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Geo. W. G. Gen. Assembly

# PUBLIC LAWS

OF

## GEORGIA,

PASSED BY THE GENERAL ASSEMBLY,

AT ITS SESSION HELD IN

NOVEMBER AND DECEMBER, 1861.

EMBRACING ALL THE

### ACTS AND RESOLUTIONS

OF GENERAL INTEREST,


Together With all Changes in Court Calendar.

COMPILED AND PUBLISHED BY  
**H. H. WATERS,**  
Secretary Ex. Department.

*To whom all Orders for the Pamphlet must be addressed.*

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TERMS—1 copy.....	\$1.
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5 ".....	3.
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FEDERAL UNION POWER PRESS.  
MILLEDGEVILLE, GA.

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1861

## COURT CALENDAR.

The following table shows the times of holding Courts in the counties therein embraced, as fixed at the session of 1861:

### SUPERIOR COURT.

Banks,	on	Thursdays	after	1st	Monday	in	April	and	Oct.
Burke,		3d	Monday	in	May	and	November.		
*Cobb,		3d	"	"	March	"	September.		
Columbia,		1st	"	"	"	"	"		
Emanuel,		1st	"	"	April	"	October.		
Franklin,		1st	"	"	"	"	"		
Habersham,		Thursdays	after	4th	Mondays	in	March	&	Sept.
Jefferson,		2d	Monday	in	May	and	November.		
Johnson,		4th	"	"	March	"	September.		
*Lumpkin,		1st	"	"	Feb'y.	"	August.		
Milton,		4th	"	"	March	"	September.		
" Inf. court		4th	"	"	June	"	December.		
Putnam,		4th	"	"	March	"	September.		
Rabun,		4th	"	"	"	"	"		
Richmond,		2d	"	"	April	"	October.		
Seriven,		1st	"	"	May	"	November.		
Towns,		Thursdays	after	3d	Mondays	in	May	and	Oct.
Washington,		2d	Mondays	in	March	and	September.		
White,		Thursdays	after	3d	Mondays	in	March	and	Sept.

\*Judge not required to draw Jurors for two weeks; and not obliged to hold two weeks' Court in counties of Cobb and Lumpkin.

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## PUBLIC LAWS.

(No. 1.)

*An Act to authorize the several Banks and Banking Institutions located at Savannah, to remove their places of business into the interior during the invasion of the enemy.*

Sec. I. *Be it enacted*, That it shall be lawful for the several Banks and Banking Institutions located at Savannah, to remove their places of business to the interior of the State, that either of them may respectively select; and there to carry on their business during the invasion of the State of South Carolina or of this State, by the forces of the army or navy of the United States.

Sec. II. *And be it further enacted*, That, in respect of notes or bills, or acceptances or obligations hereafter to fall due and payable in the city of Savannah, it shall be lawful for the holders of the same, to make demand of payment at any point, or points, in the interior to which said Banks may remove their places of business; and upon such demand and notice to drawers of bills or endorsers of notes or bills, or obligations, of non-payment of the same, given or sent by mail within a reasonable time, such drawers of bills or endorsers of notes or bills, or obligations, shall be held and bound for the same, in the same manner as if such demand of payment had been made in Savannah.

Sec. III. *Repeals all conflicting laws.*

Assented to November 22d, 1861.

(No. 2.)

*An Act to authorize the City Council of Augusta, to issue one hundred thousand dollars in Treasury notes, and for other purposes.*

*Whereas*, It is important that the circulating medium of this State grounded upon good and sufficient securities,

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should be at this time increased to meet the demands and wants of the people: *And Whereas*, the City Council of Augusta are possessed in their corporate right and name of a large quantity of Bank Stock, Rail Road Stock, and real estate, greatly exceeding in value the same of one hundred thousand dollars, as well as the taxable property owned and possessed by the citizens of said city.

Sec. I. *The General Assembly of the State of Georgia, do therefore enact*, That the City Council of Augusta be, and they are hereby authorized, during the suspension of specie payments by the banks of this State, to issue their Treasury notes redeemable either in specie or in current Bank notes, of the denominations respectively of five cents, ten cents, twenty-five cents, fifty cents, and one dollar: which shall be signed by such officer or officers as said City Council may by Ordinance direct.

Sec. II. The amount of said notes in circulation at any one time, shall never exceed one hundred thousand dollars; and said notes shall be taken in payment of all dues to the City Council of Augusta; and this provision shall appear on the face of the notes issued by said City Council.

Sec. III. *The General Assembly do further enact*, That, if the Treasurer of the city of Augusta, or other persons authorized by the City Council of Augusta, to sign said notes, shall sign and put in circulation at any one time, a greater sum than one hundred thousand dollars, he, or any one of them, shall be guilty of a misdemeanor, and on conviction, shall be fined or imprisoned; said fine not to exceed one thousand dollars, and said imprisonment not to exceed six months.

Sec. IV. *The General Assembly do further enact*, That, if any person or persons shall be guilty of forging or counterfeiting any of said notes knowing them to be forged or counterfeited, he, she, or they, shall be guilty of a felony; and on conviction thereof, shall be imprisoned in the Penitentiary of this State, for a term of years not less than five nor more than ten, in the discretion of the Court before whom the conviction takes place.

Sec. V. The property of the City Council of Augusta, both real and personal, shall be liable for the redemption of said notes; and a lien is hereby created upon such property



for the redempcion of any notes issued under the provisions of this Act: Which lien shall not be impaired or defeated by any transfer of such property after the passage of this Act.

Sec. VI. Repeals conflicting laws.

Assented to November 26th, 1861.

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(No. 3.)

*An Act to authorize the Justices of the Inferior Courts of the several counties of this State, from time to time, in their discretion, to levy such extra taxes as they may deem necessary to equip Volunteer or other soldiers from their respective counties, and to provide for the indigent families of soldiers; to authorize the collection of the same, and to legalize their previous action in the premises, and for other purposes.*

Sec. I. *The General Assembly of the State of Georgia do enact*, That the Justices of the Inferior Courts of the several counties of this State, are authorized, from time to time, to levy such extra taxes as they may think necessary to equip such Volunteer or other soldiers as have gone, or may go, from their respective counties, and to provide the necessary support and maintenance for such indigent families of soldiers as may be resident in their respective counties, and such indigent soldiers as may return home wounded or disabled.

Sec. II. The said Justices may have all such taxes collected either by the regular Tax Collectors of their respective counties, or by such other person or persons as they may think best; and may take such bond, and fix such compensation as they may think proper for the collection of the same. *And be it further enacted*, That the counties of Monroe, Burke, Pickens, Wayne, Cherokee, Taylor, Fayette, Clinch, Dawson, Lumpkin, Echols, Upson, Spalding, Campbell, Forsyth, DeKalb, Macon, Wilkes, Warren, White, Ware, Rabun, Chattooga, Decatur, Charlton, Berrien, Coffee, Paulding, Bryan, Appling, Crawford, Fannin, Telfair, Emanuel, Clarke, Banks, Schley, Worth, Muscogee, Wilcox, Butts, McIntosh, Brooks, Newton, Gilmer, Irwin, Montgomery, Laurens, Murray, Dooly, Clayton,

Pierce, Wilkinson, and Gwinnett, be excepted from the operations of the first and second Sections of this Act; and that, in said counties, during the present war, the Justices of the Inferior Courts of said counties, shall have the authority to assess, annually, on the amount of the State tax of said counties, such tax as may be recommended by a majority of the Grand Jurors of said counties at the Spring Terms of the Superior Courts, for the purpose of raising funds to equip soldiers for the service of the State and Confederate States, and to support such of their families as are indigent, during their term of service, to be collected as other county taxes in said counties; and all taxes levied in said counties the present year for the same purposes, are hereby legalized and made valid; and in the event there be no Court at the Spring Term in any of the counties thus excepted, then, the Justices of the Inferior Courts in said counties shall proceed to assess such taxes as may be absolutely necessary for the purposes aforesaid; and that the counties of Coweta, Tattnall, and Whitfield, be excepted from all the provisions of this Act.

Sec. III. All taxes heretofore levied, or any contracts entered into, or money procured whether by bond or otherwise, or by sale of railroad or other stocks, by the Inferior Courts or the Justices thereof, or by other persons with the sanction of the Inferior Court, and all orders passed, or which may be passed by any of said Courts equalizing said tax among the tax payers for the purpose aforesaid, are hereby ratified and made legal, and the same authorized to be collected under this Act.

Sec. IV. All Tax Collectors, or other person or persons who shall be, or who have been appointed by the Justices of the Inferior Courts of any county in this State, to collect any tax which has been, or which may be levied under this Act, shall be liable to all the remedies and liabilities to which Tax Collectors are now liable by law, for any violation or failure of duty under this Act, or for failing to pay over, on demand, any money or other thing which may be collected by him or them under the same.

Sec. V. The Inferior Courts of the several counties are authorized to use and apply any county funds, except Academy and Poor and Common School funds, in their respec-

tive counties, to the purposes aforesaid ; but all applications of any funds heretofore made in any county, are hereby made legal and valid.

Sec. VI. In any county where the Inferior Court may so order, the amount of tax levied for the support and clothing of soldiers' families, may be paid in such articles and in such proportions as may be necessary for the support of the families ; the value of which articles shall be fixed by such Assessors as may be appointed by said Inferior Court, and in such manner as said Inferior Courts may think best.

Sec. VII. That, in all cases where the taxes are paid under this Act in produce, the same shall be delivered by the said tax payer at such place or places as the said Inferior Courts may direct.

Sec. VIII. The Inferior Court shall have kept a digest of the taxes already raised and disbursed, or hereafter to be raised, and the use and disbursement of all funds raised, or hereafter to be raised by taxation ; which digest shall be kept by the Clerk of the Inferior Court, for the inspection of the citizens of the county ; and said Courts may make all such arrangements as they think best, to carry out this section.

Sec. IX. The assessment for State taxes made next previous to each particular levy of tax by the Inferior Court, shall be adopted as the basis of the kind and value of property in such levy as they may at any time order in pursuance of the provisions of this Act.

Sec. X. Whenever any funds authorized to be raised by any of the provisions of this Act, shall go through the hands of the Treasurer of any county of this State, it shall not be lawful for such Treasurer to charge or receive any commissions or compensation for receiving or paying out such funds.

Sec. XI. That the Tax Collectors, or other persons appointed to collect the tax in accordance with the provisions of this Act, be authorized to proceed in cases of default in the same manner as is now provided by the laws of this State for the collection of the general tax.

Sec. XII Repeals conflicting laws.

Assented to November 29th, 1861.

## (No. 4.)

*An Act to continue in force the 4th Section of an act passed over the Governor's veto on the 30th day of November, 1860, entitled "An Act to provide against the forfeiture of the several bank charters of this State on account of non-specie payment for a given time, and for other purposes, passed in the year 1857; and to suspend the pains and penalties imposed upon the several banks and their officers in this State, for non-payment of specie, and other purposes," and also "An Act to add a proviso to the 4th Section of An Act entitled An Act for the relief of the people and banks of this State, and for other purposes, passed on the 30th of November, 1860; and to add an additional Section to said Act," assented to 20th December, 1860.*

Sec. I. *Be it enacted*, That the before recited part of An Act, and also the before recited Act, be, and the same are hereby re-enacted and continued in force until the first day of December, 1862.

Assented to November 30th, 1861.

## (No. 5.)

*An Act to re-enact and continue in force the first, second and third Sections of An Act to grant relief to the Banks and the people of this State, &c., passed over the Governor's veto on the 30th day of November, 1860; and also to re-enact and continue in force the 4th Section of An Act to add a proviso to the Fourth Section of An Act, entitled An Act for the relief of the Banks and people of this State, &c., assented to 20th December, 1860.*

Sec. I. *The General Assembly of the State of Georgia do enact as follows*: Be it enacted that the first, second and third sections of the before recited Act passed on the 30th of November, 1860, be, and the same are hereby re-enacted and continued in force until the first day of December, 1862, except the last proviso of said second section; and that the fourth Section of the before recited Act assented to on the 20th of December, 1860, be, and the same is hereby re-enacted and continued in force until the first day of December, 1862.—*Provided*, That none of the Banks of this State shall be en-

titled to the relief from the penalties imposed by existing laws, nor shall be authorized or permitted to suspend the payments in specie of their bills upon demand, unless such Banks shall, at all times, give the Treasury notes of this State or of the Confederate States, at par, in exchange for their own bills or Bank notes, when demanded in sums of one hundred dollars.

*Provided also*, That each of the chartered Banks of this State claiming the provision [provisions?] of this act, shall be, and they are hereby required, upon application of any person, to issue and keep in circulation during their suspension, small bills in denominations of five, ten, twenty-five and fifty cents, to the extent of one *per centum* upon their capital stock; which said small bills shall be redeemed in current bank bills when presented in sums of five dollars or more; and that the said Banks are authorized to issue said small bills to the extent of three *per centum* on their capital stock.

*Provided further*, The provision for the issue of change bills contained in the above *proviso*, shall not be obligatory upon said Banks till the first day of January next.

Assented to November 30th, 1861.

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(No. 6.)

*An Act to extend the time for Tax Collectors, in this State to make their settlements with the State Treasurer.*

Sec. I. *Be it enacted by the General Assembly of the State of Georgia*, That the Tax Collectors in each of the counties of this State be, and they are hereby allowed until the first day of March, 1862, to make their final settlements with the State Treasurer, instead of the 20th of December, 1861; any law, usage or custom to the contrary notwithstanding.

Assented to November 29th, 1861.

(No. 7.)

*An Act to Consolidate the Offices of Receiver of Tax Returns and of Tax Collector in this State, and to require the duties thereof, to be discharged by one Officer, to be styled Tax Receiver and Collector.*

Sec. I. *The General Assembly of Georgia do enact as follows, to-wit* : From and after the passing of this Act, the offices of Receiver of Tax Returns and the Collector of Taxes, in the several counties of this State, be, and the same are hereby consolidated ; and the duties thereof, shall be discharged by one officer, to be styled Tax Receiver and Collector ; who shall receive therefor the compensation now allowed by law to the Collector ; *Provided*, no Collector shall receive more than fifteen hundred dollars.

Sec II. Repeals conflicting laws.

Assented to November 30th, 1861.

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(No. 8.)

*An Act to amend An Act, approved December 17, 1859, Entitled "An Act to prescribe the time of holding Elections for Senators in the Congress of the United States from the State of Georgia."*

Sec. I. *Be it enacted by the General Assembly of Georgia,* That the above mentioned Act be so amended as to apply, in all its provisions, to the Confederate States of America, instead of the United States.

Sec. II. Repeals conflicting laws.

Assented to December 5, 1861.

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(No. 9.)

*An Act to amend the Certiorari laws of this State.*

Sec. I. *The General Assembly of the State of Georgia do enact,* That in all cases now pending, or which may be hereafter pending in the Superior Courts of this State, upon certiorari, from any Justice Court, and the Justice or Justices before

whom the case was tried, may have died before answering the writ of certioari served, then it shall be the duty of the presiding Judge, forthwith, to order a new trial to be had upon the case in the Court below.

Sec. II. All laws conflicting are hereby repealed.

Approved December 11, 1861.

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(No. 10.)

*An Act to provide for the assumption and payment of the Taxes assessed against the Citizens of this State, by virtue of An Act of the Congress of the Confederate States of America, entitled "An Act to authorize the issue of Treasury Notes, and to provide a War Tax for their redemption; approved the 19th of August, 1861."*

WHEREAS, The twenty-fourth section of the before recited Act of Congress provides, that if any State shall, on or before the first day of April next, pay into the Treasury, notes of the Confederate States, or in specie, the taxes assessed against the citizens of such State, less ten per centum thereon, it shall be the duty of the Secretary of the Treasury to notify the same to the several Tax Collectors in such State, and thereupon, their authority and duty under said Act shall cease; and whereas, economy, as a proper regard for the interest of the tax payers of Georgia, make it the duty of the State to assume and pay said taxes.

Sec. I. *The General Assembly of Georgia do, therefore, enact as follows:* That the State of Georgia hereby assumes, and will pay the taxes assessed against her citizens, under the provisions of the Act of Congress of the Confederate States before recited.

Sec. II. That so soon as the amount of said taxes shall be ascertained, it shall be, and it is hereby, made the duty of his Excellency the Governor, to cause to be issued the bonds of this State, payable in such sums, and at such time and place, and bearing such rate of interest, not exceeding eight per cent. per annum, as will enable him to raise and obtain the means of paying such taxes, (less ten per cent. thereon) upon the most advantageous terms to the State; and that when said

means of paying said taxes shall be raised, His Excellency shall cause the said taxes (less ten per centum thereon) to be paid to the Confederate States, under the provisions of the said twenty-fourth section of the Act of Congress aforesaid.

Sec. III. Repeals conflicting laws.

Approved December 11, 1861.

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(No. 11.)

*An Act to alter the Sixth Section of An Act to amend the Patrol Laws of this State, approved February 20th, 1854.*

Sec. I. *Be it enacted by the General Assembly, That the proviso of the Sixth Section of An Act to amend the Patrol laws of this State, approved February 20th 1854, be altered so as not to include the county of Dade, and that the provisions of said act extend to the county of Dade.*

Sec. II. Repeals conflicting laws.

Approved December 11, 1861.

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(No. 12.)

*An Act to extend the time for the payment of Taxes for the year 1861.*

Sec. I. *Be it enacted by the General Assembly of the State of Georgia, That His Excellency the Governor be, and he is hereby authorized and required, to suspend issuing commissions to Tax Collectors in this State, who may be elected on the first Wednesday in January ensuing, until the first day of March next; and that the tax Collectors for the present year, be allowed until said first day of March to make their final payment to the Treasurer of this State. Provided, nevertheless, that said Collectors shall be required to pay into the Treasury on the first day of each month, until their final settlement, the amount of State tax collected by them respectively.*

Approved December 11, 1861.



## (No. 13.)

*An Act to give to the several Justices Courts of this State, jurisdiction in cases sounding in damages in certain cases.*

Sec. I. *Be it enacted*, That the Justices Courts of this State, shall have power to try all cases of trespass upon personal property, where the amount claimed does not exceed the jurisdiction of the Court, and give judgment for Plaintiffs for the amount of damages that may be proven, under the same rules and regulations in such cases, as in the Superior Courts. *Provided*, That either party being dissatisfied with the judgement of the Court shall have the right of an appeal to a jury, and the same shall be tried as other appeals in said Court.

Sec. II. Repeals conflicting laws.

Approved, December 9, 1861.

## (No. 14.)

*An Act to allow all slaves and free persons of color, who may leave this State in the service of any person in, or connected with the Military Service, to return to the State of Georgia.*

Sec. I. *The General Assembly of the State of Georgia do enact*, That all slaves and free persons of color, who may leave this State in the service of any person in or connected with the military service, may return to the State of Georgia, and shall not be held liable to the pains or penalties of any law now existing prohibiting their leaving or returning to Georgia.

Sec. II. All conflicting laws are hereby repealed.

Approved December 11, 1861.

## (No. 15.)

*An Act to Amend the tax laws of this State.*

*Whereas*, An Act entitled "An Act to repeal An Act approved February 26th, 1856, entitled An Act in relation to allowing Tax Collectors an insolvent list by the Grand Jurors of the several counties of this State, and to amend the

various laws for the collection of taxes," assented to December 21st, 1857, has been omitted altogether by the Code of this State to go into effect from and after the 1st day of January, 1862. For remedy whereof,

Section I. *Be it enacted by the General Assembly,* That the above and before recited act be, and the same is hereby re-enacted, to take effect from and after the first day of January next.

Sec. II. *Be it further enacted,* That no Collector, Sheriff or Constable shall receive cost on any Tax fifa, unless the same is collected from the defendant.

Sec. III. Repeals conflicting laws.

Approved December 12, 1861.

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(No. 16.)

*An Act to provide for the manufacture and purchase of arms for the public defence, and to appropriate money for the same.*

Sec. I. *Be it enacted by the General Assembly,* That the sum of three hundred and fifty thousand dollars be, and the same is hereby appropriated and set apart out of any money in the Treasury not otherwise appropriated, as a fund for the manufacture and purchase of arms for the public defence; and should there at any time be a deficiency of money in the Treasury, not otherwise appropriated, necessary to meet in whole, or in part, as it may be needed, the said appropriation, then His Excellency the Governor shall be, and he is hereby authorized, and empowered to issue and negotiate bonds of the State, in sums of five hundred dollars each, payable twenty years from date, bearing eight per cent interest payable semi-annually with coupons attached, in such amount as may be needed from time to time, to supply such deficiency; which bonds may be redeemed at the option of the State, at any time, after the expiration of five years from the time they are issued; *Provided,* That in lieu of the bonds provided for herein, the Governor in his discretion, may issue a part of said amount in Treasury notes of this State.

Sec. II. *Be it further enacted,* That His Excellency the Governor be, and he is hereby authorized and empowered to procure and purchase all the machinery, tools, imple-

ments, and materials necessary to be used in the manufacture of arms, such as muskets, rifles, and bayonets, and to pay for the same out of the appropriation herein made; and to direct said machinery to be put in operation in the Penitentiary of this State; and to employ such of the convicts therein confined, as may be needed, in the manufacture of the arms aforesaid, under the direction of an Armorer and Superintendent, to be appointed by the Governor, together with as many master workmen, as may be necessary to conduct said work, at such salaries as the Governor in his discretion may deem proper; and His Excellency the Governor is hereby empowered to put such machinery in operation at such other place or places, as he in his discretion may think proper.

Sec. III. *Be it further enacted*, That His Excellency the Governor be, and he is hereby authorized to use from time to time, such part of said appropriation as may be necessary to pay for such arms above specified, as he in his discretion may purchase, and for the purchase of such artillery as may at any time be needed for the public defence, together with all accoutrements and munitions of war necessary to accompany the same, and as far as practicable, to have said arms and artillery thoroughly tested and inspected before a purchase is made.

Sec. IV. *Be it further enacted*, That His Excellency the Governor be, and he is hereby authorized to employ one or more competent officers to test and inspect such arms as he in his discretion may purchase, so far as it may be practicable to have them tested and inspected; and to pay such officers out of the fund hereby appropriated, such compensation as he in his discretion may deem proper.

Approved December 12, 1861.

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(No. 17.)

*An Act to legalize the Orders and Judgments of Ordinaries of this State, where the same may be passed by them beyond the limits of the same.*

Sec. I. *The General Assembly do enact*, That all orders or judgments heretofore passed, or pronounced in granting

leave to sell land, or other property of deceased persons, by the Ordinary of any county while he is absent in the service of the State or Confederate States, where all the legal notices required by law have been, or may be given of such intended application, and all legal requirements have been, or may be complied with, and where no objections have been, or shall be filed, shall be deemed, held and taken, as binding and effectual to all intents and purposes, as if the same were pronounced in open Court by the Ordinary at the proper time. *Provided, nevertheless,* that any person who may have an interest in the property ordered to be sold, his agent, attorney or next friend, shall have the right to enter a *caveat* against the sale of said property, at any time before the sale thereof; which caveat shall suspend such judgment or order, until all the parties can be heard before the Ordinary in the county in the regular mode of such proceeding; and any person aggrieved by said order, may attack it for fraud in any Court where it may be sought to be used for the protection of the party procuring the same.

Assented to, December 13, 1861.

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(No. 18.)

*An Act to prescribe the proof in certain cases of open Accounts in the several Courts of this State.*

Sec. I. *Be it enacted,* That in all cases of suits on open accounts in the several Courts of this State, where the writ or process has been served personally as the law now directs, on the defendant, and there is no defence made by the party sued, either in person or by attorney, at the time the case is submitted for trial, the case shall be considered in default; and the plaintiff or plaintiffs shall be permitted to take verdict, as if each and every item had [been?] proved by testimony.

Sec. II. Repeals conflicting laws.

Assented to, December 13, 1861.

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(No. 19.)

*An Act to levy and collect a Tax for the political year 1862, and for other purposes.*

Sec. I. *The General Assembly of Georgia do enact as follows:* That His Excellency the Governor of this State, with the

assistance of the Comptroller General, shall assess on the entire amount of taxable property in this State, such a rate per cent. as will raise an amount of revenue not exceeding one million of dollars, for the support of the government of this State for the political year 1862; any law to the contrary notwithstanding.

Assented to, December 14, 1861.

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(No. 20.)

*An Act to authorize the Justices of the Inferior Courts and Ordinaries of the several Counties, to appoint some fit and proper person to open and adjourn said Courts in the absence of an officer to do so.*

Sec. I. *Be it enacted*, That from, and immediately after the passage of this Act, it shall be lawful for the Justices of the Inferior Courts and Ordinaries of the several Counties, to appoint some fit and proper person to open and adjourn said Courts in the absence of an officer to do so.

Sec. II. Repeals conflicting laws.

Assented to, December 14, 1861.

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(No. 21.)

*An Act to prescribe the term of office of the Judges of the Supreme Court of this State.*

Sec. 1. *The General Assembly of the State of Georgia enacts*, That the Judges of the Supreme Court of this State shall hold their offices for the term of six years, and until their successors are appointed and qualified.

Sec. II. Repeals conflicting laws.

Assented to December 14, 1861.

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(No. 22.)

*An Act to amend the Revenue Laws of this State, and for other purposes herein named.*

WHEREAS, in the adoption by the Legislature of 1860, of the Code prepared by a commission authorized by law,

several omissions and changes in that law require additional legislation, for the proper execution of the revenue laws of this State, for remedy whereof,

Sec. I. *Be it enacted*, That tax collectors in issuing *fi fas* to collect State and County taxes, shall be allowed a fee of fifty cents on all *fi fas* issued for said purpose.

Sec. II. *Be it further enacted*, That the Act entitled an Act to repeal an Act approved February 26, 1856, entitled an Act in relation to allowing Tax Collectors an insolvent list by the Grand Jurors of the several counties in this State, and to amend the various laws for the collection of taxes, having been omitted in the Code, the same is hereby re-enacted.

Sec. III. *And be it further enacted*, That no Collectors, Sheriff, or Constable, shall receive costs on a tax *fi fa.*, unless the same be collected from the defendant.

Sec. IV. *Be it further enacted*, That the 792d section of the Code, allowing the Comptroller General to pass upon the solvency or insolvency of tax payers of the several counties in this State be repealed; and that from and after the passage of this Act, whenever the Comptroller General shall be satisfied that a Tax Collector has exercised due diligence in his efforts to have his insolvent list allowed by a Grand Jury or Inferior Court, within the time prescribed by law, the said Comptroller General shall be authorized, if in his judgment the public interest will not suffer thereby, to wait with the Collectors fifteen, and not exceeding thirty days, for said insolvent list, before issuing *fi fa.* for the same.

Sec. V. *Be it further enacted*, That so much of the 646th and 647th sections of the Code as relates to the tax on Railroads be repealed; and that in lieu of the same, the 8th section of an Act assented to December 11th, 1858, taxing all Railroad Companies one-half of one per cent. upon their net annual income, be continued in force; and the returns of said Railroad Companies shall hereafter be made to the Comptroller General instead of the Treasurer.

Sec. VI. *Be it further enacted*, That the Inferior Courts of this State, in allowing Collectors their commissions for collecting the taxes levied by their respective counties, be and they are hereby authorized and required to aggregate

the taxes for the various purposes levied, and to allow commissions on the whole amount, in accordance with the schedule from which the Comptroller General is authorized to allow commissions to Collectors for collecting the State tax.

Sec. VII. *And Whereas*, By the Comptroller General's Report, it appears that a portion of the new Code prepared by the Commissioners and by previous Act of the Legislature of Georgia, intended to go into effect on the first day of January, 1862, is so framed as to destroy the necessary checks and balances between the offices of Treasurer and Comptroller General, for remedy whereof,

Sec. VIII. *It is hereby further enacted*, That so much of the 96th section of the Code as requires the Comptroller General to give certificates of the amount due from the Tax Collectors and other debtors of the State, before the same has been paid into the Treasury, be repealed; and that in lieu of the same the Act approved December 5th, 1799, entitled "an Act further explaining and defining the duties and powers of the Comptroller General," be substituted therefore, and hereafter continued in force; and that so much of section 89 of the new Code aforesaid as requires the Treasurer to account for monyes received in the Comptroller General's certificates, be and the same is hereby repealed; and the Treasurer shall be accountable for money received on his certificates.

Sec. IX. *And be it further enacted*, That no receipt or certificate of payment from the State Treasurer, for any money paid, or to be paid into the Treasury, shall be valid against the State, until the same shall have been turned over to the Comptroller General, and his receipt given in lieu thereof.

Sec. X. *And be it further enacted*, That whenever in the various Tax laws of this State, the words "United States" occur, the words "Confederate States" be, and the same are hereby substituted therefor.

Assented to December 14, 1861.

(No. 23.)

*An Act to amend an Act to authorize and empower the Justices of the Inferior Courts of this State, to discharge criminals or offenders against the law, from Jail, in certain cases, and also to discharge Defendants in certain civil cases, approved December 29th, 1847.*

Sec. 1. *The General Assembly do enact*, That the first section of the above recited Act be so amended as to read as follows, to-wit: That from and after the passage of this Act, when any criminal or offender against the laws of this State shall be confined in any of the jails thereof, under a sentence of imprisonment for a definite period and until all costs and fines are paid, and the said criminal or offender, after the time of his imprisonment shall have expired, shall be unable to pay [such?] fines and costs, or either, it shall and may be lawful for the Justices of the Inferior Court, in their discretion, (the whole Court therein concurring) when such criminal or offender against the law may be confined, to discharge him from such confinement.

Assented to December 14, 1861.

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(No. 24.)

*An Act to alter and fix the time of the meeting of the General Assembly of the State of Georgia.*

WHEREAS, The Constitution of the State of Georgia, restricts the session of the Legislature to forty days;

AND WHEREAS, The Legislature can only remain in session thirty-nine days, in consequence of the fortieth day being the Sabbath :

Sec. 1. *The General Assembly of the State of Georgia do enact*, That the meeting of the General Assembly of the State of Georgia, shall be annually on the first Thursday in November, instead of the first Wednesday, as now required by law.

Assented to December 14, 1861.



*An Act for the Protection of Soldiers in the service, against judgments, in certain cases.*

Sec. I. *The General Assembly of the State of Georgia do enact as follows:* That no judgment which has been obtained, or which may hereafter be obtained in any of the Courts of this State, against any soldier, during his absence from home in the service of this State or of the Confederate States, shall be enforced by execution until three months shall have expired from such time of such soldier's discharge from service.

Sec. II. That in all cases where any judgment has been or may hereafter be obtained against any soldier whilst he is absent from home in the service of the State or Confederate States as aforesaid, such soldier shall have the right at any time within three months after his discharge, to open such judgment, by making an affidavit that he was not personally served with process in the case in which the judgment was obtained, and that he has a good and subsisting defence against such judgment; which defence shall be stated in the affidavit; and the issue thus made shall be tried as in cases of illegality.

Sec. III. Repeals conflicting laws.

Assented to 14th December, 1861.

*An Act to authorize all Volunteers and other troops in the service from this State, to vote at all Elections, without reference to the place where they may be in service at the time of such Elections, and for other purposes.*

Sec. I. *The General Assembly enacts,* That all volunteers and other troops, citizens of this State, who are now, by law, entitled to vote, or who may at the time of such election, be entitled to vote at any election in this State, except such elections as are not returnable to the Executive Department, be and they are hereby entitled to assemble at such place as they may be stationed at, or in service, and

cast their votes as though they were in their proper counties, at such elections.

Sec. II. That at said elections it shall be lawful for any two commissioned officers of the company, battalion, or regiment, to preside and hold said elections, under the same rules and regulations that are now prescribed by law for the holding such elections, and make returns of the same as though the said election had been held in the county of the residence of the voters respectively—sending one copy of the list of voters and one copy of the tally-sheet to the Clerk of the Superior Court of the county where the persons voting reside, and one copy each to the Executive Department; and all elections thus held shall be accounted good and valid: *Provided* the returns thereof shall reach the Executive Department within fifteen days after the day of elections.

Sec. III Repeals conflicting laws.

Assented to 14th December, 1861.

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(No. 27.)

*An Act to amend the Military Laws of this State.*

Sec. I. *The General Assembly of the State of Georgia do enact as follows, to-wit:* That all troops, of every character, now in the service of Georgia, or that may hereafter be called into the service, shall receive the same pay and allowance as that allowed to the Confederate troops; and each company hereafter called into service, shall have the same number, rank and file, as that required by the laws of Congress and the Army Regulations of the Confederate States; and Chaplain and Surgeon may be appointed, with the same rank and pay as those in the Confederate Army.

Assented to December 14, 1861.

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(No. 28.)

*An Act to authorize Continuances of Causes pending in the Superior and Inferior Courts and City Courts of this State, during the War, in certain cases.*

Sec. I. *The General Assembly of the State of Georgia do enact, That the Judges of the Superior and Inferior Courts*

and City Courts of this State, are hereby authorized to grant a general continuance, and from Term to Term, of all causes in behalf of Plaintiffs and Defendants when they are in the military service of the Confederate States or of the State of Georgia, as also where the Attorney of either Plaintiffs or Defendants is in the military service, and who was employed as Counsel before entering said military service.

Sec. II. *And be it further enacted*, That where it shall be made to appear that either party has a material witness absent, or who is in the military service as aforesaid, who alone can prove the material facts in the case, and that it has not been in the power of the party to procure the testimony of said absent witness by interrogatories since the passing of this Act, then, in such case, the Court, being satisfied from the circumstances, that the showing for a continuance was not made for delay only, may enter the case continued generally.

Sec. III Repeals conflicting laws.

Assented to December 14, 1861.

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(No. 29.)

*An Act to regulate Foreign Exchange.*

Sec. I. *The General Assembly of the State of Georgia do enact*, That the purchase and sale of Foreign Exchange, shall hereafter be regulated by the laws of trade.

And that all laws or parts of laws heretofore enacted, which place restrictions upon Foreign Exchanges, be and the same are hereby repealed.

Assented to December 14, 1861.

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(No. 30.)

*An Act to amend an Act, entitled an Act to abolish imprisonment for debt, on certain conditions herein set forth, and for other purposes, assented to December 11, 1858.*

Sec. I. *The General Assembly of Georgia do enact*, That the provisions of the second section of the above recited Act, be and the same are hereby extended to all persons arrested

under any civil process whatever, mesne or final; and that the notice required by said Act to be given to the Plaintiff, shall be ten days, which shall be effected by personal service.

Sec. II. *And be it further enacted*, That in no event, except for Providential cause, shall a continuance be granted to the Plaintiff more than one time, nor shall such continuance delay the case for more than thirty days from the day of arrest.

Sec. III. *And be it further enacted*, That the Plaintiff, his Agent or Attorney, shall be required to make affidavit that he has reason to believe that the facts set forth in the tender of issue, are true.

Sec. IV Repeals conflicting laws.

Assented to December 14, 1861.

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(No. 31.)

*An Act to prevent Attorneys at Law from practicing in the Courts of this State, who fail to pay their Professional Tax.*

Sec. I. *Be it enacted*, That from and after the passage of this Act, whenever it shall be made to appear to any Judge of the Superior Courts, that any Attorney at Law practicing in said Courts, has failed to pay his professional tax, or fails to pay his said tax levied according to the laws of this State, and execution has been issued for the same by the Tax Collector, and returned by the proper officer no property to be found, it shall be the duty of the Judge presiding in the Superior Court of the county in which the same Attorney resides, to cause to be issued a rule by the Clerk of said Court, requiring said Attorney to show cause by the next term of said Court, why he should not be struck from the list of Attorney's, and his License to practice declared of no effect, for his failure to pay his said professional tax; which rule shall be served by the Sheriff upon said Attorney, twenty days before the next term of said Court; and if at said term of said Court, said Attorney fails to show sufficient cause, said Judge shall pass an order striking said Attorney from the list of Attorneys, and declare his license to prac-

tice in the Courts of law and equity in this State, null and of no effect.

Assented to December 14, 1861.

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(No. 32.)

*An Act to alter the Great Seal of the State of Georgia.*

Sec. I. *The General Assembly of Georgia do enact*, That S. S. Stafford and G. N. Lester and B. H. Bigham be, and they are hereby appointed Commissioners in co-operation with the Secretary of State, to prepare a new Great Seal for the State of Georgia, and to make all necessary preparations and arrangements to bring the same, as agreed on by said Commissioners, into use.

Sec. II. *Be it further enacted*, That so soon as the Great Seal is agreed upon and prepared, as provided in the foregoing section, the Secretary of State shall forthwith use it instead of the Seal now in force; and all attestations under the new Seal shall from then thenceforth be valid.

Assented to December 14, 1861.

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(No. 33.)

*An Act to suspend the Statutes of Limitation, and for other purposes.*

Sec. I. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, the Statutes of limitation now in force, be and the same are hereby suspended during the present war.

Sec. II. *Be it further enacted*, That in all cases where the statute of limitation has commenced to run, the same shall be suspended until peace is declared by the Proclamation of the President of the Confederate States; at which time it shall commence, computing the time it had already run at the time of the passage of this Act in favor of any person or persons, or corporation relying on the same.

Sec. III. Repeals conflicting laws.

Assented to December 14, 1861.

(No. 34.)

*An Act to provide for the Reduction of the Salaries of the Officers and Employees of the Western and Atlantic Railroad.*

Sec. I. *The General Assembly of Georgia do enact, That* the Governor be requested to scrutinize the salaries of the officers and employees of the Western & Atlantic Railroad; and whenever it can be done with a due regard to the best interests of the Road, a fair and proper reduction of the salaries shall be made.

Sec. II. Repeals conflicting laws.

Assented to December 14, 1861.

(No. 35.)

*An Act to prevent, during the existing War, Monopolies, Extortions and Speculation in Breadstuffs and other Articles of general use and consumption, and to make such acts criminal, and to provide penalties for the same.*

Sec. I. *Be it enacted by the General Assembly, That* if any person shall purchase any articles of clothing, shoes, leather, cloth of any kind, provisions, wheat, flour, corn, cornmeal, meat, bacon, hogs, cattle, salt, bagging, rope and twine, or any or either of the aforesaid articles, or any other article or thing, and shall falsely represent that he or they is or are purchasing such article or articles for the soldiers or Government, or Army of this State, or of the Confederate States, or of any of the Confederate States, or for any Army or troops friendly to the Confederate States, or shall, by any fraudulent contrivance, induce, or attempt to induce the vendor to believe that he or they is, or are, purchasing such article or articles for the Army or Government of this State, or the Confederate States, or of any of the Confederate States, such person so offending, shall be guilty of a felony; and upon conviction thereof in the county where the purchase may be made, shall be punished by imprisonment and hard labor in the Penitentiary, not less than one year, nor longer than three years; and upon all trials for such offence, after proof of the representation shall be made, the *onus* of proving the agency shall rest upon the defendant.

Sec. II. *Be it further enacted,* That all and every person or persons who shall monopolize any of the articles above mentioned, with intent to produce a scarcity of such article or articles in the market, or of raising the price or prices of such articles, or either of them, or if any person or persons shall purchase, procure, or receive any of the articles specified in the preceding section, and hold the same for the purpose of engrossing the market and raising the price of such article or articles, such person or persons so offending, shall be guilty of a misdemeanor; and upon conviction thereof, shall be fined in a sum not less than five hundred dollars, nor exceeding five thousand dollars.

Sec. III. *Be it further enacted,* That any person or persons who shall exact, demand, or receive exorbitant, unjust, or unreasonable prices for any of the articles enumerated in the foregoing sections of this Act, shall be guilty of the crime of extortion; and upon conviction thereof, shall be punished by fine, or imprisonment, or both, in the discretion of the Court; the fine not to exceed one thousand dollars, and the imprisonment not to exceed six months.

Sec. IV. *Be it further enacted,* That in all trials for a violation of the third section of this Act, the Jury may take in to consideration the cost of producing the articles, with expenses of transportation to market, if the defendant be a manufacturer or producer thereof; and the original price paid therefor, with cost of transportation, if the defendant be a merchant or trader.

Sec. V. *Be it further enacted,* That if any or either of the offences specified and described in the foregoing sections, shall be committed by a Corporation through its agents, the President and Directors of such corporation, as also the agent so offering the article for sale, shall be liable to be severally indicted for such offence; and upon conviction, shall be punished as is herein before prescribed.

Sec. VI. *And be it further enacted,* That any of the above articles may be purchased without the limits of this State, and imported into this State for sale, and at a price not exceeding the current prices in the neighborhood where the same may be offered for sale.

Sec. VII. *Be it further enacted,* That it shall be the duty of the Judges of the Superior Courts of this State, at the

opening of each session of their respective Courts, to give the provisions of this Act in special charge to the Grand Jury.

Sec. VIII. *Be it further enacted*, That in all indictments under this Act, it shall only be necessary to state the offence generally and substantially, in the words of this act.

Sec. IX. *Be it further enacted*, That this Act shall take effect and go into operation from and after the 15th day of this present month,\* and shall continue in force for twelve months, or until the end of the present war.

Assented to December 14, 1861.

\*15th December, 1861.

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(No. 36.)

*An Act to approve, adopt and make of force, in the State of Georgia, a revised Code of Laws, prepared under the direction and by authority of the General Assembly thereof, and for other purposes therewith connected, assented to December 9, 1860.*

Sec. I. *The General Assembly do enact*, That the provisions of the aforesaid Act, be and the same are hereby so amended that the said revised Code of Laws shall go into operation the 1st day of January, 1863, and not before.

Sec. II. *Be it further enacted*, That as soon as said Code has been properly published and indexed, the Governor is authorized and instructed to take the necessary steps to furnish each member of the present General Assembly with a copy, to the end that he may examine and prepare to decide upon the merits of the same, previous to the next meeting of the Legislature.

Assented to 16th December, 1861.

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(No. 37.)

*An Act to define and fix the manner in which suits may be instituted against Insurance Companies in this State, and to prescribe the manner in which service shall be effected upon them.*

Sec. I. *The General Assembly do enact*, That whenever any person may have any claim or demand upon any Insurance Company having agencies, or more than one place of doing



business, it shall be lawful for such person or persons, to institute suit against said Insurance Company, within the county where the principal office of such Company is located, or in any county where such Insurance Company may have an agency, or place of doing business, [which ?] was located at the time the cause of action accrued, or the contract was made, out of which said cause of action arose.

Sec. II. In all such suits, service shall be effected upon such Insurance Company, by leaving a copy of the bill or writ, with the agent of the Company, if any; if no agent should be in the county, then at the agency or place of doing business, or where the same was located at the time such cause of action accrued, or the contract was made out of which the same arose.

Sec. III. Repeals conflicting laws.

Assented to December 16, 1861.

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(No. 38.)

*An Act to repeal An Act to regulate the Agencies of Foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner, assented to the 12th of December, 1859.*

Sec. I. *Be it enacted by the General Assembly, That the Act referred to in the caption of this Act, be and the same is hereby repealed; Provided, That the provisions of this Act, shall not extend to Insurance Companies located within the United States of America.*

Assented to December 16, 1861.

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(No. 39.)

*An Act to authorize Guardians, Trustees, Executors and Administrators, to invest in Confederate State Bonds, and in land and negroes.*

Sec. I. *The General Assembly of the State of Georgia do enact, That Guardians, Trustees, Executors and Administrators, are hereby authorized to invest any funds held by them, as*

such Guardians, Trustees, Executors and Administrators, in the Bonds issued by the Confederate States of America, or in lands and negroes; *Provided*, that an order to that effect be first obtained from the Judge of the Superior Court, who is hereby authorized to consider and pass such applications either in term time or vacation.

Sec. II. Repeals conflicting laws:

Assented to December 16, 1861.

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(No. 40.)

*An Act to authorize the Receiver or Receivers appointed under the Sequestration Act of the Confederate States, to bring suit on all claims of Alien enemies, sequestrated in any of the Courts of this State, and to maintain all suits which are now pending in any of the Courts, and for other purposes.*

Sec. I. *Be it enacted*, That from and after the passage of this Act, the Receiver or Receivers appointed under and by virtue of the Sequestration Act passed by the Congress of the Confederate States, be and they are hereby authorized to sue all sequestrated claims which are not in suit, and maintain and prosecute all cases which are now pending in any of the Courts, and to proceed to collect all judgments, fisas issued from any of the said Courts in favor of said Alien enemies, that have or shall hereafter be sequestrated, in the same manner as the original plaintiffs would have been entitled to have done, provided they had not have become Alien enemies; and in all such cases, the Receiver or Receivers shall be made a party plaintiff, on motion, before the Court, and the name of the Alien enemy shall be stricken out and the name of the Receiver or Receivers inserted, in all cases now pending, and in all fisas; and that all suits shall be commenced by petition on all sequestrated claims, in the name of the Receiver, for the use of the Confederate States, according to the law of this State regulating actions at law or in equity, [and they?] shall be the same as in all other cases in said Court; [and?] the Court in which the judgment may be rendered shall have discretionary power as to taxing the costs, according to the equity of each case.

Sec. II. *Be it further enacted*, That in all cases where the said Receiver or Receivers shall fail to recover judgment in any cause, judgment may be signed against such Receiver in his official capacity; but no personal liability shall attach to said Receiver, but such costs accruing shall be paid out of the first money raised in said Court out of the sequestration funds.

Sec. III. That all costs due to the officers of Court on any of said sequestration cases, shall be the first money paid out of the sequestrated fund arising in said Court; *And be it further enacted*, That said Receiver or Receivers may prosecute such claims through any attorney at law whom he may appoint or employ for such purpose.

Sec. IV. *And be it further enacted*, That said Receiver or Receivers, or any attorney at law, may sue out attachment in the name of the Receiver, for the use of the Confederate States, by making the affidavit as now required by the laws of this State in case of attachment, and the proceedings shall be the same as in all other cases of attachment.

Sec. V. Repeals conflicting laws.

Assented to December 16, 1861.

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(No. 41.)

*An Act to encourage the manufacture of salt within the limits of the State of Georgia, and for other purposes.*

WHEREAS, The supply of salt, in consequence of the blockade of the ports of this State, is exceedingly limited, and much inconvenience must result to the people unless measures are afforded to manufacturers of said article.

Sec. I. *Be it enacted*, That his Excellency the Governor of this State, be and he is hereby authorized to draw his warrant upon the Treasury of this State, for the sum of fifty thousand dollars; which said sum, in his discretion, shall be advanced without interest, to any Company or Corporation, which has been or may hereafter be established in this State for the manufacture of salt: the advance so made to be secured to the State by mortgage, or otherwise, and to be refunded to the Treasury aforesaid, at such time

or times, as may be designated by the said Governor after peace shall have been restored between the United States and the Confederate States of America.

Sec. II. *Be it further enacted*, That the Governor is hereby authorized to draw his warrant, or several warrants, upon the Treasury of Georgia, in favor of such persons or Corporations as may be engaged, or may hereafter engage in the manufacture of salt, not to exceed in all the sum of fifty thousand dollars; and the Governor may draw for any part of said sum, in favor of any responsible parties or corporations, in sums as may be, in each case, agreed upon; *Provided*, that in each case, before the same shall be drawn from the Treasury, good and sufficient security shall be given by the party or corporation in whose favor it shall be made, in bond or mortgage; the sufficiency of the security to be judged of by the Governor, and the time of repayment to the State to be likewise stipulated by his Excellency; *Provided*, that no interest shall be charged on the sum or sums so advanced.

Sec. III. Repeals conflicting laws.

Assented to December 16, 1861.

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(No. 42.)

*An Act to add an additional Section to the Penal Code of Georgia.*

Sec. I. *The General Assembly of Georgia do enact as follows*: That the following shall be and is hereby added as a twelfth Section of the fifth Division of the Penal Code of this State:

The wilful or malicious burning, or attempting to burn any Railroad Bridge within this State, (otherwise than under the order of the Governor, or some military officer of this State or of the Confederate States, during the continuance of the existing war,) shall be deemed and adjudged Arson, and shall be punished with death.

Assented to December 16, 1861.

## (No. 43.)

*An Act to amend An Act entitled An Act to authorize the settlement of criminal prosecutions in certain cases, and to regulate more particularly the duties of the Attorney and Solicitors General, and fix their liabilities, approved February 22d, 1850.*

WHEREAS, By the fourth Section of the above recited Act, the Attorney and Solicitors General are prohibited from demanding or receiving any fee, or cost, on any criminal case which has not been tried by a Petit Jury, except such as are provided for in the first Section of said Act, whereby the Attorney and Solicitors General are deprived of the cost in all cases settled under the third Section of said Act, as well as in all cases finally disposed of without going before a Petit Jury, by the defendants placing a demand for trial upon the minutes, or otherwise, for remedy whereof,

Sec. I. *Be it enacted*, That the fourth Section of the above recited Act, be so amended as to read as follows: Any Attorney or Solicitor General who shall demand or receive any fee, or costs, on any criminal case which has not been tried by a Petit Jury, or otherwise finally disposed of, shall be guilty of a misdemeanor; and on conviction shall be punished by a fine or imprisonment, at the discretion of the Court.

Assented to December 16, 1861.

## (No. 44.)

*An Act to authorize Married Women to deposit money in any Savings Bank or Institution now chartered, or which may hereafter be chartered by this State, and for other purposes therein mentioned.*

Sec. I. *The General Assembly of the State of Georgia do enact as follows*: That it shall and may be lawful for any married woman to deposit in any of the Savings Banks or Institutions for Savings, now chartered in the State of Georgia, or which may hereafter be chartered in said State, any sum or sums of money, the proceeds of her own labor, or that of her children, less than one thousand dollars taken

in the aggregate, and to control, draw for, dispose of, devise, or transfer in any way whatever, the sum or sums thus deposited, in every respect, as if she were not a married woman.

Sec. II Repeals conflicting laws.

Assented to December 16, 1861.

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(No. 45.)

*An Act to add an additional Section to the Tenth and Thirteenth Divisions of the Penal Code of this State.*

Sec. I. *Be it enacted*, That from and after the passage of this Act, the following section shall be added to the tenth division of the Penal Code now of force, and shall be part thereof:

Any white woman, within the limits of this State, who shall live or *cohabit* with any negro *slave* or *free person* of *color*, shall be guilty of adultery or fornication, as the case may be, and be indicted for the same; and on conviction, shall be fined or imprisoned in the common jail of the county, or both, at the discretion of the Court; and said slave or free person of color, so found living or cohabiting with any white woman in this State, shall be imprisoned for one week, in the county jail, and receive, during said week, *thirty-nine* lashes on his bare back, on three several days during said week; and the owner of said slave shall pay the expenses of said imprisonment and correction of said slave; and if a free person of color, his Guardian shall pay all of said expenses and costs.

Sec. II. *Be it further enacted*, That from and after the passage of this Act, the following shall be added as an additional section of the thirteenth division of the Penal Code, to-wit:

That if any slave, or free person of color, shall wilfully destroy, or in any manner hurt, damage, injure, or obstruct, or shall aid and assist in any way whatever, to hurt, damage, injure, or obstruct, any railroad bridge in this State, or any branch thereof, or any bridge connected therewith,

or any vehicle, edifice, car, carriage, or engine, of any of said railroads; or shall, without the consent of the Company, move, or interfere or meddle with any gate, switch, sidling, or other appurtenance to any such railroad, such slave or free person of color so offending, shall and may be indicted; and on conviction, shall be punished by death.

Assented to December 16, 1861.

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(No. 46.)

*An Act to prevent Trading with the Enemy in time of War, within this State, or a Port of any other State.*

Sec. I. *Be it enacted*, That from and after the passage of this Act, it shall be unlawful for any person to send or carry, to sell, or offer for sale, in any port, city, town, or other place, within this State, whilst the same is in possession, or under the control of the enemy of the Confederate States, or the State of Georgia, any cotton, grain, provisions, or other article of trade, and merchandize of any kind, or shall send, or cause to be sent out of the State, with the intention of carrying, or sending to sell, or offer for sale, any such article, at any such ports or places. And any person who shall, directly or indirectly, violate the provisions of this Act, shall be deemed guilty of a felony; and on conviction thereof, shall be punished by imprisonment in the Penitentiary, for a term of not less than two years, nor longer than ten years.

Assented to December 16, 1861.

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(No. 47.)

*An Act to provide for the appointment of new Assignees and Trustees in certain cases.*

Sec. I. *Be it enacted*, That in all cases of assignments for the benefit of creditors, heretofore or hereafter made,

and in all cases of any trust, where the sole or surviving Trustee or Assignee shall have departed this life, or removed beyond the jurisdiction of the Courts of this State, the Superior Courts of the several counties in this State, shall have full power and authority, when sitting, either as a Court of law or equity, upon the petition of two or more of the parties interested in such assignment or trust, and on such notice as the Court shall direct, in a summary manner, to appoint a new Trustee or Trustees, in the place and instead of such deceased or non-resident Trustee; and such new Trustee shall have all the authority, and be subject to all the pains and penalties of such deceased or non-resident Trustee or Assignee; and all laws or enactments shall be as applicable, and in as full force, in respect to the new, as the old Assignee or Trustee; and said Court, being hereby authorized, in its discretion, to require bond and security of such Assignee or Trustee.

Sec. XII Repeals conflicting laws.

Assented to December 16, 1861.

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(No. 48.)

*An Act to prescribe the Bond of Tax Receiver and Collector, and for other purposes.*

Sec. I. *The General Assembly of Georgia do enact*, That the bonds to be required of the Tax Receiver and Collector, shall be those heretofore required of the Tax Collector; and that the laws heretofore enacted in reference to the bonds of Tax Collectors, shall apply to the bonds to be given by the Tax Receiver and Collector.

Sec. II. *Be it further enacted*, That whenever the Tax Receiver and Collector shall resign, after having discharged any portion of his duties, he shall receive compensation in proportion to the labor performed; and in case of the death of the said Tax Receiver or Collector, after having performed a part of his duties, his representatives shall be entitled to receive compensation in proportion to the labor performed—to be determined by the Comptroller General.

Assented to December 16, 1861.



(No. 49.)

*An Act to amend An Act entitled An Act to provide for the Public Defence, and for other purposes, assented to December the 18th, 1860.*

Sec. I. *The General Assembly do enact*, That to each regiment organized under the provisions of the above entitled act, there shall be a Chaplain, to be appointed by the Governor, upon the recommendation of a majority of the commissioned officers of the regiment, whose pay and rations shall be the same as those allowed by the Congress of the Confederate States to Chaplains of the Confederate Army, and who shall be provided by the regimental Quartermaster with a separate tent for his use as Chaplain.

Sec. II. *The General Assembly do further enact*, That such persons as have been serving in the capacity of Chaplain in any of the military forces of this State, with the approbation of the commanding officer, shall be entitled to the foregoing pay and emolument, from the date of the commencement of their services.

Assented to December 16, 1861.

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 (No. 50.)

*An Act to amend the Act, approved 11th December 1858, to compel the Judges of the Superior Courts of each Circuit in the State, to hold adjourned terms in every County within their Circuit where the business requires, until the docket is cleared, and for other purposes.*

Sec. I. *Be it enacted*, That the holding of adjourned terms of the Superior Courts, for the disposition of the business upon its dockets, shall rest in the sound discretion of the presiding Judge.

Sec. II. *And be it further enacted*, That when an adjourned Court shall become necessary in the opinion of the presiding Judge, he shall, in the exercise of a sound discretion, cause new Juries to be drawn for the same, or order the Juries drawn for the regular term, to give their attendance at such adjourned term.

Sec. III. *Repeals conflicting laws.*

Assented to December 17th, 1861.

## (No. 51.)

*An Act to allow Secondary proof and Testimony in cases where Copy Wills, Deeds and other papers cannot be procured, and for other purposes.*

WHEREAS, In consequence of the Secession of the State of Georgia from the late United States, and the impossibility of communication with the States now composing said Government of the United States, by reason of the existing war, it is not practicable to procure certified copies of Wills, Deeds, Contracts, and other papers, under the rules of Law, nor the testimony of witnesses residing therein, by reason whereof much wrong and injury is likely to happen to citizens of this State,—for remedy whereof.

Sec. I. *The General Assembly do enact*, That in all suits or other legal proceedings, whether at law or in equity, and whether the same are now pending, or shall be hereafter instituted, it shall and may be lawful for the presiding Judge in the trial of all such cases or proceedings, so to relax and change the rules of evidence, as to him may seem best, and most to promote the ends of Justice ; and to admit and allow such proof and testimony as the nature of each case may require.

Sec. II. All conflicting laws are hereby repealed.

Assented to December 16, 1861.

## (No. 52.)

*An Act to provide for the safety of property or funds in the hands of Guardians, Administrators or Administratrix, &c.*

Sec. I. *Be it enacted*, That from and after the passage of this Act, it shall be the duty of the Ordinaries of the several counties of this State, whenever it comes to their knowledge, either by annual returns, or otherwise, that the bond and securities of any Guardian, Administrator, or Administratrix, is not of sufficient amount, (or otherwise in his judgment insufficient) to be of double the amount of the property or funds in hand of any such Guardian, Admin-

istrator, or Administratrix, it shall be the duty of said Ordinary to give notice to said Guardian, Administrator, or Administratrix, to come forward at the next term of the Court of said Ordinary, and give additional security to said Ordinary, or give a new bond with good securities; and on failure to do so, said authority of said Guardian, Administrator, or Administratrix, shall cease; and said Ordinary shall appoint, in terms of the law, a Guardian, Administrator, or Administratrix, to take the place of said defaulting Guardian, Administrator, or Administratrix.

Sec. II. Repeals conflicting laws.

Assented to December 17, 1861.

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(No. 53.)

*An Act for the relief of the several Banks in the State of Georgia, which have made advances to the State, upon Bonds or other Contracts, and for other purposes.*

WHEREAS, Several of the Banks in this State have made advances to the State of Georgia, under the Act of 1860, for the purpose of "providing for the common defence of the State of Georgia, and to appropriate money for the same;" which several advances, amounting in the aggregate, to the sum of eight hundred and forty-two thousand and five hundred dollars, were made by said banks, in part in Bonds of the State, bearing six *per cent.* interest *per annum*, and upon an agreement with His Excellency the Governor, that he would recommend to the General Assembly the payment of seven *per cent.* on said advances; and whereas, it is eminently just and proper that the said Banks should receive the sum of seven *per cent.* on said advancements.

Sec. I. *Be it therefore enacted*, That His Excellency the Governor, be and he is hereby authorized and directed, to take up and cancel the Bonds of the State of Georgia, bearing six *per cent.* interest, which have been issued to the banks of this State for their advances, and also the receipts, or other agreements, which may have been entered into with such banks as have made advances to the State without receiving bonds, and that he cause to be issued and delivered in lieu thereof, Bonds of the State of Georgia, bearing seven *per*

*cent. interest per annum, with coupons for the interest thereon, payable semi-annually,—said bonds to be redeemable at the expiration of twenty years from the date of said advances, and with the right to the State to redeem said bonds, at her option, at any time after the expiration of five years from their date, upon the payment of principal and interest—said bonds to be delivered to the several banks, according to the amounts respectively advanced by them; and in all cases where the interest has been paid, no coupons shall issue for the amount so paid.*

Sec. II. Repeals conflicting laws.

Assented to December 16, 1861.

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(No. 54.)

*An Act to authorize the Superintendent of the Western & Atlantic Railroad of this State, to issue change Bills, and for other purposes.*

Sec. I. *The General Assembly of Georgia do enact, as follows: That the Superintendent of the Western & Atlantic Railroad of this State, be and he is hereby authorized to issue and put in circulation, change bills of the denomination of one dollar, fifty cents, twenty-five cents, ten cents, and five cents, the aggregate amount of which shall not exceed the sum of two hundred thousand dollars; which bills shall be signed by the said Superintendent and countersigned by the Treasurer of said Road; Provided, that the amount of said change bills of the denomination of one dollar, shall not exceed the sum of fifteen thousand dollars.*

Sec. II. *Said change bills shall be redeemed by said Treasurer in current bank notes, whenever presented in sums of five dollars or upwards; and for the ultimate redemption of the change bills which may be issued as aforesaid, the said Western & Atlantic Railroad, its fixtures, property and revenues, together with the faith of the State, are hereby pledged.*

Sec. III. *And be it further enacted, That the Bills so issued, shall be upon such paper as is now used by the Banks of this State, or the best paper that can be procured.*

Sec. IV. All change bills issued under the provisions of this Act, shall be, and are hereby made receivable in payment of taxes, and all other dues to the State, as well as dues to said Western & Atlantic Railroad.

Sec. V. Any person who shall alter, or counterfeit any change bill issued as aforesaid, or shall knowingly pass, or utter any change bill so altered or counterfeited as aforesaid, shall be guilty of a felony; and on indictment and conviction thereof, the offender shall be punished by confinement and labor in the Penitentiary of this State, for a time not less than two, nor longer than ten years, at the discretion of the Court.

Sec. VI. *And be it further enacted*, That for a violation of any part of this Act, the person or persons violating the same, shall be guilty of a felony; and on conviction shall be imprisoned in the Penitentiary for a term not less than two, nor more than ten years; *Provided*, it shall not be a violation of the provisions of this Act, for the Agent, or Superintendent, or Treasurer, to furnish at his discretion, change bills for current bank bills, when it is desired for change.

Sec. VII. The said Superintendent shall have a register kept of all change bills issued under this Act; which register shall contain the number and amount of each change bill issued; and shall at all times be subject to the inspection of the Governor, or any committee of either branch of the Legislature.

Sec. VIII. *Be it further enacted, Provided*, the authority to issue change Bills under this Act, shall cease and determine, so soon as the payment of specie shall be assumed by the Banks of this State.

Sec. IX. *Be it further enacted*, That the Superintendent of the Western & Atlantic Railroad, be required, on demand, to furnish to the Treasurer of each county in the State, as much as five hundred dollars of change bills, in exchange for current Bank bills.

Sec. X. Repeals conflicting laws.

Assented to December 17, 1861.

(No. 55.)

*An Act to authorize the Justices of the Inferior Court of the Counties of Floyd, Bartow, Chatooga, Decatur, Cobb, and Burke, and any other Counties of this State, to issue Bonds, and borrow money, in certain cases.*

Sec. I. *The General Assembly of Georgia do enact, That the Justices of the Inferior Court, or a majority of them, of each of the above named counties, or any other counties of this State, are hereby authorized to issue Bonds of the county, and borrow money, for the purpose of raising means to equip volunteers and support the families of indigent volunteer, who are absent in the army, or who may have been killed, or died in the service, or who may have been wounded or disabled in the service, and for any other county purposes, so far as relates to the county of Burke as the Grand Jury of said county of Burke may, from time to time, recommend.*

Sec. II. *The General Assembly do further enact, That the Justices of the Inferior Courts of Decatur county be, and they are hereby authorized, to raise money from the sale of County Bonds, to meet present emergencies in equipping and supporting soldiers from said county, and to provide means for the support of the needy families of soldiers in service: this Act to continue in force until peace is declared.*

Sec. III. *Be it further enacted, That all laws, and parts of laws, militating against this Act, be, and the same are hereby repealed.*

Assented to December 17, 1861.

(No. 56.)

*An Act to legalize the action of the Palace Mills Company of Columbus, in issuing change bills, and to legalize the issue of change bills by others, on certain conditions.*

WHEREAS, Heretofore, to-wit: on the 26th of October, 1861, Randolph L. Mott, President of the Palace Mills Company, of the city of Columbus, at the request and solicitation of many citizens of said city, did issue and put in circulation change bills, for the convenience of the citizens of

Columbus, as there was a great scarcity of silver change ; *And Whereas*, the issue of said change bills and the circulation of the same, was contrary to the Statutes in such cases made and provided :

Sec. I. *Be it enacted*, That the change bills issued by the Palace Mills, of Columbus, and signed by R. L. Mott, President, and dated 26th of Oct., 1861, and put in circulation, that said issue of change bills are hereby made legal, and the property of the said Palace Mills and all the property of the said R. L. Mott, is and are hereby made liable for the redemption of said change bills; and that the said Palace Mills and Randolph L. Mott are hereby required to redeem, on presentation, and destroy, so as not to put in circulation again, the said change bills.

Sec. II. *And be it further enacted*, That said Palace Mills and Randolph L. Mott, its President, are hereby released from any penalty for and on account of issuing and putting in circulation the said change bills dated on the 26th of October, 1861, any law to the contrary notwithstanding; and that the provisions of this Act be extended to all individuals and Corporations who have issued and put in circulation change bills, upon their redeeming all such bills as may have been issued; Provided, that no Corporation or person shall be relieved from the pains and penalties of the existing laws, who shall fail or refuse to redeem the change bills heretofore issued by them, when presented; *Provided further*, that this Act shall not be so construed, as to authorize said Randolph L. Mott, or any other person or corporation, to issue any other change bills, or to re-issue those which he or they may redeem.

Assented to December 17, 1861.

## RESOLUTIONS

Of Public Interest, adopted by the late General Assembly.

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(No. 1.)

*Resolved*, That the Comptroller is hereby directed to issue such instructions to Tax Collectors throughout Georgia, as will prevent all further proceedings for the sale of lands heretofore held by persons now alien enemies, until after the General Assembly shall have taken further action on the subject.

Assented to December 14, 1861.

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(No. 2.)

WHEREAS, By a Joint Resolution of this General Assembly, the Comptroller General is directed to issue such instructions to Tax Collectors throughout Georgia as will prevent further proceedings for the sale of lands heretofore held by alien enemies, until after the General Assembly shall have taken further action on the subject.

*And Whereas*, The above stated Resolution does not direct the Comptroller General how to settle with Tax Collectors when they wish to make their final settlement and obtain a full receipt, for remedy thereof,

*Be it further Resolved*, By the General Assembly of Georgia, That, upon any Collector producing to the Comptroller General a certificate from the Inferior Court of his county, stating the name or names of the alien enemies whose land is now subject to be sold for taxes, and further certifying the amount of State tax due on the same, the Comptroller General, if satisfied that the amount stated is correct, is hereby authorized to allow the Tax Collector credit for the same, on his account, together with any reasonable advertising fee which said Collector may have paid for advertising said lands; and that such settlements be entered on the Comptroller's book, in the same manner that settlements now made with the Tax Collector are entered on the Books of said office.

Assented to December 16, 1861.



*Resolved*, By the General Assembly of Georgia, that the Governor be, and he is hereby authorized and instructed to tender to the Confederate Government the volunteer forces called into service under the law of 1860, or which may hereafter be called into service for the State defence, in companies, battalions, regiments, brigades or divisions, as may be found to be acceptable to the War Department of the Confederate States; *Provided*, That the Confederate States will receive them for the term of their enlistment and for local defence in this State, under the act of Congress to provide for local defence and special service, approved August 21, 1861; *And provided further*, That, if the Confederate States shall not accept said troops, in that event the troops shall remain in service as State troops, under the terms of their enlistment; *And provided further*, That such tender shall be made, so far as the troops now in the State are concerned, before the 15th day of January next, and before a greater sum than one million of dollars is raised or expended as provided for in the 20th Section of the general appropriation bill; *And provided further*, That none of said troops shall be transferred to the Confederate service without their full consent, first fairly obtained, by companies, if organized as independent companies, by battalions, if organized in independent battalions, or by regiments if organized in regiments.

*Be it further Resolved*, That we earnestly recommend the Confederate Government to receive said State forces, should they assent, with all their field and general officers; and, if there be no law now authorizing such acceptance, we respectfully request our Senators and Representatives to urge the passage of a bill to effect so desirable an object.

Assented to December 16, 1861.

WHEREAS, The Ports of the Confederate States of America are now blockaded, or attempted to be blockaded by the Government of the so-called United States; *And Whereas*,

said Confederate States are not now receiving any revenue in consequence of said attempted blockade :

*Be it therefore Resolved*, That the State of Georgia in General Assembly met, do urge her Representatives in the Congress of the Confederate States, to exert their influence to open the Ports of the Confederate States, free of duty, to all friendly nations, during the existence of the War between the Confederate States and the so called United States.

Assented to December 16, 1861.

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(No. 5.)

*Resolved, 1st.* The Senate concurring, That this General Assembly deems it due to the sovereignty of Georgia, to declare that Georgia asserts her ancient, paramount right of original proprietary interest and title in and to all the lands within the limits of the State; and that she will not permit her present attitude and action, or any action upon the part of any power, to be construed against her in the future as a precedent calculated to show, in the least, that she has, in anywise, yielded this great right. Georgia therefore enters her solemn request of record, that the Sequestration Act recently passed by the Provisional Confederate Congress, shall not be so proceeded upon, or so construed, as to raise any question as to the sovereign rights of the State over all of the lands within her limits.

*Resolved, 2d.* That the land heretofore held by persons now alien enemies ought not, at this time, to be sold for any purpose; but that the same should lie as it now does, subject to the sovereign, paramount right Georgia has in and to the same.

*Resolved, 3d.* That a copy of these Resolutions be transmitted to our delegates in the Provisional Confederate Congress; and that the same be also transmitted to the Senators and Representatives of Georgia in the Confederate Congress.

Assented to December 16, 1861.

(No. 6.)

*Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That it is the sense of this General Assembly, that the separation of those States now forming the Confederate States of America, from the United States is, and ought to be final and irrevocable; and that Georgia will, under no circumstances, entertain any proposition from any quarter, which may have for its object a restoration or re-construction of the late Union, on any terms or conditions whatever.

*Resolved,* That the war which the United States are waging upon the Confederate States, should be met on our part, with the utmost vigor and energy, until our independence and nationality are unconditionally acknowledged by the United States.

*Resolved,* That Georgia pledges herself to her sister States of the Confederacy, that she will stand by them throughout the struggle—she will contribute all the means which her resources will supply, so far as the same may be necessary to the support of the common cause, and will not consent to lay down arms until peace is established on the basis of the foregoing resolutions.

Approved December 11th, 1861.

# INDEX.

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| <ol style="list-style-type: none"> <li>1. Savannah Banks may move to interior.</li> <li>2. City Council of Augusta may issue Treasury Notes.</li> <li>3. Levy of County War Tax, &amp;c.</li> <li>4. Stay Laws extended.</li> <li>5. Bank Suspension continued.</li> <li>6. Tax Collectors.</li> <li>7. Offices of Tax Collector and Receiver consolidated.</li> <li>8. Election of Senators in Congress.</li> <li>9. Certiorari Laws amended.</li> <li>10. Confederate War Tax.</li> <li>11. Patrol Laws.</li> <li>12. Payment of taxes by Tax Collectors.</li> <li>13. Jurisdiction of Justices' Courts.</li> <li>14. Slaves may return to Georgia from Army.</li> <li>15. Tax Collectors.</li> <li>16. Manufacture of Arms by State, &amp;c.</li> <li>17. Judgments by Ordinaries.</li> <li>18. Suits on open accounts.</li> <li>19. Levy and collection of Taxes for 1861.</li> <li>20. Adjournment of Inferior Courts and Courts of Ordinary.</li> <li>21. Term of office of Judges of Supreme Court.</li> <li>22. Amendment of Code, Tax Collectors, &amp;c.</li> <li>23. Discharge of Criminals from jail.</li> <li>24. Meeting of General Assembly.</li> <li>25. Judgments against Soldiers in service.</li> <li>26. Soldiers in service may vote.</li> <li>27. Pay and allowance of Ga. Troops.</li> <li>28. Continuance of cases during the war.</li> <li>29. Foreign Exchange.</li> <li>30. Imprisonment for debt.</li> <li>31. Attorneys at Law.</li> <li>32. Great Seal of the State.</li> <li>33. Statute of Limitations.</li> <li>34. Salaries of officers on State Road.</li> <li>35. Speculators, Monopolies, Extortions, &amp;c.</li> </ol> | <ol style="list-style-type: none"> <li>36. Code of Georgia.</li> <li>37. Suits against Insurance Companies.</li> <li>38. Agencies of foreign Insurance Companies.</li> <li>39. Trustees, &amp;c., may invest in Confederate States Bonds.</li> <li>40. Sequestration Act of U. States.</li> <li>41. Manufacture of Salt encouraged.</li> <li>42. Death Penalty for burning Railroad Bridge.</li> <li>43. Solicitor General, &amp;c.</li> <li>44. Deposit of Money in Bank by married women.</li> <li>45. Penal Code.</li> <li>46. Trading with the enemy.</li> <li>47. Tax Receivers and Collectors' Bonds.</li> <li>48. Trustees, Assignees, &amp;c.</li> <li>49. Chaplains in State service.</li> <li>50. Judge of Superior Courts.</li> <li>51. Evidence in case of copy wills, &amp;c.</li> <li>52. Executors, Guardians, Administrators, &amp;c.</li> <li>53. Advances from Banks to State, to be refunded.</li> <li>54. W. &amp; A. R. R. to issue Change Bills.</li> <li>55. Inferior Courts may issue County Bonds.</li> <li>56. Issue of Shipplasters regulated and justified.</li> </ol> |
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## RESOLUTIONS.

1. Instructions to Tax Collectors.
2. Instructions to Tax Collectors.
3. Tender of State Troops to the Confederate Government.
4. Recommending Importations free of duty.
5. Georgia's right to lands within her Territory.
6. In reference to prosecuting the War.







