as pilot, the same rates, dues, and payments, as are herein after particularly expressed and provided, and to be paid in the same manner, as if the said pi-



lot had actually piloted the same ship or vessel into any of the said ports or harbors.

9. *And be it further enacted by the authority aforesaid,* That the master or commander of any ship or vessel for the consideration of the pilotage of the said ship or vessel inward to, or outward from any of the ports or harbors aforesaid, shall pay unto the licensed pilot that shall take charge of the same, the several sum and sums of money, rates, and prices as are established by the board of commissioners, as full and ample satisfaction unto the said pilot, for his care and charge in bringing in, or carrying out every such ship or vessel; and if any licensed pilot shall asked or demand more fees for his services than is specified in the rates of pilotage, on due proof thereof before the commissioners or a majority of them, he shall forfeit double the amount of such vessel's pilotage.

shall pay the rates established by the commissioners of pilotage

10. *And be it further enacted by the authority aforesaid,* To encourage as much as may be pilots to attend the bars, that all and every licensed pilot bringing any vessel safe from sea, shall have the preference of bringing such ship or vessel up and down the river, and to sea again, provided they give their attendance and are duly qualified, and if any master or owner of any vessel in the port employ any other pilot to carry his vessel down the river or to the sea, but the pilot who brought her in, or one belonging to the same boat, unless good and sufficient cause shall appear therefor, on due proof thereof before the commissioners, shall be liable to a fine not exceeding one hundred dollars, one half to the pilot claiming the pilotage of the vessel; but should such pilot neglect or refuse to attend and carry down said ship or vessel when ready for sea (wind, weather and tide permitting) and thereunto required by the master, owner or consignee, shall, on conviction thereof before the board of commissioners, forfeit the upper pilotage of such vessel, and be liable to a fine not exceeding one hundred dollars; and every pilot acting on board such vessel where he has no right, shall be liable to the same penalty, provided the commissioners have not sufficient evidence of the necessity of his acting.

The pilot who brings a vessel into port shall have a preference to conduct it out.

11. *And be it further enacted by the authority aforesaid,* That all and every pilot in any of the harbors aforesaid, when he has brought any ship or vessel to anchor in any of the aforesaid harbors, shall and is hereby directed and required to moor such ship or vessel, or to give proper direction for the mooring of the same, and for their safe riding at such mooring.

Pilots shall moor the vessels.

12. *And be it further enacted by the authority aforesaid,* That if any pilot or pilots belonging to any port in this state, shall meet at sea with any vessel or vessels bound to another port within the same, such pilot or pilots shall, if capable and thereunto required, take charge of and pilot the same into such port, and shall be paid two dollars per day for every day such pilot shall be on board such vessel at sea without the bar, over and above the usual rates of pilotage; and no other pilot shall interfere while the first is willing to continue his services.

May be compelled to pilot to another port.

13. *And be it further enacted by the authority aforesaid,* That all vessels entering and clearing within this state shall pay the several rates of pilotage, if a licensed pilot is offered, except the constant coasting vessels to and from Charleston, and they shall pay half pilotage up, if a pilot is offered without the bar, if they take no pilot, and whole pilotage if they take one, any law, custom or usage to the contrary notwithstanding; but vessels coasting from one port to another within the state shall not be liable to pay pilotage, unless a pilot is required to act on board.

Rates of pilotage to be paid by all vessels.

Fines appropri-  
ated.

14. *And be it further enacted by the authority aforesaid,* That all fines or parts of fines that may be recovered under this act, and shall not be awarded by the commissioners to the party complaining, shall go to the fund for improving the navigation of the port.

Masters, &c  
made to give  
security for the  
outward fees.

15. *And whereas* there has been instances of captains of vessels refusing to pay the pilots agreeable to rates, after getting to sea, in which case the said pilots have no remedy: *Be it further enacted,* That the captains of such vessels as have no owner or consignee in the port, shall be obliged, if requested by the pilot acting on board, to give security for the faithful payment of the pilotage before said vessel leaves such port.

The general is-  
sue may plead.

16. *And be it further enacted by the authority aforesaid,* That if any person or persons authorized to carry this act into execution shall be sued or prosecuted for any matter or thing to be done in pursuance thereof, it shall and may be lawful for such person or persons to plead the general issue, and give this act and the special matter in evidence.

Repealing  
clause.

17. *And be it further enacted by the authority aforesaid,* That all former acts respecting the regulations of pilots and pilotage are hereby repealed.

DAVID MÉRIWETHER, *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Assented to December 6, 1799.

JAMES JACKSON, *Governor.*

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## WORKHOUSE FOR THE CUSTODY OF NEGROES.

*An act for regulating a workhouse for the custody and punishment of negroes.*

enactable.

1. **W**HEREAS a law for regulating a workhouse for the confinement of negroes and punishment for such as are obstinate and disorderly is highly necessary:

Commissioners  
appointed for  
the workhouse  
for the custody  
of slaves.

Their powers.

*Be it enacted,* That Joseph Ottolenghe, William Ewen and John Morel, esqrs. Alexander Fyfe and Benjamin Goldwire, shall, and they are hereby nominated and appointed commissioners for the ordering and taking care of the said workhouse; which said commissioners or any three of them, shall have full power and authority to do and transact all and every the matters in and by this act enjoined and directed to be done by them; which commissioners shall be and continue until Easter-munday, in the year one thousand seven hundred and sixty-four, after which the same number of commissioners shall be annually chosen and elected at the same time and in the same way as is appointed for choosing parish officers: And the commissioners so chosen refusing to act, shall be and they are hereby made liable to pay the same fine as is imposed on church wardens refusing to act.

Master to be  
appointed by  
the commis-  
sioners.

2. *And be it further enacted,* That the said commissioners shall, within two months after the passing of this act, appoint a fit and proper person to be master or warden of the workhouse for such term and time, not exceeding the term of three

years, as they shall think fit, or during his good behaviour; to have and take the care and charge of the workhouse, and of the negroes that from time to time shall be sent or committed to his care: And the said commissioners are hereby empowered to contract with such master or warden, to have and take such fees, perquisites and advantages out of the profits of the work and labor of such slaves as shall be committed or sent to the workhouse, or such other stated salary out of the profits of the same, as they shall think reasonable during the time of his appointment. His fees.

3. *And be it further enacted*, That the master or warden of the workhouse to be appointed as aforesaid, shall have power and authority, and he is hereby authorized, empowered and directed to set all such negroes (criminals excepted) as shall from time to time be duly sent or committed to his custody, to work and labor (if they be able) for such time as they shall continue and remain in the workhouse, and to punish them by putting fetters or shackles upon them, and by moderate whipping, not exceeding twenty stripes in one day. The master directed to employ negroes in said workhouse, and whip them or iron them.

4. *And be it further enacted*, That the said master and warden of the workhouse shall provide as there shall be occasion suitable materials for the employment of such negroes as shall be committed to his custody (except as before excepted;) and all the profits that shall arise by the labor of such negroes so to be employed shall be paid by the said master or warden to the said commissioners, who shall apply the same towards the discharge of the said master's fees or salary and in providing materials for the said negroes' employment. Shall provide materials for working them, and the profits, how applied.

5, 6, 7, 8, & 9, Re-enacted by act of 1770. Vide sections 24, 25, 26, & 28.

10. *And be it further enacted*, That any person or persons having stubborn, obstinate or incorrigible negroes or slaves, may send and commit them to the workhouse, there to be kept to hard labor, or otherwise to be corrected as they shall direct; and the master and warden is hereby strictly commanded and required to execute the same, the owner or owners thereof paying for the correction and maintenance of such slave or slaves during his or their confinement, at the following rates, viz. sixpence for each day's maintenance, and one shilling and fourpence for each chastisement that the owners may direct. Shall punish slaves as their owners direct.

11. *And be it further enacted*, That in case of the death, absence or refusal to act, of any of the commissioners named in this act, the acting commissioners, or the majority of them, shall appoint other proper persons as commissioners in the room of those who may die, be absent, or refuse to act as aforesaid. Fees for the same.

12. *And be it further enacted*, That this act shall be and continue in force during the term of three years from the passing of the same, and from thence to the end of the next session of the General Assembly, and no longer. Vacancies of commissioners.

By order of the Commons House of Assembly.

LEWIS JOHNSON, *Speaker.*

By order of the Upper House.

JAMES HABERSHAM, *President.*

Savannah, in the Council Chamber, April 7, 1763.

Assented to.

JAMES WRIGHT.

Continuation of this act.

*An act to amend and continue an act for regulating a workhouse for the custody and punishment of negroes.*

Preamble.

1. **W**HEREAS in and by the fifth clause of the act of the General Assembly of this province, entitled "An act for regulating a workhouse, for the custody and punishment of negroes," it is enacted that all and every person and persons within the said province taking, apprehending and securing any runaway or fugitive slave or slaves, shall and they are thereby directed and required, instead of delivering such fugitive slave or slaves to the constables in manner as directed by an act of the General Assembly of this province, now expired, entitled "An act for the better ordering and governing negroes and other slaves to send such slave or slaves immediately to the master or other person having the care or management of such slaves, if the person taking up such slaves does know, or can without difficulty be informed to whom such slaves do belong.

*And whereas* by an act of the present General Assembly of this province, entitled "An act for the better ordering and governing negroes, and other slaves and to prevent the inveigling, or carrying away slaves from their masters or employers, it is enacted That all fugitive slaves so taken up shall be, by the person or persons taking them, delivered at their option either to the owner of such slaves or to any constable of the parish: *And whereas*, under color of the said fifth clause of the act for regulating a workhouse for the custody and punishment of negroes, constables, when thereunto required by virtue of the last recited act of the General Assembly, for the better ordering and governing negroes and other slaves, to prevent the inveigling or carrying away slaves from their masters or employers, have refused to take into their charge and custody such fugitive slaves: *Be it enacted*, That immediately from and after the passing of this act, all and every fugitive slave or slaves taken up and secured within this province, shall be by the person or persons so taking them up, delivered to the owner or person having such slave or slaves in charge, or to the warden of the workhouse, or otherwise be delivered to the constable of any parish, agreeable to the direction of the thirteenth clause of the act for the better ordering and governing negroes and other slaves, and to prevent the inveigling or carrying away slaves from their masters or employers.

Fugitive slaves to be taken up and sent to their owners, or delivered to the master of the workhouse or constable.

Continuation.

2 *And whereas*, the said act for regulating a workhouse for the custody and punishment of negroes is near expiring, *Be it enacted*, That the said act, and every part and clause thereof, except such part of the fifth clause as is in and by this act altered and amended, shall further continue and be in force, for and during the space of three years from and after the passing hereof, and from thence to the end of the next session of the General Assembly and no longer.

By order of the Commons House of Assembly.

ALEXANDER WYLLY, *Speaker.*

By order of the Upper House.

JAMES HABERSHAM, *President.*

Council Chamber, 26th March, 1767.

Assented to.

JAMES WRIGHT.

**W**HEREAS, agreeably to the act of the sixth day of December, in the year of our Lord one thousand seven hundred and ninety-nine, wherein it is declared, "That for the more general promulgation of the laws of this state, the secretary of the state with two commissioners, who shall be appointed by the legislature for that purpose, shall examine into, digest and arrange the several laws thereof now in force, and report the same to his excellency the governor, who shall approve or disapprove of the same;" and "That if his excellency the governor shall approve of such digest of the laws of the state as may be reported to him in pursuance of this act, that then the secretary of the state shall, under the direction of the executive thereof, cause to be printed, in a quarto bound volume or volumes, one thousand copies of such digest of the laws of this state as may be reported by the aforesaid commissioners and secretary of state, in terms of this act." I have attended to the report of a digest compiled by Horatio Marbury and William H. Crawford; and taking into view the eighth section of the third article of the constitution, to wit: "Within five years after the adoption of this constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged under proper heads, and promulgated in such manner as the legislature may direct."

*And whereas* the last legislature by joint ballot did appoint, in addition to the secretary of state, the acknowledged state commissioner by law, George Watkins, and William H. Crawford, additional commissioners to carry into execution the act for a digest as aforesaid:

*And whereas* the said several commissioners, the one from duty as state commissioner and the others from election, did, on the eighth day of December, one thousand eight hundred, assemble at the state-house under the said law, and take the oath required in and by a resolution passed both Houses, and approved by the governor constitutionally on the second day of December last, as follows: "I do solemnly swear, that I will, to the best of my power and ability, and agreeably to the constitution, revise, digest and arrange under proper heads, the body of the civil and criminal laws of this state, and that I will in no wise or manner whatever insert in the said digest a certain usurped act, entitled 'An act supplementary to an act, entitled An act for appropriating a part of the unlocated territory of this state for the payment of the late state troops, and for other purposes therein mentioned, declaring the rights of this state to the unappropriated territory thereof, for the protection and support of the frontiers of this state, and for other purposes.' So help me God." And George Watkins, after being solemnly sworn, never attended to perform his duty, whether actuated by motives to defeat the due execution of public powers, or others, not ascertained:

**Now know ye, legislators, citizens and people of Georgia,** That I, JAMES JACKSON, Governor thereof, in conformity to and in obedience of the aforesaid act, do confirm and establish Marbury and Crawford's reported digest as the digest of the state, believing that every useful act of force is in it, and that no material act to injure private or public happiness or property is withdrawn or concealed from it.

I therefore approve and ratify it, leaving an appendix and proper index, for which their characters and further emoluments are interested, to their future attention, and to a revival by the legislature.

JAMES JACKSON.



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# A P P E N D I X.

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## TREATY AT AUGUSTA,

WITH THE CHEROKEE AND CREEK INDIANS, IN 1778.

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### Georgia.

At a congress held at Augusta, in the province of Georgia, on the first day of June, in the year of our Lord one thousand seven hundred and seventy-three, by his excellency Sir James Wright, bart. captain general and commander in chief of the said province, and the honorable John Stewart, esq. his majesty's sole agent for and superintendent of Indian affairs in the southern district of North America, and the several chiefs of the Cherokee and Creek Indians, who are authorized and empowered by the several tribes of the Cherokees and Creeks to attend at this congress, and to act for them and each of them: Treaty with the Creeks and Cherokees.

**W**HEREAS the Cherokee Indians did some time ago propose to the aforesaid governor and the superintendent, to cede unto his most sacred majesty king George the Third a certain tract of land, situate, lying and being within the province of Georgia, on the river Savannah, above Little River, and extending up Savannah River above Broad River, and across the country towards the Oconee River, and which the said Cherokee Indians claimed as their right and property: *And whereas* the said Cherokee Indians, having considered of their great poverty and distress, and finding it to be out of their power to pay their debts due from them to their traders in the usual way, by hunting and getting deer skins, declared themselves under the necessity of making the above proposition, and requested the said governor and superintendent to lay their distressed situation before his majesty, and to implore that he would be graciously pleased to accept of a cession of the said lands from them, and that the same might be appropriated towards the payment of their debts justly due to the unfortunate people who had been trading amongst them since the peace made with them, which was in the year one thousand seven hundred and sixty-one, that so their traders might be enabled to furnish them with goods as usual: *And whereas* the distressed state and condition of the said Indians, together with their proposition and request as aforesaid, having been fully represented unto his majesty, who being graciously disposed to relieve the said Indians from their necessities and distress, and to promote and preserve peace and good order between and amongst them and his majesty's subjects trading with them, was pleased to consent to receive a cession of the

said lands for the purposes aforesaid, and hath given instructions to his said governor and superintendent to hold a congress with them, and to take a cession of the said lands accordingly :

*And whereas* the Creek Indians do also claim to have a right and property in the said lands claimed by the Cherokee Indians, and proposed to be ceded by them as aforesaid: *And whereas* the said Creek Indians, in consideration of the payment of the debts justly due from them to the persons trading with them since the above period, have also consented and agreed to join in the said cession, and also to add some further lands to those proposed to be ceded by the Cherokee Indians: *And whereas* his majesty hath been also pleased to approve of the same, and to direct that a cession of all the said lands be received and taken jointly from both the Cherokee and Creek Indians; It is therefore consented and agreed by and between the several Indian chiefs present, and who have signed this treaty of cession, as well Creeks as Cherokees, and who declare themselves to be fully and absolutely authorized and empowered by the several kings, head men and warriors of the Upper and Lower Creeks and of all the Cherokee country, for and in behalf of themselves and their several nations and tribes, in manner and form following, that is to say: We, the said Indian chiefs, as well Creeks as Cherokees, do freely offer and request, that the said governor and superintendent, in behalf and for the use of his most sacred majesty George the Third, and to his successors forever, will accept of a grant and cession of the several lands herein after mentioned and described, that is to say: To begin at the place where the Lower Creek Path intersects Ogechee River; and along the main branch of said river, to the source of the southernmost branch of said river; and from thence along the ridge between the waters of Broad River and Oconee River, up to the Buffalo Lick; and from thence in a straight line to the tree marked by the Cherokees, near the head of a branch falling into the Oconee River; and from thence along the said ridge, twenty miles above the line already run by the Cherokees; and from thence across to Savannah River by a line run parallel with that formerly marked by them: And the Creeks, by Saleachie, and Taleachie, and other head men of the Lower Creeks, also cede from the present boundary line at Pinhotaway Creek, on the Alatomaha River, up the said river to an island opposite to the mouth of Barber Creek, and from thence across to Ogechee River, opposite to the road about four miles above Buck-head, where a canoc ferry used to be kept. And we, the said several Indian chiefs, for ourselves and our several nations and tribes of Indians, do hereby solemnly declare, that we do fully and clearly understand every part of this treaty and cession, it having been fully interpreted and explained to us, and that the same is made at our own requests and for our own benefit and advantage, and for and towards the payment and satisfaction of the several debts which are justly due and owing from us to the several persons who have traded and supplied us with goods as aforesaid. And we, the said Creek Indian chiefs and Cherokee Indian chiefs, in consideration aforesaid, do by these presents, in the most solemn manner, for us and our several nations and tribes, fully and absolutely give, grant and confirm unto his most sacred majesty king George the Third, all and singular the lands herein before mentioned and described. And we do, for ourselves and our nations and tribes as aforesaid, and for each and every of us and them, surrender and yield up all and each and every of our respective rights, titles, interest, claim and property of and in the aforesaid lands, unto his said majesty king George the Third; TO HOLD the same unto him and his successors forever. And we the said Creek Indian chiefs do hereby fully and absolutely agree, that from



henceforth the above lines and bounding shall be the mark of division of lands between his majesty's subjects in the province aforesaid, and as the said Creek Indians, notwithstanding any former agreement or boundary to the contrary; and that we will not disturb any of his majesty's subjects in their settlements, or otherwise within the lines aforesaid. In consideration whereof, it is agreed on the part of his majesty, that the monies arising by sale of the lands ceded as aforesaid, after defraying the expence of this congress and such other charges and expences as will necessarily arise in carrying this measure into execution, shall be applied towards the payment and satisfaction of such debts as shall appear to be justly due and owing from the Indians to their traders as aforesaid.

*In testimony whereof*, We, the said governor and superintendent, have signed this present treaty or deed of cession, and put to it our respective seals, the day and year above written; and the several kings and chiefs of the several nations and tribes of Indians, have also set their hands and seals to the same, at the time and place aforesaid.

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## TREATY AT AUGUSTA,

WITH THE CHEROKEE INDIANS, IN 1783.

### Georgia.

Articles of a convention held at Augusta, in the county of Richmond, and state aforesaid, this thirty-first day of May, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the independence of the said state, between his honor Lyman Hall, esq. governor and commander in chief in and over the said state, general John Twiggs, colonel Elijah Clark, colonel W. Few, the honorable Edward Telfair, esq. and general Samuel Elbert, commissioners appointed by the legislature of the same, on the one part, and Tarpin, of the Lower Towns, Tarpin, son of the great warrior, the Bird-in-close, or the Che qua ena, Nenean Jack, Claunaw, Chicafaw Tue, Afcaster, Amakantie, Claw Wastie, Joenatua, Julataha, John Chisqua Una, China Wata, Calata, Junastuta and Canauta, head men, warriors and chiefs of the hordes or tribes of Cherokee Indians, in behalf of the said nation, on the other part, as follows:

**W**HEREAS a good understanding and union between the inhabitants of the said state and the Indians aforesaid, is reciprocally necessary and convenient, as well on account of a friendly intercourse and trade, as for the purposes of peace and humanity: It is therefore agreed and covenanted:

I. That all differences between the said parties heretofore subsisting, shall cease and be forgotten.

II. That all just debts due by any of the said Indians to any of the merchants or traders of the said state, shall be fairly and fully paid, and all negroes, horses, or other property, taken during the late war shall be restored.

III. That a new line shall be drawn without delay, between the present settlements in the said state and the hunting grounds of the said Indians; to begin on Savannah River where the present line strikes it, thence up the said river to a place, on the most northern branch of the same (commonly called Keowee) where a north east line, to be drawn from the top of the Oconna Mountain, shall intersect; thence along the said line in a southwest direction, to the top of the said mountain; thence in the same direction to the Tugalo River; thence to the top of the Currohee Mountain; thence to the head or source of the most southern branch of the Oconee River, including all the waters of the same; and thence down the middle of said branch to the Creek line.

IV. In consideration of the friendship, which the people and government of the said state bear to the Indians aforesaid, and of their good will evinced by their present attendance, the governor and commissioners aforesaid, have made presents to them of a considerable amount, which they hereby acknowledge to have received.

V. That a trade shall be carried on by the traders and merchants of the said state, to the towns of the said Indians; in which the traders who shall reside among them and the pack-horsemen in going and coming shall be protected; the trade to be subject to future regulations of government.

VI. And lastly, they the said head men, warriors and chiefs, whose hands and seals are hereunto affixed, do hereby, for themselves and for the nation they are empowered and do effectually represent, recognize, declare and acknowledge, that all the lands, waters, woods and game lying and being in the state, eastward of the line herein before particularly mentioned and described, is, are and do belong, and of right appertain to the people and government of the state of Georgia; and they the Indians aforesaid, as well for themselves as the said nation, do give up, release, alien, relinquish and forever quit claim to the same or any part thereof.

Done and executed at Augusta aforesaid, the day and year above mentioned, in the presence of those whose names are subscribed.

LYMAN HALL.	(L. S.)	TARPINE.	X (L. S.)
JOHN TWIGGS.	(L. S.)	TARPINE.	X (L. S.)
ELIJAH CLARK.	(L. S.)	CHEQUA ENA.	X (L. S.)
W. FEW.	(L. S.)	NENEAN JACK.	X (L. S.)
EDWARD TELFAIR.	(L. S.)	CLAUNAU.	X (L. S.)
S. ELBERT.	(L. S.)	CHICKASAW-TUE.	X (L. S.)
		ASCATER.	X (L. S.)
		AMAKANTIE.	X (L. S.)
		CLAWASTIE.	X (L. S.)
		JOENATUA.	X (L. S.)
		JULATAHA.	X (L. S.)
		JOHN.	X (L. S.)
		CHISQUA UNA.	X (L. S.)
		CHINA WATA.	X (L. S.)
		CALATA.	X (L. S.)
		JUNASLUTA.	X (L. S.)
		CANAUTA.	X (L. S.)
		CAT.	X (L. S.)

Witness,  
 GEORGE WALTON.  
 ANDREW M'LEAN,

## TREATY AT AUGUSTA,

WITH THE CREEK INDIANS, IN 1783.

### Georgia.

Articles of convention held at Augusta, in the county of Richmond, and state afore said, this first day of November, in the year of our Lord one thousand seven hundred and eighty-three, and in the eighth year of the independence of the said state, between John Twiggs, Elijah Clark, Edward Telfair, Andrew Burns and William Glascock, commissioners appointed by the authority of the same, on the one part, and the Tallesee King, Tallesee Warrior, the Fat King, Mad Fish, Topwar King, Alachago, Hitcheto Warrior, Okoney, Okolege, Cuse King, Second Man, Inomatwhata, Inomatawtushigua, Head Warrior, Gugahacho, head men, warriors and chiefs of the hordes or tribes of Creek Indians, in behalf of the said nation, on the other part, as follows:

**W**HEREAS a good understanding and union between the inhabitants of the said state and the Indians aforesaid, is reciprocally necessary and convenient, as well on account of a friendly intercourse and trade as for the purposes of peace and humanity: It is therefore agreed and covenanted:

I. That all differences between the said parties heretofore subsisting, shall cease and be forgotten.

II. That all just debts due by any of the said Indians to any of the merchants or traders of the said state, shall be fairly and fully paid; and all negroes, horses, cattle or other property taken during the late war, shall be restored.

III. That a new line shall be drawn without delay, between the present settlements in the said state and the hunting grounds of the said Indians; to begin on Savannah River, where the present line strikes it, thence up the said river to a place on the most northern branch of the same, commonly called Keowee, where a northeast line, to be drawn from the top of the Oconna mountain, shall intersect; thence along the said line in a southwest direction to the said mountain; thence in the same direction to Tugalo River: thence to the top of the Currohee mountain; thence to the head or source of the most southern branch of the Oconee River, including all the waters of the same; thence down the said river to the old line.

IV. In consideration of the friendship which the people and government of the said state bear to the Indians aforesaid, and of their good will evinced by their present attendance, the commissioners aforesaid have made presents to them to a considerable amount, which they hereby acknowledge to have received.

V. That a trade shall be carried on by the traders and merchants of the said state to the towns of the said Indians; in which the traders, who shall reside among them

and the pack-horsemen in going and coming shall be protected; the trade to be subject to future regulations of government.

VI. And lastly, they the said head men, warriors and chiefs, whose hands and seals are hereunto affixed, do hereby for themselves and for the nation they are empowered and do effectually represent, recognize, declare and acknowledge, that all the lands, waters, woods and game, lying and being in the state eastward of the line herein before particularly mentioned and described, is, are and do belong, and of right appertain to the people and government of the state of Georgia; and they the said Indians afore said, as well for themselves as the said nation, do give up, release, alien, relinquish, and forever quit claim to the same and every part thereof.

Done and executed at Augusta afore said, the day and year above mentioned, in the presence of those whose names are subscribed.

JOHN TWIGGS.	(L. S.)	TALLESEE KING.	X (L. S.)
ELIJAH CLARK.	(L. S.)	TALLESEE WARRIOR.	X (L. S.)
EDWARD TELFAIR.	(L. S.)	FAT KING.	X (L. S.)
ANDREW BURNS.	(L. S.)	MAD FISH.	X (L. S.)
WILLIAM GLASCOCK.	(L. S.)	TOPWAR KING.	X (L. S.)
		ALACHAGO.	X (L. S.)
		HITCHETO WARRIOR.	X (L. S.)
		OKOLEGE.	X (L. S.)
		COWETAW.	X (L. S.)
		CUSE KING.	X (L. S.)
		SECOND MAN.	X (L. S.)
		INOMATUHATA.	X (L. S.)
		INOMATAWTUSNIGUA.	X (L. S.)
		SUGAHACHO.	X (L. S.)

Signed, sealed and delivered in presence of Cornelius Dyfart, Richard Henson, John Lamar.

# TREATY AT GALPHINTON,

WITH THE CREEK INDIANS, IN 1785.

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Articles of a treaty concluded at Galphinton, on the twelfth day of November, one thousand seven hundred and eighty-five, between the underwritten commissioners, in behalf of the state of Georgia, of the one part; and the kings, head men and warriors in behalf of themselves, and all the Indians in the Creek nation of the other in the following conditions.

## ARTICLE I.

**T**HE said Indians for themselves and all the tribes or towns within their respective nations, within the limits of the state of Georgia, have been and now are members of the same, since the day and date of the constitution of the said state of Georgia.

II. If any citizen of this state or other person or persons shall attempt to settle or run any of the lands reserved to the Indians for their hunting grounds, such person or persons may be detained until the governor shall demand him or them, and then it shall be lawful for any of the tribes near such offenders to come and see the punishment, according to such laws as now are or hereafter shall be enacted by the said state for trying such offences.

III. It shall in no case be understood, that the punishment of the innocent, under the idea of retaliation shall be practised on either side.

IV. If any citizen of this state or other white person or persons shall commit a robbery or murder or other capital crime on any Indian, such offenders shall be delivered up to justice, and shall be tried according to the laws of the state, and due notice of such intended punishment shall be sent to some one of the tribes.

V. If any Indian shall commit a robbery or murder or other capital crime on any white person, such offenders shall receive a punishment adequate to such offence, and due notice of such intended punishment shall be given to his honor the governor.

VI. In case of any design being formed in any neighboring tribes, against the peace or safety of the state, which they shall know or suspect, they shall make known the same to his honor the governor.

VII. All white person or persons shall be at liberty and conducted in safety into the settled parts of the state when they shall require it, except such persons as shall come under the restrictions pointed out in the second article.

VIII. The said Indians shall restore all the negroes, horses or other property

that are or may be among them, belonging to any citizen of this state or any other person or persons whatever, to such person as the governor shall direct.

IX. That the trade with the said Indians shall be carried on as heretofore.

X. All horses belonging to any Indian that shall be found in the said state, such horses shall be restored to such person as the head men or the tribe where such Indian may reside shall direct.

XI. The present temporary line reserved to the Indians for their hunting ground, shall be agreeable to the treaty held at Augusta in the year one thousand seven hundred and eighty-three; and that a new temporary line shall begin at the forks of the Oconee and Oakmulgee Rivers, thence in a southwest direction, until it shall intersect the most southern part of the stream called St. Mary's River, including all the islands and waters of the said stream, thence down the said river to the old line. And all the ground without the said new temporary lines, when run and completed, shall be reserved to the Indians for their hunting grounds as aforesaid.

In witness whereof the parties have hereunto affixed their hands and seals the day and year above written.

On the part of the state,

JOHN TWIGGS.	(L. S.)	}	<i>Commissioners.</i>
ELIJAH CLARK,	(L. S.)		

On the part of the Indians,

WARRIOR KING.	X (L. S.)
O'KEMULGÉY TUSKONUCKY.	X (L. S.)
TUSKIA MICKO.	X (L. S.)
CUSRATER MICKO.	X (L. S.)
ENCHALUCKO.	X (L. S.)
POHILLKE OAKFUSKIES.	X (L. S.)
INNEHANA UFOLLIES.	X (L. S.)
ABICO TUSKANUCKY.	X (L. S.)
INNEHA MICKO.	X (L. S.)
YAHOLO MICKO.	X (L. S.)
COSO MICKO.	X (L. S.)
OPOHELTHE MICKO.	X (L. S.)
CUSO MICKO.	X (L. S.)
DICKSON TALLICUS.	X (L. S.)
UPALAHAJOE.	X (L. S.)
OPOYHAJOE.	X (L. S.)
WARTUCKO MICKO.	X (L. S.)

Signed, sealed and delivered in presence of Thomas Glascock, John King, J. Clements, Jared Irwin, James Darouzeaux, I. P. T. for the state of Georgia, Philip Scott, *his X mark*, William Moore.

*TREATY AT HOPEWELL,*

WITH THE CHEROKEE INDIANS, IN 1785.

*ORIGINAL.*

Articles of a treaty concluded at Hopewell, on the Keowee, between Benjamin Hawkins, Andrew Pickens, Joseph Martin and Lachlan M'Intosh, commissioners plenipotentiary of the United States of America, of the one part, and the head men and warriors of all the Cherokees of the other:

**T**HE commissioners plenipotentiary of the United States in Congress assembled, give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions:

*ARTICLE I.*

The head men and warriors of all the Cherokees, shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty: They shall also restore all the negroes, and all other property taken during the late war from the citizens, to such person, and at such time and place as the commissioners shall appoint.

*ARTICLE II.*

The commissioners of the United States in congress assembled, shall restore all the prisoners taken from the Indians, during the late war, to the head men and warriors of the Cherokees, as early as is practicable.

*ARTICLE III.*

The said Indians for themselves, and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other sovereign whatsoever.

*ARTICLE IV.*

The boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the citizens of the United States, within the limits of the United States of America is, and shall be the following, viz. Beginning at the mouth of Duck River on the Tennessee; thence running northeast to the ridge dividing the waters running into Columbia from those running into the Tennessee; thence eastwardly along the said ridge to a northeast line to be run, which strikes the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river: thence to Campbell's line, near Cumberland gap; thence to the mouth of Claud's Creek on Holstein; thence to the Chimneytop Mountain; thence to Camp Creek, near the mouth of big Limestone, on Nolichucky; thence a southerly course six miles to a mountain; thence south to the North-Carolina line; thence to South-Carolina Indian boundary, and along the same southwest over the top of the Oconee Mountain till it shall strike Tugalo River; thence a direct line to the top of the Currohee Mountain; thence to the head of the south fork of Oconee River.

## ARTICLE V.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary which are hereby allotted to the Indians for their hunting grounds, or having already settled and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please: *Provided nevertheless*, That this article shall not extend to the people settled between the fork of French Broad and Holstein Rivers, whose particular situation shall be transmitted to the United States in congress assembled for their decision thereon, which the Indians agree to abide by.

## ARTICLE VI.

If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery, or murder, or other capital crime, on any citizen of the United States or person under their protection, the nation or the tribe to which such offender or offenders may belong shall be bound to deliver him or them up to be punished according to the ordinances of the United States: *Provided*, That the punishment shall not be greater than if the robbery, or murder, or other capital crime, had been committed by a citizen on a citizen.

## ARTICLE VII.

If any citizen of the United States, or person under their protection, shall commit a robbery, or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the murder, or robbery, or other capital crime had been committed on a citizen of the United States; and the punishment shall be in presence of some of the Cherokees, if any shall attend at the time and place, and that they may have an opportunity to do, due notice of the time of such intended punishment shall be sent to some one of the tribes.

## ARTICLE VIII.

It is understood, that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty, and then it shall be preceded first by a demand of justice, and if refused, then by a declaration of hostilities.

## ARTICLE IX.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in congress assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

## ARTICLE X.

Until the pleasure of congress be known respecting the ninth article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they shall be protected in their persons and property, and kindly treated.

## ARTICLE XI.

The said Indians shall give notice to the citizens of the United States, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whatsoever, against the peace, trade or interest of the United States.



## ARTICLE XII.

That the Indians may have full confidence in the United States respecting their interests, they shall have the right to send a deputy of their choice, whenever they think fit, to congress.

## ARTICLE XIII.

The hatchet shall be forever buried, and the peace given by the United States and friendship re-established between the said states on the one part, and all the Cherokees on the other, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established.

In witness of all and every thing herein determined between the United States of America and all the Cherokees, We, their underwritten commissioners, by virtue of our full powers have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell, on the Keowee, this twenty-eighth of November, in the year of our Lord one thousand seven hundred and eighty-five.

BENJAMIN HAWKINS.	(L. S.)
ANDREW PICKENS.	(L. S.)
JOSEPH MARTIN.	(L. S.)
LACHLAN M'INTOSH.	(L. S.)

KOATOHEE, or Corn Tassel of Toquo	X (L. S.)
SCHOLAUETTA, or Hanging Man of Chota.	X (L. S.)
TUSKEGATAHU, or Long Fellow of Christohoe.	X (L. S.)
OSKWHA, or Abraham of Chilkowa.	X (L. S.)
KOLAKUSTA, or Prince of North.	X (L. S.)
NEWOTA, or the Gritzs of Chicamaga.	X (L. S.)
KONATOTA, or the Rising Fawn of Highwassay.	X (L. S.)
TUCKASEE, or Young Tarrapin of Allajoy.	X (L. S.)
TOOSTAKA, or the Waker of Oostanwa.	X (L. S.)
UNTOOLA, or Gun Rod of Seteco.	X (L. S.)
UNSUOAKANAIL, Buffaloe White Calf New Cuffee.	X (L. S.)
KOASTAYEAK, or Sharp Fellow, Wataga.	X (L. S.)
CHONOSTA, of Cowe.	X (L. S.)
CHESCOONWHA, Bird in clofe of Tomotlug.	X (L. S.)
TUCKASEE, or Tarrapin of Hightowa.	X (L. S.)
CHESETOA, or the Rabbit of Flacoa.	X (L. S.)
CHESICOTETONA, or Yellow Bird of the Pine Log.	X (L. S.)
SKETALOSKA, Second Man of Tillico.	X (L. S.)
CHOKASOTAHE, Chickafaw Killer Dafonta.	X (L. S.)
ONANOOTA, of Koofoatee.	X (L. S.)
OOKOSETA, or Sower Muff of Kooloque.	X (L. S.)
UMATOOETHA, the Water Hunter, Choikamawgu.	X (L. S.)
WYUKA, of Lookout Mountain.	X (L. S.)
TULCO, or Tom of Chatuga.	X (L. S.)
WILL, of Akoha.	X (L. S.)
NECATEE, of Sawta.	X (L. S.)

AMOKONTAKONO, Kutcloa.	X (L. S.)
KOWETATAHEE, in Frog Town.	X (L. S.)
KEUKUCH, Talkoa.	X (L. S.)
TULATISCA, of Chaway.	X (L. S.)
WOOALUKA, the Way Layer, Chota.	X (L. S.)
TATLUISTA, or Porpus of Tilaffi.	X (L. S.)
JOHN, of Little Tallico.	X (L. S.)
SKELILAK.	X (L. S.)
AKONOLUCHTA, the Cabin.	X (L. S.)
CHENANOKA, of Kawetakac.	X (L. S.)
YELLOW BIRD.	X (L. S.)

Witness, William Blount, Samuel Taylor, major John Owen, Jeffe Walton, John Cowan, captain commandant, Thomas Gegg, W. Hazard. James Madifon, Arthur Coody, sworn interpreters.

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## TREATY AT HOPEWELL,

WITH THE CHOCTAW INDIANS, IN 1786.

### ORIGINAL.

Articles of a treaty concluded at Hopewell, on the Keowee, near Seneca Old Town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, commissioners plenipotentiary of the United States of America, of the one part, and Yockonahoma, great medal chief of Soonacoha; Yockahoopoie, leading chief of Bugtoogoloo; Mingohoopoie, leading chief of Hoshooqua; Tobocoh, great medal chief of Congetoo; Pooshemaftubie, gorget captain of Senayazo; and thirteen small medal chiefs of the first class, twelve medal and gorget captains, commissioners plenipotentiary of all the Choctaw nation, of the other part:

**T**HE commissioners plenipotentiary of the United States of America give peace to all the Choctaw nation, and receive them into the favor and protection of the United States of America, on the following conditions:

#### ARTICLE I.

The commissioners plenipotentiary of all the Choctaw nation, shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty, if any there be in the Choctaw nation; they shall also restore all the negroes, and all other property taken during the late war, from the citizens, to such person and at such time and places as the commissioners of the United States of America shall appoint, if any there be in the Choctaw nation.

#### ARTICLE II.

The commissioners plenipotentiary of all the Choctaw nation, do hereby acknowledge the tribes and towns of the said nation, and the lands within the boundary al-

lotted to the said Indians to live and hunt on, as mentioned in the third article, to be under the protection of the United States of America, and of no other sovereign whosoever.

### ARTICLE III.

The boundary of the lands hereby allotted to the Choctaw nation to live and hunt on, within the limits of the United States of America, is and shall be the following, viz. Beginning at a point on the thirty-first degree of north latitude where the eastern boundary of the Natches district shall touch the same, thence east along the said thirty-first degree of north latitude, being the southern boundary of the United States of America, until it shall strike the eastern boundary of the lands on which the Indians of the said nation did live and hunt on the twenty-ninth of November, one thousand seven hundred and eighty-two while they were under the protection of the king of Great-Britain; thence northerly along the said eastern boundary, until it shall meet the northern boundary of the said lands; thence westerly along the said northern boundary until it shall meet the western boundary thereof; thence southerly along the same to the beginning saving and preserving for the establishment of trading posts, three tracts or parcels of land of six miles square each, at such places as the United States in congress assembled shall think proper; which posts, and the lands annexed to them, shall be to the use and under the government of the United States of America.

### ARTICLE IV.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Indians to live and hunt on, such person shall forfeit the protection of the United States of America, and the Indians may punish him or not as they please.

### ARTICLE V.

If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery or murder or other capital crime on any citizen of the United States of America, or person under their protection, the tribe to which such offender may belong, or the nation, shall be bound to deliver him or them up to be punished according to the ordinances of the United States in congress assembled: *Provided*, That the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

### ARTICLE VI.

If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders, shall be punished in the same manner, as if the robbery or murder, or other capital crime had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the Choctaws, if any will attend at the time and place; and that they may have an opportunity so to do, due notice if practicable, of the time of such intended punishment shall be sent to some one of the tribes.

### ARTICLE VII.

It is understood that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest vio-

lation of this treaty ; and then it shall be preceded, first by a demand of justice, and if refused, then by a declaration of hostilities.

#### ARTICLE VIII.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in congress assembled shall have the sole and exclusive right of regulating the trade with the Indians and managing all their affairs in such manner as they think proper.

#### ARTICLE IX.

Until the pleasure of congress be known, respecting the eighth article, all traders, citizens of the United States of America, shall have liberty to go to any of the tribes or towns of the Choctaws, to trade with them, and they shall be protected in their persons and property, and kindly treated.

#### ARTICLE X.

The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whosoever, against the peace, trade or interest of the United States of America.

#### ARTICLE XI.

The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said states on the one part, and all the Choctaw nation on the other part, shall be universal; and the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

In witness of all and every thing herein determined, between the United States of America and all the Choctaws, We, their underwritten commissioners, by virtue of our full powers have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell on the Keowee this third day of January, in the year of our Lord one thousand seven hundred and eighty-six.

BENJAMIN HAWKINS.	X (L. S.)
ANDREW PICKENS.	X (L. S.)
JOSEPH MARTIN,	X (L. S.)

TOOTEHOOMA.	X (L. S.)	SHINSTEMASTUBY.	X (L. S.)
TOOBENOHOOMOCH.	X (L. S.)	YOOPAKOOMA.	X (L. S.)
YOCKENAHOMA.	X (L. S.)	STOONOKOOHOPOIE.	X (L. S.)
YOCKEHOPOIE.	X (L. S.)	TEHAKUHBAY.	X (L. S.)
MINGOHOPOIE.	X (L. S.)	POOSTEMASTUBY.	X (L. S.)
TOBOCOH.	X (L. S.)	TUSKKAHOOMOCH.	X (L. S.)
POOSTEMASTUBY.	X (L. S.)	TUSHKAHOOMOCH.	X (L. S.)
POO SHAHOOMA.	X (L. S.)	YOOSTENOCHHA.	X (L. S.)
TUSCOONOOHOPOIE.	X (L. S.)	CHECOOPOHOOMOCH.	X (L. S.)

STONAKOOHOPOIE.	X (L. S.)	STEABEE.	X (L. S.)
TUSHKOHEEGOHTA.	X (L. S.)	TENCTEHENNA.	X (L. S.)
TESHUHENOCLOCH.	X (L. S.)	TUSHKEMENTAHOCK.	X (L. S.)
POOSHONALTLA.	X (L. S.)	TUSHTALLAY.	X (L. S.)
OKANCONNOOBA.	X (L. S.)	ESHNAANGCHABBA.	X (L. S.)
HUTOONACHUBA.	X (L. S.)	CUNNOPOIE.	X (L. S.)
PANGUKOOLOCH.	X (L. S.)		

Witness, William Blount, John Woods, Samuel Taylor, Robert Anderson, Benjamin Lawrence, John Pitchlym, James Cob, interpreters.

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## TREATY AT HOPEWELL,

WITH THE CHICKASAW INDIANS, IN 1786.

### ORIGINAL.

Articles of a treaty concluded at Hopewell, on the Keowee, near Seneca Old Town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, commissioners plenipotentiary of the United States of America, of the one part, and Piomingo, head warrior and first minister of the Chickasaw nation, Mingatufka, one of the leading chiefs, and Latopoa, first beloved man of the said nation, commissioners plenipotentiary of all the Chickasaws, of the other part.

THE commissioners plenipotentiary of the United States of America give peace to the Chickasaw nation, and receive them into the favor and protection of the said states, on the following conditions:

#### ARTICLE I.

The commissioners plenipotentiary of the Chickasaw nation shall restore all the prisoners, citizens of the United States, to their entire liberty, if any there be in the Chickasaw nation. They shall also restore all the negroes and other property taken during the late war from the citizens, if any there be in the Chickasaw nation, to such person and at such time and place as the commissioners of the United States of America shall appoint.

#### ARTICLE II.

The commissioners plenipotentiary of the Chickasaws, do hereby acknowledge the tribes and towns of the Chickasaw nation; to be under the protection of the United States of America, and of no other sovereign whatsoever.

#### ARTICLE III.

The boundary of the lands hereby allotted to the Chickasaw nation to live and hunt on, within the limits of the United States of America, is, and shall be the following, viz. Beginning on the ridge that divides the waters running into the Cumber-

land, from those running into the Tennessee, at a point to be run in a line northeast, which shall strike the Tennessee, at the mouth of Duck River, thence running westerly along the said ridge, till it shall strike the Ohio; thence down the southern banks thereof to the Mississippi; thence down the same, to the Choctaw line or Natches district; thence along the said line, or the line of the district eastwardly as far as the Chickasaws claimed, and lived and hunted on, the twenty-ninth of November, one thousand seven hundred and eighty-two; thence the said boundary eastwardly, shall be the lands allotted to the Choctaws and Cherokees to live and hunt on, and the lands present in the possession of the Creeks; saving and reserving for the establishment of a trading post, a tract or parcel of land to be laid out at the lower post of the Muscle Shoals at the mouth of Ocochappo, in a circle, the diameter of which shall be five miles on the\* River, which post, and the lands annexed thereto, shall be to the use and under the government of the United States of America.

#### ARTICLE IV.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Chickasaws to live and hunt on, such person shall forfeit the protection of the United States of America, and the Chickasaws may punish him or not as they please.

#### ARTICLE V.

If any Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States, or person under their protection, the tribe to which such offender or offenders may belong, or the nation shall be bound to deliver him or them up to be punished according to the ordinances of the United States in congress assembled: *Provided*, That the punishment shall not be greater, than if the robbery or murder, or other capital crime had been committed by a citizen on a citizen.

#### ARTICLE VI.

If any citizen of the United States of America, or person under their protection, shall commit a robbery, or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the robbery, or murder, or other capital crime had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the Chickasaws, if any will attend at the time and place, and that they may have an opportunity so to do, due notice, if practicable, of such intended punishment shall be sent to some one of the tribes.

#### ARTICLE VII.

It is understood, that the punishment of the innocent under the idea of retaliation is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty, and then it shall be preceded first by a demand of justice, and if refused, then by a declaration of hostilities.

#### ARTICLE VIII.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in Congress as-

\* The name of the river is not in the original.

sembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

## ARTICLE IX.

Until the pleasure of congress be known respecting the eighth article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Chickafaws to trade with them, and they shall be protected in their persons and property, and kindly treated.

## ARTICLE X.

The said Indians shall give notice to the citizens of the United States of America of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whosoever, against the peace, trade or interest of the United States of America.

## ARTICLE XI.

The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said states on the one part, and the Chickafaw nation on the other part, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid and friendship re-established.

In witness of all and every thing herein contained between the said states and Chickafaws, We, their underwritten commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

Done at Hopewell, on the Keowee, this tenth day of January, in the year of our Lord one thousand seven hundred and eighty-six.

BENJAMIN HAWKINS.	(L. S.)	PIOMINGO.	X (L. S.)
ANDREW PICKENS.	(L. S.)	MINGATUSKA.	X (L. S.)
JOSEPH MARTIN.	(L. S.)	LATOPOIA.	X (L. S.)

Witness, William Blount, William Hazzard, Samuel Taylor, James Cole, sworn interpreter.

## TREATY AT SHOULDER-BONE,

WITH THE CREEK INDIANS, IN 1786.

### Georgia.

Articles of a treaty of peace, amity and commerce, concluded near the mouth of Shoulder-bone Creek, a branch of the Oconee River, the third day of November, in the year of our Lord one thousand seven hundred and eighty-six, and of the independence of the United States of America the eleventh, between the subscribing commissioners, in behalf of the state of Georgia, of the one part, and the underwritten kings, head men and warriors, in behalf of the Creek nation, on the other, on the following conditions, namely:

**W**HEREAS, since the signing of the last treaty held at Galphinton, and dated the twelfth day of November, one thousand seven hundred and eighty-five, between commissioners appointed by the said state and the kings, head men and warriors of the said Creek nation, acts of hostility have been committed by parties of the Indians on the inhabitants of the said state, in violation of the said treaty, whereby the friendship and harmony so essentially necessary to both parties have been greatly disturbed: *And whereas* the said parties are now mutually desirous of renewing a treaty, which may comprehend such articles as will give satisfaction to the party injured, and restore peace, friendship and commerce to both. It is therefore covenanted and agreed:

First, The Indians for themselves and the rest of the kings, head men and warriors of the Creek nation, do promise and engage that six of their people who were of the parties that murdered the same number (say six) of the white inhabitants last spring, shall be put to death in a manner satisfactory to the person or persons whom his honor the governor or the commissioners may send to see it done. And that the white people who were the means of the said murders being committed shall be removed from the nation without delay.

Second, All negroes, horses, cattle and other property now in the nation, and which were taken from the inhabitants of Georgia, shall be restored to such person or persons as his honor the governor or the commissioners shall direct. All white or other free people in the nation who are held as prisoners or slaves shall also be delivered up to the aforefaid persons.

Third, If any citizen of this state or other person or persons shall attempt to settle or run any of the lands reserved for the Indians for their hunting grounds, such person or persons may be detained until the governor shall be informed thereof, and demand him or them, and then any of the tribes near such offenders, to come and see the punishment according to such laws as now are or hereafter may be enacted by the said state for trying such offenders.



Fourth, The punishing of innocent persons under the idea of retaliation shall not be practised on either side.

Fifth, If any citizen of the state or other white person or persons shall commit a robbery or murder or other capital crime on any Indian, such offender shall be delivered up to justice and be tried according to the laws of the state, and due notice of such intended punishment shall be sent to some one of the tribes.

Sixth, If any Indian shall commit a robbery or murder or other capital crime on any white person, such offender shall receive a punishment adequate to the offence, and due notice of such intended punishment shall be given to his honor the governor.

Seventh, If the Indians shall know or suspect of any design of any neighboring tribes against the peace or safety of this state, they shall make the same known in the most expeditious manner to his honor the governor.

Eighth, All white persons shall be at liberty, and conducted in safety into the settled parts of the state when they shall require it; except such persons as shall come under the restrictions pointed out in the third article.

Ninth, The trade with the Indians shall be carried on as heretofore. And all just debts due by any of the said Indians to any of the merchants or traders of the said state shall be fairly and fully paid.

Tenth, the present temporary lines reserved to the Indians for their hunting grounds shall be agreeable to the treaties held at Augusta and Galphinton, the former bearing date the first day of November, one thousand seven hundred and eighty-three, and the latter the twelfth day of November, one thousand seven hundred and eighty-five, every part of which is hereby fully confirmed. And the said lines shall be marked as soon as the Indians can possibly make it convenient to come down and see it done, the present being their hunting season. And of their intention of attending for the said purpose they shall notify his honor the governor, at least one month before their departure from the nation.

Eleventh, After the aforesaid lines are marked, neither white persons nor Indians shall be allowed to pass them without a special license for that purpose; that for a white person to be from under the hand of his honor the governor, and that for a trader or Indian from under the hand of the agent of the state, or his deputy residing in the nation. Any person of either party who shall be found transgressing this article, shall be detained until the authority to whom such offender belongs shall be informed thereof.

Twelfth, In proof of their good faith and sincere intentions to perform the before mentioned articles, and for the security of the inhabitants of the said state, the Indians agree to leave in the hands of the commissioners five of their people, namely, Chiuoockie Micko, of the Cowetas; Cuchas, of the Cuffetas; Suckawoockie, brother to the last named, also of the Cuffetas; Emathlocks, second man of the Broken Arrow, and Enautaleche, nephew to the head man of the Swaglos. The said Indians, during their stay among the white people, shall be provided with comfortable diet, lodging and clothing, and be well treated in every other respect.

In witness whereof the parties have hereunto affixed their hands and seals the day and year above mentioned.

On the part of the state.

JOHN HABERSHAM.	(L. S.)
ABRAHAM RAVOT.	(L. S.)
J. CLEMENTS.	(L. S.)
JAMES M'NEIL.	(L. S.)
JOHN KING.	(L. S.)
JAMES POWELL.	(L. S.)
FERDINAND O'NEIL.	(L. S.)
JARED IRWIN.	(L. S.)

On the part of the Indians.

CUSA MICO.	X (L. S.)
NINNEHOMOHTA TUSTE.	X (L. S.)
NUCKIE MICO.	X (L. S.)
MICO CHEE.	X (L. S.)
HOTHLEPOYA MICO.	X (L. S.)
OPOHETHLE MICO, or Tallifée king.	X (L. S.)
OPAYA LATA.	X (L. S.)
OPAYA HAJO.	X (L. S.)
EUFALA TESLONOKY.	X (L. S.)
OKELLASA HAJO.	X (L. S.)
ENEATHLACO OPAYA.	X (L. S.)
WAWLATA MICO.	X (L. S.)
OPAYA EMATHLA.	X (L. S.)
OCKEHAN HAJO.	X (L. S.)
OLACKTA.	X (L. S.)
TULJISCA MICO.	X (L. S.)
TUSTO NUCKIE.	X (L. S.)
HOTTESY MICO.	X (L. S.)
OSUCHEE MATHTA.	X (L. S.)
CVSSITA MICO.	X (L. S.)
ENEA MICO.	X (L. S.)
ENEA THLACO.	X (L. S.)
EPHA TUSTO NUCKIE.	X (L. S.)
ESPANE TUSTO NUKIS.	X (L. S.)
GOPPITCHU TUSTO NUCKIE.	X (L. S.)
OKE LESA.	X (L. S.)
COUSA TUSTOMUCKIE.	X (L. S.)
YAHOLA MICO.	X (L. S.)
ECONEHOT HAJO.	X (L. S.)
CUSA MICO.	X (L. S.)
CUCHAS MICO.	X (L. S.)
OCHUNNEE HOLA.	X (L. S.)
FOUSACHEE MICO.	X (L. S.)
HOLAU HAJO.	X (L. S.)
TUSIKIA MICO.	X (L. S.)
AUSUNUCK TUSTONUCKIE.	X (L. S.)

TUSIKIA MICO.	X (L. S.)
JEOMY JUSTO NUCKIE.	X (L. S.)
TOLOBE MATHLA.	X (L. S.)
HITCHETA MICO.	X (L. S.)
OPAYE JUSTO NUCHIE.	X (L. S.)
TUSTO NUCHIE.	X (L. S.)
AULACK HAJO.	X (L. S.)
ENEA THLACO.	X (L. S.)
HOPAYE MICO.	X (L. S.)
OTHLEPOYA MICO.	X (L. S.)
CHUWACKLE MICO.	X (L. S.)
ENEUTHLOCKO.	X (L. S.)
OLACTE EMATHLA.	X (L. S.)
MUOJOY.	X (L. S.)
HALLATOWEGIE.	X (L. S.)
WILL JONES.	X (L. S.)
CHATOSSAHA.	X (L. S.)
SOKAKOWAY.	X (L. S.)
CUCHAS HAJO.	X (L. S.)
TOUTKIS HAJO.	X (L. S.)
OPAYOUCHEE.	X (L. S.)
TUSK ENCHA.	X (L. S.)
WAKSE HAJO.	X (L. S.)

Signed, Sealed and delivered in presence of John Twiggs, Daniel M<sup>c</sup>Murphy,  
John Graves, James Darouzeaux, Philip Scot, P. S. his mark, James M. Stewart.

# TREATY AT NEW-YORK,

## WITH THE CREEK INDIANS, IN 1790.

A treaty of peace and friendship made and concluded between the president of the United States of America, on the part and behalf of the said states, and the undersigned, kings, chiefs, and warriors of the Creek nation of Indians on the part and behalf of the said nation.

**T**HE parties being desirous of establishing permanent peace and friendship between the United States and the said Creek nation, and the citizens and members thereof, and to remove the causes of war by ascertaining their limits, and making other necessary just and friendly arrangements: The president of the United States, by Henry Knox, secretary for the department of war, whom he hath constituted with full powers for these purposes, by and with the advice and consent of the Senate of the United States, and the Creek nation, by the undersigned kings, chiefs, and warriors, representing the said nation, have agreed to the following articles.

### ARTICLE I.

There shall be a perpetual peace and friendship between all the citizens of the United States of America, and all the individuals, towns and tribes of the upper, middle, and lower Creeks and Samanories, composing the Creek nation of Indians.

### ARTICLE II.

The undersigned kings, chiefs and warriors, for themselves and all parts of the Creek nation within the limits of the United States, do acknowledge themselves, and the said parts of the Creek nation, to be under the protection of the United States of America, and of no other sovereign whatsoever; and they also stipulate that the said Creek nation will not hold any treaty with an individual state or with individuals of any state.

### ARTICLE III.

The Creek nation shall deliver, as soon as practicable, to the commanding officer of the troops of the United States, stationed at the Rock Landing on the Oconee River, all citizens of the United States, white inhabitants or negroes, who are now prisoners in any part of the said nation. And if any such prisoners or negroes should not be so delivered on or before the first day of June ensuing, the governor of Georgia may empower three persons to repair to the said nation in order to claim and receive such prisoners and negroes.

### ARTICLE IV.

The boundary between the citizens of the United States and the Creek nation is and shall be, from where the old line strikes the river Savannah; thence up the said river to a place on the most northern branch of the same commonly called the Keowee, where a northeast line, to be drawn from the top of the Ocunna mountain, shall intersect; thence along the said line in a southwest direction to the Tugalo River; thence to the

top of the Currahee mountain; thence to the head or main south branch of the Oconee River, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with the Oakmulgee, which form the river Alatomaha; and thence down the middle of the said Alatomaha to the old line on the said river; and thence along the said old line to the river St. Mary's. And in order to preclude forever all disputes relatively to the head or source of the main south branch of the river Oconee, at the place where it shall be intersected by the line aforesaid from the Currahee mountain, the same shall be ascertained by an able surveyor on the part of the United States, who shall be assisted by three old citizens of Georgia, who may be appointed by the governor of the said state, and three old Creek chiefs, to be appointed by the said nation; and the said surveyor, citizens and chiefs shall assemble for this purpose on the first day of October, one thousand seven hundred and ninety-one, at the Rock Landing on the said river Oconee, and thence proceed to ascertain the said head or source of the main south branch of the said river, at the place where it shall be intersected by the line aforesaid, to be drawn from the Currahee mountain. And in order that the said boundary shall be rendered distinct and well known, it shall be marked by a line of felled trees at least twenty feet wide, and the trees chopped on each side, from the said Currahee mountain to the head or source of the said main south branch of the Oconee River, and thence down the margin of the said main south branch and river Oconee for the distance of twenty miles, or as much farther as may be necessary to mark distinctly the said boundary. And in order to extinguish forever all claims of the Creek nation, or any part thereof, to any of the land lying to the northward and eastward of the boundary herein described, it is hereby agreed, in addition to the considerations heretofore made for the said land that the United States will cause certain valuable Indian goods now in the state of Georgia to be delivered to the said Creek nation; and the said United States will also cause the sum of one thousand five hundred dollars to be paid annually to the said Creek nation. And the undersigned kings, chiefs and warriors do hereby, for themselves and the whole Creek nation, their heirs and descendants, for the consideration above mentioned, release, quit claim, relinquish and cede all the land to the northward and eastward of the boundary herein described.

#### ARTICLE V.

The United States solemnly guarantee to the Creek nation all their lands within the limits of the United States, to the westward and southward of the boundary described in the preceding article.

#### ARTICLE VI.

If any citizen of the United States or other person not being an Indian, shall attempt to settle on any of the Creeks' lands, such person shall forfeit the protection of the United States, and the Creeks may punish him or not as they please.

#### ARTICLE VII.

No citizen or inhabitant of the United States shall attempt to hunt or destroy game on the Creeks' lands: Nor shall any such citizen or inhabitant go into the Creek county without a passport first obtained from the governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest military post on the frontiers, or such other person as the president of the United States may from time to time authorize to grant the same.

## ARTICLE VIII.

If any Creek Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery or murder or other capital crime on any of the citizens or inhabitants of the United States, the Creek nation or town or tribe to which such offender or offenders may belong, shall be bound to deliver him or them up, to be punished according to the laws of the United States.

## ARTICLE IX.

If any citizen or inhabitant of the United States or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Creek nation of Indians, and shall there commit any crime upon or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

## ARTICLE X.

In cases of violence on the persons or property of the individuals of either party, neither retaliation nor reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is, and shall have been refused.

## ARTICLE XI.

The Creeks shall give notice to the citizens of the United States of any designs which they may know or suspect to be formed in a neighboring tribe, or by any person whatever, against the peace and interests of the United States.

## ARTICLE XII.

That the Creek nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish, gratuitously, the said nation with useful domestic animals and implements of husbandry: and further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such and so many persons to reside in said nation as they may judge proper, and not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned them by the Creeks for cultivation, for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

## ARTICLE XIII.

All animosities for past grievances shall henceforth cease; and the contracting parties will carry the foregoing treaty into full execution, with all good faith and sincerity.

## ARTICLE XIV.

This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the president of the United States, with the advice and consent of the senate of the United States.

In witness of all and every thing herein determined, between the United States of America and the whole Creek nations, the parties have hereunto set their hands and seals, in the city of New-York, within the United States, this seventh day of August, one thousand seven hundred and ninety.

In behalf of the United States.

H. KNOX, *Secretary at War, and sole Commissioner for treating with the Creek nation of Indians.*

In behalf of themselves and the whole Creek nation of Indians.

ALEXANDER M'GILLIVRAY.

<i>Cusitas.</i>	{	FUSKATCHE MICO, or Bird-tail King.	X (L. S.)
		NEATHLOCK, or Second Man.	X (L. S.)
		HALLETEMAL THLE, or Blue Giver.	X (L. S.)
<i>Little Tallifsee.</i>	{	OPAY MICO, or the Singer.	X (L. S.)
		TOTKESHAJOU, or Samonia.	X (L. S.)
<i>Big Tallifsee.</i>	{	HOPOTHE MICO, or Tallifsee King.	X (L. S.)
		OPOTOTACHE, or Long Side.	X (L. S.)
<i>Tuckabatchy.</i>	{	SOHOLESSEE, or Young Second Man.	X (L. S.)
		OCHEEHAJOU, or Aleck Cornel.	X (L. S.)
<i>Natches.</i>	{	CHINABIE, or the Great Natches Warrior.	X (L. S.)
		NATSOWACHEHEE, or the Great Natches.	X (L. S.)
		WARRIOR'S BROTHER.	X (L. S.)
		THAKOTEEHEE, or the Mole.	X (L. S.)
		OQUABEE.	X (L. S.)
<i>Cowetas.</i>	{	TUSKENAAH, or Big Lieutenant.	X (L. S.)
		HOMATAH, or Leader.	X (L. S.)
		CHINNABIE, or Matthews.	X (L. S.)
		JULEETAULEMATHA, or Dry Pine.	X (L. S.)
<i>Of the Broken Arrow.</i>	{	CHAUOCKLY MICO.	X (L. S.)
<i>Coosades.</i>	{	COOSADES HOPOY, or the Measurer.	X (L. S.)
		MUTHTEE, or the Mifser.	X (L. S.)
		STIMAFUTCHKEE, or Good Humor.	X (L. S.)
<i>Alabama Chief.</i>	{	STILNALEEJEE, or Disputer.	X (L. S.)
<i>Oakfoy.</i>	{	MUMAGECHEE, David Francis.	X (L. S.)

Done in presence of Richard Morris, chief justice of the state of New-York; Richard Varick, mayor of the city of New-York; Marinus Willet, Thomas Lee Shippen, of Pennsylvania; John Rutledge, jun. Joseph Allen Smith, Henry Izard, Joseph Cornell, *his X mark*, interpreter.

# TREATY AT HOLSTON,

WITH THE CHEROKEE INDIANS, IN 1791.

A treaty of peace and friendship made and concluded between the president of the United States of America on the part and behalf of the said states, and the undersigned chiefs and warriors of the Cherokee nation of Indians, on the part and behalf of the said nation.

THE parties being desirous of establishing permanent peace and friendship between the United States and the said Cherokee nation, and the citizens and members thereof, and to remove the causes of war, by ascertaining their limits and making other necessary, just and friendly arrangements: The president of the United States, by William Blount, governor of the territory of the United States of America south of the river Ohio, and superintendent of Indian affairs for the southern district, who is vested with full powers for these purposes, by and with the advice and consent of the senate of the United States, and the Cherokee nation, by the undersigned chiefs and warriors representing the said nation, have agreed to the following articles, namely:

## ARTICLE I.

There shall be a perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians.

## ARTICLE II.

The undersigned chiefs and warriors, for themselves and all parts of the Cherokee nation do acknowledge themselves and the said Cherokee nation to be under the protection of the United States of America, and of no other sovereign whatsoever; and they also stipulate, that the said Cherokee nation will not hold any treaty with any foreign power, individual state, or with individuals of any state.

## ARTICLE III.

The Cherokee nation shall deliver to the governor of the territory of the United States of America south of the river Ohio, on or before the first day of April next, at this place, all persons who are now prisoners, captured by them from any part of the United States; and the United States shall, on or before the same day, and at the same place, restore to the Cherokees all the prisoners now in captivity, which the citizens of the United States have captured from them.

## ARTICLE IV.

The boundary between the citizens of the United States and the Cherokee nation is and shall be as follows: Beginning at the top of the Currahee mountain, where the Creek line passes it; thence a direct line to Tugalo River; thence northeast to the Oconna mountain, and over the same along the South-Carolina Indian boundary to the North-Carolina boundary; thence north, to a point from which a line is to be extended to the river Clinch, that shall pass the Holston at the ridge which divides the



waters running into Little River from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountain; thence a direct line to the Cumberland River, where the Kentucky road crosses it; thence down the Cumberland River to a point from which a southwest line will strike the ridge which divides the waters of Cumberland from those of Duck River, forty miles above Nashville; thence down the said ridge to a point from whence a southwest line will strike the mouth of Duck River.

And in order to preclude forever all disputes relative to the said boundary, the same shall be ascertained and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation.

And in order to extinguish forever all claims of the Cherokee nation, or any part thereof, to any of the land lying to the right of the line above described, beginning as aforesaid at the Currahee mountain, it is hereby agreed, that in addition to the consideration heretofore made for the said land, the United States will cause certain valuable goods to be immediately delivered to the undersigned chiefs and warriors, for the use of their nation; and the said United States will also cause the sum of one thousand dollars to be paid annually to the said Cherokee nation. And the undersigned chiefs and warriors do hereby, for themselves and the whole Cherokee nation, their heirs and descendants, for the considerations above mentioned, release, quit claim, relinquish and cede all the land to the right of the line described, and beginning as aforesaid.

#### ARTICLE V.

It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee River.

#### ARTICLE VI.

It is agreed on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade.

#### ARTICLE VII.

The United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded.

#### ARTICLE VIII.

If any citizen of the United States or other person, not being an Indian, shall settle on any of the Cherokees' lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please.

#### ARTICLE IX.

No citizen or inhabitant of the United States, shall attempt to hunt or destroy the game on the lands of the Cherokees, nor shall any citizen or inhabitant go into the Cherokee country, without a passport first obtained from the governor of some one of the United States, or territorial districts, or such other person as the president of the United States may from time to time authorize to grant the same.

## ARTICLE X.

If any Cherokee Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall steal a horse from, or commit a robbery or murder, or other capital crime, on any citizens or inhabitants of the United States, the Cherokee nation shall be bound to deliver him or them up, to be punished according to the laws of the United States.

## ARTICLE XI.

If any citizen or inhabitant of the United States, or either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders, shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

## ARTICLE XII.

In case of violence on the persons or property of the individuals of either party, neither retaliation nor reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is, and shall have been refused.

## ARTICLE XIII.

The Cherokees shall give notice to the citizens of the United States, of any designs which they may know, or suspect to be formed in any neighboring tribe, or by any person whatever, against the peace and interest of the United States.

## ARTICLE XIV.

That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish gratuitously the said nation with useful implements of husbandry, and further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such and so many persons to reside in the said nation as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees for cultivation, for themselves and their successors in office, but they shall be precluded exercising any kind of traffic.

## ARTICLE XV.

All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity.

## ARTICLE XVI.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the president of the United States, with the advice and consent of the senate of the United States.

In witness of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, at the treaty ground on the bank of the Holston, near the mouth of the French Broad, within the United States, this second day of July, in the year of our Lord one thousand seven hundred and ninety-one.

WILLIAM BLOUNT, (L. S.)

Governor in and over the territory of the United States of America south of the river Ohio, and superintendent of Indian affairs for the southern district.

CHULEOAH, or the Boots.	X (L. S.)
SQUOLLECUTTAH, or Hanging Maw.	X (L. S.)
OCUNNA, or the Badger.	X (L. S.)
ENOLEH, or Black Fox.	X (L. S.)
NONTUAKA, or the Northward.	X (L. S.)
TEKAKISKA.	X (L. S.)
CHUTLOH, or King Fisher.	X (L. S.)
TUEKASEH, or Tarrapin.	X (L. S.)
KATEH.	X (L. S.)
KUNNOCHATUTLOH, or the Crane.	X (L. S.)
CAUQUILLEKANAH, or the Thigh.	X (L. S.)
CHESQUOTTELONEH, or Yellow Bird.	X (L. S.)
CHICKASAWTEHE, or Chickafaw Killer.	X (L. S.)
TUSKEGATEHE, Tuskega Killer.	X (L. S.)
KUTSATEHE.	X (L. S.)
TINSTSHALENE.	X (L. S.)
SAWUTTEH, or Slave Catcher.	X (L. S.)
AUKUAH.	X (L. S.)
OSENALEH.	X (L. S.)
KENOTETAH, or Rising Fawn.	X (L. S.)
KANETETOKA, or Standing Turkey.	X (L. S.)
YONEWATLEH, or Bear at Home.	X (L. S.)
LONG WILL.	X (L. S.)
KUNOSKESKIE, or John Watts.	X (L. S.)
NENETOYAH, or Bloody Fellow.	X (L. S.)
CHUQUILATAGUE, or Double Head.	X (L. S.)
KOOLAQUAH, or Big Acorn.	X (L. S.)
TOOWAYELLOH, or Bold Hunter.	X (L. S.)
SAHLE-OONOYEHLE, or Middle Striker.	X (L. S.)
KINNESAH, or Cabin.	X (L. S.)
TULLOTEHE, or Two Killer.	X (L. S.)
KOOLOUSKE, or Stop Still.	X (L. S.)
KULSATEHE.	X (L. S.)
AUQUOTAGUE, the Little Turkey's Son.	X (L. S.)

TALOHTESKE, or Upfetter.	X (L. S.)
CHEAKONESKE, or Otter Lifter.	X (L. S.)
KESHEKAUNE, or She Reigns.	X (L. S.)
TOONAUNAILOH.	X (L. S.)
TESTEHE, or Common Disturber.	X (L. S.)
ROBIN M'CLEMORE.	X (L. S.)
SKYUKA.	X (L. S.)
JOHN THOMPSON, Interpreter.	X (L. S.)
JAMES CARY, Interpreter.	X (L. S.)

Done in presence of Daniel Smith, secretary of the territory of the United States south of the river Ohio; Thomas Kennady, of Kentucky; James Robertson, of Mero district; Clairborne Watkins, of Virginia; John M. Whitney, of Georgia; Fauche, of Georgia; Titus Ogden, of North-Carolina; John Chisolm, of Washington district; Robert King, Thomas Gegg.

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## *TREATY AT PHILADELPHIA,* WITH THE CHEROKEE INDIANS, IN 1794.

Articles of a treaty concluded between the United States of America and the Cherokee Indians.

**W**HEREAS the treaty made and concluded on Holston River, on the second day of July, one thousand seven hundred and ninety-one, between the United States of America, and the Cherokee nation of Indians, has not been fully carried into execution by reason of some misunderstandings which have arisen.

I. *And whereas* the undersigned Henry Knox, secretary for the department of war, being authorized thereto by the president of the United States in behalf of the said United States, and the undersigned chiefs and warriors, in their own names and in behalf of the whole Cherokee nation, are desirous of re-establishing peace and friendship between the said parties in a permanent manner, do hereby declare, that the said treaty at Holston is to all intents and purposes in full force and binding upon the said parties, as well in respect to the boundaries therein mentioned, as in all other respects whatever.

II. It is hereby stipulated that the boundaries mentioned in the fourth article of the said treaty shall be actually ascertained and marked in the manner prescribed by the said article, whenever the Cherokee nation shall have ninety days' notice of the time and place at which the commissioners of the United States intend to commence their operation.

III. The United States, to evince their justice by amply compensating the said Cherokee nation of Indians, for all relinquishments of land made either by the treaty of Hopewell, upon the Keowee River, concluded on the twenty-eighth of November, one thousand seven hundred and eighty-five, or the aforesaid treaty made upon Holston River on the second of July, one thousand seven hundred and ninety-one, do hereby stipulate in lieu of all former sums to be paid annually, to furnish the Cherokee Indians with goods suitable for their use to the amount of five thousand dollars yearly.

IV. And the said Cherokee nation, in order to evince the sincerity of their intentions in future to prevent the practice of stealing horses, attended with the most pernicious consequences to the lives and peace of both parties, do hereby agree, that for every horse which shall be stolen from the white inhabitants by any Cherokee Indians and not returned within three months, that the sum of fifty dollars shall be deducted from the said annuity of the five thousand dollars.

V. The articles now stipulated will be considered as permanent additions to the treaty of Holston as soon as they shall have been ratified by the president of the United States and the senate of the United States.

In witness of all and every thing herein determined, between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, in the city of Philadelphia within the United States, this twenty-sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four.

H. KNOX, *Secretary, at War.*

TETAKISSKEE, or taken out of the Water.	X (L. S.)
NONTUAKA, or the Northward.	X (L. S.)
CINASAW, or the Cabin.	L (L. S.)
SKYUKA.	X (L. S.)
CHUQUILATAGUE, D. H. or Double Head.	X (L. S.)
JOHN M'CLEMORE.	X (L. S.)
WALALUE, or Humming Bird.	X (L. S.)
CHULEOWEE.	D (L. S.)
USTANAQUA.	X (L. S.)
KULLSATHEE.	X (L. S.)
SITEAHA.	X (L. S.)
KEENAFUNA, or the Lying Fawn.	X (L. S.)
CHATOKAELESA, or the Fowl Carrier.	C (L. S.)

Done in the presence of John Thompson, Arthur Coody, interpreters, Cantwell Jones, of Delaware, William Wafford, of the state of Georgia, W. M'Caleb, of South-Carolina, Samuel Lewis, of Philadelphia.

# TREATY AT COLERAIN,

WITH THE CREEK INDIANS, IN 1796.

A treaty of peace and friendship made and concluded between the president of the United States of America on the one part and behalf of the said states, and the undersigned kings, chiefs and warriors of the Creek nation of Indians on the part of the said nation.

THE parties being desirous of establishing permanent peace and friendship between the United States and the said Creek nation, and the citizens and members thereof, and to remove the causes of war by ascertaining their limits and making other necessary, just and friendly arrangements; the president of the United States, by Benjamin Hawkins, George Clymer and Andrew Pickens, commissioners whom he hath constituted with powers for these purposes, by and with the advice and consent of the senate, and the Creek nation of Indians, by the undersigned kings, chiefs and warriors representing the whole Creek nation, have agreed to the following articles:

## ARTICLE I.

The treaty entered into at New-York between the parties, on the seventh day of August, one thousand seven hundred and ninety, is and shall remain obligatory on the contracting parties, according to the terms of it, except as herein provided for.

## ARTICLE II.

The boundary line from the Currahee mountain to the head or source of the main south branch of the Oconee River, called by the white people Appalatohee, and by the Indians Tulapocka, and down the middle of the same, shall be clearly ascertained and marked at such time and in such manner as the president shall direct. And the Indians will, on being informed of the determination of the president, send as many of their old chiefs as he may require, and see the line ascertained and marked.

## ARTICLE III.

The president of the United States of America shall have full powers, whenever he may deem it advisable, to establish a trading or military post on the south side of the Alatomaha, on the bluff about one mile above Beard's Bluff, or any where from thence down the said river on the lands of the Indians, to garrison the same with any part of the military force of the United States, to protect the posts and to prevent the violation of any of the provisions or regulations subsisting between the parties; and the Indians do hereby annex to the post aforesaid a tract of land of five miles square, bordering one side on the river, which post and the land annexed thereto are hereby ceded to, and shall be to the use and under the government of the United States of America.

As soon as the president of the United States has determined on the time and manner of running the line from the Currahee mountain to the head or source of the main south branch of the Oconee, and notified the chiefs of the Creek land of the same,

a suitable number of persons on their part shall attend to see the same completed; and if the president should deem it proper then to fix on any place or places adjoining the river, and on the Indian lands, for military or trading posts, the Creeks who attend there will concur in fixing the same according to the wishes of the president. And to each post the Indians shall annex a tract of land of five miles square, bordering one side on the river. And the said lands shall be to the use and under the government of the United States of America: *Provided always*, That whenever any of the trading or military posts mentioned in this treaty shall, in the opinion of the president of the United States of America, be no longer necessary for the purposes intended by this cession, the same shall revert to and become a part of the Indian lands.

## ARTICLE V.

Whenever the president of the United States of America, and the King of Spain, may deem it advisable to mark the boundaries which separate their territories, the president shall give notice thereof to the Creek chiefs, who will furnish two principal chiefs, and twenty hunters to accompany the persons employed on this business, as hunters and guides from the Choctaw country to the head of St. Mary's. The chiefs shall receive each half a dollar per day, and the hunters one quarter of a dollar each per day, and ammunition, and a reasonable value for the meat delivered by them for the use of the persons on this service.

## ARTICLE VI.

The treaties of Hopewell, between the United States and the Choctaws and Chickasaws, and at Holston between the Cherokees and the United States, mark the boundaries of those tribes of Indians. And the Creek nation do hereby relinquish all claims to any part of the territory inhabited or claimed by the citizens of the United States, in conformity with the said treaties.

## ARTICLE VII.

The Creek nation shall deliver, as soon as practicable, to the superintendent of Indian affairs, at such place as he may direct, all citizens of the United States; white inhabitants and negroes who are now prisoners in any part of the said nation, agreeable to the treaty of New-York, and also all citizens, white inhabitants, negroes and property taken since the signing of that treaty. And if any such prisoners, negroes or property should not be delivered, on or before the first day of January next, the governor of Georgia may empower three persons to repair to the said nation, in order to claim and receive such prisoners, negroes and property, under the direction of the president of the United States.

## ARTICLE VIII.

In consideration of the friendly disposition of the Creek nation towards the government of the United States, evinced by the stipulations in the present treaty, and particularly the leaving it in the discretion of the president to establish trading, or military posts on their lands; the commissioners of the United States, on behalf of the said states, give to the said nation, goods to the value of six thousand dollars, and stipulate to send to the Indian nation, two blacksmiths, with strikers, to be employed for the upper and lower Creeks with the necessary tools.

## ARTICLE IX.

All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity. *Provided nevertheless*, That persons now under arrest in the state of Georgia for a violation of the treaty at New-York, are not to be included in this amnesty, but are to abide the decision of law.

## ARTICLE X.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the president of the United States, by and with the advice and consent of the senate.

Done at Colerain the twenty-ninth of June, one thousand seven hundred and ninety-six.

BENJAMIN HAWKINS.  
GEORGE CLYMER.  
ANDREW PICKENS.

<i>Cowetas.</i>		<i>Talchanas.</i>	
CHRUCHATINEAH.	X	OTHLEY POEY MICO.	X
TUSIKIA MICO.	X	OTHLEY POEY TUSTIMIHA.	X
INCLENIS MICO.	X		
TUSKINAH.	X	<i>Oakmulgees.</i>	
OAKFUSKEE TUSTUNEKA.	X	OPOEY THLOCCO.	X
CLEWALEE TUSTUNEKA.	X	PARACHUCKLEY.	X
		TUSKENAH.	X
<i>Cuffitas.</i>		<i>Euphales.</i>	
TUSIKIA MICO.	X	PAHOSE MICO.	X
CUSITA MICO.	X	TUSTUNIKA CHOPCO.	X
TUISATEHEE MICO.	X		
OPOEY MICO.	X	<i>Ottassees.</i>	
		FUSATEHEE HULLOOMICO.	X
<i>Broken Arrows.</i>		TUSIKIA MICO.	X
TUSTUNEKA MICO.	X	MICO OPOEY.	X
OTHLEY OPOEY.	X		
OPOEY TUSTUNEKA.	X	<i>Tallissees.</i>	
OBOETHLY TUSTUNEKA.	X	TALLISSEE MICO.	X
		OTHLEY PAEY MICO.	X
<i>Eucheas.</i>		<i>Little Oakjoys.</i>	
EUCHEE MICO.	X	MEEKE MATLA.	X
<i>Usuchus.</i>		<i>Hickory Ground.</i>	
OSAW ENEHAH.	X	OPOEY MICO.	X
EPHAH TUSTENAH.	X		
TUSIKIA MICO.	X	<i>Kuyolegees.</i>	
		KELESE HATKIE.	X
<i>Cehaws.</i>			
CHEHAW MICO.	X		



<i>Weakis.</i>		STILEPECK CHATEE.	X
NEDHOMOTCA OPOEY.	X	TUCHESEE MICO.	X
TUSIKIA MICO.	X		
		<i>Kcalegees.</i>	
<i>Clewallees.</i>		CHEEA HAJO.	X
OPOEY-E-MATLA.	X		
		<i>Hitchetaws.</i>	
<i>Coofis.</i>		TALMASEE MATLA.	X
HOSONAPE HODJO.	X		
		<i>Tuckabatchees.</i>	
<i>Tukabathefees.</i>		TUSTINCKE HAJO.	X
HOLAHTO MICO.	X	OKALISSA.	X
TUSTUNIKA THLOCCO.	X	COWETA MATLA.	X
		COOSA MICO.	X
<i>Oakfuskees.</i>		FUSATCHEE MICO.	X
PASHPALAHA.	X	PIO HATKU.	X
		FOOSATCHU MICO.	X
<i>Abacouchees.</i>		NEATHLACO.	X
SPANI HODJO.	X	TUCHABATCHEE HOWLA.	X
TUSTINOKA.	X	SPOKO HAJO.	X
<i>Upper Eupaules.</i>		<i>Kioleegees.</i>	
OPOEY.	X	CHUCK CLEACK NINCHO.	X
		OPOYO MATLA.	X
<i>Natchees.</i>		LACHLEE MATLA.	X
CHINIBE.	X		
		<i>Big Talliffes.</i>	
<i>Upper Chehaws.</i>		CHOWOSTIA HAJO.	X
SPOKOI HODJO	X	NEATHLOCO OPYO.	X
TUSTUNIKA.	X	NEATHLOCO.	X
		CHOWLACTILY MICO.	X
<i>Mackafookos.</i>		TOCOSO HAJO.	X
TUSKEIHENEHAW.	X	HOOCHEE MATLA.	X
		HOWLACTA.	X
<i>Oconees.</i>		TUSTENICA MICO.	X
HNAPEMATHA THLOCCO.	X	OPOY FRAICO.	X
<i>Cusetahs.</i>		<i>Big Tallefee.</i>	
CUSA MICO.	X	HOULACTA.	X
TUSEKIA MICO AHTEE.	X	ELCATU HAJO.	X
HALARTEE MATLA.	X	CHOSOLOP HAJO.	X
TALAHOUA MICO.	X	COOSA HAJO.	X
NEATHLOCTO.	X		
NUCKFAMICO.	X	<i>Tuckabatchees.</i>	
ESTACHACO MICO.	X	CHORAJO.	X
TUSKIGU TUSKINAGU.	X		
COCHUS MICO.	X	<i>Coofees.</i>	
OPIO HAJO.	X	TUSHEGU TUSTINAGU.	X
ONEAS TUSTENAGU.	X	TALSAMA WATALICA.	X
ALAK AJO.	X		

<i>Euphalees.</i>		<i>Cuffitas.</i>	
TOTHES HAGO.	X	TELEWA OTHLEOPOYA.	X
		TALMASSE MATLA.	X
<i>Otafees.</i>		NIAH WEATHLA.	X
OPIO TUSTINAGEE.	X	EMATHLEE LACO.	X
YAFKBE MALL HAJO.	X	OTTESSEE MATLA.	X
OBOYETHLEETUSTINAGEE.	X	MUCLASSEE MATLA.	X
TUSTINAGEE HAJO.	X	EUFALLE MATLA.	X
HILLIBEE TUSTINAGEE HA-			
JO.	X	<i>Tuckabatchees.</i>	
EFFA TUSKEENA.	X	CUNIPÉE HOWLA.	X
EMATHLEE LOCO.	X		
TUSTENAGEE MICO.	X	<i>Cowetas.</i>	
YAHA TUSTINAGEE.	X	HOFPOTAK TUSTINAGEE.	X
CUNCTASTEE JUSTINAGU.	X		
		<i>Natchees.</i>	
<i>Otaffees.</i>		SPOKO HODGO.	X
COOSA TUSTINAGEE.	X		
NEAMATLE MATLA.	X	<i>Uchees.</i>	
		TUSTINAGEE CHATEE.	X
<i>Weeokees.</i>			
TUSTICNIKA HAJO.	X	<i>Ufichees.</i>	
		SPOKOCA TUSTINAGEE.	X
<i>Tuckabatchees.</i>		OTHLEYP OEY TUSTINAGEE.	X
NEAMATOOCHEE.		TUSKEENEAH.	X

Witness, James Seagrove, superintendent of Indian affairs, C. N. Henry Gaiter, lieutenant colonel commandant, Constant Freeman, A. W. D. major artillery and engineers, Samuel Tinsley, capt. 3d sub-legion, Samuel Allison, ensign 2d sub-legion, John W. Thompson, ensign 1st U. S. sub-legion, George Gillaspay, furgeon, L. U. S. Timothy Barnard, D. A. and sworn interpreter, James Burges, D. A. and sworn interpreter, James Jordan, Richard Thomas, Alexander Cornels, William Eaton, captain 4th U. S. sub-legion, commandant at Colerain, and secretary to the commission.

*And whereas*, the senate of the United States, two thirds of the senators present concurring, did by their resolution of the second day of March instant, "Consent to and advise the president of the United States to ratify the treaty of peace and friendship, made and concluded at Colerain in the state of Georgia, on the 29th June, 1796, between the president of the United States of America, on the part and behalf of the said states, and the kings, chiefs and warriors of the Creek nation of Indians, on the part of the said nation: *Provided and on condition*, That nothing in the third and fourth articles of the said treaty, expressed in the words following:"

"Article 3d. The president of the United States of America shall have full powers, whenever he may deem it advisable; to establish a trading or military post on the south side of the Alatamaha, on the Bluff, about one mile above Beard's Bluff; or any where from thence down the said river on the lands of the Indians, to garrison the same with any part of the military force of the United States, to protect the post, and to prevent a violation of any of the provisions or regulations subsisting between the parties: And the Indians do hereby annex to the post aforesaid, a tract of land

of five miles square, bordering one side on the river, which posts and the lands annexed thereto, are hereby ceded to, and shall be to the use, and under the government of the United States of America.

“ Article 4th. As soon as the president of the United States has determined on the time and manner of running the line from the Currahee Mountain, to the head or source of the main south branch of the Oconee, and notified the chiefs of the Creek land of the same, a suitable number of persons on their part shall attend, to see the same completed. And if the president shall deem it proper, then to fix on any place or places adjoining the river, and on the Indian lands for military or trading posts; the Creeks who attend there will concur in fixing the same, according to the wishes of the president. And to each post the Indians shall annex a tract of land of five miles square, bordering one side on the river. And the said lands shall be to the use and under the government of the United States of America. *Provided always,* That whenever any of the trading or military posts mentioned in this treaty, shall in the opinion of the president of the United States of America, be no longer necessary for the purposes intended by this cession, the same shall avert to, and become a part of the Indian lands,” shall be construed to affect any claim of the state of Georgia, to the right of pre-emption in the land therein set apart for military or trading posts; or to give to the United States without the consent of the said state, any right to the soil, or to the exclusive legislation over the same, or any other right than that of establishing, maintaining, and exclusively governing military and trading posts within the Indian territory mentioned in the said articles, as long as the frontier of Georgia may require these establishments.

*Now know ye,* That I having seen and considered the said treaty, do hereby accept ratify and confirm the same, and every article and clause thereof; under and subject to the proviso and condition and contained in the aforesaid resolution of the senate of the United States. In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Given at the city of Philadelphia the eighteenth day of March in the year of our Lord one thousand seven hundred and ninety-seven, and in the twenty-first year of the sovereignty and independence of the United States of America.

JOHN ADAMS.

By the president of the United States.

TIMOTHY PICKERING, *Secretary of State.*

# Declaration of Independence.

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IN CONGRESS, JULY 4, 1776.

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**W**HEN in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be selfevident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed: But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right—it is their duty—to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good:

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them:

He has refused to pass other laws for the accomodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only:

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures :

He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasions on the rights of the people :

He has refused, for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise ; the state remaining in the mean time exposed to all the dangers of invasion from without and convulsions within :

He has endeavored to prevent the population of these states ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands :

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers :

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries :

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance :

He has kept among us in times of peace standing armies, without the consent of our legislatures :

He has affected to render the military independent of and superior to the civil power :

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock-trial, from punishment for any murders which they should commit on the inhabitants of these states :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us in many cases of the benefits of trial by jury :

For transporting us beyond the seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection and waging war against us:

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people:

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation:

He has constrained our fellow-citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands:

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity; and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind—enemies in war, in peace, friends.

WE, therefore, the representatives of the United States of America in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by authority of the good people of these colonies, solemnly publish and declare: That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.

JOHN HANCOCK.  
 JOSIAH BARTLET.  
 NEW-HAMPSHIRE. { WILLIAM WHIPPLE.  
 MATTHEW THORNTON.

MASSACHUSETTS-BAY. { SAMUEL ADAMS.  
JOHN ADAMS.  
ROBERT TREAT PAINE.  
ELBRIDGE GERRY.

RHODE-ISLAND, &c. { STEPHEN HOPKINS.  
WILLIAM ELLERY.

CONNECTICUT. { ROGER SHERMAN.  
SAMUEL HUNTINGTON.  
WILLIAM WILLIAMS.  
OLIVER WOLCOTT.

NEW-YORK. { WILLIAM FLOYD.  
PHILIP LIVINGSTON.  
FRANCIS LEWIS.  
LEWIS MORRIS.

NEW-JERSEY. { RICHARD STOCKTON.  
JOHN WITHERSPOON.  
FRANCIS HOPKINSON.  
JOHN HART.  
ABRAHAM CLARK.

PENNSYLVANIA. { ROBERT MORRIS.  
BENJAMIN RUSH.  
BENJAMIN FRANKLIN.  
JOHN MORTON.  
GEORGE CLYMER.  
JAMES SMITH.  
GEORGE TAYLOR.  
JAMES WILSON.  
GEORGE ROSS.

DELAWARE. { CÆSAR RODNEY.  
GEORGE READ.

MARYLAND. { SAMUEL CHASE.  
WILLIAM PACA.  
THOMAS STONE.  
CHARLES CARROLL, of Carrollton.

VIRGINIA. { GEORGE WYTHE.  
RICHARD HENRY LEE.  
THOMAS JEFFERSON.  
BENJAMIN HARRISON.  
THOMAS NELSON, Jun.  
FRANCIS LIGHTFOOT LEE.  
CARTER BRAXTON.

NORTH-CAROLINA. { WILLIAM HOOPER.  
JOSEPH HEWES.  
JOHN PENN.

SOUTH-CAROLINA. { EDWARD RUTLEDGE.  
THOMAS HEYWARD, Jun.  
THOMAS LYNCH, Jun.  
ARTHUR MIDDLETON.

GEORGIA. { BUTTON GWINNETT.  
LYMAN HALL.  
GEORGE WALTON.

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Articles of confederation and perpetual union, between the states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

#### ARTICLE I.

THE style of this confederacy shall be "The United States of America."

#### ARTICLE II.

Each state retains its sovereignty, freedom and independence, every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in congress assembled.

#### ARTICLE III.

The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

#### ARTICLE IV.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this Union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress, to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, *Provided*; That such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant. *Provided also*, That no impositions, duties or restrictions shall be laid by any state, on the property of the United States, or either of them. If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States,



he shall upon demand of the governor, or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

#### ARTICLE V.

For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in congress by less than two nor more than seven members, and no person shall be capable of being a delegate for more than three years, in any term of six years, nor shall any person being a delegate, be capable of holding any office under the United States, for which he or any other for his benefit, receives any salary, fees or emoluments of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in congress assembled, each state shall have one vote.

Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of congress; and the members of congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from and attendance on congress, except for treason, felony, or breach of the peace.

#### ARTICLE VI.

No state, without the consent of the United States in congress assembled, shall send any embassy to or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever, from any king, prince or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in congress assembled with any king, prince or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in congress assembled,

for the defence of such state, or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in congress assembled can be consulted, nor shall any state grant commissions to any ships or vessels of war, nor letters of marque, or reprisal, except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

#### ARTICLE VII.

When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct; and all vacancies shall be filled up by the state which first made the appointment.

#### ARTICLE VIII.

All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislature of the several states within the time agreed upon by the United States in congress assembled.

#### ARTICLE IX.

The United States in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, *Provided*, That no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be

divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, *Provided*, That no member of congress shall be appointed a judge of any of the said courts.

The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the executive authority or lawful agent of any state in controversy with another, shall present a petition to congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as congress shall direct, shall in the presence of congress be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without shewing reasons which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing, and the judgment and sentence of the court to be appointed in the manner before prescribed shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: *Provided*, That every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state where the cause shall be tried, "Well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection or hope of reward:" *Provided also*, That no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more states whose jurisdictions, as they may respect such lands, and the states which passed such grants are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated; establishing and regulating post-offices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expences of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval force, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in congress assembled shall have authority to appoint a committee to sit in the recess of congress, to be denominated "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expences; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm and equip them in a soldier-like manner, at the expence of the United States; and the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled; but if the United States in congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief

of the army or navy, unless nine states assent to the same: Nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration, than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal when it is desired by any delegate; and the delegates of a state, or any of them at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislature of the several states.

#### ARTICLE X.

The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the United States in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with. *Provided*, That no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the congress of the United States assembled, is requisite.

#### ARTICLE XI.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

#### ARTICLE XII.

All bills of credit emitted, monies borrowed and debts contracted, by or under the authority of congress, before the assembling of the United States in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof, the said United States and the public faith are hereby solemnly pledged.

#### ARTICLE XIII.

Every state shall abide by the determination of the United States in congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state.

*And whereas* it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in congress, to approve of and to authorize us to ratify the said articles of confederation and perpetual union. *Know ye*, That we the undersigned delegates, by virtue of the power and authority to us given for that purpose do, by these presents, in the name and behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union; and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents,

that they shall abide by the determinations of the United States in congress assembled, on all questions which by the said confederation are submitted to them, and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual. *In witness whereof*, WE have hereunto set our hands in congress.

Done at Philadelphia, in the state of Pennsylvania, the 9th day of July in the year of our Lord 1778, and in the third year of the Independence of America.

The aforesaid articles of confederation were finally ratified on the first day of March 1781; the state of Maryland having, by their members in congress, on that day acceded thereto and completed the same.

NEW-HAMPSHIRE. { JOSIAH BARTLETT.  
JOHN WENTWORTH, Jun.

MASSACHUSETTS-BAY. { JOHN HANCOCK.  
SAMUEL ADAMS.  
ELBRIDGE GERRY.  
FRANCIS DANA.  
JAMES LOVELL.  
SAMUEL HOLTON.

RHODE-ISLAND. { WILLIAM ELLERY.  
HENRY MERCHANT.  
JOHN COLLINS.

CONNECTICUT. { ROGER SHERMAN.  
SAMUEL HUNTINGTON.  
OLIVER WOLCOTT.  
TITUS HOSMER.  
ANDREW ADAMS.

NEW-YORK. { JAMES DUANE.  
FRANCIS LEWIS.  
WILLIAM DUER.  
GOVERNEUR MORRIS.

NEW-JERSEY. { JOHN WITHERSPOON.  
NATHANIEL SCUDDER.

PENNSYLVANIA. { ROBERT MORRIS.  
DANIEL ROBERDEAU.  
JONATHAN BAYARD SMITH,  
WILLIAM CLINGAN.  
JOSEPH REED.

DELAWARE. { THOMAS M'KEAN.  
JOHN DICKINSON.  
NICHOLAS VANDYKE.

MARYLAND. { JOHN HANSON.  
DANIEL CARROLL.

VIRGINIA. { RICHARD HENRY LEE.  
JOHN BANISTER.  
THOMAS ADAMS.  
JOHN HERVEY.  
FRANCIS LIGHTFOOT LEE.

NORTH-CAROLINA. { JOHN PENN.  
CORNELIUS HARNETT.  
JOHN WILLIAMS.

SOUTH-CAROLINA. { HENRY LAURENS.  
WILLIAM HENRY DRAYTON.  
JOHN MATTHEWS.  
RICHARD HUTSON.  
THOMAS HEYWARD, Jun.

GEORGIA. { JOHN WALTON.  
EDWARD TELFAIR.  
EDWARD LANGWORTHY.

THE  
CONSTITUTION  
OF THE  
United States of America.

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**W**E, the people of the United States, in order to form a more perfect union, establish justice, ensure 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.

A R T I C L E I.

Legislature.

SECT. 1. 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. 2. 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 serve for a term of 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 choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Penn-



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 choose their speaker and other officers, and shall have the sole power of impeachment.

SECT. 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 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 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.

SECT. 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 for 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. 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 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. 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 the attendance at their 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. 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.

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.

SECT. 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 the 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 the calling forth 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 con-

grefs become the feat of 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.

SECT. 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 congress prior to the year 1808; 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 census 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 monies 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 congress, accept of any present, emolument, office or title, of any kind whatsoever, from any king, prince, or foreign state.

SECT. 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 congress, lay any impost 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.

## ARTICLE II.

## Executive.

SECT. 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, 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 any 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 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 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; 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 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 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 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.”

SECT. 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 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 officers, 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. 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 law be faithfully executed, and shall commission all the officers of the United States.

SECT. 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.

#### Judiciary.

SECT. 1. 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 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.

SECT. 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; 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 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.

SECT. 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.

SECT. 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.

SECT. 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, 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.

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

SECT. 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 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.

SECT. 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.

### Amendments.

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.

## 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 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.

## 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 17th day of September, in the year of our Lord 1787, 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.*

NEW-HAMPSHIRE, { JOHN LANGDON.  
NICHOLAS GILMAN.

MASSACHUSETTS. { NATHANIEL GORHAM.  
RUFUS KING.

CONNECTICUT. { WILLIAM SAMUEL JOHNSON.  
ROGER SHERMAN.

NEW-YORK. ALEXANDER HAMILTON.

NEW-JERSEY. { WILLIAM LIVINGSTON.  
DAVID BREARLEY.  
WILLIAM PATTERSON.  
JONATHAN DAYTON.

PENNSYLVANIA. { BENJAMIN FRANKLIN.  
THOMAS MIFFLIN.  
ROBERT MORRIS.  
GEORGE CLYMER.  
THOMAS FITZSIMMONS.  
JARED INGERSOLL.  
JAMES WILSON.  
GOUVERNEUR MORRIS.

DELAWARE. { GEORGE READ.  
GUNNING BEDFORD, Jun.  
JOHN DICKINSON.  
RICHARD BASSETT.  
JACOB BROOM.

MARYLAND. { JAMES M'HENRY.  
DANIEL OF ST. THOMAS JENISER.  
DANIEL CARROLL.

VIRGINIA. { JOHN BLAIR.  
JAMES MADISON, Jun.

NORTH-CAROLINA. { WILLIAM BLOUNT.  
RICHARD DOBBS SPAIGHT.  
HUGH WILLIAMSON.

SOUTH-CAROLINA. { J. RUTLEDGE.  
CHARLES C. PINCKNEY.  
CHARLES PINCKNEY.  
PIERCE BUTLER.

GEORGIA. { WILLIAM FEW.  
ABRAHAM BALDWIN.

Attest. WILLIAM JACKSON, *Secretary.*

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## Amendments.

THE convention of a number of states having, at the time of their adopting the constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the government will best ensure the beneficent ends of its institution:

*Resolved, by the Senate and House of Representatives of the United States of America in congress assembled, two thirds of both Houses concurring, That the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States, all or any of which articles, when ratified by three fourths of the said legislatures, to be valid to all intents and purposes, as part of the said constitution, viz.*

Articles in addition to and amendment of the constitution of the United States of America, proposed by congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

### ARTICLE I.

After the first enumeration required by the first article of the constitution, there shall be one representative for every thirty thousand until the number shall amount to one hundred; after which the proportion shall be so regulated by congress, that there shall be not less than one hundred representatives nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by congress, that there shall be not less than two hundred representatives, nor more than one representative for every fifty thousand persons.

### ARTICLE II.

No law varying the compensation for the services of the senators and representatives shall take effect, until an election of representatives shall have intervened.

## ARTICLE III.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress for grievances.

## ARTICLE IV.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE V.

No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

## ARTICLE VI.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## ARTICLE VII.

No person shall be held to answer for a capital crime, or otherwise infamous crime; unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be witness against himself, nor be deprived of life liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

## ARTICLE VIII.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

## ARTICLE IX.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

## ARTICLE X.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE XI.

The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE XII.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

## ADDITIONAL ARTICLE.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

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## CONVENTION

BETWEEN

## SOUTH-CAROLINA AND GEORGIA,

CONCLUDED AT BEAUFORT IN 1787.

Co all to whom these presents shall come, The underwritten Charles Coteworth Pinckney, Andrew Pickens and Pierce Butler, esqrs. commissioners appointed by the state of South-Carolina, of the one part, and the underwritten John Habersham and Lachlan M'Intosh, esqrs. a majority of the commissioners appointed by the state of Georgia, of the other part—*send greeting*:

WHEREAS the state of South-Carolina did heretofore present a petition to the United States in congress assembled, and did therein set forth, that a dispute and difference had arisen and subsisted between the states of South-Carolina and Georgia concerning boundaries; and the states claiming respectively the same territories, and that the case and claim of the state of South-Carolina was as follows, that is to say: "Charles the Second, king of Great-Britain, by charter dated the twenty-fourth day of March, in the fifteenth year of his reign, granted to eight persons as therein named, as lords proprietors thereof, all the lands lying and being within his dominions of America between thirty-one and thirty-six degrees of south latitude, in a direct west line to the South Seas, styling the lands so described "The Province of Carolina:" That on the thirtieth day of June, in the seventeenth year of his reign, the said king granted to the said lords proprietors a second charter, enlarging the bounds of Carolina, viz. from twenty-nine degrees of north latitude to thirty-six degrees thirty minutes, and from those points on the sea-coast west in a direct line to the South Seas: That seven of the said proprietors of Carolina sold and surrendered to George the Second, late king of Great-Britain, all their title and interest in the said province, and the share of the remaining proprietor was separated from the king's, and allotted to him in the north part of North-Carolina: That Carolina was

afterwards divided into two provinces, called North and South Carolina: That by a charter dated the ninth day of June, one thousand seven hundred and thirty-two, George the Second, king of Great-Britain, granted to certain persons therein named, all the lands lying between the rivers Savannah and Alatomaha, and between lines to be drawn from the heads of those rivers respectively to the South Sea, and styled the said colony "Georgia:" That by the treaty of peace concluded at Paris on the tenth day of February, one thousand seven hundred and sixty-three, the river Mississippi was declared to be the western boundary of the North American Colonies: That the governor of South-Carolina, in the year one thousand seven hundred and sixty, conceiving that the lands southward of the Alatomaha still belonged to South-Carolina, granted several tracts of the said lands: That the government of Georgia complained to the king of Great-Britain, respecting those grants as being for lands within its limits, and thereupon his majesty by proclamation dated the seventh day of October, one thousand seven hundred and sixty-three, annexed to Georgia all the lands lying between the rivers Alatomaha and St. Mary's, the validity of the grants passed by the governor of South-Carolina as aforesaid, remaining however acknowledged and uncontested, and the grantees of the said land, or their representatives still holding it as their legal estate. That South-Carolina claims the lands lying between the North-Carolina line, and the line run due west from the mouth of Tugalo River to the Mississippi, because as the said state contends the river Savannah loses that name at the confluence of Tugalo and Keowee Rivers, consequently that spot is the head of Savannah River. The state of Georgia on the other hand contends that the source of the Keowee River is to be considered as the head of Savannah River. That the state of South-Carolina also claims all the lands lying between a line to be drawn from the head of the river St. Mary's, the head of the Alatomaha, to the Mississippi and Florida, being as the said state contends, within the limits of its charter, and not annexed to Georgia by the said proclamation of one thousand seven hundred and sixty-three. The state of Georgia, on the other hand contends, that the tract of country last mentioned is a part of that state." The state of South-Carolina did therefore by their said petition pray for a hearing and determination of the difference and dispute subsisting as aforesaid, between the said state and Georgia, agreeable to the articles of confederation and perpetual union between the United States of America. *And whereas* the state of Georgia were duly notified of the said petition, and did by their lawful agents appear in order to establish their right to the premises, in manner directed by the said articles of confederation: And proceedings were thereon had in congress in order to the appointment of judges to constitute a court for hearing and determining the said matter in question: *And whereas* it appeared to be the sincere wish and desire of the said states of South-Carolina and Georgia, that all and singular the differences and claims subsisting between the said states, relative to boundary should be amicably adjusted and compromised: *And whereas* the legislature of the state of South-Carolina, did elect the above named Charles Cotestworth Pinckney, Andrew Pickens and Pierce Butler, esqrs. commissioners, and did invest them, or a majority of them, with full and absolute power and authority in behalf of that state, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between the said state, and the state of Georgia, relative to boundary, and to establish and permanently fix a boundary between the two states. And the said state of South-Carolina did declare, that it would at all times thereafter ratify and confirm all and whatsoever the said commissioners, or a majority of them, should do in and touching the premises, and that the same should be forever binding on the said state of South-Carolina. *And*

*whereas* the legislature of the state of Georgia did appoint John Houstoun, John Haberflam and Lachlan M'Intosh, esqrs. commissioners, and did invest them with full and absolute power and authority, in behalf of that state, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between the said state and the state of South-Carolina relative to boundary, and to establish and permanently fix a boundary between the two states. And the said state of Georgia did also declare, That it would at all times thereafter ratify and confirm all and whatsoever the said last mentioned commissioners, or a majority of them, should do in and touching the premises, and that the same should be forever binding on the said state of Georgia. ~~Now, therefore, know ye,~~ That the underwritten commissioners on the part of the states of South-Carolina and Georgia respectively, having by mutual consent assembled at the town of Beaufort, in the state of South-Carolina, on the twenty-fourth day of this present month of April, in order to the due execution of their respective trusts, and having reciprocally exchanged and considered their full powers, and declared the same legal and forever binding on both states, and having conferred together on the most effectual means of adjusting the differences subsisting between the two states, and of establishing and permanently fixing a boundary between them, have agreed, and by these presents for and in behalf of their respective states, do mutually agree to the following articles, that is to say :

#### ARTICLE THE FIRST.

The most northern branch or stream of the river Savannah, from the sea or mouth of such stream to the fork or confluence of the rivers now called Tugalo and Keowee; and from thence the most northern branch or stream of the said river Tugalo, till it intersects the northern boundary line of South-Carolina, if the said branch or stream of Tugalo extends so far north, reserving all the islands in the said rivers Savannah and Tugalo, to Georgia; but if the head spring or source of any branch or stream of the said river Tugalo does not extend to the north boundary line of South-Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo River, which extends to the highest northern latitude, shall forever hereafter form the separation, limit and boundary between the states of South-Carolina and Georgia.

#### ARTICLE THE SECOND.

The navigation of the river Savannah at and from the bar and mouth, along the northeast side of Cocks spur Island, and up the direct course of the main northern channel, along the northern side of Hutchinson's Island, opposite the town of Savannah, to the upper end of the said island, and from thence up the bed or principal stream of the said river to the confluence of the rivers Tugalo and Keowee, and from the confluence up the channel of the most northern stream of Tugalo River to its source, and back again by the same channel to the Atlantic Ocean—is hereby declared to be henceforth equally free to the citizens of both states, and exempt from all duties, tolls, hinderance, interruption and molestation whatsoever, attempted to be enforced by one state on the citizens of another; and all the rest of the river Savannah to the southward of the foregoing description, is acknowledged to be the exclusive right of the state of Georgia.

## ARTICLE THE THIRD.

The state of South-Carolina shall not hereafter claim any lands to the eastward, southward, southeastward or west of the boundary above established, but hereby relinquishes and cedes to the state of Georgia all the right, title and claim which the said state of South-Carolina hath to the government, sovereignty and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of South-Carolina hath in or to the said land.

## ARTICLE THE FOURTH.

The state of Georgia shall not hereafter claim any lands to the northward or north-eastward of the boundary above established, but hereby relinquishes and cedes to the state of South-Carolina all the right, title and claim which the said state of Georgia hath to the government, sovereignty and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of Georgia hath in or to the said lands.

## ARTICLE THE FIFTH.

The lands heretofore granted by either of the said states between the forks of Tugaloo and Keowee shall be the private property of the first grantees, and their respective heirs and assigns; and the grantees of any of the said lands under the state of Georgia shall, within twelve months from the date hereof, cause such grants or authentic copies thereof, ratified under the seal of the state of Georgia, to be deposited in the office of the secretary of the state of South-Carolina, to the end that the same may be recorded there; and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said secretary their respective grants, or the copies thereof, whichsoever may have been so deposited, without any charge or fee of office whatsoever; and every grant which shall not, or of which the copy certified as above mentioned shall not be so deposited, shall be judged void.

## ARTICLE THE SIXTH.

The commissioners on the part of the state of South-Carolina do not by any of the above articles mean to cede, relinquish or weaken the right, title and claim of any of the individual citizens of the state of South-Carolina to any lands situated in Georgia, particularly to the lands situated to the south or southwest of the river Altamaha, and granted during the administration of governor Boone, in the year one thousand seven hundred and sixty-three; and they do hereby declare, that the right and title of the said citizens to the same is and ought to remain as full, strong and effectual as if this convention had not been made. The commissioners on the part of the state of Georgia do decline entering into any negotiation relative to the lands mentioned in this article, as they conceive they are not authorized so to do by the powers delegated to them.

*In Testimony whereof*, the said Charles Cotsworth Pinckney, Andrew Pickens and Pierce Butler, for and in behalf of the state of South-Carolina, and the said John Haberham and Lachlan M<sup>c</sup>Intosh, for and in behalf of the state of Georgia, have to these presents and a duplicate thereof, both intended, interchangeably set their hands and affixed their seals,

Done at Beaufort, in the state of South-Carolina, the twenty-eighth day of April, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the independence of the United States of America.

CHARLES COTESWORTH PINCKNEY.	(L. S.)
ANDREW PICKENS.	(L. S.)
PIERCE BUTLER.	(L. S.)
JOHN HABERSHAM.	(L. S.)
LACHLAN M'INTOSH.	(L. S.)

*Beaufort, South-Carolina, 28th April, 1787.*

I, John Houstoun, one of the commissioners appointed by ordinance of the General Assembly on the part and behalf of the state of Georgia, for settling disputes respecting boundary with the state of South-Carolina, do dissent from so much as is herein after mentioned or implied of the convention or agreement this day entered into by and between the commissioners of South-Carolina on the one part, and a majority of the commissioners of Georgia on the other part, and for causes of this my dissent do assign as follows:

1st. I conceive, from the words of the charter of Georgia, *all the lands which lie south and southwest of the most northern part of the stream of the river Savannah, up to its head or source; from thence within a direct line running due west to the river Mississippi, and extending southwardly as far as the boundaries of East and West Florida, are the right of Georgia.* This stream here described I take to be that branch of the river Savannah known by the name of Keowee; if so, all the lands which lie in the fork of the two branches of Savannah River called Tugalo and Keowee, ought to fall into Georgia, whereas by this convention they are yielded to South-Carolina. As to the relinquishment on the part of South-Carolina of all her claims in the southern district of Georgia, I do not conceive this by any means an equivalent; for although the two territories in question may be equally fertile, or perhaps the difference in point of extent and value even in favor of the southern, yet I apprehend the title of Georgia to the lands now ceded to South-Carolina was good and valid, whereas the pretensions of South-Carolina to the southern country appear to me to be so slender, that the right of Georgia to those lands is neither strengthened or weakened by the present convention; and therefore as, in my opinion, the nature of the claims ought to be considered in the negotiation as well as the value and extent of the soils, I cannot admit the exchange to be equal.

2dly. As to the free navigation of the river Savannah now given up to South-Carolina, I conceive this point is, in the first place, not an object of our commission; but if it was, however disposed I might be always to wish an indulgence to a sister state on this head (which I believe has hitherto been the case) yet I am not inclined to give that *indulgence* the color of a *right*. Were we settling commercial regulations with South-Carolina, to permit the free navigation of the river might be just and proper, and the title then would depend on and be derived from such agreement; but to yield this point *as a claim*, in the present instance implies that the *right* has been aborigine in South-Carolina. Such a position would be inconsistent with my idea of our boundary; for if we hold the sovereignty "*from the most northern part of the stream,*" it seems to me the exclusive right of navigation follows of course:



This is neither a forced or new construction of our charter, but has uniformly been the opinion for a series of years past of most people in Georgia; and all the documents adduced tend only to shew the point has been contested but never decided on. On the whole, although I should be amongst the foremost to concede to this neighborly privilege in return for some other perhaps less valuable to the citizens of South-Carolina, yet I should wish to see it held by them as a *grant*, under some restrictions, from Georgia, and not a *right* proved and established at the present meeting.

JOHN HOUSTOUN.

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*The proclamation of 1763, establishing the governments of East and West Florida, and extending the southern boundary of Georgia.*

BY THE KING.

A PROCLAMATION.

George R.

WHEREAS we have taken into royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace, concluded at Paris the tenth day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves with all convenient speed, of the great benefits and advantages which must accrue therefrom in their commerce, manufactures and navigation; we have thought fit, with the advice of our privy council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said privy council, granted our letters patent under our great seal of Great-Britain, to erect within the countries and islands ceded and confirmed to us by the said treaty, four distinct and separate governments, stiled and called by the names of Quebec, East Florida, West Florida and Grenada, and limited and bounded as follows, viz.

First, The government of Quebec, bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river through the lake St. John, to the south end of the lake Nipissim; from whence the said line crossing the river St. Lawrence and the lake Champlain in forty-five degrees of north latitude, passing along the high lands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea; and also along the north coast of the Baye des Chaleurs, and the coast of the gulph of St. Lawrence to Cape Ro-fieres, and from thence crossing the mouth of the river St. Lawrence by the west end of the island Anticosti, terminates at the aforesaid river St. John.

Secondly, The government of East Florida, bounded to the westward by the gulph of Mexico and the Appalachicola River; to the northward, by a line drawn from that part of the said river where the Catahouchee and Flint Rivers meet, to the source of St. Mary's River, and by the course of the said river to the Atlantic Ocean; and to the east and south by the Atlantic Ocean, and the gulph of Florida, including all islands within six leagues of the sea coast.

Thirdly, The government of West Florida, bounded to the southward by the gulph of Mexico, including all islands within six leagues of the coast from the river Appalachicola to lake Pontchartrain; to the westward by the said lake, the lake-Maurepas and the river Mississippi; to the northward by a line drawn due east from that part of the river Mississippi which lies in thirty-one degrees north latitude, to the river Appalachicola or Catahouchee, and to the eastward by the said river.

Fourthly, The government of Grenada, comprehending the island of that name, together with the Grenadines, and the islands of Dominico, St. Vincent and Tobago.

And to the end that the open and free fishery of our subjects may be extended to, and carried on upon the coast of Labrador and the adjacent islands, we have thought fit, with the advice of our said privy council, to put all that coast from the river St. John's to Hudson's Straits, together with the islands Anticosti and Madelaine, and all other smaller islands lying upon the said coast, under the care and inspection of our governor of Newfoundland.

We have also, with the advice of our privy council, thought fit to annex the islands of St. John and Cape Breton, or Isle of Royale, with the lesser islands adjacent thereto, to our government of Nova Scotia.

We have also, with the advice of our privy council aforesaid, annexed to our province of Georgia, all the lands lying between the rivers Alatamaha and St. Mary's.

*And whereas* it will greatly contribute to the speedy settling our said new governments, that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are and shall become inhabitants thereof, we have thought fit to publish and declare, by this our proclamation, that we have, in the letters patent under our great seal of Great-Britain, by which the said governments are constituted, given express power to our governors of our said colonies respectively, that so soon as the state and circumstances of the said colonies will admit thereof, they shall, with the advice and consent of the members of our council, summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government; and we have also given power to the said governors, with the consent of our said councils, and the representatives of the people so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said colonies, and of the people and inhabitants thereof, as near as may be, agreeable to the laws of England, and under such regulations and restrictions as are used in other colonies;

and in the mean time, and until such assemblies can be called as aforesaid, all persons inhabiting it, or resorting to our said colonies, may confide in our royal protection for the enjoyment of the benefit of the laws of our realm of England; for which purpose we have given powers under our great seal, to the governors of our said colonies respectively, to erect and constitute, with the advice of our said councils respectively, courts of judicature and public justice within our said colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and, as near as may be, agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentence of such courts, in all civil cases, to appeal, under the usual limitations and restrictions, to us in our privy council.

We have also thought fit, with the advice of our privy council as aforesaid, to give unto the governors and councils of our said three new colonies upon the continent, full power and authority to settle and agree with the inhabitants of our said new colonies, or to any other person who shall resort thereto, for such lands, tenements and hereditaments, as are now, or hereafter shall be in our power to dispose of, and then to grant to any such person or persons, upon such terms, and under such moderate quit-rents, services and acknowledgments, to have been appointed and settled in other colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the grantees, and the improvement and settlement of our said colonies.

*And whereas* we are desirous upon all occasions to testify our royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same, we do hereby command and empower our governors of our said three new colonies, and other our governors of our several provinces on the continent of North-America, to grant, without fee or reward, to such reduced officers as have served in North-America during the late war, and are actually residing there, and shall personally apply for the same, the following quantities of land, subject at the expiration of ten years, to the same quit-rents as other lands are subject to in the province in which they are granted, and also subject to the same conditions of cultivation and improvements, viz.

To every person having the rank of a field-officer, 5000 acres.

To every captain, 3000 acres.

To every subaltern or staff-officer, 2000 acres.

To every non-commissioned, 200 acres.

To every private, 50.

We do likewise authorize and require the governors and commanders in chief of all our said colonies upon the continent of North-America, to grant the like quantities of land, and upon the same conditions, to such reduced officers of our navy of like rank as served on board our ships of war in North-America, at the times of the reduction of Louisburgh and Quebec, in the late war, and who shall personally apply to our respective governors for such grants.

*And whereas* it is just and reasonable, and essential to our interest and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to or purchased by us, are reserved to them, or any of them, as their hunting grounds; we do, therefore, with the advice of our privy council, declare it to be our royal will and pleasure, that no governor or commander in chief, in any of our colonies of Quebec, or East Florida, or West Florida, do presume upon any pretence whatever, to grant warrants of survey, or pass any patents for lands beyond the bounds of their respective governments, as described in their commissions, as also that no governor or commander in chief of our other colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrants of survey, or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean, from the west to the northwest, or upon any lands whatever which, not having been ceded to or purchased by us as aforesaid, are referred to the said Indians or any of them.

And we do further declare it to be our royal will and pleasure for the present as aforesaid, to reserve under our sovereignty, protection and dominion for the use of the said Indians, all the land and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudsons Bay Company; as also all the lands and territories lying to the westward of the sources of the rivers which fall into the sea, from the west and northwest as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and license for that purpose first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any lands within the countries above described, or upon any other lands which, not having been ceded to or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements,

*And whereas* great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our privy council, strictly enjoin and require that no private person do presume to make any purchase from the said Indians, of any lands reserved to the said Indians, within those parts of our colonies where we have thought proper to allow settlement; but that if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander in chief of our colony respectively within which they shall lie; and in case they shall lie within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose; and we do, by the advice of our privy council, declare and enjoin, that the trade with the said

Indians shall be free and open to all our subjects whatever, provided that every person who may incline to trade with the said Indians, do take out a license for carrying on such trade, from the governor or commander in chief of any of our colonies respectively, where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or commissaries to be appointed for this purpose, to direct and appoint for the benefit of the said trade: and we do hereby authorize, enjoin and require the governors and commanders in chief of all our colonies respectively, as well those under our immediate government as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking especial care to insert therein a condition that such license shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper as aforesaid.

And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian affairs within the territories reserved as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who standing charged with treasons, misprisions of treason, murders or other felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed, of which they shall stand accused, in order to take their trial for the same.

Given at our court of St. James', the seventh day of October, one thousand seven hundred and sixty-three, in the third year of our reign.

GOD SAVE THE KING.

A

## COMMISSION

TO

Governor Wright, of Georgia,

IN JANUARY, 1764;

*By which the north boundary of the Florida is declared to be the south boundary of Georgia.*

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George the Third, by the grace of God of Great-Britain, France and Ireland king, defender of the faith, and so forth—to our trusty and well beloved James Wright, esq.—*Greeting:*

**W**HEREAS we did, by our letters patent under our great seal of Great-Britain, bearing date at Westminster, the fourth day of May, in the first year of our reign, constitute and appoint you the said James Wright, esq. to be our captain general and governor in chief in and over our colony of Georgia in America, lying from the most northern stream of a river there commonly called Savannah, all along the sea coast to the southward, unto the most southern stream of a certain other great water or river called the Alatomaha, and westward from the heads of the said rivers respectively in direct lines to the South Seas; and of all that space, circuit and precinct of lands lying within the said boundaries, with the islands in the sea lying opposite to the eastern coast of the said lands within twenty leagues of the same, for and during our pleasure, as by the said recited letters patent, relation being thereunto had, may more fully and at large appear. **NOW KNOW YOU**, That we have revoked and determined, and by these presents do revoke and determine such part and so much of the said recited letters patent, and every clause, article and thing therein contained, which doth any way relate to or concern the limits and bounds of our said province as before described; *And further know you*, That we, reposing especial trust and confidence in the prudence, courage and loyalty of you the said James Wright, of our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint you the said James Wright to be our captain general and governor in chief in and over our colony of Georgia in America, bounded on the north by the most northern stream of a river there commonly called Savannah as far as the head of said river, and from thence westward as far as our territories extend; on the east by the sea coast from the said river Savannah to the most southern stream of a certain other river called St. Mary, including all islands within twenty leagues of the coast lying between the said river Savannah and St. Mary as far as the head thereof; and from thence westward as far as our territories extend by the north boundary

line of our provinces of East and West Florida. And we do hereby declare, ordain and appoint, that you the said James Wright shall and may hold, execute and enjoy the office and place of our captain general, and governor in chief in and over the colony of Georgia, limited and bounded as above described, together with all and singular the powers and authorities contained in our said recited letters patent under our great seal of Great-Britain, bearing date at Westminster, the fourth day of May, in the first year of our reign, except as are herein excepted, for and during our will and pleasure. *In witness whereof*, We have caused these our letters to be made patent. Witness, ourself, at Westminster, the twentieth day of January, in the fourth year of our reign.

By writ of privy seal.

YORK AND YORK.



DEFINITIVE

**Treaty of Peace,**

BETWEEN THE

**UNITED STATES OF AMERICA**

AND

***HIS BRITANNIC MAJESTY.***

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*In the Name of the Most Holy and Undivided Trinity.*

**I**T having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince George the Third, by the grace of God king of Great-Britain, France and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the Holy Roman Empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony. And having for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris on the thirtieth of November, one thousand seven hundred and eighty-two, by the commissioners empowered on each part, which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great-Britain and the said United States, but which treaty was not to be concluded until terms of peace shall be agreed upon between Great-Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly. And the treaty between Great-Britain and France, having since been concluded, his Britannic majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say: his Britannic majesty on his part, David Hartley, esq. member of the parliament of Great-Britain; and the said United States on their part, John Adams, esq. late a commissioner of the United States of America, at the court of Versailles, late delegate in congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the States general of the United Netherlands; Benjamin Franklin, esq. late delegate in congress from the state of Pennsylvania, president of the convention of the said state and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, esq. late president of congress and chief justice of the state of New-York, and



minister plenipotentiary from the said United States to the court of Madrid, to be the plenipotentiaries for the concluding and signing the present definitive treaty; who after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

## ARTICLE I.

His Britannic majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, to be free, sovereign and Independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, proprietary and territorial rights of the same, and every part thereof.

## ARTICLE II.

And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz. From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix River to the highlands; along the said highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River, thence down along the middle of that river, to the forty-fifth degree of north latitude, from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron, thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Philippeaux, to the Long Lake, thence through the middle of said Long Lake, and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Appalchicola or Catahouchee; thence along the middle thereof to its junction with the Flint River; thence straight to the head of St. Mary's River; and thence down along the middle of St. Mary's River to the Atlantic Ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source; and from its source directly north, to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic Ocean; excepting

such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

#### ARTICLE III.

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island;) and also on the coasts, bays and creeks of all other of his Britannic majesty's dominions in America, and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

#### ARTICLE IV.

It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all *bona fide* debts heretofore contracted.

#### ARTICLE V.

It is agreed that the congress shall earnestly recommend it to the legislatures of the respective states to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months, unmolested in their endeavors to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that congress shall also earnestly recommend to the several states a re-consideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

#### ARTICLE VI.

That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of the part which he or they may

have taken in the present war; and that no person shall, on that account suffer any future loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

## ARTICLE VII.

There shall be a firm and perpetual peace between his Britannic majesty and the said states, and between the subjects of the one and the citizens of the other, wherefore all hostilities, both by sea and land, shall from henceforth cease; all prisoners on both sides shall be set at liberty, and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbor within the same; leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

## ARTICLE VIII.

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great-Britain and the citizens of the United States.

## ARTICLE IX.

In case it should so happen that any place or territory belonging to Great-Britain or to the United States should have been conquered by the arms of either from the other before the arrival of the said provisional articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

## ARTICLE X.

The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. *In witness whereof*, We, the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord one thousand seven hundred and eighty-three.

D. HARTLEY.	(L. S.)
JOHN ADAMS.	(L. S.)
B. FRANKLIN.	(L. S.)
JOHN JAY.	(L. S.)

TREATY  
OF  
*Friendship, Limits and Navigation,*  
BETWEEN THE  
UNITED STATES OF AMERICA  
AND THE  
*KING OF SPAIN.*

---

**H**IS Catholic majesty and the United States of America, desiring to consolidate on a permanent basis, the friendship and good correspondence which happily prevail between the two parts, have determined to establish by convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention; his most Catholic majesty has appointed the most excellent lord, Don Manuel de Godoy and Alvarez de Faria, Rios, Sanchez, Zarzoza, prince de la Paz, duke de la Alcudia lord of the Soto de Rona, and of the state of Albala, Grandee of Spain of the first class, perpetual regidor of the city of Santiago, knight of the illustrious order of the Golden Fleece, and great cross of the royal and distinguished Spanish order of Charles the Third commander of Valencia, Del Ventozo, Rivera and Atenchal in that of Santiago; knight and great cross of the religious order of St. John; counsellor of state; first secretary of state and despacho; secretary to the queen; superintendent general of the posts and highways; protector of the Royal Academy of the noble arts, and of the royal societies of natural history, botany, chymistry, and astronomy; gentlemen of the king's chamber in employment; captain general of his armies; inspector and major of the royal corps of body guards, &c. &c. &c. and the president of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their envoy extraordinary to his Catholic majesty. And the said plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE I.

There shall be a firm and inviolable peace and sincere friendship between his Catholic majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places.

## ARTICLE II.

To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the river Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Appalachicola, or Catahouchee, thence along the middle thereof to its junction with the Flint: thence straight to the head of St. Mary's River, and thence down the middle thereof to the Atlantic Ocean. And it is agreed, that if there should be any troops, garrisons or settlements of either party, in the territory of the other, according to the above mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratifications of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

## ARTICLE III.

In order to carry the preceding article into effect, one commissioner and one surveyor shall be appointed by each of the contracting parties, who shall meet at the Natches, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of his majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

## ARTICLE IV.

It is likewise agreed that the western boundary of the United States which separate them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said states to the completion of the thirty-first degree of latitude north of the equator. And his Catholic majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the Ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.

## ARTICLE V.

The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers which, by the preceding articles, form the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary. So that Spain will not suffer her Indians to attack the citizens of the United States, nor

the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of his Catholic majesty or his Indians in any manner whatever.

*And whereas* several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed, that in future no treaty of alliance or other whatever (except treaties of peace) shall be made by either party with the Indians living within the boundary of the other; but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity, so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expence which they have hitherto occasioned.

#### ARTICLE VI.

Each party shall endeavor, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects.

#### ARTICLE VII.

And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever. And in all cases of seizure, detention or arrest for debts contracted, or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their affairs and in all their trials at law, in which they may be concerned before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

#### ARTICLE VIII.

In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads or ports, belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection and help, and they shall be permitted to refresh and provide themselves at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hinderance.

## ARTICLE IX.

All ships and merchandize of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

## ARTICLE X.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case. And if the operations of repair would require that the whole, or any part of the cargo be unladen, they shall pay no duties, charges or fees on the part which they shall relade and carry away.

## ARTICLE XI.

The citizens and subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestata, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases:

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them.

And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person, holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by being an alien, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of deduction on the part of the government of the respective states.

## ARTICLE XII.

The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other, and concerning whose voyage and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

## ARTICLE XIII.

For the better promoting of commerce on both sides, it is agreed, That if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandizes: And if any thing be taken from them, or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the government.

## ARTICLE XIV.

No subject of his Catholic majesty shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or against the citizens, people or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war.

Nor shall any citizen, subject or inhabitant of the said United States apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of his Catholic majesty, or the property of any of them, from any prince or state with which the said king shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

## ARTICLE XV.

It shall be lawful for all and singular the subjects of his Catholic majesty, and the citizens, people and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are, or hereafter shall be at enmity with his Catholic majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies to both or either party without any opposition whatsoever; not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same prince or under several; and it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole landing or any part thereof should appertain to the enemies of either: Contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

## ARTICLE XVI.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only, which are distinguished by the name of contraband: And under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs with the fuses and the other things belonging to them, cannon-ball, gun-powder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades,



saltpetre, muskets, musket-balls, bucklers, helmets, breast-plates, coats of mail and the like kinds of arms proper for arming soldiers, musket-rests, belts, horses with their furniture and all other warlike instruments whatever. These merchandizes which follow, shall not be reckoned among contraband or prohibited goods: That is to say, all sorts of cloths, and all other manufactures woven of any-wool, flax, silk, cotton or any other materials whatever; all kind of wearing apparel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat, barley and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts: And in general, all provisions which serve for the sustenance of life: Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any parts of anchors, also ships' masts, planks and wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less, such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods: As likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods: So that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war, or squadron shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship of war belongs may pay for the articles so taken, according to the price thereof at the port to which they may appear to have been destined by the ship's papers; and the two contracting parties, engage that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries. That they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

#### ARTICLE XVII.

To the end that all manner of dissensions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto, should be engaged in war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as abovementioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same: which certifi-

cates shall be made out by the officers of the place whence the ship sailed in the accustomed form: And if any one shall think it fit or advisable to express in the said certificates, the person to whom the goods on board belong, he may freely do so: Without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

#### ARTICLE XVIII.

If the ships of the said subjects, people or inhabitants of either of the parties, shall be met with either sailing along the coast or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship, which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship, when she shall have shewed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chase in any manner, or force her to quit her intended course.

#### ARTICLE XIX.

Consuls shall be reciprocally established with the privileges and powers which those of the most favored nations enjoy, in the ports where their consuls reside or are permitted to be.

#### ARTICLE XX.

It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have had sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

#### ARTICLE XXI.

In order to terminate all differences on account of the losses sustained by the citizens of the United States, in consequence of their vessels and cargoes having been taken by the subjects of his Catholic majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners to be appointed in the following manner: His Catholic majesty, shall name one commissioner, and the president of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two commissioners shall agree on the choice of the third, or if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners, and the person whose name shall be so drawn, shall be the third commissioner: and the three commissioners so appointed shall be sworn impartially to examine and decide the claims in question, according to

the merits of the several cases, and to justice, equity and the laws of nations. The said commissioners shall meet and sit at Philadelphia, and in the case of the death, sickness or necessary absence of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants, and his Catholic majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said commissioners.

#### ARTICLE XXII.

The two high contracting parties hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantages of both countries may require.

And in consequence of the stipulations contained in the fourth article, his Catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandizes and effects in the port of New-Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores, and his majesty promises either to continue this permission if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi, an equivalent establishment.

#### ARTICLE XXIII.

The present treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof, we the underwritten plenipotentiaries of his Catholic majesty and the United States of America, have signed this present treaty of friendship, limits and navigation, and have thereunto affixed our seals respectively.

Done at San Lorenzo el Real, this seven and twentieth day of October one thousand seven hundred and ninety-five.

THOMAS PINCKNEY.  
EL PRINCIPE DE LA PAZ.

(L. S.)  
(L. S.)

IN DEED

ACQUISITION OF LAND

The first part of the deed is the recital, which sets out the background of the transaction. It usually begins with a reference to the parties involved and the land being acquired. The recital may also include a reference to any previous deeds or documents that relate to the land.

ARTICLE 1

This article sets out the terms of the acquisition. It usually begins with a reference to the parties involved and the land being acquired. It may also include a reference to any previous deeds or documents that relate to the land.

ADMINISTRATOR

This article sets out the terms of the acquisition. It usually begins with a reference to the parties involved and the land being acquired. It may also include a reference to any previous deeds or documents that relate to the land.

ARTICLE 2

This article sets out the terms of the acquisition. It usually begins with a reference to the parties involved and the land being acquired. It may also include a reference to any previous deeds or documents that relate to the land.

ARTICLE 3

This article sets out the terms of the acquisition. It usually begins with a reference to the parties involved and the land being acquired. It may also include a reference to any previous deeds or documents that relate to the land.

ARTICLE 4

This article sets out the terms of the acquisition. It usually begins with a reference to the parties involved and the land being acquired. It may also include a reference to any previous deeds or documents that relate to the land.

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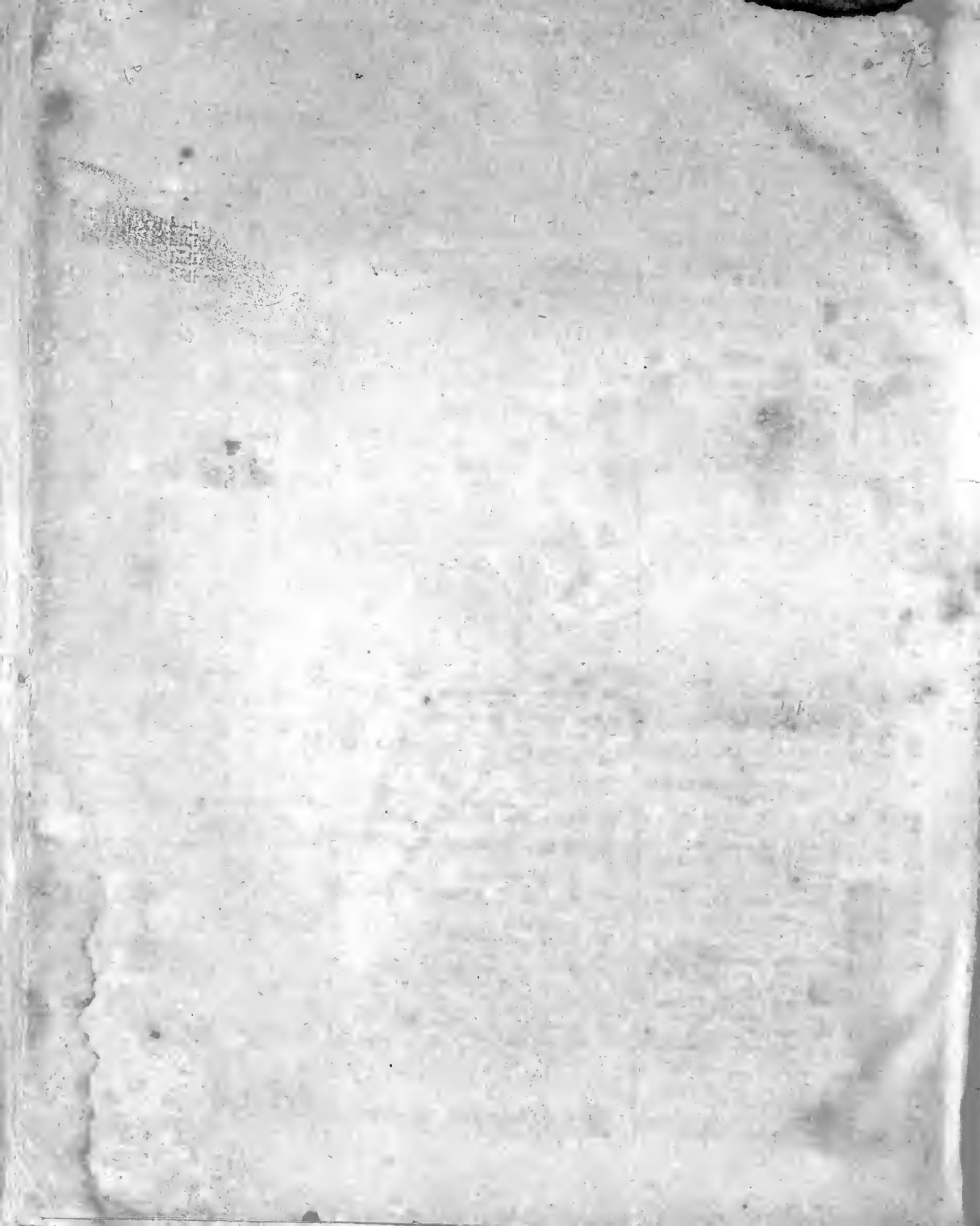
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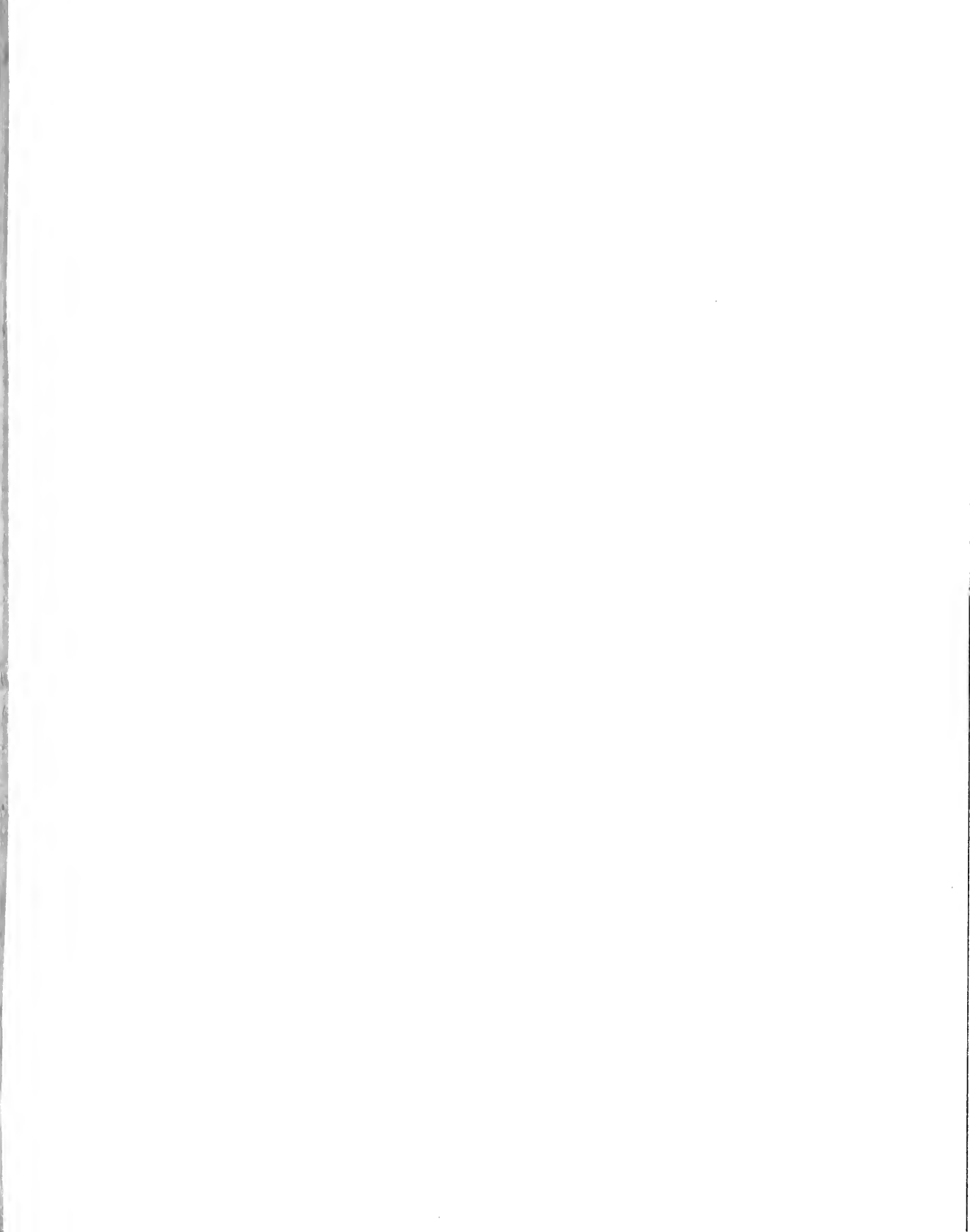
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