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*Augustus S. Clayton*  
A  
DIGEST

OF THE

*Presented March 1. 1800.*  
L A W S

OF THE

State of Georgia.

FROM ITS FIRST ESTABLISHMENT AS A BRITISH PROVINCE DOWN  
TO THE YEAR 1798, INCLUSIVE

AND THE

PRINCIPAL ACTS OF 1799:

IN WHICH

Is comprehended the declaration of Independence; the State Constitutions of 1777 and 1789, with the alterations and amendments in 1794.

ALSO THE

Constitution of 1798.

IT CONTAINS

As well all the Laws in force, as those which are deemed useful and necessary or which are explanatory of existing Laws; together, with the

TITLES OF ALL THE OBSOLETE AND OTHER ACTS.

AND CONCLUDES

WITH AN APPENDIX containing the original Charters and other Documents, ascertaining and defining the Limits and Boundary of the State; all the Treaties with the Southern tribes of Indians; the articles of Confederation and perpetual union; the Constitution of the United States, and a few Acts of Congress.

Together with a copious Index to the whole.


BY

ROBERT & GEORGE WATKINS.

Philadelphia:

PRINTED BY R. AITKEN, N<sup>o</sup>. 22, MARKET STREET.

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1800.





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*[Handwritten signature]*



Augustin S. Clayton presented  
in 1809

ADDRESS  
TO THE PUBLIC.

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THE following work is offered to the public under a conviction of its utility. Not incited to the present undertaking, by ambition for literary fame, or with a view of having their names enrolled in the catalogue of contemporary authors, the compilers claim no merit but from their zealous assiduity and labor in the compilation. Having witnessed the numerous advantages resulting from the success of similar exertions, in other States, they determined to pursue the example and collect the whole of the State laws into one view. Such a work had been long called for by the public, and had been contemplated by others at an earlier period; but, either from the difficulty of the undertaking, or the want of legislative sanction, every attempt, in this State, has hitherto failed of success. Notwithstanding these difficulties, the present compilers observing with much concern the great uncertainty in the municipal regulations of the State, and the embarrassments thereby introduced into every department of the government, but particularly in the courts of justice, whither one of them was led by professional duty, they determined though, strange to relate, not without opposition, to encounter the task upon the credit of their own fortunes, and hazard its success on their own individual reputations.

In a State whose government has been the theatre of political agitations, in which the reciprocal struggles of jarring and opposing interests, have produced the alternate adoption and abrogation of  
opposite



opposite measures, the civil polity cannot but be subject to frequent and variagated changes: This unfortunately has been too much the case with the State whose legislative acts are here presented to the public; and this too, has added much to the labor and perplexity of the undertaking. Many of the laws have never been published, some are entirely lost or destroyed, others in a tattered and mutilated condition, and the mass in whence this collection is made, has hitherto been, almost, as much out of the public reach as the laws of Caligula. The compilers, however, have exercised their utmost assiduity, in collecting all the laws in force, passed since the first settlement of the State as a British province, together with such of the repealed or obsolete acts as were deemed useful and necessary, as governing the transactions under them, while in force: These they have arranged with the titles of all the other laws to be found, in the order of time in which they were passed, with such marginal notes and references as were deemed necessary to elucidate the objects of succeeding legislatures. To which is subjoined the fundamental regulations under which they were enacted. The constitution of the State as revised and amended at different periods, the articles of confederation and perpetual union, and the constitution of the United States. They have also added, the original charters and other documents, ascertaining and defining the limits and boundary of the State; all the treaties with the southern tribes of Indians, and a few acts of congress.

Whilst the compilers have zealously endeavoured to fulfil their engagements, they have to regret the unexpected delay of the publication. It is, however, to be hoped the causes will not be overlooked. Soon after their commencement, measures were taken and pursued for a change in the constitution. This was too important  
not



*not to wait the issue and incorporate the result. They have not only done this, but the delay has enabled them to add the laws of several years more than originally intended; and the whole code has recently undergone a thorough revision. In strict conformity with those engagements, a guide for justices of the peace should likewise have been annexed: but the new matter already added, it is presumed, will be deemed more than adequate. Indeed it has been considered that the guide will be more useful, by being published in a small portable volume. This will be done as soon as possible. The manuscript has been long prepared, but the many alterations in the constitution and laws have rendered a revision of that too, indispensably necessary. Such of the subscribers, however, as may not have occasion for the present work, without the guide, will be at liberty to withdraw their names.*

*Another cause of delay may justly be ascribed to the agitation of the public mind, during its progress, and to an opposition, which sought to destroy the effects and enjoy the fruits of their labor, by an indelicate interference, and an illiberal competition.\**

*Although*

\* During the first session of the legislature of 1799, when the digest was in the press, a candid representation was made to them respecting its progress. They took up the subject and referred it to a large and respectable joint committee from the two branches. This committee reported specially, and unanimously recommended an appropriation of fifteen hundred dollars, and added that they were the more induced to recommend the adoption of the measure "from a conviction that the said digest is a work of great labor and merit and will be of importance in forming a complete digest, agreeably to the 8th sect. of the 3d art. of the constitution; and that the said Robert and George Watkins are entitled to a generous retribution for their labor and exertions." It was thereupon resolved *unanimously* in the house of representatives, "that the sum of fifteen hundred dollars, be appropriated" accordingly, to their use. The senate concurred by a large majority. During its progress, however, some opposition arose in the senate. This was at length explained by one of the governor's particular friends, who had the *modesty*, openly, to move that an addition be made to the appropriation act, in the words following: "The sum of two thousand dollars, subject to the order of the governor, for the purpose of enabling the executive to promulgate the laws of the State, agreeably to the 8th sect. of the 3d art. of the constitution." This was negatived—yeas 4, nays 11. And his excellency was directed, by a second resolution, to pay the first mentioned sum on demand "out of the contingent fund." Still unwilling to submit to the will of the legislature, his excellency has not only been pleased, in the recess of that body, to disapprove of the appropriation, but has also charged the legislature with violating the constitution in making what he calls a "gratuity" of the public money, and withholds the amount.

On these facts, the compilers forbear to comment.



*Although the authors of this work cannot boast of the patronage of ALL their rulers, they have the consolation to believe, that in offering it to the public, they are sanctioned by the approving voice of the best informed and most impartial characters in the community. To the indulgent eye of a generous public it is, therefore, cheerfully submitted.*

*The want of age and experience in the compilers, engaged in an arduous profession, added to the circumstances already stated, forbid the hope of perfect correctness. Conscious, however, of the best intentions, they venture to flatter themselves that the errors will be found neither numerous or important.*

*Should a greater number of copies be wanted than are now printed, a second edition will be published in octavo, in which all intermediate alterations in the laws, will be duly noticed, and the utmost care taken to correct and improve the former.*

*In a representative government, it is of the utmost consequence to the body of the nation, to be rightly informed of those laws and regulations by which their duties are defined and their rights secured. To promote this desirable object, as far as was in their power, has been the leading motive of the compilers. That it may answer the ends proposed, and advance the public good, is their ardent wish.*

AUGUSTA, 1 JULY, 1799.



HAVING been frequently consulted by Mess. ROBERT and GEORGE WATKINS, during the progress of the following work, we do certify, that in our opinion, it is correct, will be of great utility, and merits the public attention.

GEORGE WALTON,  
WILLIAM STITH, Jun.  
SEABORN JONES,  
GEORGE WALKER.

*Augusta, Nov. 15, 1798.*

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### Entered,

IN conformity to the act of the Congress of the UNITED STATES, intituled " An Act for the encouragement of Learning, by securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of such copies during the times therein mentioned."

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THE  
DECLARATION OF INDEPENDENCE.

*IN CONGRESS, JULY 4, 1776.*

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WHEN, 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 self evident ; 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.



## DECLARATION OF

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 accommodation 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 migrations 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 dependant 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



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 neighbouring 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.





## DECLARATION OF

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~~<sup>excited</sup> domestic insurrections amongst us, and has endeavoured 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~~<sup>by</sup> the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections 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; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great-Britain, is, and ought to be, totally dissolved; and that as 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.

NEW HAMPSHIRE.

{ JOSIAH BARTLET,  
WILLIAM WHIPPLE,  
MATTHEW THORNTON.

MASSACHUSETTS



*MASSACHUSETTS BAR.*

{ 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.*

{ CAESAR RODNEY,  
GEORGE READ.

*MARYLAND.*

{ SAMUEL CHASE,  
WILLIAM PACA,  
THOMAS STONE,  
CHARLES CARROLL, of Carrollton.

*VIRGINIA.*



## DECLARATION OF, &amp;c.

*VIRGINIA.*

{ GEORGE WYTHE,  
RICHARD HENRY LEE,  
THOMAS JEFFERSON,  
BENJAMIN HARRISON,  
THOMAS NELSON, Junr.  
FRANCIS LIGHTFOOT LEE,  
CARTER BRAXTON.

*NORTH CAROLINA.*

{ WILLIAM HOOPER,  
JOSEPH HEWES,  
JOHN PENN.

*SOUTH CAROLINA.*

{ EDWARD RUTLEDGE,  
THOMAS HEYWARD, Junr.  
THOMAS LYNCH, Junr.  
ARTHUR MIDDLETON.

*GEORGIA.*

{ BUTTON GWINNETT,  
LYMAN HALL,  
GEORGE WALTON.



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## \*THE CONSTITUTION

*Augustin*      *L.* OF THE      *Clayton*  
**State of Georgia.**

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**W**HEREAS the conduct of the legislature of Great-Britain for many years past, Preamble. 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 free-men, 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 Sussex on Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, given by their representatives met together in General Congress, in the city of Philadelphia.

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

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

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

L. The

\* This Constitution gave place to the Constitution of 1786.—p. 22.



Legislative, executive and judiciary departments 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 Representatives.

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.

Governor & executive council, how chosen.

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 on business.

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—fourteen.

IV. The representation 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.

Wilkes county.

The ceded lands north of Ogechee shall be one county, and known by the name of Wilkes.

Richmond.

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

Burke.

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

Effingham.

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.

Chatham.

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.

Liberty.

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

Glynn.

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

Camden.

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

Port and town of Savannah, four members.

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

The



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

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 counsellors shall be chosen from them, as is directed for the other counties. Glynn & Camden, one representative each. Representatives of new counties apportioned.

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 residents sufficient to qualify them for more: And they shall be of the protestant religion, and of the age of twenty one years, and shall be possessed in their own right of two hundred and fifty acres of land, or some property to the amount of two hundred and fifty pounds. Qualification 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 laws and regulations.

The house of assembly shall also have power to repeal all laws and ordinances they find injurious to the people: And the house shall chuse its 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 chuse its own speaker, and appoint its officers &c.

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. Manner of passing laws and ordinances.

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. Qualifications of electors; election by ballot.

X. No officer whatever shall serve any process, or give any other hindrance 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. Elections to be free and open.



Persons to vote where they reside; title of nobility disqualification.

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

Persons not voting Subject to fine.

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.

Representatives to be elected 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 oath how administered.

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.

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 to be appointed annually, and deemed 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.

What persons 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



appointed to any place of profit or military commission, which he shall accept, his seat shall immediately become vacant, and he shall be incapable of re-election whilst holding such office.

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

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

No person to hold more than one office of profit.

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, or suspend a fine, until the meeting of the assembly, who may determine therein as they shall judge fit.

Powers of governor and executive council.

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 'til 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 all vacancies in office and issue all 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.

Governor when to 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.

How chosen & when eligible.

The governor shall reside at such place as the house of assembly for the time being shall appoint.

His residence.

XIV. 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:

Oath.

And



And lastly, I do also solemnly swear, that I have not accepted of the government whereunto I am elected, contrary to the articles of this constitution. So help me God.'

This oath to be administered to him by the speaker of the assembly.

President's oath

The same oath to be administered by the speaker to the president of the council.

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

President & officers of council how appointed.

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.

Council to vote by counties.

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

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.

Powers of council respecting laws and 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.

Proposed amendments how delivered.

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.

President when to 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 oath of secrecy to 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.

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.'

To secretary &c

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

Executive power how long to exist.

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

XXXII.



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.

Legislature and executive transactions between them how managed.

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.

Governor's military title.

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

Militia commissions how long to continue.

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.

Battalions how formed.

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;

Superior court how established and where to be held.

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.

Matters in dispute.

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

Where 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.

Criminals where tried.

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

Superior court jurisdiction.



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 chuse six, six more names shall be taken indifferently out of a box provided for that purpose, the whole eighteen to be summoned, and their names to be put together into the box, and the first twelve that are drawn out, being present, shall be the special jury to try the cause, and from which there shall be no appeal.

Appeals how to  
be tried.

Jury, judges of  
law and fact.

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

How sworn.

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

Special jury  
how sworn.

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

Captures by sea  
and land where  
and how tried.

XLV. Captures, both by sea and land, to be tried in the county where such shall be carried in; a special court to be called by the chief justice, or in his absence, by the then senior justice in the said county, upon application of the captors, or claimants, which cause shall be determined within the space of ten days. The mode of proceeding and appeal shall be the same as in the 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.

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

Court of conscience.

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

Executions how  
stayed.

XLVIII. 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.

XLVIII.



XLVIII. All the costs attending any action in the superiour 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. Superior court costs, causes how long to continue.

XLIX. Every officer of the State shall be liable to be called to account by the house of assembly. Officers how called to account.

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. Public records where kept.

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. Estates not to be entailed, how divided.

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

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. County officers how appointed.

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

LV. A court house and jail shall be erected at the public expence in each county, where the present convention, or the future legislature shall point out and direct. 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 schroll, whereon shall be engraved, The Constitution of the State of Georgia; and the motto, *Pro bono publico*;—on the other side, an elegant house, and other buildings, fields of corn, and meadows covered with sheep and cattle; a river running through the same, 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. Attornies how admitted.

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

Fines & bail not to be excessive.

LX.

\* See act of 1785, No. 307.



Habeas Corpus.

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

Freedom of press  
& trial by jury.LXI. Freedom of the press, and trial by jury, to remain inviolate *forever*.Clergymen in-  
eligible.LXII. No clergyman, of any denomination, shall be allowed a seat in the legis-  
lature.This constitu-  
tion how alter-  
ed.

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.

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.

A. D. 1670.

*An act for the better settling of Intestates Estates.*

22 & 23 C. 2.  
c. 10.

Alt ordinaries  
who have pow-  
er to grant ad-  
ministrations,  
have power to  
take bond.  
Vaughan, 96.  
31 Ed. 3. c. ii.

**B**E it enacted, That all ordinaries, as well the judges of the prerogative courts of *Canterbury* and *York* for the time being, as all other ordinaries and ecclesiastical judges and every of them, having power to commit administration of the goods of persons dying intestate, shall and may upon their respective granting and committing of administrations of the goods of persons dying intestate, after the 1st day of *June*, 1671, of the respective person or persons to whom any administration is to be committed, take sufficient bonds with two or more able sureties, respect being had to the value of the estate, in the name of the ordinary, with the condition in form and manner following, *mutatis mutandis, viz.*

The condition  
of the bonds.

“ II. The condition of this obligation is such, That if the within bounded A. B. ad-  
“ ministrator of all and singular the goods, chattels and credits of C. D. 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, possession or knowledge of him the said A. B. or into the hands and posses-  
“ sion of any other person or persons for him, and the same so made do exhibit or  
“ cause to be exhibited into the registry of \_\_\_\_\_ court, at or before  
“ the \_\_\_\_\_ day of \_\_\_\_\_ next ensuing; (2) and the same goods, chat-  
“ tels and credits, and all other the goods, chattels and credits of the said deceased  
“ at the time of his death, which at any time after shall come to the hands or posses-  
“ sion of the said A. B. or into the hands and possession of any other person or per-  
“ sons for him, do well and truly administer according to law: (3) And further, do  
“ make or cause to be made, a true and just account of his said administration, at or  
“ before the \_\_\_\_\_ day of \_\_\_\_\_. And all the rest and  
“ residue of the said goods, chattels and credits which shall be found remaining  
“ upon



“ upon the said administrator's account, the same being first examined and allowed of  
 “ by the judge or judges for the time being of the said court, shall deliver and pay unto  
 “ such person or persons respectively, as the said judge or judges by his or their de-  
 “ cree or sentence, pursuant to the true intent and meaning of this act, shall limit  
 “ and appoint. (4) And if it shall hereafter appear, that any last will and testament  
 “ was made by the said deceased, and the executor or executors therein named do  
 “ exhibit the same into the said court, making request to have it allowed and appro-  
 “ ved accordingly, if the said A. B. within bounden, being thereunto required, do  
 “ render and deliver the said letters of administration (approbation of such testament  
 “ being first had and made) in the said court, then this obligation to be void and of  
 “ none effect, or else to remain in full force and virtue.”

1 Salk. 315,  
316.

III. Which bonds are hereby declared and enacted to be good to all intents and purposes, and pleadable in any courts of justice: (2) And also that the said ordinaries and judges respectively, shall and may, and are enabled to proceed and call such administrators to account, for and touching the goods of any person dying intestate; (3) and upon hearing and due consideration thereof, to order and make just and equal distribution of what remaineth clear (after all debts, funerals and just expences of every sort first allowed and deducted) amongst the wife and children, or children's children, if any such be, or otherwise to the next of kindred to the dead person in equal degree, or legally representing their stocks *pro suo cuique jure*, according to the laws in such cases, and the rules and limitation hereafter set down: And the same distributions to decree and settle, and to compel such administrators to observe and pay the same, by the due course of his majesty's ecclesiastical laws: (4) Saving to every one, supposing him or themselves aggrieved, their right of appeal as was always in such cases used.

Ordinaries have power to call administrators to account, and to make distribution amongst the wife and children, &c.  
 Vin. v. 14, 464.  
 Wood, p. 1. 159.  
 explained by 1. Jac. 2. c. 17. sect. 8.  
 Skinner 26.

V. *Provided always*, That all ordinaries and every other person who by this act is enabled to make distribution of the surplusage of the estate of any person dying intestate, shall distribute the whole surplusage of such estate or estates in manner and form following, that is to say, (2) one third part of the said surplusage to the wife of the intestate, and all the residue by equal portions, to and amongst the children of such persons dying intestate, and such persons as legally represent such children, in case any of the said children be then dead, other than such child or children (not being heir at law) who shall have any estate by the settlement of the intestate, or shall be advanced by the intestate in his life time, by portion or portions equal to the share which shall by such distribution be allotted to the other children to whom such distribution is to be made: (3) And in case any child, other than the heir at law, who shall have any estate by settlement from the said intestate, or shall be advanced by the said intestate in his life time by portion not equal to the share which will be due to the other children by such distribution as aforesaid; then so much of the surplusage of the estate of such intestate, to be distributed to such child or children as shall have any land by settlement from the intestate, or were advanced in the life time of the intestate, as shall make the estate of all the said children to be equal as near as

How and to whom the surplusage is to be distributed.  
 2 Mod. 20, 101.  
 3 Mod. 58.  
 1 Vern. 465.

Advancement by portion.

1 Shower 25.



Heir at law to have an equal part.

1 Ven. 310.  
2 Lev. 173.  
2 Ven. 317.  
1 Mod. 209.  
2 Mod. 204.

If no wife, then to be distributed amongst the children.

1 Sack. 250.  
Raymond 496.  
Carthew 51.  
Jones v. Tho. 93  
2 Vernon, 169,  
170. 233.

No distribution 'till after one year. If debts afterwards appear, then all to refund proportionably.

This act shall not extend to administration cum testamento annexo.

can be estimated: (4) But the heir at law, notwithstanding any lands that he shall have by descent or otherwise from the intestate, is to have an equal part in the distribution with the rest of the children, without any consideration of the value of the land which he hath by descent, or otherwise, from the intestate.

VI. And in case there be no children nor any legal representatives of them, then one moiety of the said estate to be allotted to the wife of the intestate, the residue of the said estate to be distributed equally to every of the next kindred of the intestate, who are in equal degree, and those who legally represent them.

VII. *Provided*, That there be no representations admitted among collaterals after brothers and sisters children: (2) And in case there be no wife, then all the said estate to be distributed equally to and amongst the children: (3) And in case there be no child, then to the next of kindred in equal degree, of or unto the intestate, and their legal representatives as aforesaid, and in no other manner whatsoever.

VIII. *Provided also, and be it likewise enacted*, To the end that a due regard be had to the creditors, that no such distribution of the goods of any person dying intestate to be made till after one year be fully expired after the intestate's death; (2) and that such and every one to whom any distribution and share shall be allotted, shall give bond with sufficient sureties in the said courts, that if any debt or debts truly owing by the intestate shall be afterwards sued for and recovered, or otherwise duly made to appear, that then and in every such case he or she shall respectively refund and pay back to the administrator his or her rateable part of that debt or debts, and of the costs of suit and charges of the administrator by reason of such debt, out of the part and share so as aforesaid allotted to him or her, thereby to enable the said administrator to pay and satisfy the said debt or debts so discovered after the distribution made as aforesaid.

IX. *Provided always*, In all cases where the ordinary hath used heretofore to grant administration *cum testamento annexo*, he shall continue so to do, and the will of the deceased in such testament expressed shall be performed and observed in such manner as it should have been if this act had never been made.

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*An Act for the better securing the liberty of the subject, and for prevention of imprisonments beyond the seas.*

‘ **W**HEREAS great delays have been used by sheriffs, jailors and other officers, to whose custody any of the king's subjects have been committed for criminal or supposed criminal matters, in making returns of writs of *habeas corpus* to them directed, by standing out on *alias* and *pluries habeas corpus*, and sometimes more, and by other shifts to avoid their yielding obedience to such writs, contrary to their duty and the known laws of the land, whereby many of the king's subjects have been and hereafter may be long detained in prison, in such cases where by law they are bailable, to their great charges and vexation:’



II. For the prevention whereof, and the more speedy relief of all persons imprisoned for any such criminal or supposed criminal matters; (2) *Be it enacted*, That whensoever any person or persons shall bring any *habeas corpus* directed unto any sheriff or sheriffs, gaoler, minister, or other person whatsoever, for any person in his or their custody, and the said writ shall be served upon the said officer, or left at the gaol or prison with any of the under officers, under keepers, or deputy of the said officers or keepers, that the said officer or officers, his or their under officers, under keepers or deputies, shall within three days after the service thereof as aforesaid, (unless the commitment aforesaid were for treason or felony, plainly and specially expressed in the warrant of commitment) upon payment or tender of the charges of bringing the said prisoner, to be ascertained by the judge or court that awarded the same, and endorsed upon the said writ, not exceeding twelve pence *per* mile, and upon security given by his own bond to pay the charges of carrying back the prisoner, if he shall be remanded by the court or judge to which he shall be brought according to the true intent of this present act, and that he will not make any escape by the way, make return of such writ, (3) and bring or cause to be brought the body of the party so committed or restrained, unto or before the lord chancellor, or lord keeper of the great seal of *England* for the time being, or the judges or barons of the said court from whence the said writ shall issue, or unto and before such other person or persons before whom the said writ is made returnable, according to the command thereof; (4) and shall then likewise certify the true causes of his detainer or imprisonment, unless the commitment of the said party be in any place beyond the distance of twenty miles from the place or places where such court or person is or shall be residing; and if beyond the distance of twenty miles, and not above one hundred miles, then within the space of ten days, and if beyond the distance of one hundred miles, then within the space of twenty days, after such delivery aforesaid, and not longer.

Writs of *habeas corpus* within three days after service to be returned, and the body brought if within 20 miles, &c.  
Vin. V. 14.  
209, &c.

III. And to the intent that no sheriff, gaoler, or other officer may pretend ignorance of the import of any such writ; (2) *Be it enacted by the authority aforesaid*, That all such writs shall be marked in this manner, *Per Statutum tricesimo, primo Caroli Secundi Regis*, and shall be signed by the person that awards the same; (3) and if any person or persons shall be or stand committed or detained as aforesaid, for any crime, unless for felony or treason plainly expressed in the warrant of commitment, in the vacation time, and out of term, it shall and may be lawful to and for the person or persons so committed or detained (other than persons convicted or in execution by legal process) or any one on his or their behalf, to appeal or complain to the lord chancellor or lord keeper, or any one of his majesty's justices, either of the one bench or of the other, or the barons of the exchequer of the degree of the coif; (4) and the said lord chancellor, lord keeper, justices or barons or any of them, upon view of the copy or copies of the warrant or warrants, of commitment and detainer or otherwise upon oath made, that such copy or copies were denied to be given by such person or persons in whose custody the prisoner or prisoners is or are detained, are hereby authorized and required, upon request made in writing by such person or persons, or any on his, her or their behalf, attested and subscribed by two witnesses who were present at the delivery of the same, to award and grant an *habeas corpus* under the seal of such court

Such writs how to be marked.

Writs of *habeas corpus*, and the proceedings thereon in vacation time.



court whereof shall then be one of the judges, (5) to be directed to the officer or officers in whose custody the party so committed or detained shall be returnable *immediate* before the said lord chancellor or lord keeper, or such justice, baron, or any other justice or baron of the degree of the coif of any of the said courts; (6) and upon service thereof as aforesaid, the officer or officers, his or their under officer or under officers, under keeper or under keepers, or their deputy in whose custody the party is so committed or detained, shall within the time respectively before limited, bring such prisoner or prisoners before the said lord chancellor or lord keeper, or such justices, barons or one of them, before whom the said writ is made returnable, and in case of his absence before any other of them, with the return of such writ, and the true causes of the commitment and detainer; (7) and thereupon within two days after the party shall be brought before them, the said lord chancellor or lord keeper, or such justice or baron before whom the prisoner shall be brought as aforesaid, shall discharge the said prisoner from his imprisonment, taking his or their recognizance, with one or more surety or sureties, in any sum according to their discretions, having regard to the quality of the prisoner and nature of the offence, for his or their appearance in the court of king's bench the term following, or at the next assizes, sessions or general gaol delivery of and for such county, city or place where the commitment was, or where the offence was committed, or in such other court where the said offence is properly cognizable, as the case shall require, and then shall certify the said writ with the return thereof, and the said recognizance or recognizances into the said court where such appearance is to be made; (8) unless it shall appear unto the said lord chancellor or lord keeper, or justice or justices, or baron or barons, that the party so committed is detained upon a legal process, order or warrant, out of some court that hath jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said justices or barons, or some justice or justices of the peace, for such matters or offences for the which by the law the prisoner is not bailable.

Persons neglect-  
ing two terms  
to pray a *habeas*  
*corpus*, shall have  
none in vacati-  
on time in pur-  
suance of this  
act.

Officers how to  
be proceeded a-  
gainst for not  
obeying such  
writs.

IV. *Provided always, and be it enacted*, That if any person shall have wilfully neglected by the space of two whole terms after his imprisonment, to pray a *habeas corpus* for his enlargement, such person so wilfully neglecting shall not have any *habeas corpus* to be granted in vacation time, in pursuance of this act.

V. *And be it further enacted by the authority aforesaid*, That if any officer or officers, his or their under officer or under officers, under keeper or under keepers, or deputy, shall neglect or refuse to make the returns aforesaid, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or person in his behalf, shall refuse to deliver, or within the space of six hours after demand shall not deliver to the person so demanding, a true copy of the warrant or warrants of commitment and detainer of such prisoner, which he and they are hereby required to deliver accordingly; all and every the head gaolers and keepers of such prisons, and such other person in whose custody the prisoner shall be detained, shall for the first offence forfeit to the prisoner or party grieved the sum of



one hundred pounds; (2) and for the second offence the sum of two hundred pounds, and shall and is hereby made incapable to hold or execute his said office; (3) the said penalties to be recovered by the prisoner or party grieved, his executors or administrators, against such offender, his executors or administrators, by any action of debt, suit, bill, plaint or information, in any of the king's courts at *Westminster*, wherein no *essoine*, protection, privilege, injunction, wages of law, or stay of prosecution by *non vult ulterius prosequi*, or otherwise, shall be admitted or allowed, or any more than one imparlance; (4) and any recovery or judgment at the suit of any party grieved shall be a sufficient conviction for the first offence; and may after recovery, or judgment at the suit of a party grieved for any offence after the first judgment, shall be a sufficient conviction to bring the officers or person within the said penalty for the second offence.

VI. And for the prevention of unjust vexation by reiterated commitments for the same offence, (2) *Be it enacted by the authority aforesaid*, That no person or persons which shall be delivered or set at large upon any *habeas corpus*, shall at any time hereafter be again imprisoned or committed for the same offence by any person or persons whatsoever, other than by the legal order and process of such court wherein he or they shall be bound by recognizance to appear, or other court having jurisdiction of the cause; (3) and if any other person or persons shall knowingly, contrary to this act, recommit or imprison, or knowingly procure or cause to be re-committed or imprisoned, for the same offence or pretended offence, any person or persons delivered or set at large as aforesaid, or be knowingly aiding or assisting therein, then he or they shall forfeit to the prisoner or party grieved the sum of five hundred pounds; any colorable pretence or variation in the warrant or warrants of commitment notwithstanding, to be recovered as aforesaid.

Persons set at large not to be recommitted but by order of court.

VII. *Provided always, and be it further enacted*, That if any person or persons shall be committed for high treason or felony, plainly and specially expressed in the warrant of commitment, upon his prayer or petition in open court the first week of the term, or first day of the sessions of *oyer* and *terminer* and general gaol delivery, to be brought to his trial, shall not be indicted some time in the next term, sessions of *oyer* and *terminer* or general gaol delivery, after such commitment; it shall and may be lawful to and for the judges of the court of king's bench and justices of *oyer* and *terminer* or general gaol delivery, and they are hereby required, upon motion to them made in open court the last day of the term, sessions or gaol delivery, either by the prisoner or any one in his behalf, to set at liberty the prisoner upon bail, unless it appear to the judges and justices upon oath made, that the witnesses for the king could not be produced the same term, sessions or general gaol delivery; (2) and if any person or persons committed as aforesaid, upon his prayer or petition in open court the first week of the term or first day of the sessions of *oyer* and *terminer* and general gaol delivery, to be brought to his trial, shall not be indicted and tried the second term, sessions of *oyer* and *terminer* or general gaol delivery, after his commitment, or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

Persons committed for treason or felony shall be indicted the next term, or let to bail.

And tried the term, &c. after or discharged.  
1 Vent. 346.

VIII. *Provided always*, That nothing in this act shall extend to discharge out of prison any person charged in debt, or other action, or with process in any civil cause,

but



but that after he shall be discharged of his imprisonment for such his criminal offence, he shall be kept in custody according to law for such other suit.

IX. *Provided always, and be it enacted by the authority aforesaid,* That if any person or persons, subjects of this realm, shall be committed to any prison or in custody of any officer or officers whatsoever, for any criminal or supposed criminal matter, that the said person shall not be removed from the said prison and custody into the custody of any other officer or officers, (2) unless it be by *habeas corpus* or some other legal writ; or where the prisoner is delivered to the constable or other inferior officer to carry such prisoner to some common gaol; (3) or where any person is sent by order of any judge of assize or justice of the peace, to any common work-house or house of correction; (4) or where the prisoner is removed from one prison or place to another within the same county, in order to his or her trial or discharge in due course of law; (5) or in case of sudden fire or infection, or other necessity; (6) and if any person or persons shall after such commitment aforesaid make out and sign, or counter-sign any warrant or warrants for such removal aforesaid, contrary to this act, as well he that makes or signs, or countersigns such warrant or warrants as the officer or officers that obey or execute the same, shall suffer and incur the pains and forfeitures in this act before mentioned, both for the first and second offence respectively, to be recovered in manner aforesaid by the party grieved.

The penalty for denying a *habeas corpus*.

X. *Provided also, and be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any prisoner and prisoners as aforesaid, to move and obtain his or their *habeas corpus* as well out of the high court of chancery or court of exchequer, as out of the courts of king's bench or common pleas, or either of them; (2) and if the said lord chancellor or lord keeper, or any judge or judges, baron or barons for the time being, of the degree of the coif, of any of the courts aforesaid, in vacation time, upon view of the copy or copies of the warrant or warrants of commitment or detainer, or upon oath made that such copy or copies were denied as aforesaid, shall deny any writ of *habeas corpus* by this act required to be granted, being moved for as aforesaid, they shall severally forfeit to the prisoner or party grieved the sum of five hundred pounds, to be recovered in manner aforesaid.

XI. *And be it declared and enacted by the authority aforesaid,* That an *habeas corpus* according to the true intent and meaning of this act, may be directed and run into any county palatine, the cinque ports, or other privileged places within this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, and the islands of Jersey or Guernsey; any law or usage to the contrary notwithstanding.

No subjects shall be sent to foreign prisons.  
2 Vint. 314.

XII. And for preventing illegal imprisonments in prisons beyond the seas, (2) *Be it further enacted by the authority aforesaid,* That no subject of this realm that now is, or hereafter shall be an inhabitant or resident of this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, shall or may be sent prisoner into Scotland, Ireland, Jersey, Guernsey, Tangier, or into parts, garrisons, islands or places beyond the seas, which are or at any time hereafter shall be within or without the dominions of his majesty, his heirs or successors; (3) and that every such imprisonment is hereby enacted and adjudged to be illegal; (4) and that if any of the said subjects now is or hereafter



hereafter shall be so imprisoned, every such person and persons so imprisoned, shall and may for every such imprisonment maintain by virtue of this act an action or actions of false imprisonment, in any of his majesty's courts of record, against the person or persons by whom he or she shall be so committed, detained, imprisoned, sent prisoner or transported, contrary to the true meaning of this act; and against all or any person or persons that shall frame, contrive, write, seal or countersign any warrant or writing for such commitment, detainer, imprisonment or transportation, or shall be advising, aiding or assisting in the same, or any of them; (5) and the plaintiff in every such action shall have judgment to recover his treble costs, besides damages, which damages so to be given, shall not be less than five hundred pounds; (6) in which action no delay, stay or stop of proceeding by rule, order or command, nor no injunction, protection or privilege whatsoever, nor any more than one imparlance shall be allowed, excepting such rule of the court wherein the action shall depend, made in open court, as shall be thought in justice necessary, for special cause to be expressed in the said rule; (7) and the person or persons who shall knowingly frame, contrive, write, seal or countersign any warrant for such commitment, detainer or transportation, or shall so commit, detain, imprison or transport any person or persons contrary to this act, or be any ways advising, aiding or assisting therein being lawfully convicted thereof, shall be disabled from thenceforth to bear any office of trust or profit within the said realm of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, or any of the islands, territories or dominions thereunto belonging; (8) and shall incur and sustain, the pains, penalties and forfeitures limited, ordained and provided in and by the statute of provision and *præmunire* made in the sixteenth year of king *Richard* the second; (9) and be incapable of any pardon from the king, his heirs or successors, of the said forfeitures, losses or disabilities, or any of them.

The penalty.

XIII. *Provided always*, That nothing in this act shall extend to give benefit to any person who shall by contract in writing agree with any merchant or owner of any plantation, or other person whatsoever, to be transported to any parts beyond the seas, and receive earnest upon such agreement, although that afterwards such person shall renounce such contract.

Persons receiving earnest upon contracts to be transported, excepted.

XIV. *Provided always and be it enacted*, That if any person or persons lawfully convicted of any felony, shall in open court pray to be transported beyond the seas, and the court shall think fit to leave him or them in prison for that purpose, such person or persons may be transported into any parts beyond the seas; this act, or any thing therein contained to the contrary notwithstanding.

Persons convicted of felony, & praying transportation, excepted.

XV. *Provided also, and be it enacted*, That nothing herein contained shall be deemed, construed or taken, to extend to the imprisonment of any person before the first day of June, one thousand six hundred seventy and nine, or to any thing advised, procured, or otherwise done, relating to such imprisonment, any thing herein contained to the contrary notwithstanding.

XVI. *Provided also*, That if any person or persons at any time resident in this realm, shall have committed any capital offence in *Scotland* or *Ireland*, or any of the islands, or foreign plantations of the king, his heirs or successors, where he or she

Offenders may be sent to be tried where their offences were committed.

ought



ought to be tried for such offence, such person or persons may be sent to such place, there to receive such trial, in such manner as the same might have been used before the making of this act, any thing herein contained to the contrary notwithstanding.

Prosecutions for offences within what time to be made.

XVII. *Provided also, and be it enacted*, That no person or persons shall be sued, impleaded, molested or troubled for any offence against this act, unless the party offending be sued or impleaded for the same within two years at the most after such time wherein the offence shall be committed, in case the party grieved shall not be then in prison; and if he shall be in prison, then within the space of two years after the decease of the person imprisoned, or his or her delivery out of prison, which shall first happen.

After the assizes proclaimed, no prisoner to be removed, but before the judge of assize.

XVIII. And to the intent no person may avoid his trial at the assizes or general gaol delivery, by procuring his removal before the assizes, at such time as he cannot be brought back to receive his trial there; (2) *Be it enacted*, That after the assizes proclaimed for that county where the prisoner is detained, no person shall be removed from the common gaol upon any *habeas corpus* granted in pursuance of this act, but upon any such *habeas corpus* shall be brought before the judge of assize in open court, who is thereupon to do what to justice shall appertain.

XIX. *Provided nevertheless*, That after the assizes are ended, any person or persons detained, may have his or her *habeas corpus* according to the direction and intention of this act.

In suits for offence against this law, the defendants may plead the general issue, &c.

XX. *And be it also enacted by the authority aforesaid*, That if any information, suit or action shall be brought or exhibited against any person or persons for any offence committed, or to be committed against the form of this law, it shall be lawful for such defendants to plead the general issue, that they are not guilty, or that they owe nothing, and to give such special matter in evidence to the jury that shall try the same, which matter being pleaded had been good and sufficient matter in law to have discharged the said defendant or defendants against the said information, suit or action, and the said matter shall be then as available to him or them, to all intents and purposes, as if he or they had sufficiently pleaded, set forth or alledged the same matter in bar or discharge of such information, suit or action.

Persons committed as accessaries before to petty treason or felony, shall not be removed or bailed otherwise than before this act made.

‘ XXI. And because many times persons charged with petty treason or felony, or as accessaries thereunto, are committed upon suspicion only, whereupon they are bailable, or not, according as the circumstances making out that suspicion are more or less weighty, which are best known to the justices of the peace that committed the persons, and have the examinations before them, or to other justices of the peace in the county;’ (2) *Be it therefore enacted*, That where any person shall appear to be committed by any judge or justice of the peace, and charged as accessory before the fact, to any petty treason or felony, or upon suspicion thereof, or with suspicion of petty treason or felony, which petty treason or felony shall be plainly and specially expressed in the warrant of commitment, that such person shall not be removed or bailed by virtue of this act, or in any other manner than they might have been before the making of this act.



## THE CONSTITUTION

OF THE

## State of Georgia.\*

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.

## ARTICLE I.

SECT. 1. The legislative power shall be vested in two separate and distinct branches, to wit, A senate and house of representatives, to be stiled "The General Assembly." Legislature how composed and stiled.

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

SECT. 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 the amount of two hundred and fifty pounds. Senators their qualification.

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

President of senate how elected

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

Senate to try impeachments.

SECT. 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. Representatives how elected & apportioned.

SECT. 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 Their qualification.

\* Altered and amended. See page 31.



habitant 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.

Their speaker &  
other officers  
how chosen.

Sect. 8. The house of representatives shall chuse their speaker and other officers.

Impeachment.

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

What persons  
disqualified for  
a seat.

Sect. 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.

Assembly when  
to meet.

Sect. 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.

What number  
may proceed to  
business.

Sect. 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.

Judges of its  
own elections.

Sect. 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.

Privileged from  
arrest--freedom  
of debate main-  
tained.

Sect. 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.

To be sworn.

Sect. 15. The members of the senate and house of representatives shall take the following oath or affirmation:

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 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.'

Powers of as-  
sembly.

Sect. 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.

Counties how  
altered and laid  
off.

Sect. 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 the State. When a new county or counties shall be laid off



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.

Money to be drawn out of treasury and public funds by law.

Seçt. 18. No clergyman of any denomination shall be a member of the general assembly.

Clergymen ineligible.

## ARTICLE II.

Seçt. 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, executive power, holds his office two years.

Seçt. 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, 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.

How elected.

Seçt. 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.

His qualifications.

Seçt. 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.

President when to act as governor.

Seçt. 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:

Governor's compensation.

“ 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.

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

Powers of governor.

Seçt.



Se<sup>ct</sup>. 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.

Se<sup>ct</sup>. 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 considerations such measures as he may deem necessary and expedient.

Se<sup>ct</sup>. 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.

Se<sup>ct</sup>. 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, shall prevent its return.

Great seal where deposited and how to be altered.

Se<sup>ct</sup>. 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.

### ARTICLE III.

Superior court. Inferior courts authorized.

Se<sup>ct</sup>. 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.

Errors and appeals.

Se<sup>ct</sup>. 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 jury within the county where the action originated, which shall be final.

Courts-merchant.

Se<sup>ct</sup>. 3. Courts-merchant shall be held as heretofore, subject to such regulations as the general assembly may by law direct.

Causes civil and criminal where tried.

Se<sup>ct</sup>. 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.

Judges and attorney general salary in office three years.

Se<sup>ct</sup>. 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.

ARTICLE



## ARTICLE IV.

Sect. 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. Electors their qualification.

Sect. 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. All elections by ballot, state officers in what manner appointed.  
  
Inferior officers how to be appointed.

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

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

Sect. 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. Religious toleration.

Sect. 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 intestate estates may be regulated by law. Estates not to be entailed how divided.

Sect. 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. This constitution how to be altered.

Sect. 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 When to operate.

\* See act of 1789, No. 429.



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 sovereignty and independence of the United States the thirteenth.

WILLIAM GIBBONS, PRESIDENT.

ATTEST,

D. LONGSTREET, Secretary.

*The following are the alterations and amendments to the constitution of the State of Georgia, as adopted by the late Convention.*

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.

The senate  
when elected.

Article 1. 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.

Assembly to elect by joint ballot.

Article 2. All elections to be made by the general assembly, shall be by joint ballot of the senate and house of representatives.

Representatives  
when elected.

Article 3. 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:

Apportioned.

Camden, two; Glynn, two; Liberty, four; M'Intosh, 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; Greene, three; Hancock, three; Washington, three; Warren, three.

Convention  
when to be convened.

Article 4. At the general election for members of assembly in the year 1797, 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.

General assembly  
when to meet.

Article 5. 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.

Article



Article 6. 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 their offices thereto, as soon as may be convenient, previously to the next meeting of the general assembly. Louisville seat of government.

Article 7. Article of constituted rights annexed to the constitution as amended.

Article 8. All powers not delegated by the constitution as amended, are retained by the people.

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.

N. W. JONES, PRESIDENT.

ATTEST,

THOMAS JOHNSON, *Secretary.*

## THE CONSTITUTION

1798.

OF THE

### State of Georgia.

#### ARTICLE I.

SECT. 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 one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted. The departments of government distinct.

SECT. 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.

SECT. 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.

SECT. 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 Qualification of senators.



cept 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 president. Sect. 5. The senate shall elect, by ballot, a president out of their own body.

The senate have the sole power to try impeachments. Sect. 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 honour, trust or profit, within this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment, according to law.

House of representatives. Sect. 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; Calumbia three; Warren three; Washington three; Hancock four; Green three; Oglethorpe three; and Franklin two.

The members to be appointed by enumeration

Time of election

Temporary apportionment.

Qualification of representatives. Sect. 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 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.

Sect.



Se<sup>ct</sup>. 9. The house of representatives shall chuse their speaker and other officers. Speaker, &c.

Se<sup>ct</sup>. 10. They shall have solely the power to impeach all persons who have been or may be in office. Impeachment.

Se<sup>ct</sup>. 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. Certain disqualifications to seat in the legislature. Exceptions. Members not to be elected to office.

Se<sup>ct</sup>. 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. General assembly to meet annually.

Se<sup>ct</sup>. 13. Each house shall be the 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. Each house to judge of elections &c. of members.

Se<sup>ct</sup>. 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. Members free from arrest in civil cases. Freedom of debate.

Se<sup>ct</sup>. 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. Journal—yeas and nays.



Revenue bills.

Se<sup>ct</sup>. 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.

Bills, in what manner to be passed.

Se<sup>ct</sup>. 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.

The members to be sworn.

Se<sup>ct</sup>. 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.

Candidates how to be punished for mal-practices.

The oath of members.

Se<sup>ct</sup>. 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."

Persons convicted of felony ineligible to any appointment.

Se<sup>ct</sup>. 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.

Adjournment.

Se<sup>ct</sup>. 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.

Se<sup>ct</sup>.



Sect. 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. Powers of the general assembly.

Sect. 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 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, 'til it intersect 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 of contract or sale, by the legislature, shall not extend:

Further powers as to the boundaries of counties.

Declaration of boundary and territorial right of the State.

*Provido.*  
The legislature impowered to sell certain territory to the United States.

*And*



Proviso.

*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.

Certain contemplated purchases stated to have become constitutionally void by the foregoing section.

The contract having failed, the legislature to make provision for returning the consideration money

The money paid for such purchases never to be deemed a part of the funds of the State.

Money in what manner to be drawn from the treasury.

Donations or gratuities how to be granted.

The census in what manner to be taken.

Sect. 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 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 be liable to appropriation 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. 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 favour of any person whatever, but by the concurrence of two-thirds of the general assembly.

Sect. 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 colour, residing therein, distinguishing, in separate columns, the free white persons from persons of colour, 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 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



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 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.

Sect. 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.

Governor.

Sect. 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.

Elected for two years.

Sect. 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.

His qualifications.

Sect. 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.

Vacancy how supplied.

Sect. 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

Oath of the governor.

" said



“ said State, and cause justice to be executed in mercy therein, according to the  
“ constitution and laws thereof.”

Commander in  
chief of the mi-  
litia, &c.

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

His powers in  
cases of convic-  
tions.

Sect. 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.

Further powers.

Sect. 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.

He is to fill va-  
cancies in office.

Sect. 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.

He has the re-  
vision of all  
bills, but laws  
may be passed  
notwithstanding  
his dissent.

Sect. 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, shall prevent its return.

All concurred  
resolutions, &c.  
to be passed in  
like manner as  
bills.

Sect. 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.

Secretary of the  
State, a treasu-  
rer and survey-  
or general.

Sect. 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.

Great seal of  
the State.

Sect. 13. The great seal of the State shall be deposited in the office of the secretary of State, and shall not be affixed to any instrument of writing, 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.

Governor's se-  
cretaries.

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



## ARTICLE III.

Sect. 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, removeable 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 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 shall 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.

Judicial power.

Superior court judges elected for three years—how removeable. Their powers and jurisdiction.

Jurisdiction of the inferior courts.

Concurrent jurisdiction may be given to the superior court. The courts to sit twice a year in each county.

Sect. 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.

The judges to be allowed adequate salaries.

Sect. 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.

State's attorney and solicitors.

Sect. 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

Justices of the inferior courts, how appointed.



May have a compensation. be compensated for their services, in such manner as the legislature may by law direct.

Justices of the peace to be nominated by the inferior courts. Sect. 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 behavior, 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.

Court of ordinary. Sect. 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.

Writs of mandamus, prohibition, &c. Sect. 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.

The laws civil and criminal to be revised and digested. Causes may be managed with or without counsel. Sect. 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.

Divorces. Sect. 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, authorising a divorce upon legal principles. And in such cases, two-thirds of each branch of the legislature may pass acts of divorce accordingly.

Clerks of the superior and inferior courts. Sect. 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.

Sheriffs. Sect. 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.

ARTICLE IV.

Sect. 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.

Sect. 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*.

Sect. 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 removed by sentence of a court martial, or by the governor, on the address of two-thirds of each branch of the general assembly.

Militia officers in what manner to be elected.

Sect. 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.

Persons appointed by the legislature to fill vacancies.

Sect. 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.

Freedom of the press, &c. No *ex post facto* law to be passed.

Sect. 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.

Certain disqualifications to office.



Debtors.

Sect. 7. The person of a debtor, where there is not a strong presumption of fraud, shall not be detained in prison, after delivering up, *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 impeachment.

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

*Habeas corpus*.

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

Freedom of religious worship.

Sect. 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 tythes, taxes, or any other rate, for the building or repairing any place of worship, or for the maintainance 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.

Religious establishment prohibited.

Slaves not to be imported.

Not to be emancipated without consent of owners.

May be brought from other States by emigrants.

Sect. 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.

Maliciously dismembering or depriving a slave of life—how punished.

Sect. 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.

The arts and sciences to be promoted.

Sect. 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.

Persons in office how long to continue.

Sect. 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,



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.

The legislature to carry this constitution into effect.

SECT. 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.

The constitution—in what manner to be altered.

WE the underwritten, delegates of the people of the State of Georgia, chosen and authorised 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.

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

ATTEST,

JAMES M. SIMMONS, *Secretary.*

*An Act for regulating the militia of this province, and for the security and better defence of the same.*

A. D. 1755.  
No. 1.

January 24, 1755.

*Obsolete.*

*An Act for stamping, imprinting, emitting, and making current the sum of seven thousand pounds sterling in paper bills of credit, to be let out at interest on good securities, at six per cent. per annum, and for applying the said interest.*

No. 2.

February 17, 1755.

*Obsolete.*

*An*



- A. D. 1755. *An Act for inflicting and imposing penalties upon any person or persons*  
 No. 3. *that shall publish and declare that the acts of the general assembly*  
*of the province of Georgia are not of force.*

February 17.  
*Obsolete.*

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- No. 4. *An Act for raising and granting to his majesty a sum of money to defray*  
*the expences of the courts of oyer and terminer, and other contin-*  
*gencies of government.*

February 21.  
*Obsolete.*

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- No. 5. *An Act for ascertaining the interest money in the province of*  
*Georgia.*

March 7, 1755. (10 p. cent.)  
*See act of 1759, No. 46.*

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- No. 6. *An Act to empower the several surveyors herein after named to lay*  
*out public roads in the province of Georgia.*

March 7.  
*Obsolete.*

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- No. 7. *An Act for establishing a market in the town of Savannah, and to*  
*prevent forestalling, ingrossing, and unjust exactions in the said*  
*town and market.*

March 7.  
*See act of 1787, No. 367; & act of 1789, No. 430.*

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- No. 8. *An Act to prevent fraudulent deeds and conveyances.\**

Preamble. **W**HEREAS many inconveniences may attend the want or neglect of re-  
 Enacted. cording in the public offices of this province all conveyances of land,  
 negroes, and other chattels or mortgages of the same, *Be it enacted*, That all con-  
 veyances of lands, tenements, negroes, and other chattels, or hereditaments what-  
 soever

\* Re-enacted with alterations by act of 1768, No. 188.



soever or mortgages of the same, that were made before the passing 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 in 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.

A. D. 1755.

Deeds, mortgages, and other conveyances for land and negroes where and in what time to be recorded.

II. 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 vendee 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.

When fraudulent how detected and punished.

III. *And be it further enacted*, That all wills or testaments conveying properties in this province, that have been formerly made and not recorded in the former 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.

Wills or testaments where and in what time to be entered of record.

IV. *And be it further enacted*, That all deeds of conveyance, 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.

Deeds, &c. heretofore recorded made legal.

DAVID DOUGLAS, *Speaker*.

J. REYNOLDS.

March 7, 1755.

An



A. D. 1755. *An Act for raising a fund by an impost on shipping to defray the expence of keeping the light house\* on Tybee island in repair, and for building a house there for the use of the pilot.*

No. 9.

March 7, 1755.

\* Ceded to the United States by act of 1791, No. 451.

No. 10. *An Act declaring it high† treason to counterfeit his majesty's seal of this province.*

March 7, 1755.

Rendered obsolete by the revolution.

† See U. S. Const. art. 3, sect. 3, defining treason.

No. 11. *An Act to regulate fences in the province of Georgia.*

March 7, 1755.

Repealed by act of 1759, No. 47.

A. D. 1756. *An Act for declaring and establishing the method of drawing and summoning jurors in the province of Georgia.*

No. 12.

December 13, 1756.

Obsolete.

No. 13. *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.*

Preamble.

**W**HEREAS many inconveniencies 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 Evangelists, 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 this act, any person 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,

Enacted.

in



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 Evangelists 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.

A. D. 1756.

No. 13.

A solemn affirmation as valid as an oath, and false affirmation punished as perjury.

WILLIAM LITTLE, *Speaker.*

J. REYNOLDS.

December 13, 1756.

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*An Act for the better regulation of the courts of request.*

No. 14.

December 13, 1756.

*Obsolete.*

---

*An Act for raising a public store of gunpowder for the defence of this province.*

No. 15.

December 14, 1756.

*Obsolete.*

---

*An act to explain and amend an act, entitled, An act for declaring and establishing the method of drawing and summoning jurors in the province of Georgia.*

A. D. 1757.

No. 16.

February 8, 1757.

*Obsolete.*

---

*An Act for the providing for, and disposing of the Acadians now in this province.*

No. 17.

February 8.

*Obsolete.*

*An*



A. D. 1757. *An Act for raising and granting to his majesty a sum of money to defray the expences of holding the courts of oyer and terminer, and some other expences of government.*

No. 13.

February 8.

*Obsolete.*

No. 19.

*An act for confirming sales of land in the province of Georgia by attornies or agents, and for ascertaining the proof of instruments or writings made out of the province.\**

Preamble.

Enacted.  
Sales of land,  
&c. already  
made by attor-  
nies or agents  
to be valid in  
law.

**W**HEREAS divers persons living out of this province, are and have been owners of lands within the same, which persons have usually appointed attornies to sell and dispose of such lands, to the end therefore that those who have so purchased may from henceforth be secured in their titles and estates, *Be it enacted*, That all sales of lands, tenements, and hereditaments, within this province, heretofore made by any attornies or agents, who have been appointed and empowered by any person or persons having a right so to do, are and shall be deemed and adjudged good and effectual in law, to all intents, constructions, and purposes whatsoever, as fully as if the said owner or owners of such lands had, by their own deeds and conveyances, actually and really sold and conveyed the same; and all and singular the lands, tenements, and hereditaments, sold and conveyed as aforesaid, shall be and remain to such purchasers respectively, for such estate or estates as the owner or owners so employing his or their attornies or agents had or ought to have had therein.

Bonds, &c. the  
execution of,  
how proved.

II. *And be it further enacted*, That all bonds, specialties, letters of attorney, and other powers in writing, which shall be produced in any court, or before any magistrate in this province, the execution whereof being proved by one or more of the witnesses thereunto, by affidavit or affidavits, or solemn affirmation in writing, before any governor or commander in chief, chief justice, mayor, or other chief magistrate, of any of his majesty's provinces, cities, towns, or places, 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 province, courts, cities, towns or places, where the said bonds, letters of attorney, or other writings, are so proved respectively, 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 his or her abode.

Proviso.

Sales of lands,  
&c. to be made  
by letters of at-  
torney or agen-  
cy, how proved  
and made valid.

III. *And be it further enacted*, That all sales or conveyances of lands, tenements, or hereditaments, which shall hereafter be made by virtue of any letters or powers of attorney or agency, duly executed, which do or shall expressly give power to sell lands

or

\* See 5 and 6 sect. of act of 1785, No. 311, on the same subject.



or other estates, and be certified to have been proved as aforesaid, or shall be proved in this province before any justice of the peace, by one or more of the witnesses there-  
to, 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, tenements, hereditaments, 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 power is in force, and all such powers shall be ac-  
counted, 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.

A. D. 1757.  
No. 19.

Proviso.

WILLIAM LITTLE, *Speaker.*

JOHN REYNOLDS.

February 8, 1757.

*An Act for explaining and amending an act to empower the several  
surveyors hereafter named to lay out public roads in the province of  
Georgia.*

No. 20.

February 8.

*Obsolete. See act of 1786, No. 358.*

*An Act for the better securing the payment, and more easy recovery  
of debts due from any person not residing in this province by attach-  
ing their estate personal, if any such they have in this province.*

No. 21.

February 8.

*See act of 1761, No. 74.*

*An Act for establishing a watch in the town of Savannah.*

No. 22.

July 19, 1757.

*Obsolete.*

*An Act for the better settling the province of Georgia.*

No. 23.

July 19.

*This act is in its nature temporary.—Obsolete.*



- A. D. 1757. *An Act for preventing the enemy from being supplied with cattle or other provisions from this province.*  
No. 24.

July 19.  
*Obsolete.*

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- No. 25. *An Act for the security and defence of the province of Georgia by erecting forts in the several parts thereof, and for appointing commissioners to carry the same into execution.*

July 19.  
*Obsolete.*

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- No. 26. *An Act for establishing and regulating of patrols.*

July 28.  
*Obsolete. See act of 1765, No. 137.*

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- No. 27. *An Act to oblige the male white persons in the province of Georgia to carry fire arms to all places of public worship.*

July 28, 1757.  
*Obsolete.—See act of 1770, No. 191.*

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- No. 28. *An Act for stamping and issuing in paper bills of credit the sum of six hundred and thirty-eight pounds seven shillings and one penny and a farthing to be applied in discharge of the public debt, and for appropriating three-fourths of the interest on the sum of two thousand seven hundred and eighty-five pounds already issued and let to interest to the sinking of the said sum. And also for stamping and issuing the further sum of two hundred pounds to be applied in the exchanging defaced and obliterated bills.*

July 28,  
*Obsolete.*

---

- No. 29. *An Act for raising and granting to his majesty the sum of six hundred and forty-five pounds to defray the expences of holding the courts of oyer and terminer, and other expences of government.*

July 28.  
*Obsolete.*



*An Act for regulating taverns and punch houses, and retailers of spiritous liquors.* A. D. 1757.  
No. 30.

July 28.

*Repealed by act of 1791, No. 459.*

*\*An Act to prevent private persons from purchasing lands from the Indians, and for preventing persons trading with them without licence.* A. D. 1758.  
No. 31.

**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 licence, *Be it enacted*, That from and after the fifteenth day of February, one thousand seven hundred and fifty-eight, if any person or persons whosoever 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 shall sue for the same, by action of debt, or information, in the general court of this province, in which no assize, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

Enacted.  
Contracts for lands, &c. with Indians unless for public use to be void, and the offender to forfeit £1,000.

*The rest of the act respecting trade and intercourse with Indians obsolete, being under direction of Congress. See fed. const. and act of U. S. 1790.*

DAVID MONTAIGUT, *Speaker.*  
PATRICK HOUSTOUN, *President.*

HENRY ELLIS.

February 15, 1758.

\* See act of 1784, No. 286, on the same subject. Sales of lands by Indians regulated by act of Congress July 22. 1790.

† Now applied to the use of the State. See act of 1784, No. 287.

*An*



A. D. 1758. *An Act for better regulating the market in the town of Savannah.*  
No. 32.

March 15.

*Obsolete.*

---

No. 33. *An Act to explain and amend an act passed in the last session of the present general assembly of this province, entitled, "An Act for the security and defence of the province of Georgia by erecting forts in the several parts thereof, and for appointing commissioners to carry the same into execution."*

March 15.

*Obsolete.*

---

No. 34. *An Act to amend and continue an act, entitled, An act for regulating the militia of this province, and for the security and better defence of the same.*

March 15.

*Obsolete.*

---

No. 35. *An Act to encourage white tradesmen to settle in the several towns within the province of Georgia, by preventing the employing negroes and other slaves being handicraft tradesmen in the said towns.*

March 15.

*Rendered obsolete by the change of government.*

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No. 36. *An Act for constituting and dividing the several districts and divisions of this province into parishes,\* and for establishing of religious worship therein, according to the rites and ceremonies of the church of England; and also for empowering the church-wardens and vestrymen of the respective parishes to assess rates for the repair of churches, the relief of the poor, and other parochial services.†*

Parishes laid off  
and described.

I. **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

\* See act of 1765. No. 126. Defining other parishes, and adding to St. James.

† Before the revolution the laws had coercive power on religious service in the church, the revolution changed the antient order of things in church and state. The people then made a constitution for themselves, in which was destroyed all church supremacy; and all men declared to have liberty to worship in their own way and to be liable to no tax or burthen except in their own society. And an act of assembly has since passed, continuing



and district of Savannah, extending up the river Savannah, including the islands therein, as far as the south-east 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, extending from the north-west boundaries of the parish of *Christ Church* up the river Savannah as far as the Beaver-Dam, and south-west 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 *Saint-Matthew*; the district of Halifax, extending from the north-west boundaries of the parish of Saint-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 *Saint-George*; the district of Augusta, extending from the north-west boundary of the parish of Saint-George, and south-west as far as the river Ogechee, and north-west up the river Savannah as far as Broad-River, shall be and forever continue a parish by the name of the parish of *Saint-Paul*; the town of Hardwick, and district of Ogechee, on the south side of the river Great Ogechee, extending north-west 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 Offabaw, and from the head of the said Dunham's Swamp, in a north west line, shall be and forever continue a parish, by the name of the parish of *Saint-Philip*; from Sunbury, in the district of Midway and Newport, from the southern bounds of the parish of Saint-Philip, extending southward as far as the north line of Samuel Hastings, and from thence south-east to the south branch of Newport, including the islands of Saint-Catharine and Bermuda, and from the north line of the said Samuel Hastings north-west, shall be and forever continue a parish, by the name of the parish of *Saint-John*; the town and district of Darien, extending from the south boundary of the parish of Saint-John to the river Alatomaha, including the islands of Sapele and Eastwood and the sea islands to the north of Egg-Island, north-west 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 *Saint-Andrew*; and the town and district

A. D. 1758.  
No. 36.

Christ Church.

St. Matthew.

St. George.

St. Paul.

St. Philip.

St. John.

St. Andrew.

tinuing all the royal provincial acts, not inconsistent with the principles of the revolution, the constitution and acts of the State. The question now arises, whether the parts of the old acts giving power of assessing rates, are so consistent or not at this day. The answer is evident, religious associations are voluntary, and may be incorporated, and the legislature may give such power upon their application; but without a special law such assessments cannot be made. Those parts therefore of the antient acts, must be considered as dead letter; and the genius of our government must prevail. The following are considered, and have often been asserted, among the natural rights of mankind, "That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

See 10. sect. 4. art. Const. 1798. to like effect.



A. D. 1758. district of Frederica, including the islands of great and little Saint-Simon, and the adjacent islands, shall be and forever continue a parish, by the name of the parish of St. James. *Saint-James.*

Church in Savannah and burial place. II. *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 a burial place thereto, shall be the parish church and cemetery of Christ Church.

Christ Church. III. Repugnant to the form of our government.

Church in Augusta and burial place thereto. St. Paul. IV. *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 Saint-Paul

*The rest of this act repugnant to the form of our government.*

DAVID MONTAIGUT, *Speaker.*

PATRICK HOUSTON.

HENRY ELLIS.

March 15, 1758.

No. 37.

*An Act for limiting the time for persons claiming lands by virtue of warrants of survey, allotments, nominal titles, or possession, derived from and under the late † honorable trustees for establishing the colony of Georgia, their president and assistants, or any others acting by and under their authority.*

Preamble.

**W**HEREAS great numbers of town lots, and other tracts of land, in different parts of this province, that have heretofore been allotted by the late honorable trustees for establishing the colony of Georgia, or those acting under their authority, do now lie vacant and uncultivated, the several persons to whom they are allotted being either dead or having left the province, to the great hinderance of the settlement of it, and the retardation of his majesty's quit rents: *And whereas* the limiting a certain time for all persons claiming right to such lots and lands, to put in and make good their claims to the same, or otherwise to be excluded therefrom, would greatly tend to the settlement and cultivation of the province, by obliging such persons to take out grants for such lots and lands, or else enabling his majesty's governor and council to grant them to others;

Lots or tracts of land, &c. possessed under the late trustees, grants to be taken out within three years.

I. *Be it therefore enacted,* That all and every person and persons, that now hold, or claim to hold, any lot or lots, tract or tracts of land in the said province of Georgia, by virtue of any warrant of survey, allotment, nominal title, or possession, derived from and under the said trustees, their president and assistants, or any others acting by and under

\* See acts of 1763, No. 94, and 1768, No. 178, enlarging the cemetery.

† Titles under trustees confirmed by act of 1759, No. 40.



under their authority, (such as hold under regular grants passed under the common seal of the said trustees excepted) do and shall, within three years from and after the twentieth day of March, one thousand seven hundred and fifty-eight, appear before the governor and council of the said province, in their own persons, or by their attornies or substitutes lawfully constituted, and prove and make good their claim and title to all and every such lot or lots, tract or tracts of land, as they shall so hold, or claim to hold, in manner aforesaid, to the satisfaction of the said governor and council, and all and every such person and persons, having so proved and made good their said claims and titles, and the same being allowed of by the said governor and council, shall and do, within six months next after such allowance, take out the king's grant for the same, in failure whereof, all and every such claim and claims to be void.

A. D. 1758.

No. 37.

II. *And be it further enacted*, That all and every such person and persons, that now hold or claim to hold, any lot or lots, tract or tracts of land, by virtue of any warrant of survey, allotment, nominal title, or possession as aforesaid, (except as herein before excepted) that shall not appear before the governor and council of the said province, in their proper persons, or by their attornies or substitutes lawfully constituted, and shall not prove and make good their claims thereto within the time herein before limited, and in the manner as herein before is directed, all and every such person and persons shall, and is, and are hereby forever after debarred and excluded from having any right or title to all and every such lot and lots, tract and tracts of land, by virtue of any such warrant of survey, allotment, nominal title, or possession, as aforesaid, and the same shall from thenceforth become forfeited, and revert to his majesty, his heirs and successors.

otherwise  
claims to be  
void,

III. *And be it further enacted*, That from and immediately after the end and expiration of the said term of three years, all and every the said lot and lots, tract and tracts of land that shall not then have been claimed, or the title thereto approved of, according to the direction and true intent and meaning of this act, shall be, and the same is and are hereby declared to be forfeited to his majesty, his heirs and successors, and shall, to all intents and purposes, be deemed, held and accounted, as vacant land, and then and from thenceforth it shall and may be lawful to and for the governor and council of the said province for the time being to issue warrants for granting the same away as such to any person or persons whomsoever; *Provided nevertheless*, That nothing herein contained shall vacate or prejudice the right of any person or persons, being within the age of twenty-one years, *non compos mentis*, or imprisoned, at the commencement of this act, so as such person or persons do make their claim within three years after he, she or they, shall attain the age of twenty-one years, shall become of sound mind, or be enlarged out of prison.

and forfeited.

Proviso.

IV. *And whereas* the records of the first surveys and allotments made of lands in this province are very imperfect, and the surveyor general by that means unable to render an account of such as have so been surveyed and allotted for persons who are dead, or absent from this province, as aforesaid; wherefore, that this business may be the better and more perfectly performed, *Be it further enacted*, That all and every person and persons now resident in this province, or in the province of South Carolina, that



A. D. 1758.

No. 37.  
Claimants re-  
siding here or  
in S. Carolina  
to give in their  
claims within  
eighteen  
months and take  
out grants.

that hold, or claim to hold, any lot or lots, tract or tracts of land, in the said province of Georgia, by virtue of any warrants of survey, allotment, nominal title, or possession, derived from and under the said trustees for establishing the colony of Georgia, their president and assistants, or any others acting by and under their authority, (except as herein before is excepted) do and shall, within eighteen months from and after the twentieth day of March, one thousand seven hundred and fifty-eight, appear before the governor and council of the said province of Georgia, in their own persons, or by their attornies or substitutes lawfully constituted, and prove and make good their claim and title to all and every such lot or lots, tract or tracts of land, as they shall so hold, or claim to hold, in manner aforesaid, to the satisfaction of the said governor and council, and such claim and title being allowed of, do and shall, within three months next after such allowance, take out his majesty's patent and grant for the same, in default and failure whereof all and every such claim and claims to be void; and all and every such lot and lots, tract and tracts of land, shall and may from thenceforth be patented and granted away as vacant land, in manner as herein before is directed; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Abstract of this  
act to be pub-  
lished in the  
London and S.  
Carolina ga-  
zettes.  
Provido.

V. And, to the intent that no person may plead ignorance hereof, this act shall, as soon as conveniently may be, after the said twentieth day of March one thousand seven hundred and fifty-eight, be printed, and an abstract thereof shall be published in the London and South Carolina Gazettes; *Provided always, and be it further enacted by the authority aforesaid, That in case his majesty, by his royal proclamation, issued at any time before the twentieth day of September, one thousand seven hundred and fifty-nine, shall signify his pleasure as to all or any of the matters and things in this act contained, then this act, and every or such article, clause, and thing therein, shall cease, determine, and be utterly void; any thing herein before contained to the contrary thereof in any wise notwithstanding.*

DAVID MONTAIGUT, *Speaker.*  
PATRICK HOUSTOUN.

HENRY ELLIS.

March 15, 1758.

No. 38.

*An Act for preventing the enemy from being supplied with cattle and other provisions from this province.*

December 12, 1758.

*Obsolete.*

No. 39.

*An Act for regulating the assize of bread.*

December 12.

*Obsolete. See act of 1768, No. 74.*

*An*



*An Act to empower the commissioners of the general loan to stamp, imprint, sign, and pay into the hands of his majesty's treasurer, the further sum of £.799 8 11 in sterling bills of credit, to defray the expence of repairing the church in Savannah; for building a public magazine in the town of Savannah; for securing the light house on Tybee island; and to make good a deficiency of the last public tax destroyed by an accident of fire.* A. D. 1759.  
No. 40.

March 27, 1759.

*Obsolete.*

*An act for establishing and confirming the titles of the several inhabitants of this province to their respective lands and tenements.* No. 41.

**F**ORASMUCH as many suits and contests may hereafter arise by means of pretended antient 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, and for quieting the estates of the present lawful possessors and avoiding suits in law, *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 the 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.

Enacted.  
Grants of the trustees; and those since the surrender of the charter confirmed against all claims under the lords proprietors of Carolina, and all grants before the date of the said charter.

DAVID MONTAIGUT, *Speaker.*

PATRICK HOUSTOUN, *President.*

HENRY ELLIS.

March 27, 1759.

*An Act for raising and granting to his majesty the sum of £.820 5 0 $\frac{1}{2}$  to defray the expences of holding the courts of oyer and terminer, and some other expences of government.* No. 42.

March 27.

*Obsolete.*

*An Act for erecting a public magazine.*

No. 43.

March 27, 1759.

*Obsolete.*



A. D. 1759.  
No. 44.

*An Act for the repairing of Christ Church in Savannah.*

March 27.

*Obsolete.*

No. 45.

*An Act to prevent the building wooden chimneys in the town of Savannah, the repair of those already built, and to provide against accidents of fire.*

March 27.

*Obsolete.—See act of 1787, No. 367.*

No. 46.

*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 mischiefs for the future, *Be it enacted*, That no person or persons whomsoever, 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, merchandizes, 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, chevizance, 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

Interest of money to be at the rate of 8 per cent.

Enacted.

\* See act of 1792, No. 475, sect. 38; and note respecting interest on open accounts or unliquidated demands.



and other things so lent, bargained, exchanged, or shifted, any law, usage, or custom to the contrary thereof, in any wise notwithstanding. A. D. 1759. No. 46.

DAVID MONTAIGUT, *Speaker.*

PATRICK HOUSTOUN, *President.*

HENRY ELLIS.

March 27, 1759.

*An Act for the better regulating fences in the province of Georgia.* No. 47.

**W**HEREAS 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: *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.

II. *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 being 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

Preamble.

Enacted.  
Dimensions of  
fences.

Owners of cattle, &c. not liable for any damages done in breaking into any place not properly fenced.



A. D. 1759. 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.

No. 47.

Justices to appoint three freeholders to appraise the damages done by cattle, &c.

III. *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 direction 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 said justice, or any other, who is hereby authorised and empowered to cause the \* sum so appraised to be levied by warrant of distress and sale of the offender's goods.

Refusing to appraise shall forfeit forty shillings.

IV. *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.

Causes, &c. not to be fixed in any inclosures under penalty of twenty shillings.

V. *And be it further enacted*, That no planter or other person, not having a lawful fence, shall fix in any of his inclosures any canes or stakes, or any other 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.

Proviso.

In trials of damages right to the lands not to be questioned.

VI. *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.

Act of 1755 repealed.

VII. *And be it further enacted*, That the act for regulating fences in the province of Georgia, passed the seventh 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.*

PATRICK HOUSTOUN, *President.*

HENRY ELLIS.

March 27, 1759.

An

\* Not exceeding £30 the jurisdiction of justices of the peace being limited to that sum—See judiciary act of 1797, No. 582. Damages above that sum can now be ascertained only by a jury.



*An Act for appointing commissioners to repair and secure the foundation of the light house on Tybee island.* A. D. 1759.  
No. 48.

March 27.

*Obsolete.*

*An Act to explain and amend an act, entitled "An act for better regulating the market in the town of Savannah."* No 49.

March 27.

*Obsolete.*

*An Act to prevent masters of vessels from carrying off persons in debt from this province.* No. 50.

March 27.

*Rendered obsolete by the operation of the general government.—See fed. con.*

*An Act to continue several acts of the general assembly of this province.\** No. 51.

**W**HEREAS several useful and necessary laws of this province are near expiring, *Be it enacted, That an act* of the last general assembly, entitled, an act for raising a fund by an impost on shipping to defray the expense of keeping the light house on Tybee Island in repair, and for building an house there for the pilot, passed the seventh of March one thousand seven hundred and fifty-five, which was to be in force for three years from the said seventh of March one thousand seven hundred and fifty-five, and from thence to the end of the next session of the general assembly, shall be, and the same is hereby continued from the expiration thereof until the seventh day of March one thousand seven hundred and sixty-four, and from thence to the end of the then next session of the general assembly, and no longer.

Act for raising a fund by an impost on shipping—passed 7th March, 1755;

Continued until 7th March, 1764.

II. *And be it further enacted by the authority aforesaid, That another act* of the last general assembly, entitled an act for the better ordering and governing of negroes and other slaves in this province passed the seventh day of March one thousand seven hundred and fifty-five, which was to be in force for three years from the said seventh of March one thousand seven hundred and fifty-five, and from thence to the end of the next session of the general assembly shall, and the same is hereby continued from the expiration thereof until the seventh day of March one thousand seven hundred and sixty-four, and from thence to the end of the then next session of the general assembly, and no longer.

Act for the better ordering and governing negroes and other slaves passed 7th March 1755;

Continued until 7th March 1764.

III. *And be it enacted by the authority aforesaid, That an act* of the last general assembly, entitled, an act to empower the several surveyors hereafter named to lay out

\* The several acts herein referred to have since expired or been repealed.



- A. D. 1759. No. 51. Act to empower the several surveyors to lay out public roads passed 7th March 1755. Act for explaining and amending the said act passed 8th Feb. 1757; Continued until 7th March 1764. Act to oblige male white persons to carry fire arms to places of public worship, passed 23d July 1757; Continued till 7th March 1764.
- out public roads in the province of Georgia, passed the seventh of March one thousand seven hundred and fifty-five; and also an act of this present general assembly entitled, an act for explaining and amending an act to empower the several surveyors hereafter named to lay out public roads in the province of Georgia passed the eighth of February one thousand seven hundred and fifty-seven, which said acts were to be in force for two years from the said eighth of February one thousand seven hundred and fifty-seven, and from thence to the end of the next session of the general assembly, shall be, and the same are hereby continued from the expiration thereof, until the seventh of March one thousand seven hundred and sixty-four, and from thence to the end of the then next session of the general assembly, and no longer.
- IV. *And be it further enacted by the authority aforesaid, That an act of this present general assembly, entitled, an act to oblige the male white persons of the province of Georgia to carry fire arms to all places of public worship, passed the twenty-third of July one thousand seven hundred and fifty-seven, which said act was to be in force for two years from the said twenty-third of July one thousand seven hundred and fifty-seven, shall be, and the same is hereby continued from the expiration thereof until the seventh day of March one thousand seven hundred and sixty-four, and from thence to the end of the then next session of the general assembly, and no longer.*

DAVID MONTAIGUT, *Speaker.*

PATRICK HOUSTOUN, *President.*

HENRY ELLIS.

March 27, 1759.

No. 52.

*An Act to prevent stealing of horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark, or kill the same.*

March 27, 1759.

*Expired—See act of 1773, No. 220.*

No. 53.

*An Act for regulating the watch in the town of Savannah.*

March 27.

*Obsolete.*

No. 54.

*An Act for establishing the method of appointing constables, ascertaining the qualifications of persons to serve in that office, and to point out the duties attending the same.*

March 27.

*Obsolete—See act of 1797, No. 582, Sect. 63.*

No. 55.

*An Act for the better regulating taverns, punch houses, and retailers of spiritous liquors.*

March 27.

*Repealed by act of 1791, No. 459.*



*An Act for holding special or extraordinary courts of common pleas for the trial of causes arising between merchants, strangers, and mariners.*

A. D. 1760.

No. 56.

March 4, 1760.

*This act gave place to act of 1763, No. 105.*

*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.*

No. 57.

**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;

Preamble.

*And whereas*, instead thereof it has been customary in the conveyances of lands by husband and wife, for the 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.

Enacted.  
Conveyances  
&c. of lands  
heretofore  
made by hus-  
band and wife  
or acknowledg-  
ed by the wife  
declared valid.

II. *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 deeds 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 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

How to be  
hereafter made,  
and registered.

Feme covert  
how to join with  
her husband.

\* See act of 1768, No. 188, sect. 1st.



A. D. 1760. No. 57. 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 in words to the like effect, viz.—  
 Relinquishment of dower. "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 said feme covert, made before him, and to sign the same, and shall receive two shillings and six-pence sterling fee, for his endorsing and signing the same, and no more.  
 Justice's fee.

Conveyances, &c. so made, declared good and valid in law. III *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 and means, any laws, customs, or usages, to the contrary notwithstanding.

JAMES HABERSHAM.

DAVID MONTAIGUT, *Speaker*.

HENRY ELLIS.

April 24, 1760.

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No. 58. *An Act for the more easy and speedy recovery of small debts and damages.*  
 April 24, 1760.  
*Repealed by act of 1789, No. 421.*

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No. 59. *An Act for ascertaining the qualifications of jurors, and for establishing the method of balloting and summoning of jurors in the province of Georgia.*  
 April 24.  
*Obsolete.*

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No. 60. *An Act for raising and granting to his majesty the sum of £1,000 sterling for putting the town of Savannah, and the out forts in the several parishes of this province in a better state of defence.*

April 24.

*Temporary.*

*An*



*An Act for repairing and rebuilding the forts heretofore erected in the several parishes of this province, and for the better securing the town of Savannah by erecting a fort around the magazine, and the block houses within the lines of the said town.* A. D. 1760. No. 61.

April 24.

Temporary.

*An Act to oblige ships and other vessels coming from places infected with epidemical distempers to perform quarantine.* No. 62.

April 24.

Repealed by act of 1793, No. 485.

*An Act for raising and granting to his majesty the sum of £1118 3 8 sterling, that is to say, the sum of £668 3 8 to defray the expences of holding the courts of oyer and terminer, and some other expences of government; and the sum of £450 sterling for subsisting two hundred of the militia for the defence of this province.* No. 63.

April 24, 1760.

Obsolete.

*An Act for empowering trustees to purchase a \*house in the town of Savannah for the use of the present, and future governors of this province.* No. 64.

April 24.

\* The same purchased accordingly, and since sold by commissioners of Louisville, under ordinance of 1786, No. 312.

*An Act for the more effectual putting in force the militia act of this province.* No. 65.

April 24.

Obsolete.

*An Act for the better regulating the town of Savannah, †and for ascertaining the common thereunto belonging.* No. 66.

I. † RESPECTS the regulation of the town.

II. 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, Town common ascertained.

I. streets,

† See act of 1761, No. 78.

‡ Repealed by act 1787, No. 367.—See corporation act of 1789, No. 430.



A. D. 1760. streets, lanes, and passages, described in the plan of the said town in the surveyor-general's office, and which 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.

III. IV. \*Respect the regulation of the town.

Commissioners. V. *And be it further enacted by the authority aforesaid*, That Joseph Ottolenghe, James Deveaux, William Ewen, and William Russell, Esquires, shall, and they are hereby nominated and appointed commissioners to put this act in execution.†

*The rest relates only to the mode of filling vacancies.*

DAVID MONTAIGUT, *Speaker.*  
JAMES HABERSHAM.

HENRY ELLIS.

May 1, 1760.

\* Repealed by act 1787, No. 367—See corporation act of 1787, No. 304.

† See act of 1761, No. 78.

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No. 67. *An Act to amend an act, entitled, "An act to prevent masters of vessels from carrying off persons in debt in this province."*

May 1.

*Obsolete.*

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No. 68. *An Act to amend and continue an act, entitled, "An act for establishing and regulating of patrols."*

May 1.

*This act gave place to act of 1765, No. 137.*

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No. 69. *An Act for stamping, imprinting, issuing, and making current the sum of £.7410 sterling in paper bills of credit, and for applying and sinking the same.*

May 1, 1760.

*Obsolete.*

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No. 70. *An Act to prevent frauds in the making of lumber.*

May 1.

*Repealed by act of 1790, No. 445.*

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No. 71. *An Act to amend an act, entitled, "An act for repairing and rebuilding the forts heretofore erected in the several parishes of this province, and for the better securing the town of Savannah by erecting a fort round the magazine and block houses within the lines of the said town."*

June 4.

*Obsolete.*



*An Act for establishing a ferry over Great Ogeechee river at a place called Pine Bluff, and for vesting the same in John Deveaux the elder, his executors and administrators, for the space of six years.* A. D. 1761. No. 72.

June 9, 1761.

See act of 1768, No. 172.

*An Act for ascertaining the manner and form of electing members to represent the inhabitants of this province in the commons house of assembly.* No. 73.

June 9.

Obsolete.

*\* An Act for subjecting and making liable to attachment the estate real and personal of absent debtors, in the custody or power of any person or persons within this province.* No. 74.

**W**HEREAS many inconveniences happen by persons greatly indebted, absent-  
ing or wilfully withdrawing themselves out of the limits and jurisdiction of  
this province; and although such debtors may have lands, tenements, monies,  
goods, debts, and other effects belonging to, or due to them in this pro-  
vince, yet, for want of fit means to subject the same to the payment of the just  
debts of such debtors, many persons have been, and are daily defrauded of their  
just dues and demands, to their great injury, and to the frequent hinderance and  
lessening of commercial credit: For remedy whereof, *Be it enacted*, That from and  
after the passing of this act, any person or persons whatsoever, whether an inhabi-  
tant of this province, or elsewhere, having occasion to commence any suit or action  
in the general court of pleas of this province, against any person or persons whatsoe-  
ver, residing or being without the limits and jurisdiction of the said province, for any  
debt, sum or sums of money to him, her or them due and owing, upon any judg-  
ment, bond, bill, note of hand, or book debt whatsoever, and being above the sum  
of eight pounds, lawful money of *Great Britain*, then, and in such case, and not  
otherwise, such person or persons shall, and may, by his, her, or their attorney,  
petition the chief justice of this province, or, in his absence, one of the justices of  
the said general court, setting forth the nature of his, her or their demands, and that  
the debtor is absent from, and without the limits and jurisdiction of the said province,  
and which being verified by affidavit thereunto annexed, to the effect following, viz.  
That *A. B.* of the parish of ———, is indebted to him in the sum of ———, which  
sum shall appear by a fair and distinct account, wherein the balance shall be stated,  
and

Preamble.

Enacted.

Absent debtors  
how to com-  
mence suit a-  
gainst them a-  
bove £.8.

Form of affida-  
vit.

\* This act is considered in force only in the federal courts of the district of Georgia, being so at the time of passing the judiciary act of the United States, September 24th, 1789, but since re-enacted with amendments by State judiciary act of December, 1789, No. 421, and act of 1797, No. 582.



**A. D. 1761.** and that the said A. B. is absconded and gone from this province, or that the said A. B. has been three months out of this province; which said account and affidavit shall be annexed to the said petition, it shall and may be lawful to and for the said chief justice, or either of the justices of the said court, and they are hereby required to grant to such petitioner or petitioners, his majesty's writ of attachment, directed to the provost marshal of this province, commanding him to attach, without delay, the lands, tenements, goods and chattels, monies, debts, and books of account, being the property of, and belonging to the absent debtor, in the possession, custody or power of any person or persons whatsoever; and the attaching any part thereof in the name of the whole, that is in the possession, custody or power of such person or persons, shall make the whole subject and liable to answer any judgment that shall or may be recovered by virtue of such writ of attachment, and the provost marshal shall summon the person or persons in whose possession, custody or power such lands, tenements, goods, chattels, monies, debts, or books of account, shall be, by delivering to him, her or them a true copy of the said attachment, with a notice thereon indorsed, requiring him, her or them to appear at the return thereof, and shew cause why the said lands, tenements, goods, chattels, monies, debts, or books of account thereby attached, should not be adjudged the property of, and belonging to such absent debtor; but if no person shall be present at the time of the attaching such lands, tenements, goods, chattels, monies, debts, or books of account, as aforesaid, then, and in such case, the provost marshal shall affix on the door of the courthouse in *Savannah*, and in two or more public places in the district or parish where such lands, tenements, or other things, as aforesaid, shall be attached, a copy of the said writ, with an account of the lands, tenements, or other things attached, and shall give notice thereof also in the gazette, and in case there shall be no gazette, shall publish the same at the watch house, vendue house, or exchange in *Savannah*, for any person or persons claiming the same to appear and shew cause as aforesaid; and the person or persons so summoned as aforesaid, shall, and is, and are hereby required to appear accordingly at the return of such writ, or on or before the adjournment day of the ensuing court, and to discover, upon oath, what lands, tenements, goods, chattels, monies, debts, or books of account, he, she, or they, have in his, her or their possession, custody or power, to which the said absent debtor hath any right, title, interest, property, claim, or demand whatsoever: And if such person or persons, after being duly served with the said attachment and notice as aforesaid, and the proof thereof made on oath to the court, shall not appear at the return of the writ, or on or before the adjournment day of the court next ensuing the return thereof, or if, on appearing, shall refuse to discover, upon oath, what lands, tenements, goods, chattels, monies, debts, or books of account, he, she, or they, have in his, her or their possession, custody or power, belonging to such absent debtor, that then, and in such case, the person or persons so summoned shall be condemned for default of appearing, or discovering, upon oath, as the case shall happen, and judgment shall be given against his, her, or their proper goods and chattels, the plaintiff's debt or damage being first legally proved, in like manner as in other

No. 74.

Attachment against estate of absent debtor, how granted.

Persons indebted to, or having effects of absent debtor to be summoned, and shew cause, &c.

No person being present, attachment how published.

Persons summoned to discover on oath what estate and effects of the absent debtor are in their hands.

Penalty on refusing.

Judgment by default shall be entered.



other cases where judgment is given by default; but if any person appearing and declaring any lands, tenements, goods, chattels, effects, or monies to be in his, her or their possession, power or custody, and shall refuse or neglect to pay, or deliver the same to the order of the court, that then judgment shall be given against him, her or them so refusing or neglecting, and execution shall accordingly be awarded against his, her or their own proper lands, tenements, goods, chattels and effects; and if any lands, tenements, goods or chattels shall be actually seized and taken into the possession or custody of the provost marshal by virtue of such writ of attachment; and the person or persons so summoned as aforesaid shall not appear at the return of such writ, or on or before the adjournment day of the ensuing court as aforesaid, then upon his, her or their default, and no person then appearing and claiming the premises seized as aforesaid, the same shall be adjudged and taken to be the property of the absent debtor; but if the person or persons summoned shall appear at the return of the said writ, or within the time limited as aforesaid, and lay claim to such lands or other things so seized and attached, and upon oath, deny the same to belong to the absent debtor; or that he, she or they hath, or have, or at the time of the serving of the said writ of attachment had any lands, tenements, goods, chattels, monies or effects in his, her or their possession, custody, or power, or in trust for or belonging to the absent debtor, and the plaintiff shall rest satisfied therewith, then the attachment shall be discharged, the plaintiff or plaintiffs paying all costs, charges, and damages attending the said attachment; and if the plaintiff or plaintiffs shall not be satisfied, then he, she or they shall be put to plead the same, and the matter shall be tried forthwith by a jury, or at such other court or time as shall be appointed by the court, and the party against whom judgment shall be given, shall pay to the party prevailing such reasonable costs and charges as shall be allowed by the court; *Provided always*, That the adjournment day of each general court of pleas shall not be more than twenty nor less than ten days after each general court.

II. *And be it further enacted*, That the plaintiff or plaintiffs in every writ of attachment shall file his, her, or their declaration thereon at the adjournment day of the court immediately ensuing the return thereof, unless a reasonable cause can be shewn to the court for a longer time, and shall serve the wife or attorney of the absent debtor (if in the said province) with a copy of the declaration, and of a rule for pleading thereto, within such time as the said court shall appoint, not exceeding one year and a day; and in case such absent debtor shall have no wife or attorney in the province, a copy of the rule to plead shall be published then, and at the end of every three months, during the said year and a day, in the gazette, or for want of such shall be affixed on the said watch house, vendue house, or exchange; and if such absent debtor or debtors shall not appear, and make his, her or their defence within the year and a day from the time of affiling the plaintiff's declaration as aforesaid, then final and absolute judgment shall be forthwith given for the plaintiff in such attachment, his, her or their debt being first legally proved as aforesaid, *Provided always*, That in all cases where the writ of enquiry of damages shall be necessary, it shall be lawful for the plaintiff to sign his interlocutory judgment at the return day

A. D. 1761.

No. 74.

Lands, &c. seized, and persons summoned not appearing shall be adjudged the property of the absent debtor.

Persons appearing and putting in their claim how to act.

Proviso.

Declaration when filed, a copy thereof and rule to plead, on whom and how served.

Absent debtors not appearing, final judgment after a year and day.  
Proviso.

of



A. D. 1761. of the court next preceding the determination of the said year and a day, and to  
 No. 74. execute his writ of enquiry accordingly, but not to sign final judgment 'till after the  
 expiration of the said year and a day as aforesaid.

Effects attached  
 to be delivered  
 to the plaintiff  
 on giving bond  
 with sufficient  
 surety to prose-  
 cute, &c.

III. *And be it further enacted*, That where any monies, goods, chattels, debts, or books of account shall be attached as aforesaid, the same shall, on the plaintiff's declaration being affiled as aforesaid, be immediately delivered into the hands and custody of the plaintiff, an inventory thereof being first taken, and the same appraised by two or more persons to be appointed by the court for this purpose, and prior to the delivery, such plaintiff or plaintiffs shall enter into a recognizance with sufficient sureties in double the value of the goods and effects attached, to prosecute his, her or their suit with effect, and that the monies and the appraised value of the goods, with the debts and books of account attached and seized shall be forthcoming in case such absent debtor shall appear within a year and a day, and discharge him or herself of the plaintiff's demands; and that if the absent debtor shall not appear as aforesaid, then that he, she, or they shall and will render and deliver into the hands and custody of the prothonotary or clerk of the said court, the residue of all such monies, goods, chattels, and debts, with the books of account seized and attached after payment and satisfaction of the debt and damages by him, her, or them recovered by judgment of the said court; which said monies, goods, chattels, and premises shall be and remain as the estate and effects of the absent debtor, subject to the order of the said court.

How sold after  
 judgment.

IV. *And be it further enacted*, That when any lands or tenements shall be seized and attached by virtue of this act, the same shall and may (after judgment is obtained as aforesaid) be put up to sale at public outcry, first giving thirty days notice by advertisement at the watch house or exchange in the town of Savannah, and also in two or more public places of the parish or district where the said lands and tenements are; and the provost marshal is hereby empowered to convey and assign all such lands and tenements to the person or persons that shall become purchaser or purchasers thereof, and every such conveyance shall be good and valid against such absent debtor, his heirs, executors, administrators and assigns as to all his right and title therein, *saving nevertheless* the right of all and every other person and persons whatsoever lawfully claiming such lands and tenements, or any part thereof, who shall and may have the like remedies for the recovery of his, her, or their respective right and title therein, as if this act had not been made.

Sales not to af-  
 fect persons law-  
 fully claiming.

Conveyances by  
 persons leaving  
 the province in  
 debt without  
 notice, declared  
 void.

V. *Provided always nevertheless*, and to prevent any clandestine conveyance being made by persons in prejudice of their creditors, who shall afterwards absent themselves and leave this province, *Be it enacted*, That all and every conveyance and conveyances of any lands, tenements or hereditaments that shall or may hereafter be made by any person or persons whatsoever who shall absent him, her or themselves from and quit this province without giving the notice required in this act, and which shall not be registered in the secretary's office, at least one month before such absent debtor shall withdraw himself, shall be void, *Provided also*, That in case any writ or claim of dower shall be brought and prosecuted for any lands or tenements which shall



shall or may hereafter be seized and sold by virtue of this act, and judgment of dower shall be obtained thereon, the property in such lands, tenements, or hereditaments, shall nevertheless remain whole and undivided in the purchaser or possessor thereof, he or they paying unto the plaintiff or claimant in such suit of dower, a sum equal to one-third part of the sum of money for which such lands, tenements, and hereditaments shall have been sold by the provost marshal as aforesaid, and no more; and such sum being so paid shall forever acquit and discharge such lands, tenements and hereditaments from all right, title, claim and demand of dower whatsoever.

VI. *Provided always, and be it enacted*, That no lands, tenements, or real estate of such absent debtor so attached, shall be sold, unless where there shall be no goods or chattels or other personal effects of such absent debtor, or not sufficient to satisfy the debt and damages for which judgment shall be recovered as aforesaid.

VII. *And be it further enacted*, That after sale made of any lands or tenements by virtue of this act, the provost marshal shall immediately pay into court the money arising by such sale, subject to the order of court, and the court, after payment and satisfaction of the debt and damages recovered, with the costs and charges attending the same, shall order the residue of such money speedily to be paid to such absent debtor, to his heirs, executors, administrators or assigns.

VIII. *And be it further enacted*, That the plaintiff or plaintiffs in such attachment, to whom any bonds, notes, or books of account, shall be delivered as aforesaid, shall have full power and authority to sue for, recover and receive the monies due thereon, in the name of the absent debtor, and on payment thereof, or of any part, to give receipts for the same as due to the absent debtor, and every such receipt shall be a full and absolute discharge to the person or persons making such payment, against such absent debtor, for the sum or sums mentioned in such receipt, as fully and absolutely, to all intents and purposes, as if done and given by such absent debtor himself.

IX. *And be it further enacted*, That in case the absent debtor, whose estate and effects shall be so attached in the hands of any person or persons, is, and shall be really indebted to such person or persons in whose hands such estate and effects shall be attached, then such person or persons, if his, her or their possession thereof was obtained legally and without fraud (and not otherwise) shall be first allowed his, her or their own debt, he, she or they forthwith affiling his, her or their declaration, and in every other respect proceeding as if he, she or they were plaintiff or plaintiffs in the attachment.

X. *And be it further enacted*, That in case any slaves, horses or cattle shall be attached, or any perishable goods, as aforesaid, the said court may, on application thereto made, grant an order for the sale of such slaves, horses, cattle, or perishable goods, as aforesaid, the provost marshal, by whom the same shall be sold, first giving twenty-one days notice of such sale, by advertisement at the watch house or vendue house in Savannah, and at some frequented place in the parish where such attachment has been made, and the money arising from such sale shall be immediately paid into the court, or to the plaintiff or plaintiffs, he, she or they giving sufficient security to return the same, in case he, she or they shall not obtain judgment against the absent debtor.

XI.

A. D. 1761.

No. 74.

Right of dower in lands sold under attachment how settled.

Real estate not to be sold unless the personal effects of absent debtor insufficient.

Monies arising from sale of lands, &amp;c. subject to order of court.

Plaintiff in attachment empowered to sue on bonds, &amp;c. delivered to him.

If estate and effects be attached in the hands of a creditor, such creditor's debts shall be first paid.

Slaves, &amp;c. or perishable goods may be sold by order of court.



A. D. 1761.

No. 74

Attachment may be discharged by appearance of any person for the debtor and putting in bail.

Debtor appearing within two years and disproving debt recovered against him how remedied.

What notice sufficient to avoid attachment.

Death of absent debtor shall not abate attachment.

XI. *Provided always, and be it enacted*, That if at any time within the year and a day, to be allowed as aforesaid for the absent debtor's appearing and pleading to the plaintiff's action, any person appearing for such absent debtor, shall give bail to answer the action, and pay the condemnation, that then, and in that case, the attachment shall be dissolved, and the lands, tenements, goods, chattels, debts and books of account so attached and seized, shall be forthwith discharged, paid and delivered to the person or persons appearing and giving bail as aforesaid, and such person and his security shall be obliged and liable to satisfy and pay all such sum and sums of money as the plaintiff or plaintiff's in the attachment shall recover thereon against the absent debtor, together with all cost and charges, as shall be taxed by the court.

XII. *And be it further enacted*, That in case any absent person, against whom an attachment shall be issued by virtue of this act, shall appear within two years, and disprove the debt which shall have been recovered against him, he shall recover against the plaintiff in the attachment the full damages for his unjust vexation, with treble costs of suit.

XIII. *Provided always, and be it further enacted*, That where any person being about to depart this province, shall, thirty days before his departure, give notice by entering his name in the secretary's office, and by advertisement in the gazette, or in case of no gazette, at some noted place in the parish where such person shall reside, and the watch house or vendue house in *Savannah* of his intended departure, and that he is ready to answer any suit that shall be brought against him, and in the mean time shall be always ready to give bail to any writ or summons that shall be issued against him; and in every such case the person or persons neglecting or refusing to commence his, her or their suit, whilst the party to defend shall be present, and offering to answer the same as aforesaid, shall not have any benefit by this act, nor shall attach the absent party's estate or effects for any matter or cause of action whatsoever, arising from such notice given as aforesaid.

XIV. *Provided always, and it is hereby enacted*, That in case such absent debtor shall happen to die at any time after suing out of such writ of attachment, and before final judgment shall be had and given therein, as aforesaid, such writ shall not abate, or proceedings thereon be staid, unless the heir, executor or administrator of such absent debtor shall affile bail to answer the plaintiff's action, and pay the cost of such attachment; and that all and every judgment so to be had and given as aforesaid, upon any attachment sued out and served in the life time of any absent debtor who shall happen to die before such judgment given, shall be good and valid, to all intents and purposes, as if such absent debtor was then living.

*The rest requiring provost marshal to give bond and security.—Obsolete.*

GREY ELLIOTT, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

June 9, 1761.



*An Act for raising and granting to his majesty the sum of £1160 15, and applying the sum of £119 7 4½, being the surplus of the last year's tax remaining in the hands of the treasurer; and the further sum of £93 9 2½, being arrears due from the several collectors to be paid unto the said treasurer, amounting together to the sum of £1373 11 7 sterling, to defray the charges of holding the courts of oyer and terminer, and some other expences of government.*

A. D. 1761.  
No. 75.

June 9.

*Obsolete.*

*An Act for raising and granting to his majesty the sum of £180 to repair the light house of Tybee island, and for laying a duty on negroes that have been above six months in any of the islands or colonies in America, and imported for sale into this province.*

No. 76.

June 9.

*Obsolete.*

*An Act to continue several acts for regulating the militia in the province of Georgia.*

No. 77.

June 9.

*Obsolete.*

*An Act for amending an act, entitled "An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging."*

No. 78.

**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

Preamble:

Enacted:

Lots herein mentioned appropriated to certain uses.

K

by



A. D. 1761. 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 church-wardens and vestrymen of the respective parishes to assess rates for the repair of churches, the relief of the poor, and other parochial charges;" G, whereon a prison formerly stood, shall be and continue for the use and purpose of a public goal 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 land, and reserved for the use of the public only.

No. 78.

II. *Establishes the plan of the town—Revised, and re-enacted with alterations of the common by acts of 1762, No. 89—1766, No. 149—1770, No. 198.*

III. \* *Regulating the town—Vested in the corporation by act of 1789, No. 430.*

GREY ELLIOTT, *Speaker.*  
JAMES HABERSHAM.

JAMES WRIGHT.

June 9, 1761.

\* Repealed by act of 1787, No. 367.

No. 79.

*An Act for raising and granting to his majesty the sum of £440 sterling for erecting a fort and battery on the island of Cockspur in the river Savannah, and the sum of £100 sterling for erecting a look-out and battery on Midway river, and for empowering commissioners to issue certificates for the said sums, and for sinking the same by a tax of ten shillings sterling on every £100 value of deer skins and beaver skins exported from, or taken or carried out of this province to any part of his majesty's dominions, except to Great Britain only.*

December 19.

*Obsolete.*

No. 80.

*An Act for erecting a fort and battery on the island of Cockspur in the river Savannah, and a look-out and battery on Midway river.*

December 19.

*Obsolete.*

A. D. 1762.

No. 81.

*An ordinance for appointing the honorable William Knox, Esquire, agent assistant to solicit the affairs of this province in Great Britain.*

February 19, 1762.

*Obsolete.*

*An*



*An Act for regulating the pilotage of vessels into the several ports of this province.\** A. D. 1762.  
No. 82.

**F**ORASMUCH as it is highly necessary for the safety of all ships and vessels bound inward to, and outward from the several ports of this province, 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 performing of which, *Be it enacted*, That the several persons herein after named be commissioners for regulating of pilots and pilotage herein after mentioned, viz. for the bar of Tybee and river of Savannah, and for the several bars and inlets lying to the northward of St. Catharine's bar, the honorable Lewis Johnson, Esquire, John Graham, James Read, Alexander Wylly, William Russell, and John Morell, Esquires, and James Graham; and for the bar of St. Catharine and river Midway, and for the several bars and inlets to the southward of St. Catharine's bar, Francis Arthur and James Fisher, Esquires, James Maxwell, senior, John Simpson, William Swinton, John Dunbar, and Samuel Miller, five of each respectively are hereby declared to be a quorum, and who are hereby empowered to recommend such person or persons to be appointed and licensed by the governor or commander in chief for the time being, as they shall think to be the most fit and complete to act as pilots for the conducting of vessels inward to, 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 seven commissioners respectively, by death or departure out of this province, the surviving or remaining number, in such case, shall apply to the governor or commander in chief for the time being, who is hereby empowered to appoint a new commissioner or commissioners, to fill any vacancy that shall so happen, and so from time to time, and at all times hereafter, whensoever there shall be a deficiency of the said number of seven commissioners, which new commissioners, to be appointed in manner aforesaid, shall, from time to time, and at all times hereafter, have the same power, privileges and authorities with the commissioners herein before particularly named, to all intents and purposes whatsoever.

Preamble.

Enacted.

Commissioners appointed.

Deficiency of the number of commissioners how to be supplied.

II. *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 the conducting or piloting any mercantile or trading vessels inwards to, or outwards from, any of the ports or harbors for which a pilot shall be licensed, unless such person has a license for being a pilot, from the governor or commander in chief for the time being, as aforesaid, any law, custom, or usage to the contrary notwithstanding.

No unlicensed person to act as pilot.

III. *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 in the secretary's office of this province with two or more sureties in the penalty of two hundred

Licensed pilots to give £200 bond for the due execution of that office.

\* By act of Congress passed August 7, 1789, all pilots are to be regulated by the laws of the respective States till Congress makes further provision.



A. D. 1762. hundred pounds sterling, to his majesty 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. I *A. B.* appointed pilot for the port and harbor of ———, do solemnly and sincerely swear, that I will well and faithfully 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 and health 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 ———; and do further swear, that I will, from time to time, make the best dispatch in my power to carry safely out, or bring over the bar of ———, 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 governor or commander in chief for the time being, or from the commissioners, or the major part of them, by the consent, direction, and approbation of the governor or commander in chief for the time being, in all matters and things relating to the business of a pilot.

Pilot to make good all damages and loss any vessel may receive thro' his neglect.

IV. *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 miscarry, 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, the said pilot shall, in such case, on conviction thereof in any court of record in this province, be obliged to answer and make good to the sufferer or sufferers, or to the master of any such ship or vessel, all and every the damages and losses which he or they shall sustain through the said pilots neglect, insufficiency or default, in any manner or wise whatsoever.

All disputes between masters of vessels and pilots to be determined by the commissioners.

V. *And be it further enacted, by the authority aforesaid,* That in case any dispute, complaint or difference, shall happen to arise, or be made against or between any master or pilot, for, of, or concerning the pilotage of any ship or vessel, or any other matter incident or relative to the business or care of a pilot, in any of the said harbors, all such disputes, complaints and differences, are hereby ordered to be heard and determined by the commissioners appointed for the care of the pilotage where such dispute shall happen, who, by their decree, arbitrament or order, shall and may lawfully decide, adjust and regulate, every such dispute, complaint or difference; and if either of the said parties, master or pilot, shall refuse to abide by, fulfil, or perform the decree, order, or other adjudication of the said commissioners who shall hear and determine the same, the party so refusing shall be subject to the penalty of any sum not exceeding twenty pounds sterling, as the said commissioners shall think proper to adjudge, to be levied by warrant of distress, under the hand and seal of the said commissioners, or any five of them, against the goods and chattels of the party so refusing, and if he has no visible goods or chattels, then an attachment shall go in like manner, under the hands and seals of the said commissioners, against the person

Masters of vessels or pilots refusing to fulfil the decree of the commissioners liable to a penalty of £20.



person of the party so refusing, who is thereby to be kept in prison, without bail or mainprize, until he make full satisfaction for the said penalty, which, when paid or levied, the commissioners are hereby required to apply towards the fund for keeping in repair the light house on Tybee island; but if such forfeiture shall happen at Midway, then, and in that case, such forfeiture shall be paid to the commissioners appointed to erect a look-out and battery on Midway river, and shall be applied to the keeping in repairs the said look-out and battery.

A. D. 1762.

No. 82.

Forfeitures how to be applied.

VI. *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, then, and in such case, the commissioners for the port or harbor for which such pilot is licensed, shall apply to the governor or commander in chief, to annul and revoke the warrant or license of every such incapacitated or offending pilot, who shall thenceforth be totally suspended, and deemed incapable to receive and take any fee, gratuity or reward, for the guiding or piloting of any ships or vessels, inward to, or outward from, any of the said ports; and that a sufficient number of skilful pilots may not be wanting at any time, for the service of the said ports and harbors, *It is hereby ordered and required*, That upon the death or suspension of any of the said pilots, the commissioners shall apply to the governor or commander in chief for the time being, to issue a new warrant or license to some other person, whom he shall think proper to fill up the vacancy.

Pilots found incapable or negligent to be suspended.

VII. *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 the pilot first offering to come on board such ship or vessel, without the bar, to take charge thereof as pilot, the same rates, dues and payments as are hereinafter particularly expressed and provided, and to be paid in the same manner as if the said pilot had actually piloted the same ship or vessel into any of the said ports or harbors.

On the death or suspension of pilots, commissioners to apply to the governor for a warrant for filling up the vacancy.

Masters of vessels bringing in their vessels, and refusing to take a licensed pilot, the pilot entitled to the same rates as if he had brought her in.

VIII. *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 sums of money, rates and prices, as in the following table are appointed, as full and ample satisfaction unto the said pilot for his care and charge in the bringing in or carrying out every such ship or vessel, according to the draught of water of the said vessel at the time of the said pilotage.

Rates of pilotage.

			£.	s.	d.
For six feet of water, inwards or outwards, - - -			0	11	0
Seven feet, ditto or ditto, - - - -			0	15	0
Eight feet, ditto or ditto, - - - -			0	18	0
Nine feet, ditto or ditto, - - - -			1	2	0

Ten



A. D. 1762.

No. 82.

			£.	s.	d.
For ten feet of water inward or outward,	- - - -	1	5	0	
Eleven feet,	ditto or ditto,	- - - -	1	9	0
Twelve feet,	ditto or ditto,	- - - -	1	15	0
Twelve feet and half,	ditto or ditto,	- - - -	2	0	0
Thirteen feet,	ditto or ditto,	- - - -	2	5	0
Thirteen feet and half,	ditto or ditto,	- - - -	2	10	0
Fourteen feet,	ditto or ditto,	- - - -	2	17	0
Fourteen feet and half,	ditto or ditto,	- - - -	3	3	0
Fifteen feet,	ditto or ditto,	- - - -	3	10	0
Sixteen feet,	ditto or ditto,	- - - -	4	0	0
Seventeen feet,	ditto or ditto,	- - - -	4	10	0

Masters of vessels coming over the bars when no pilots have been out, to pay only half fees.

IX. And, as far as may be, to prevent and discourage pilots from neglecting their duty, *Be it further enacted, and it is hereby enacted, by the authority aforesaid,* That if the master or commander of any ship or vessel, coming in, or bound to, any of the ports or harbors in this province, to whom no licensed pilot has offered his service at the outside of the bar, shall bring his ship or vessel in over any of the bars of the same, then, and in such case, such master or commander shall not be liable to pay more than one moiety, or half of the rate or fare before mentioned, for the pilotage of his vessel, which shall be deemed, and is hereby declared to be a sufficient reward and gratuity to any such licensed pilot, for conducting the said vessel up any of the rivers aforesaid, to the town or place where such ship or vessel is bound to unlade.

Pilots refusing to carry out any vessel, after notice given them by the master, to forfeit one half of their fees.

X. *And be it further enacted by the authority aforesaid,* That after any ship or vessel is laden, and ready to depart from any of the ports or harbors aforesaid, and the master or commander thereof shall signify to the licensed pilot for the port or harbor, his desire to depart with his said vessel, the said pilot neglecting or refusing to conduct the said vessel away, with the utmost dispatch in his power, shall, for such neglect and refusal, forfeit his right, title, claim, and demand in and to one moiety or half of the rate or fare such master or commander would be otherwise subject to pay for the pilotage of his said vessel, any thing in this act contained to the contrary notwithstanding.

Persons becoming security for masters of vessels liable to pay the pilots fees.

XI. *And be it further enacted by the authority aforesaid,* That the person or persons who shall be security in the secretary's office of this province, for any ship or vessel, shall be liable to pay to the pilot or pilots, severally and respectively, the money due to him or them for the pilotage of such ship or vessel outward or inward, as the same shall happen to be due; and that it shall and may be lawful to and for the said pilot or pilots to recover the same in such manner as is provided by an act of this province, for the more easy and speedy recovery of small debts and damages.

Pilots to see every vessel moored as the master desires.

XII. *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 advice and direction for the mooring of the same, and for their safe riding at such moorings, if thereunto required by the master or commander of such ship or vessel.

XIII.



XIII. *And whereas*, ships or other vessels coming on the coast and bound to some port of this province are often at a loss to know exactly where they are, for the encouraging of such persons to repair on board of them, should they make a signal for that purpose, *Be it enacted by the authority aforesaid*, That if any master of a vessel shall take any instruction, or be ascertained of the spot his vessel is in by any white person repairing on board as above, the said master is hereby made liable to pay to such person the sum of twenty shillings, and if he shall be required to continue on board such vessel, he shall, over and above the said sum, be paid twenty shillings for each of the two first days, and five shillings for every day after that he shall remain on board, to be recovered in the same way as fees for pilotage, from the master or his security, as is herein before appointed; *Provided* he apply for the same before the ship or vessel departs the province, but not afterwards.

A. D. 1762.  
No. 82.

Sums required to be paid by masters of vessels to any white person acting as herein mentioned.

Proviso.

XIV. \* *And whereas* many small vessels are employed in the coasting business from this to the neighbouring province, the masters and commanders of which are, in general, well acquainted with the several bars and harbors of this province, and stand in no need of the assistance of licensed pilots, *Be it further enacted by the authority aforesaid*, That no vessel that now is, or shall hereafter, during the continuance of this act, be established and fixed in the coasting trade from this to the neighbouring province, or from one part to another of this province, shall be liable to pay any pilotage or charge to any licensed pilot, unless the master or commander of such coasting vessel shall require the same licensed pilot to conduct his said vessel into, or out from, any of the ports or harbors aforesaid, in which case the said master shall be liable to pay the same fees and rates of pilotage as is herein before directed.

Coasting vessels to pay no pilotage unless the master requires the assistance of a pilot.

XV. *And be it further enacted*, That this act shall continue and be in force until the first day of January next, and from thence to the end of the then next session of assembly.†

LEWIS JOHNSON, *Speaker*.  
JAMES HABERSHAM, *President*.

JAMES WRIGHT.

March 4, 1762.

\* Altered by act of 1788, No. 398.

† Made perpetual by act of 1783, No. 279.

*An Act to oblige masters of vessels, supercargoes, and other transient persons importing goods and merchandize into this province to pay tax for the same.*

No. 83.

March 4.

*Obsolete.*—This power is vested in the general government by fed. constitution.

*An Act for further explaining and amending an act, entitled, "An act to empower the several surveyors therein after named to lay out public roads in the province of Georgia;" and to sink wells in the town of Savannah.*

No. 84.

March 4.

*Obsolete.*

*An*



A. D. 1762. *An Act to explain and amend an act, entitled "An act for the more easy and speedy recovery of small debts and damages."*

No. 85.

March 4.

*Repealed by act of 1789, No. 421.*

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No. 86. *An Act for making provision for printing the laws of this province, and for encouraging a printer to set up a printing press in the same.*

March 4.

*Obsolete.*

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No. 87. *An Act for granting to his majesty the sum of £1421 5 sterling for the use and support of the government of Georgia for the year 1762, to be raised at certain rates as therein mentioned, and for the more effectual collecting of arrears.*

March 4.

*Obsolete.*

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No. 88. *An Act for preventing and punishing vice, profaneness and immorality, and for keeping holy the Lord's day, commonly called Sunday.*

Preamble.

**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.

I. Compelling all persons to attend places of public worship—repugnant to the form of our government. *See note, page 52.*

Persons working on Sunday to forfeit 10s.

II. *And 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.

III. Prohibiting persons from travelling by land or water on Sunday.—*Obsolete.*

Hunting, shooting, &c. forbid. Penalty 5s.

IV. *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



used on the Lord's day, by any person or 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.

A. D. 1762.  
No. 38.

V. *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, 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  
not to be kept  
open on Sunday.

VI. And, for the better keeping of good orders on the Lord's day, *Be it 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.

Constables, &c.  
to inspect pub-  
lic or tippling  
houses on that  
day;

and to use force  
if denied en-  
trance.

VIII. *And be it further enacted*, That for the 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 sale, and in case of default of such distress, or in case of insufficiency, or inability of the 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

Justices to ap-  
prehend offen-  
ders and seize  
their goods.



A. D. 1762. No. 88. *aforefaid fhall be employed and converted to the ufe of the poor of the parifh where the faid offences fhall be committed, and to be delivered into the hands of the churchwardens or overfeers of the poor for that end, faving only, that it fhall and may be lawful to and for any fuch juftice or juftices, out of the faid forfeitures or penalties, to reward any perfon or perfons that fhall inform of any offence againft this act, according to his or their difcretion, fo as fuch reward exceed not the third part of the forfeitures or penalties: Provided, That nothing in this act contained fhall extend to the prohibiting of dreffing of meat in families, or dreffing or felling of meat in inns, victualling houfes, or other public houfes, for fuch as cannot be otherwife provided, nor to the buying or felling of milk and fifh, before nine of the clock in the morning, and milk after four of the clock in the afternoon: Provided alfo, That no perfon or perfons fhall be impeached, profecuted, or molefted, for any offence before mentioned in this act, unlefs he or they be profecuted for the fame within ten days after the offence committed.*

Writs, warrants &c. not to be executed on the Lord's day, except in certain matters.

Persons ferved with writs, &c. on Sunday, to be difcharged,

and allowed a certain time to return home.

Actions brought againft perfons in the execution of this act, &c. how they are to proceed.

VIII. *And be it further enacted*, That no perfon or perfons, upon the Lord's day, fhall ferve or execute, or caufe to be ferved or executed, any writ, procefs, warrant, order, judgment, or decree, except in cafes of treason, felony, or breach of the peace, but that the fervice of every fuch writ, procefs, warrant, order, judgment, or decree, fhall be void to all intents and purpofes whatfoever, and the perfon or perfons fo ferving and executing the fame, fhall be liable to the fuit of the party aggrieved, and to anfwer damages to him for the doing thereof, as if he or they had done the fame without any writ, procefs, warrant, order, judgment, or decree at all, and in cafe any perfon or perfons fhall be imprifoned, or detained in cuftody, by any writ, procefs, warrant, order, judgment, or decree, fo ferved or executed upon the Lord's day, upon motion or petition made to the chief juftice, or any one of the affiftant juftices for the time being, it fhall be lawful for the chief juftice, or affiftant juftice or juftices, and he or they are hereby authorized and required immediately to order fuch perfon or perfons to be difcharged out of prifon and cuftody, and to be clear not only from fuch writ, procefs, warrant, order, judgment, or decree, fo ferved on the Lord's day, but alfo from all and every other writs, procefs, warrant, order, judgment, or decree, ferved or executed upon any perfon during the time of the faid perfon's being imprifoned or detained upon the account of any fuch writ, procefs, warrant, order, judgment, or decree fo ferved or executed on the Lord's day, and fuch perfons fhall be allowed by the faid chief juftice, or affiftant juftices, fuch reasonable time as he or they fhall think fitting, to return to his home or habitation, free from any arreft or hinderance whatfoever, in civil matters.

IX. *And be it further enacted*, That if any action, fuit, or information, fhall be commenced againft any perfon or perfons, for what he or they fhall do in purfuance or execution of this act, fuch perfon or perfons fo fued may plead the general iffue (not guilty) and upon iffue joined, give this act, and the fpecial matter in evidence; and if the plaintiff or profecutor fhall become non-fuit or fuffer difcontinuance, or if a verdict pafs againft him, the defendant or defendants fhall recover his or their treble



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. A. D. 1762.  
No. 88.

X. Directing this act to be read four times a year by every minister, &c.—*Obsolete.*

LEWIS JOHNSON, *Speaker.*

JAMES HABERSHAM, *President.*

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 a certain portion of the said common in exchange for other land to the said common adjoining."\** No. 89.

**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 the said common consisting of about fifteen acres for four garden lots, severally adjoining to other parts of the said common and to become a part thereof, will not only enlarge the common of the said town, but also render it more compleat 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, Esquire, 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 in 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, containing 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,

Preamble.

Enacted.

Commissioners of the town empowered to exchange fifteen acres of the common for four garden lots containing twenty acres.

to

\* Further exchange of common—See act of 1766, No. 149.



A. D. 1762. to hold the same unto the said commissioners and their successors forever, as part  
 No. 89. and parcel of the common of the said town of Savannah, for the use of the lot-holders thereof.

Such part of the common when exchanged, to become the property of Sir James Wright.

II. *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 or their heirs or assigns for ever.

And the garden lots obtained to be a part of the common.

III. 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.

JAMES HABERSHAM, *President*.

LEWIS JOHNSON, *Speaker*.

JAMES WRIGHT.

March 4, 1762.

No. 90. *An Act for raising and granting to his majesty the sum of £193 10 sterling, and for applying the same towards the better support and encouragement of pilots for the service of the province, as therein mentioned.*

March 4.

*Obsolete.*

No. 91. *An Act to empower the surveyors in the parish of St. John to lay out a new public road from the town of Sunbury to join the south west road near the plantation of Samuel Hastings, and to make the inhabitants of the islands to the southward of the river Great Ogechee liable to work on the public roads in their several parishes; and to appoint two additional surveyors for the parish of St. John.*

March 4.

No. 92. *An Act for building a church in the town of Augusta, and repairing the parsonage house there;\* and providing a fund for building and repairing churches and parsonage houses, and fencing in the cemeteries appertaining thereto in the several parishes within this province.*

March 4.

*Obsolete.*

\* See act of 1783, No. 282; and note, page 52.



*An Act to amend an act to prevent the building wooden chimnies in the town of Savannah, A. D. 1763.  
the repair of those already built, and to provide against accidents of fire.*

No. 93.

April 7, 1763.

*These powers now vested in the corporation.*

*An Act for amending an act for constituting and dividing the several districts and divisions of this province into parishes, and for establishing of 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 inclosing the same.*

No. 94.

I. **E**MPOWERING church-wardens, &c. to levy parish tax.—Repugnant. See note, page 52.

II. \* *And whereas* the cemetery in the parish of Christ church belonging to the said parish is become too small for the occasion, *Be it therefore 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 the church-wardens and vestry-men of the said parish are hereby empowered, at their discretion, to agree with and hire workmen to compleat, inclose, and finish the same.

Cemetery of Christ church enlarged.

III. *And be it further enacted by the authority aforesaid*, That there be laid out, and inclosed 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 allotted for negroes.

LEWIS JOHNSON, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

April 7, 1763.

\* See act of 1768, No. 178, enlarging the cemetery.

*An ordinance appointing the honorable William Knox, Esquire, agent to solicit the affairs of this province in Great Britain.*

No. 95.

April 7.

*Obsolete.*

*An*



- A. D. 1763. *An Act for continuing and amending an act of the general assembly of this province for regulating the assize of bread.*  
No. 96.

April 7, 1763.

*Obsolete.*—See act of 1768, No. 174.

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- No. 97. *An Act to prevent damages which may arise from dams or banks for reserving or stopping of water.*

April 7.

*Obsoletc.*—See acts of 1773, No. 219; and 1787, No. 363.

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- No. 98. *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.*

April 7.

*Re-enacted by act of 1767, No. 166.*

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- No. 99. *An Act for preventing fraudulent mortgages and conveyances, and for making valid all deeds and conveyances heretofore made in respect to any defect in the form and manner of making thereof.*

April 7.

*Re-enacted with alterations by act of 1768, No. 188.*

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- No. 100. *An Act for granting to his majesty the sum of £1934 9, for the use and support of the government of Georgia for the year 1763, to be raised at certain rates as therein mentioned, and for the more effectual collecting of arrears.*

April 7.

*Obsolete.*

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- No. 101. *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.\**

I. II. III. IV. **R**E-ENACTED with amendments by act of 1765, No. 121.

Persons obstructing navigation how to be treated.

V. *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, perriaguas, and large boats, and such trees*  
fo

\* Amended by act of 1765, No. 121.



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 authorised, 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 authorised 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* A. D. 1763.  
No. 101. *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.† Proviso.

LEWIS JOHNSON, *Speaker*.  
JAMES HABERSHAM, *President*.

JAMES WRIGHT.

April 7, 1763.

† Perpetuated by act of 1783, No. 279.

*An Act to prevent the bringing into and spreading of contagious distempers in this province, and to oblige vessels going out of any port within the same, first to produce for that purpose a passport from the governor or commander in chief for the time being; and also to prevent the harboring of sick sailors and others.* No. 102.

April 7, 1763.

*Obsolete.—See act of 1793, No. 485.*

*An Act to empower the commissioners appointed in and by an act of the general assembly of this province, entitled, "An act for repairing of Christ church in Savannah," to lay out a spot of ground for erecting a parish church thereon, and to remove the present market, and lay out a spot of ground for erecting the same.* No. 103.

**W**HEREAS the repairing the parish church in the town of Savannah, and parish of Christ church, or rebuilding the same on the present foundation is found to be impracticable, *Be it enacted*, That immediately after the passing this act, it shall and may be lawful to and for the commissioners named and appointed Commissioners before appointed, empowered to remove the market, and lay out ground to build a church. in



A. D. 1763. in and by an act passed in the third session of the second general assembly of this province, entitled, "An act for the repairing of Christ church, in Savannah," and they, No. 103. or any five of them, are hereby empowered, and fully authorized, to cause the buildings and stalls now erected and used for a market, in the center of a square of the said town of Savannah, called *Wright's square*, to be removed from thence, and in the same place to lay out a sufficient space of ground for the erecting thereon a parish church, which said portion of ground so to be laid out, shall be, and is from henceforth, allotted and appropriated to and for the use and purpose aforesaid.

A piece of ground to be laid out for the market.

II. *And be it enacted by the authority aforesaid*, That it shall and may be lawful to and for the said commissioners, and they, or any five of them are hereby empowered and fully authorized to lay out a proper space or quantity of ground, in a square of the said town of Savannah, called *Ellis's square*, and thereon to cause the buildings and stalls for a market to be placed and put, which said ground so laid out, shall be, and is from henceforth, allotted and appropriated to and for the use and convenience of a public market.

LEWIS JOHNSON, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT.

*April 7, 1763.*

No. 104. *An Act for regulating a work-house for the custody and punishment of negroes.*

Preamble.

**W**HEREAS a law for regulating a work-house for the confinement of negroes, and punishment of such as are obstinate and disorderly, is highly necessary,

Enacted.

Commissioners named, and how appointed.

*Be it enacted*, That Joseph Ottolenghe, William Ewen, and John Morel, Esquires, Alexander Tyffe and Benjamin Goldwire, shall, and they are hereby nominated and appointed commissioners for the ordering and taking care of the said work-house; 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 Monday, 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.

Penalty on refusing to act.

A master to be appointed by commissioners.

II. *And be it further enacted*, That the said commissioners shall, within two months after the passing this act, appoint a fit and proper person to be master or warden of the work-house for such term and time not exceeding the term of three years, as they shall think fit, or during his good behavior, to have and take the care and charge of the work-house, 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



tract 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 and sent to the work-house, or such other stated salary out of the profits of the same as they shall think reasonable, during the time of his appointment.

III. *And be it further enacted*, That the master or warden of the work-house to be appointed as aforesaid, shall have power and authority, and he is hereby authorised, 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 labour (if they be able) for such time as they shall continue and remain in the work-house, and to punish them by putting fetters or shackles upon them, and by moderate whipping, not exceeding twenty stripes in one day.

IV. *And be it further enacted*, That the said master and warden of the work-house 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 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.

V. VI. VII. VIII. IX. Revised and re-enacted by act of 1770, No. 204, 24, 25, 26, 28 sections.

X. *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 work-house, 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. six pence for each day's maintenance, and one shilling and four pence for each chastisement that the owners may direct.

XI. And 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.

XII. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force during the term of three years from the passing the same, and from thence to the end of the next session of the general assembly, and no longer.\*

LEWIS JOHNSON, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT.

April 7, 1763.

M

An

A. D. 1763.

No. 104.

His fees to be ascertained by them.

Master empowered to employ negroes in work house, and punish them by whipping or irons.

To provide materials for working them and the profits to be paid to the commissioners, how applied.

Master to punish slaves as their owners direct.

Fees for the same.

Vacancies of commissioners how to be filled.

Continuance of this act.

\* Perpetuated by revival act of 1783, No. 279.



A. D. 1763. *An Act for holding special or extraordinary courts of common pleas, for the trial of causes arising between merchants, dealers and others, and ship masters, supercargoes, and other transient persons.\**  
 No. 105.

Preamble;

**W**HEREAS, disputes and differences frequently arise and happen between merchants, dealers and others, and ship masters, supercargoes, and other transient persons, trading to, and having commercial concerns in this province, which cannot be determined by legal process, without obliging transient persons to wait the usual time of holding the general court of pleas, and the ordinary forms of proceeding therein, and thereby causing great charge and expense to such masters, supercargoes, and other transient persons, by detaining their vessels in port when ready for sailing, and otherwise damnifying them, to the great hinderance and disadvantage of foreign commerce; for remedy whereof, *Be it enacted*, That it shall and may be lawful for the chief justice, and in his absence for either of the justices of the general court of pleas, at any time after the passing of this act, upon petition to either of them made by any ship master, supercargo, or other transient person or persons, who shall have any dispute or difference with any merchant, dealer, or other person or persons touching any contract, agreement, sale, promise, debt or demand whatsoever, made or arising within this province, during the continuance therein of such transient person or persons, and not otherwise, setting forth in such petition the nature of his, her or their case, and at the same time making oath that he, she or they cannot, without great inconvenience and damage to him, her or them, wait the determination of such matter in difference by the ordinary and usual course of proceeding in the said court, to order, and the said chief justice and justices are hereby required and directed to order and appoint a special or extraordinary court to be held within seven days after the preferring of such petition, for the trial of any such cause or matter in difference.

Enacted.

Transient persons how to obtain a special court:

To be held with in seven days after petition preferred.

Plaintiff to sue out writ, &c. the defendant to appear and plead to issue immediately.

Jury of merchants how struck.

II. *And be it further enacted*, That immediately after the appointment of such court, the plaintiff or plaintiffs in the cause shall forthwith sue out his, her or their writ, and affile his, her or their declaration thereon, with a copy of his, her or their account or other demand, to which the defendant or defendants shall appear immediately, and plead to issue without delay, in default whereof, judgment to be entered for the plaintiff or plaintiffs, and thereupon a special jury of merchants or other fit persons for trial of the said matter, or assessing the damages in case of judgment by default, shall be nominated and struck before one of the judges of the said general court, or the clerk of the pleas, in like manner as special juries are struck in the courts of Westminster hall, every such jury nominated to consist of thirty persons, out of which each party shall have liberty to strike six, and the remaining eighteen shall be impaneled to try such cause, and the jurors so named and struck, shall accordingly be summoned by the provost marshal to appear at the said special court, a *venire facias* being issued for this purpose.

III.

\* Amended by act of 1766, No. 143.



III. *And be it further enacted*, That if any person summoned on such special jury shall not appear, or on appearance shall refuse to be sworn, that then it shall and may be lawful for the said court to fine every such juror in a sum not exceeding four pounds, and each of the jurors sworn on such trial shall be paid by the party prevailing five shillings, which shall be allowed him in costs; *Provided always*, That in case a sufficient number of jurors shall not appear for the trial of such cause, that then it shall and may be lawful for the court to order the deficiency to be made up from any persons then present in court, or in Savannah, as they shall judge fit, who shall thereupon be sworn on such jury, and in case of refusal, shall and may be fined as herein before mentioned.

A. D. 1763.  
No. 105.  
Penalty on jurors not appearing.  
Jurors sworn how paid.  
Proviso.

IV. *And be it further enacted*, That no final judgment shall be entered, or execution issued, until the third day inclusive from the day of trial, and such court shall be adjourned accordingly, that the party against whom a verdict shall be given, may be at liberty to move in arrest of judgment, or to appeal therefrom, if he, she or they shall think fit.

Final judgment not entered nor execution to issue under three days.

V. *And be it further enacted*, That where any suit or action, in the general court of pleas, shall be commenced against any ship master, supercargo, or other transient person or persons, for any matter arising during his, her or their continuance in this province, as aforesaid, it shall and may be lawful for the chief justice or either of the justices, as aforesaid, and they are hereby required, on petition and affidavit, as aforesaid, to order and appoint a special court for the trial and determination of such suit in like manner as herein before is provided.\*

A special court may be appointed for any transient persons sued.

LEWIS JOHNSON, *Speaker*.  
JAMES HABERSHAM, *President*.

JAMES WRIGHT.

April 7, 1763.

\* This act is recognized by the constitution of 1777, and of 1789.

*An Act for appointing commissioners to rebuild the court house in the town of Savannah, with jury rooms, and other conveniencies necessary for the said house, and to empower the said commissioners to dispose of the materials of the old court house.*

A. D. 1764.  
No. 106.

**W**HEREAS the court house in the town of Savannah, where his majesty's courts for the province of Georgia are held, is now reduced to a decayed and ruinous condition, and it being of the utmost importance to this province speedily to rebuild the same, together with jury rooms, and other conveniencies for the said court-house, which have not been hitherto provided:

Preamble.

I. *Be it therefore enacted*, That as soon as conveniently may be after the passing of this act, the old court house in the town of Savannah, being now in Wright-square, shall be pulled down, another court house, in its stead, with jury rooms, and other necessary conveniencies, shall be erected or rebuilt in the same place or lot.

Enacted.  
Court house in Savannah to be rebuilt.

II.



A. D. 1764.

No. 106.

Commissioners  
appointed with  
certain powers.

II. *And be it further enacted*, That his excellency the governor or commander in chief of this province for the time being, the chief justice, assistant judges, and attorney general for the time being, Joseph Ottolenghe and Henry Yonge, Esquires, be, and they are hereby nominated and appointed commissioners\* to put this act in execution, and they, or any three of them, are hereby empowered, authorised and required, to fix upon such a convenient plan, as shall not, when completely executed, exceed the sum of six hundred pounds sterling, and to contract for materials, and to agree with workmen for the rebuilding of the aforesaid court-house, and the additional parts herein before mentioned; and the aforesaid commissioners, or any three of them, are hereby also empowered and authorised to sell, if they shall see it necessary, all or any part of the materials belonging to the said old court-house, by a public sale, to the best bidder, and the money arising from such sale, shall be applied by the aforesaid commissioners towards the rebuilding of the said court-house.

Expences of  
building to be  
paid by the  
treasurer.

III. *And be it enacted*, That the commissioners, or any three of them, are hereby authorised and empowered to certify the expence of rebuilding the said court house to the governor and council, who shall give orders on the treasurer of this province, for the said several expences aforesaid, to be paid by him out of the monies already provided, or hereafter to be provided for that purpose.

Vacancies how  
filled.

IV. *And be it enacted*, That in case any of the commissioners herein before named and appointed, shall die, depart the province, or refuse to act, the remaining commissioners, or any three of them, shall, as soon as convenient, notify the same to the governor or commander in chief for the time being, who is hereby authorised and empowered to appoint and nominate one or more in the room of such as shall die or depart the province, or refuse to act.

Commissioners  
accounts to be  
laid before the  
assembly.

V. *And be it further enacted*, That the commissioners appointed by virtue of this act shall lay their accounts of the monies by them received and expended in the rebuilding of the said court house before the general assembly, when thereunto required.

LEWIS JOHNSON, *Speaker*.JAMES HABERSHAM, *President*.

JAMES WRIGHT.

February 29, 1764.

\* Mayor and aldermen are now commissioners. See act of 1791, No. 452.

No. 107.

*An ordinance re-appointing William Knox, Esquire, agent, to solicit the affairs of this province in Great Britain.*

February 29.

*Obsolete.*

No. 108.

*An Act for further amending an act, entitled "An act to empower the several surveyors therein named to lay out public roads in the province of Georgia."*

February 29.

*Obsolete.*

An



*An Act for further continuing an act, entitled "An act to prevent masters of vessels from carrying off persons in debt from this province."* A. D. 1764.  
No. 109.

February 29.

*Obsolete.—See act No. 50.*

*An Act to enable the commissioners appointed in and by an act of the general assembly of this province, entitled "An act for the repairing of Christ church in Savannah," to dispose of such materials as have already been provided for rebuilding of the said church in Savannah, and to place out at interest the monies arising by sale thereof together with the monies provided by several acts of assembly for repairing and rebuilding of the said church, and now in the hands of the treasurer.* No. 110.

February 29.

*Obsolete.*

*An Act to suppress lotteries, and prevent other excessive and deceitful gaming.\** No. 111.

**W**HEREAS many good and wholesome statutes of Great Britain have from Preamble.

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 anyways contribute unto any of the said games, lottery or lotteries, sale or sales, such person or persons, and every

Enacted.  
Persons erect-  
ing lotteries,  
forfeit £500.

\* See an additional act passed in 1765, No. 122; and act of 1777, No. 232.



A. D. 1764.

No. III.

Sales, &amp;c. declared void,

and whatsoever shall be set up to be forfeited.

Bonds, bills, &amp;c. on account of gaming to be void.

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 other 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 assign, protection, wager of law, or more than one imparlance, 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 justice 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.

II. *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 side 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 incumber 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 granter or granters thereof, or the person or persons so incumbering 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 incumbering 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.

III.



III. *And be it enacted*, That 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 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 and 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 action or suit, no effoign, 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 allege 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 re-deliver to the loser such money or things so won and received as aforesaid, together with such costs of suit as may have accrued before the re-payment or re-delivery 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.

IV. 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.

A. D. 1764.

No. III.

Money lost by gaming how to be recovered.

Persons sued for money won by gaming, compelled to discover the amount on oath.



A. D. 1764. discharged from any further or other punishment, forfeiture, or penalty inflicted by this act.  
No. III.

Persons winning money, &c. by fraud, to forfeit four times the amount.

V. *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.

Penalty for fighting on account of gaming.

VI. 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 main-prize.

Occupiers of public houses, &c. subject to fine for suffering gaming therein.

VII. *And whereas* the occupiers of many licensed public houses, and of other houses wherein liquors are sold, frequently suffer gaming therein, and apprentices, overseers, journyemen, 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 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, 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, or out houses, ground, or apartments thereunto belonging, by any apprentices, overseers, journyemen, 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 witnessess, (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



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 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.

A. D. 1764.  
No. III.

VIII. *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 witnesses 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.

Certain persons gaming in public houses subject to fine and imprisonment.

IX. *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 gaol.

Justices of the peace, their duty in the execution of this act.

X. *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.

What persons deemed competent witnesses by this act.

XI. *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

Justices empowered to break open doors in seizing persons offending.



A. D. 1764. intention of this 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.

Appeal allowed from the justices determination to the general court.

XII. *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 appealing 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.

A public act.

XIII. *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.\*

LEWIS JOHNSON, *Speaker*.  
JAMES HABERSHAM, *President*.

JAMES WRIGHT.

February 29, 1764.

\* There appears to have been no session from 1770 till 1773. By act of 1773, No. 224, this act was further continued for one year, and to the end of the next session of the general assembly which was held in the year 1777—further continued by acts of 1777, No. 236—1778, No. 257—1781, No. 263—1783, No. 279—and finally made perpetual by act of 1784, No. 287.

No. 112.

*An Act for granting to his majesty the sum of £2117 13 0 $\frac{3}{4}$  sterling for the use and support of the government of Georgia for the year 1764, to be raised at certain rates, and after the method therein mentioned, and for the more effectual collecting of arrears.*

February 29.

*Obsolete.*

No. 113.

*An Act for the punishment of vagabonds† and other idle and disorderly persons, and for erecting 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.*

SO much of this act as respects vagabonds, re-enacted with alterations, by act of 1788, No. 391.

Trading with Indians, *obsolete*—being under the regulation of Congress.

VII.

† Amended by act of 1788, No. 391.



VII. *And be it further enacted by the authority aforesaid,* That if any person or persons, after the passing of this act, shall presume to erect or set up any houses or huts on the lands reserved for the Indians, as hunting grounds, or for their own use, or shall trespass thereon by hunting, such person or persons being thereof convicted, in the manner before mentioned, touching trading or bartering with the Indians in the woods, shall be liable to the same penalty and punishment as in that case is inflicted; and the justice before whom the complaint is made, shall or may order such huts and buildings thereon made or being, to be destroyed, and shall likewise bind over the offender for his appearance at the next sessions, or otherwise commit him to gaol, as before mentioned.

VIII. Respecting gaols.

IX. *And whereas* it hath been the common practice of many persons in the back settlements of this province, to seat themselves without authority on lands of the crown, by building huts, clearing of land, and planting thereon, and have also so far assumed to themselves a right to said land, by such seating, building and planting, as to sell the same to the next comer, and from thence removing to some more distant part, have repeated the same practice, to the manifest detriment of such purchasers and others, who would become useful settlers by cultivating and improving the said lands, by authority of the king's grant; for remedy whereof, *Be it further enacted by the authority aforesaid,* That from and after the passing this act, if any person or persons shall be found seating him, her or themselves, on any vacant lands of the crown, building huts or houses, or clearing and planting the same, and not having applied for and obtained such authority for so doing, as the governor or commander in chief of this province in council shall direct, such person or persons so offending shall be deemed idle and disorderly persons, within the true intent and meaning of this act; and on conviction of any such offender or offenders, before any of his majesty's justices of the parish where the offence may be committed, such justice or justices shall, and they are hereby required, by a written order under his or their hands and seals, directed to a lawful constable of the said province, to warn such person or persons so unlawfully settling on the king's lands, to leave the same within three months after such warning given, and in case of refusal, after the expiration of the said term, the person or persons so seated as aforesaid, not having applied for and obtained a proper authority for continuing on the said lands, and prove the same before a magistrate of the said parish, the justice or justices aforesaid may and are hereby required to direct any constable, by warrant for that purpose, to destroy the huts, building, and fences of such offender or offenders against this act, the expence of such warning or removal to be paid by the offending party, if of ability, and upon refusal, to be levied by warrant of distress; but if such offender is not of ability to pay the same, it being duly proved, shall be paid by the public in like manner as for conveying criminals to gaol.

A. D. 1764.

No. 113.

Erecting huts, &c. on lands reserved for Indians, how fined and punished.

Persons seating themselves on public lands without proper authority deemed idle and disorderly, and their improvements to be destroyed.



A. D. 1764. XII. *And be it enacted by the authority aforesaid, That this act shall continue and be in force for the term of two years, from the time of passing thereof, and from thence to the end of the next session of the general assembly, and no longer.\**

No. 113.

LEWIS JOHNSON, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

February 29, 1764.

\* Further continued by several acts 'til 1773, then continued for one year and to the end of the next general assembly, which was held in 1777—further continued by act of that year, see No. 236; and finally made perpetual by act of 1784, No. 287.

No. 114.

*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.*

Preamble.

**W**HEREAS, for preventing any fraudulent disposition or embezzlement of 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

Enacted.  
Executors and  
administrators,  
their duties.

† Executors may be compelled to give security—See act of 1792, No. 476, sect. 1.

‡ Altered to three months by act of 1792, No. 476, sect. 2.



dule 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.

A. D. 1764.

No. 114.

Made chargeable with all goods and chattels inventoried.

II. *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 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.

Oath of persons applying for letters.

III. *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.

Executors and administrators not allowed to take estates at the appraisement, but shall be accountable for the true value thereof.

IV. *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.

Sales of goods, &c. how to be published.

V.

\* The form of administrator's oath is prescribed by 6th sect. of the act of 1792, No. 476.

† See 2d sect. of act of 1792, No. 476, to like effect.



A. D. 1764.

No. 114.

Debtors appointed executors not to be freed of any debt, unless expressly declared in the testator's will.

Appraiser to be sworn.

Their oath.

Bond and security to be given by persons obtaining letters of administration.

Principal creditors not to obtain letters but in trust for the rest.

Debts of equal dignity to be discharged in average as far as assets.

Administrator to sue or empower some creditor to sue for debts outstanding.

Dividend of intestates estates when to be made.

V. *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.

VI. *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.

VII. *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 secretary'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.

VIII. *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.

IX. *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

\* See 8th sect. of act of 1792, No. 476, prescribing the form and manner of giving bond and security. By the 9th sect. securities may be released; and by the 10th sect. letters of administration granted to a widow may be revoked on her marriage.

† The 11th sect. of act of 1792, No. 476, points out the order in which debts are to be paid. By the 12th sect. notice is to be given to creditors.

‡ By the 13th sect. executors and administrators are exempt from suit during that time.



tates estates 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 intestate's 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.

X. *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 and 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 testator's and intestate's 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*.

XI. *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 trust, 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, 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 let 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

A. D. 1764.  
No. 114.

Executors and administrators neglecting their duty made chargeable as executors in their own wrong.  
2 Black. com. p. 507.

Commissions of executors, &c.

Proviso.

\* The 13th sect. explains the manner in which executors and administrators in their own wrong are made chargeable.

† By act of 1792, No. 476, sect. 1, they are to account annually or forfeit commissions, and liable to suit for damages.



- A. D. 1764. 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.

No. 114.

Executors, &c. may bring an action in the general court, for additional commissions.

Provido.

No verdict to be for more than 50s. per cent. over.

Commissions how to be divided.

XII. 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 judgment 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.

XIII. *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.

XIV. *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 sessions of assembly, and no longer.\*

LEWIS JOHNSON, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

February 29, 1764.

\* Further continued by act of 1773, and to the end of the next session of the general assembly which was held in 1777—further continued by act of that year, see No. 236, and finally made perpetual by act of 1784, No. 287.

- No. 115. *An Act for further amending and explaining an act, entitled "An act for better regulating the market in the town of Savannah."*

February 29, 1764.

*Now under the direction of the corporation.*

- No. 116. *An Act for continuing several laws therein mentioned for regulating the militia; for the better ordering and governing negroes and other slaves; for the empowering surveyors to lay out public roads; for laying an impost on shipping; and to prevent horse stealing.*

May 29.

*Obsolete.*

*An*



*An Act to prevent the further spreading of the small-pox in Savannah, and in other parts of this province.* A. D. 1764.  
No. 117.

May 29.

*Obsolete.*

*An Act to prevent as much as may be the spreading of the small-pox in this province.* No. 118.

December 7.

*Obsolete.*

*An Act for the better strengthening and settling of 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, agreeable to his majesty's royal instructions for granting lands, and to cultivate and improve the same; and for the 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.\** A. D. 1765.  
No. 119.

**W**HEREAS fundry persons hold or claim to hold great tracts and quantities of very valuable lands to the southward of the river Alatamaha 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. Preamble.

*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

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\* *Query.*—Whether the royal assent was ever obtained to this act? See attorney general's reports to congress in 1796, p. 139.



A. D. 1765. 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 anywise 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 inconveniencies 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 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 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 become 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 moving 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.

Enacted.

South Carolina grants for lands south of the river Altamaha how to be made known, and in what manner to be settled.

Persons claiming under such grants to exhibit an affidavit to the governor, together with the grants.

II. *And be it further enacted*, 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 such attorney or attorneys, shall and do not only produce the grant or grants of his and their



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 persons 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 whatsoever 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: *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 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.

III. *And be it further enacted*, 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 and 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 or their grant or grants in the register's office and

A. D. 1765.  
No. 119.  
Form of affidavit.

To have testimonial and great seal of S. Carolina annexed.

*Provido.*  
Absent grantee provided for.

Qualifications and grants where, and in what time to be recorded.



A. D. 1795. and also enter a docket thereof in the auditor's office in this province; and if any of  
 No. 119. 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 re-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 whatsoever pursuant to his majesty's royal commission and instructions for that purpose.

All grants declared void on failure to comply with this act, and the lands forfeited.

Lands not actually or properly surveyed to be re-surveyed.

IV. *And be it further enacted*, That if on producing the said grants or any or either of them it shall appear by the plots 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 docketted 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 re-surveyed, and every such tract of land shall within six months thereafter be accordingly re-surveyed by the surveyor general of this province or such person or persons as he shall appoint at the expence, 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 inconveniencies may be prevented.

In case of failure to re-survey, grants to be void.

V. *And it is hereby further enacted and declared*, That if any person or persons whose plat or plats annexed to his, her or their grant or grants shall appear irregular and



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 re-surveyed as aforesaid, shall refuse, neglect, or delay to cause and procure such re-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 re-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 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.\*

A. D. 1765.  
No. 119.

And the lands  
may be re-  
granted.

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

JAMES WRIGHT.

March 25, 1765.

\* See act of 1773, No. 217, enforcing the payment of taxes on the lands mentioned in this act.

*An Act for building a fort and barracks within the same, on lands reserved for the use of the public near the town of Augusta, in the parish of Saint Paul; a guard house in Savannah, and repairing the barracks in the fort in the town of Frederica on the island of St. Simon; and for granting to his majesty the sum of £650 sterling to defray the expence of the same; also for empowering commissioners to issue certificates for the said purposes.*

No. 120.

March 25.

*Obsoleted*

*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."†*

No. 121.

**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 and 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

Preamble.

Ballast, rubbish,  
&c. obstructing  
navigation of ri-  
vers or creeks  
how to be re-  
moved.

† See act of 1774, No. 230, sect. 5.



A. D. 1765. shall cast, throw out or unlade, 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 where wharves may be erected under the banks or bluffs of such river or navigable creek) it shall and 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 thereby 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, unladed 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 the said 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;

Penalty not exceeding £8 on persons offending.

Which sum being insufficient

They are declared subject to forfeiture not exceeding £300.

Chief justice or assistant justices to take cognizance of offences against this act.

I. *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 unladed from or out of any ship or other vessel, being or riding within any port, road, channel, river, or other navigable creeks within this province any ballast, rubbish, gravel, earth, stone or wreck, but above high-water mark (except as in the said act is 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.\*

II. 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

\* See act of 1774, No. 230, sect. 4.



or offenders, and oblige him or them to find sufficient sureties 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 gaol 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 pleas for the trial of causes arising between merchants, dealers and others, and ship masters, supercargoes, and other transient persons."

A. D. 1765.  
No. 121.

III. *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.

When cognizable by justices of the peace, and how far.

IV. *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 the province, and to be applied for clearing and keeping clear the rivers and creeks within the same.\*

Forfeitures how applied.

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

JAMES WRIGHT.

March 25, 1765.

\* This act is perpetuated by act of 1783, No. 279.

*An additional Act to an act entitled "An act to suppress lotteries, and prevent other excessive and deceitful gaming."*

No. 122.

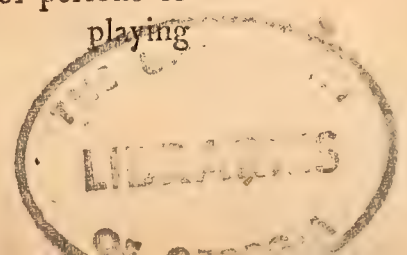
WHEREAS it hath been found by experience that the above mentioned act hath not altogether answered the several good ends and purposes thereby intended, *Be it therefore enacted*, That from and after the passing of this act, any person or persons whosoever, who at any time or times, sitting or sittings within the space of twenty-four hours, by playing at cards, dice, tables, or any other game or games, or by betting on the sides or hands of such as do play at any of the games aforesaid, or any game whatever, shall lose to any one or more person or persons so

Preamble.

Enacted.

Money lost at gaming may be recovered back.

playing





- A. D. 1765.** 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 effoign, prosecution, 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 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 person 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 re-pay or re-deliver 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 re-payment or re-delivery 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.
- No. 122.** by the person losing, within six months.
- Not exceeding £8 by warrant of justice of peace.
- Above that sum by action in the general court.
- After six months any other person may sue for the same.
- When recovered how applied.
- Sellers of spiritous liquors not to suffer gaming in their houses, &c.
- II. 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 gaming, 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 creditable 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

\* Justices jurisdiction now limited to thirty dollars, see act of 1797, No. 582.



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 be afterwards 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 anywise notwithstanding.

A. D. 1765.

No. 122.

Subject to penalty of £5 for so doing, and £10 for after offence.

How recovered and to be applied.

III. *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.

IV. *And be it further enacted*, That this act 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.\*

ALEXANDER WYLLY, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT.

March 25, 1765.

\* Further continued by act of 1773 for one year, and to the end of the next session of the general assembly, which was held in 1777, further continued by act of that year, see No. 236; and finally made perpetual by act of 1784, No. 287.

*An Act to amend an act, entitled "An act to prevent as much as may be the spreading of the small-pox in this province."*

No. 123.

March 25.

Obsolete.

*An Act for the better ordering and governing negroes and other slaves in this province, and to prevent the inveigling or carrying away slaves from their masters or employers.*

No. 124.

March 25.

This act gave place to act of 1770, No. 204.

*An Act for granting to his majesty a duty on the sundry articles therein mentioned, that shall hereafter be imported from any of his majesty's colonies to the northward of the province of South Carolina, and for appropriating the money arising therefrom in aid of the general tax.*

No. 125.

March 25.

Obsolete.

P

An



A. D. 1765. *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 Saint James.*

No. 126.

By proclamation of 1763, and commission to the governor in 1764 (which see in the appendix) the tract of land between the rivers Alatomaha and St. Mary is annexed to this province.

Certain laws declared to be in full force throughout the same, including all islands within 20 leagues of the coast.

The said lands divided into parishes.

Parish of Saint David.

Saint Patrick.

Saint Thomas.

Saint Mary.

Island of Jekyl added to the parish of St. James.

**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 Saint 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 Saint 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 anywise notwithstanding.

II. *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 north west line, shall be and forever continue a parish by the name of the parish of *Saint David*; and from the north branch of Turtle river to the southern branch of the river Little Sittille, and from the head of the said river Little Sittille, in a north west line, shall be and forever continue a parish by the name of the parish of *Saint Patrick*; and from the southern branch of the river Little Sittille, to the southern branch of the river Great Sittille, shall be and forever continue a parish by the name of the parish of *Saint Thomas*; and from the southern branch of the river Great Sittille to the southern branch of the river Saint Mary, and from the head of the said river Saint 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 *Saint Mary*.

III. *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 Saint James.

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

JAMES WRIGHT.

March 25, 1765.



*An additional Act to an act, entitled "An act for the better regulating taverns, punch houses, and retailers of spiritous liquors."* A. D. 1765, No. 127.

March 25, 1765.

*Repealed by act of 1791, No. 459.*

*An Act to empower commissioners to lease or let for a certain term of years the lot of land commonly called the Spring near Savannah, and to rent the building in Savannah commonly called the Watch House, and to appropriate the monies arising therefrom.* No. 128.

March 25.

*An Act 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."* No. 129.

March 25.

*Trade with Indians is now under the direction of the general government. See fed. constitution.*

*An ordinance for appointing Francis Lee, Esquire, comptroller and collector of the country duties at the port of Sunbury; and for appointing Daniel Nunes, waiter, for the port of Savannah in this province.* No. 130.

March 25.

*Obsolete.*

*An Act for the better ordering the militia of this province.* No. 131.

March 25.

*Obsolete.*

*An Act for raising a fund by an impost on shipping to defray the expence of keeping in repair, or re-building the light house and pilot house on Tybee island.* No. 132.

March 25.

*Obsolete.*

*\* An Act to continue several acts of the general assembly therein mentioned; to prevent masters of vessels from carrying off persons in debt; to continue the several road acts; and an act to prevent stealing of horses and neat cattle.* No. 133.

**W**HEREAS several useful and necessary laws of this province are near expiring, Be it enacted, That an act, entitled, An act to prevent masters of vessels from carrying off persons in debt from this province, passed the twenty-seventh

Act to prevent masters of vessels from carrying off persons in debt, passed 27th March, 1759.

\* The several acts herein referred to have either expired, been repealed, or re-enacted.



A. D. 1765. seventh day of March, one thousand seven hundred and fifty-nine, which was to be in force for two years from the passing thereof, and which was amended and further continued by an act, entitled, an act to amend an act, entitled, an act to prevent masters of vessels from carrying off persons in debt from this province which was to continue and be in force for the term of three years from the passing thereof, and from thence to the end of the then next session of the general assembly, and which was further continued by an act passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, to the first day of November, one thousand seven hundred and sixty-four, and from thence to the end of the then next session of the general assembly; which said act and amendments shall be and the same are further continued from the expiration thereof until the first day of November, one thousand seven hundred and seventy; and from thence to the end of the next session of the general assembly, and no longer.

Further continued until 1st Nov. 1770.

Act to empower surveyors to lay out public roads, passed 7th March, 1755.

II. *And be it further enacted by the authority aforesaid,* That an act, entitled "An act to empower the surveyors therein named, to lay out public roads in the province of Georgia," passed the seventh day of March, one thousand seven hundred and fifty-five, which was to continue for two years from the passing thereof, and from thence to the end of the then next session of the general assembly; and by an act passed the third day of February, one thousand seven hundred and fifty-seven, entitled "An act for explaining and amending an act to empower the several surveyors therein named to lay out public roads," which was further continued for two years from the passing the last mentioned act, and from thence to the end of the then next session of the general assembly; and by an act passed the twenty-seventh day of March, one thousand seven hundred and fifty-nine, with the alterations and amendments by the said act made, was further continued until the seventh day of March, one thousand seven hundred and sixty-four, and from thence to the end of the then next session of the general assembly; and which, together with the several alterations and amendments thereof, was by another act, passed the twenty-ninth day of May, one thousand seven hundred and sixty-four, and continued to the first day of January, one thousand seven hundred and sixty-five, and from thence to the end of the then next session of the general assembly shall be, and the same is hereby continued from the expiration thereof until the first day of November, one thousand seven hundred and sixty-five, and from thence to the end of the next session of the general assembly, and no longer.

Further continued until 1st Nov. 1765.

Act to prevent stealing of horses and neat cattle, passed 27th March, 1759.

III. *And be it further enacted by the authority aforesaid,* That an act, entitled "An act to prevent stealing of horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark or kill the same," passed the twenty-seventh day of March, one thousand seven hundred and fifty-nine, which was to continue and be in force for five years, and from thence to the end of the then next session of the general assembly, and which was further continued by an act passed the twenty-ninth day of May, one thousand seven hundred and sixty-four, to the first day of January, one thousand seven hundred and sixty-five, and from thence to the end of the then next session of the general assembly, shall be, and the same



same is hereby further continued to the first day of November one thousand seven hundred and sixty-five, and from thence to the end of the next session of the general assembly, and no longer.

No. 133.  
Further continued to the 1st Nov. 1765.]

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

JAMES WRIGHT.

March 25, 1765.

*An Act for granting to his majesty the sum of £1599 7 1½ sterling for the use and support of the government of Georgia for the year 1765, to be raised at certain rates and after the method therein mentioned, and for the more effectual collecting of arrears.*

No. 134.

March 25.

Obsolete.

*An Act to prevent frauds and abuses in the admeasuring and laying out his majesty's lands in this province.*

No. 135.

**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 returned 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.

Preamble.

Enacted.

Chain carriers to be sworn by surveyors.

II. *And be it further enacted*, 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

Deputy surveyor to be sworn.

Their oath.

" will



A. D. 1765. " will not wittingly or willingly assent to, connive at, permit or suffer any fraud or  
 No. 135. " 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 unto  
 " any person or persons on any account whatsoever, and will in all respects, well  
 " and truly observe and follow the several instructions given me from time to time.  
 " by his majesty's surveyor general. So help me God."

To give bond  
 and security for  
 the due execu-  
 tion of their of-  
 fice, observance  
 of surveyor ge-  
 neral's instruc-  
 tions, to be re-  
 corded in secre-  
 tary's office.

III. *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.

Deputy survey-  
 ors making frau-  
 dulent surveys  
 to forfeit £100.

IV. *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 imparlance, which penalty so 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.

How applied.

V. *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.\*

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

JAMES WRIGHT.  
 March 25, 1765.

\* Further continued by act of 1768, by act of 1770, by act of 1773 for one year and till the end of the next assembly which was held in 1777, and further continued by act of that year, see No. 236; being in force in the year 1776, the same is made perpetual by act of 1784, No. 287.

No. 136.

*An ordinance appointing William Knox, Esquire, agent to solicit the affairs of this province in Great Britain.*

March 25.

*Obsolete.*

*An*



*\*An Act for the establishing and regulating patrols, and from 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.*

A. D. 1765.  
No. 137.

**W**HEREAS it is absolutely necessary for the security of his majesty's subjects of this province, and for preventing the many dangers and inconveniencies 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 part 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 therefore 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, 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 aforesaid; and wherein the owners of settled plantations, as well as the other inhabitants of any such patrol division, as well as 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 of 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 be 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 church and meeting house doors, or other public places in their several districts, and shall cause another copy thereof to be entered in a book by the clerk

Preamble.

Enacted.

Captains of foot militia to subdivide company districts into patrol divisions not exceeding twelve miles.

Persons liable to patrol duty.

Captains or commanding officers failing to make such divisions, or to prick off the several patrols, subject to penalty of £5.

To be paid to commissioners of roads, and how applied.

Certified copies of patrol divisions to be set up at public places.

\* This act is amended by act of 1768, No. 187, and is materially connected with act of 1770, for ordering and governing slaves. See No. 204.



A. D. 1765. clerk of their company, that any person concerned may from time to time have recourse  
No. 137. to the same.

Captains to keep  
a special patrol  
list to every di-  
vision.

Of whom com-  
posed.

Provifo.

Provifo.

II. 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 to every subdivided and distinct patrol division, in which 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 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 and applied in like manner as the penalties on captains or commanding officers in this act before mentioned.

Liable to per-  
form duty in  
turns.

On every mus-  
ter day a num-  
ber not exceed-  
ing ten persons  
to be pricked off  
for patrol duty.

Provifo.

Substitutes shall  
be received if  
offered.

Provifo.

In case of refu-  
sal to act or fur-  
nish substitute,  
captains em-  
powered to give  
10s. to a suffi-  
cient person per  
night.

III. *And be it further 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, 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 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



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 or duty shall be so performed to the person performing the same according to his time of service; 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 sergeant of his company or any constable of the parish in which such company shall be established; which sergeant or constable shall be obliged, and he is hereby fully authorized and empowered to execute the same, and shall be allowed for executing the warrant the sum of one shilling, and two-pence per mile for every mile he shall travel, to be computed from the dwelling house of the said constable or sergeant to the dwelling house of the defaulter.

A. D. 1765.

No. 137

To be recovered by warrant of the officer.

Sergeant or constables fees for executing same.

IV. *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 be begun at nine o'clock, and to 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 cowskin, 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, deliver to the warden or keeper of the work house 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

Savannah patrol duty within the town, and to outer line of garden lots particularly regulated.

Provido.

What persons exempted from patrol duty.



A. D. 1765.  
No. 137.

Captains of pa-  
trols how ap-  
pointed.

Failing to act to  
be fined not ex-  
ceeding 20s.

Recoverable by  
officers warrant  
for use of poor.  
Captains of pa-  
trols their pow-  
ers.

May fine de-  
faulters, &c. in  
a sum not ex-  
ceeding 10s. re-  
coverable and  
applied in like  
manner.

Sergeant, &c.  
fees—liable to  
fine of 40s. on  
neglect of duty.

Patrols how to  
be armed under  
10s. penalty, and  
to be obedient to  
their officer un-  
der penalty of  
20s.

cers 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.

V. *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 pricked off as aforesaid, and if such person being regularly appointed to command the patrol 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 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 term 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 misbehavior 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 misbehavior 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 mileage as is herein before directed; and every constable or serjeant refusing or neglecting to serve such warrant directed to him, shall be liable to a fine not exceeding forty shillings sterling.

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 service 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 time 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



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 patrol shall be pricked off, as is herein before mentioned.

A. D. 1765.  
No. 137.

VII. *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 owners 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 inveigling 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 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 persons so refusing shall forfeit the sum of five pounds for every such offence.

To examine the several plantations at least one night in fourteen.

Empowered to correct slaves.

Proviso.  
For unreasonable abuse liable to forfeit 5s.

If maimed or killed subject to other penalties.

Patrols to search for offensive weapons and ammunition, on finding any how to proceed. See act of 1770, No. 204, 22d section.

White persons suspected of harboring, subject to fine of £5 on refusing to permit search.

VIII. *And be it further enacted by the authority aforesaid,* That the said patrols in their several divisions, and within the town of Savannah and limits above mentioned, or any two persons belonging to the said patrols respectively, shall have full power, and they are hereby authorized and empowered to enter into any disorderly tippling house or other house, suspecting of harboring, trafficking or dealing with negroes, either of white persons, free negroes or others, and to apprehend and correct all disorderly slaves there found, by whipping or delivering such slave or slaves to the warden or keeper of the work house in Savannah, if belonging to plantations or settlements without the limits of the said town and the five acre lots of the same as aforesaid; and apprehended within the same as herein before directed: and the said patrols, in their several divisions, may search any disorderly houses for stolen goods, if any are suspected

Patrols to enter disorderly tippling houses, to correct slaves found there, and if in Savannah may send them to the work house;

and may search them for stolen goods.



A. D. 1765. No 137. pected to be there concealed, upon oath first made of such suspicion before a magistrate, and the same certified to the commander of such patrol.

IX. *And whereas* many irregularities may arise by patrols drinking too much liquor before or during the time of their being on duty, *Be it 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 of 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.

Patrol getting drunk on duty subject to fine of 10s. for the use of highways.

X. XI. Prohibiting persons trading with negroes without license or consent of owners.—Re-enacted with alterations by act of 1770, No. 204, sect. 31, 32, 33.

Field officers to superintend captains and other officers in their patrol duty.

XII. And for the 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 as 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.

Persons sued for executing this act how to plead.

XIII. *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.\*

To recover double costs.

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

JAMES WRIGHT.

November 18, 1765.

\* This act is perpetuated by revival act of 1783, No. 279.

A. D. 1766.

No. 138.

*An ordinance for appointing packers and inspectors for the posts of Savannah and Sunbury in this province.*

March 6, 1766.

*Obsolete.*



*An Act for encouraging settlers to come into this province; and for granting to his majesty the sum of £1815 sterling to be issued in certificates by the commissioners herein named for the said purpose; and also for the re-building the court house in Savannah, in consequence of an act of the general assembly, passed the 29th day of February, 1764.*

A. D. 1766.  
No. 139.

**W**HEREAS the encouraging settlers to come into the province will be of the greatest benefit and advantage thereunto, and as it appears that many families are inclined to remove with their effects into the same, provided any encouragement could be given them, *Be it therefore enacted*, That for and during the space of three years next ensuing the passing of this act, when any number of families, being protestants, not less than forty, each family to consist at least of one man above the age of sixteen years, and one woman shall arrive in this province, and shall produce to the governor and council sufficient testimony of their good character, a township shall be immediately allotted and laid out in some convenient spot for their residence; which allotment and the several surveys of the respective tracts in proportion to the number in each family, and also the several fees due to the several officers for passing their grants through their respective offices, shall be defrayed by the public, and paid by the treasurer as is herein after directed.

For the encouragement of settlers.

Any number of protestant families; not less than forty coming into the province may have a township allotted them.

Office fees for surveying, &c. to be paid by the public.

III. *And be it enacted by the authority aforesaid*, That the persons so coming in being protestants, and settling in townships as aforesaid in pursuance of this act, shall be exempted from all provincial taxes except for their slaves, for and during the space of ten years from the time of their settlement as aforesaid.

Exempt from taxes, except for their slaves, for ten years.

*All the rest obsolete.*

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

JAMES WRIGHT.

March 6, 1766.

*An Act to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine and fire-wood.*

No. 140.

**W**HEREAS the preventing frauds and deceits in the packing of beef and pork, and in selling pitch, tar, turpentine and fire-wood, 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

Preamble.



A. D. 1766. and the said cask shall be proved before the same shall be packed with any beef or  
No. 140. pork, and shall guage thirty gallons.

II. Re-enacted with amendments, by act of 1768, No. 179.

Beef, pork, &c.  
for exportation  
to be inspected,  
under penalty of  
20s.

III. *And be it further enacted by the authority aforesaid*, 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,  
tar, turpentine  
of what size.

IV. *And be it further enacted by the authority aforesaid*, 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.

Persons ship-  
ping the same  
unmarked to  
forfeit 5s.

Barrels may be  
opened on suspi-  
cion of fraud.

V. *And be it further enacted by the authority aforesaid*, 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 the uses as herein after directed; *Provided always*, That where 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 risque 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 adjudge the same, that then the person who caused the said 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

Pitch condemn-  
ed to be for-  
feited.

Provido.

shall



shall then bear at that port or place, any thing herein contained to the contrary notwithstanding. A. D. 1766.

No. 140.

VI. *And be it further enacted by the authority aforesaid,* 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 or inspector a certificate thereof :

Inspectors to be sworn.

“ 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 fire-wood. “ So help me God.”

Their oath.

VII. *And be it further enacted by the authority aforesaid,* That the packers and inspectors so to be appointed shall receive for their trouble from the feller or owner of any beef, pork, pitch, tar, or turpentine, the sum of six-pence for every barrel of beef or pork, and the sum of two-pence 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 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.

Inspector's fees.

VIII. *And be it further enacted by the authority aforesaid,* 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 herein after directed.

They are to brand all barrels with their initials under penalty of 10s.

IX. *And whereas* many frauds are committed in the sale of fire-wood, *Be it further enacted by the authority aforesaid,* That from and after the first day of February aforesaid, every cord of fire-wood 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 fire-wood sold and delivered them by the cord, as aforesaid, shall suspect a deficiency therein, every 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 six pence for every cord so measured by the feller thereof, in case of deficiency, and in case no deficiency shall appear, then to be paid the sum of six pence by the person or persons applying.

Packers, &c. liable to penalty of 20s for marking beef, &c. improperly.

Fire-wood, size of cord.

Persons selling the same deficient to forfeit 10s.



A. D. 1766.

No. 140.

Fines recovered  
before justice of  
the peace, and  
how applied.

X. *And be it further enacted by the authority aforesaid, 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.*

XI. *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.\**

JAMES HABERSHAM, *President.*

ALEXANDER WYLLY, *Speaker.*

JAMES WRIGHT.

March 6, 1766.

\* Perpetuated by act of 1783, No. 279.

No. 141.

*An Act to empower the several commissioners or surveyors hereafter named, to lay out and make such public roads in the province of Georgia, as are herein after mentioned and directed, and to continue to work upon, clear, repair and improve the several roads already laid out, and also the rivers and creeks within their several and respective divisions.*

March 6.

*Obsolete.*

No. 142.

*An Act for granting to his majesty the sum of £1925 6 1 sterling for the use and support of the government of Georgia for the year 1766, to be raised by certain rates and after the method therein mentioned, and for the more effectual collecting of arrears.*

March 6.

*Obsolete.*

No. 143.

*An Act for amending an Act for holding special or extraordinary courts of common pleas for the trial of causes arising between merchants, dealers and others, and ship-masters, supercargoes, and other transient persons.*

Preamble-

**W**HEREAS by an act passed by the general assembly of this province, entitled "An act for holding special or extraordinary courts of common pleas for the trial of causes arising between merchants, dealers, and others, and ship-masters, supercargoes, and other transient persons," *It is enacted*, that the chief justice and justices of the general court of pleas within the same shall, upon application, order and appoint such special or extraordinary court, within seven days after such application,



tion, for the trial of any cause or matter in difference, being within the meaning of the said act. A. D. 1766.  
No. 143.

*And whereas* it often happens that the defendants in such causes reside at a great distance from *Savannah*, so that it is impracticable to make a return of the writ issued in such cause within the space of seven days aforesaid, *Be it therefore enacted*, That immediately from and after the passing of this act, upon any application being made to the chief justice or justices of the general court of pleas in this province, for any special or extraordinary court of common pleas to be held for the trial of any cause or causes by virtue of the said act, it shall and may be lawful to and for the chief justice or justices aforesaid, at his or their discretion, to order and appoint such special or extraordinary court to be held at any time within twenty days as the necessity of the case may require, after such application, any thing in the said act to the contrary notwithstanding. Enacted.  
Special or extraordinary court may be held at any time within twenty days.

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

JAMES WRIGHT.

March 6, 1766.

*An Act for the further continuance of an act to prevent stealing of horses and neat cattle; and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark, or kill the same.*

No. 144.

March 6.

*Re-enacted with amendments by act of 1773, No. 220.*

*An Act for establishing a ferry from the plantation of Miles Brewton, Esquire, near Savannah, to the plantation of Jermyn and Charles Wright, Esquires, called Rochester, in the province of South Carolina, and for vesting the same in the said \* Miles Brewton, Esquire, his executors, administrators, and assigns, for and during the term of seven years.*

No. 145.

**W**HEREAS a law has passed in the province of South Carolina, for the establishment of a road and ferry at the plantation of Jermyn and Charles Wright, Esquires, called Rochester, situated on the north side of Savannah river in the said province: *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 provinces, *Be it enacted*, That a public ferry shall be, and the same is hereby

R

Preamble.

\* Now vested in Nichol Turnbull. See act of 1796, No. 539.



- A. D. 1766. hereby established upon Savannah river, from the plantation of Miles Brewton, Esquire, to the plantation of Jermyn and Charles Wright, Esquires, called Rochester, on the opposite side of the said river.
- No. 145. Brewton's ferry on Savannah river established.
- The rest of this act is expired or obsolete.*

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

JAMES WRIGHT.

March 6, 1766.

- No. 146. *An Act to explain and amend an act for the better regulating taverns, punch houses, and retailers of spiritous liquors.*

March 6.

*Repealed by act of 1791, No. 459.*

- No. 147. *An Act to punish seamen or 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.*

Preamble.

On complaint justices of the peace may apprehend and commit refractory seamen under contract.

**W**HEREAS masters and commanders of vessels trading to this province are often greatly distressed by the neglect or desertion of their seamen, which is in general occasioned by such seamen being harbored and entertained by and running in debt with the keepers of taverns and tippling houses, and ill disposed persons, to the great detriment and hinderance of trade, for prevention of which evil, *Be it enacted*, That from and immediately after the passing of this act, if any seaman or mariner having entered or shipped himself on board any ship or vessel within this province, or which shall come to the same, and having signed an agreement or contract with the master or commander thereof to proceed upon any voyage therein 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 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 seamen or mariners, 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 gaol or work house for any time not exceeding thirty days, any law, usage or custom to the contrary notwithstanding.

Expences to be paid and deducted out of seamen's wages.

II. *And be it further enacted by the authority aforesaid*, 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.

III.



III. *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.

IV. *And be it enacted by the authority aforesaid,* That if any person or persons whatsoever 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.

V. *And be it enacted by the authority aforesaid,* That all and every keeper or keepers of taverns or tippling houses or any other person or persons whatsoever, who from and after the passing of this act, shall sell any wine, punch, beer, ale, cyder, or any spiritous 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 six-pence 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.

VI. *And be it further 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 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

A. D. 1766.

No. 147.

Persons trusting seamen under contract above 5s. except by leave shall lose the same.

Persons harboring them to forfeit 40s. for every twenty-four hours, or entertaining them without leave.

How recovered and applied.

Persons keeping tippling houses furnishing seamen with more than 1s.6 worth per day,

or entertain them after nine o'clock at night without leave, to forfeit 20s.

Seamen having fulfilled their agreement may demand of the master a certificate thereof; on failure to grant it, subject to penalty of £5.

How recovered and applied.



A. D. 1766.

No. 147.

Two justices  
may in such  
cases on proper  
proof grant the  
same.

Their fees.

Commanders  
hiring seamen  
without certifi-  
cate to forfeit  
£10.

Ferryment trans-  
porting them  
not having such  
certificate to  
forfeit £5.

How recovered  
and applied.

the 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 so refusing as aforesaid.

VII. *And be it further enacted by the authority aforesaid*, 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.

VIII. *And be it further 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.

IX. *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.\*

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

JAMES WRIGHT.

March 6, 1765.

\* Perpetuated by act of 1783, No. 279.

No. 148.

*An Act to amend an act for the better ordering and governing negroes and other slaves in this province, and to prevent the inveigling or carrying away slaves from their masters or employers.*—March 6.

*Obsolete—See act of 1768, No. 171.*

No. 149.

*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, Esquire, his heirs and assigns, for ever, a certain part of the said common, in exchange for part of a lot of land adjoining the same.*

Preamble.

**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



the common property of the lot holders of the 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, Esquire, late governor of this province, had prior to the passing 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 for ever, 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 Eversburgh, and would 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, *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 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.

II. *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 for ever; 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

A. D. 1766.

No 149.

Enacted.

Certain, commissioners empowered to exchange a part of the town common of Savannah for other lands adjoining.

The land aliened to be severed from the common, and that obtained in lieu thereof to be a part of the same for the use of lot holders.



A. D. 1766. may be, according to the true intent and meaning of this act, any thing in the act  
 No. 149. herein before recited to the contrary notwithstanding.

ALEXANDER WYLLY, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

March 6, 1766.

No. 150.

*An Act to amend an " Act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging;" and also to authorize and empower the churchwardens and vestry of the parish of Christ church to appoint a beadle for purposes herein mentioned.*

March 6.

*Obsolete.*

No. 151.

*An Act for amending an " Act for regulating the pilotage of vessels into the several ports of this province."*

March 6.

*This act is continued by several acts until 1733, and then it expired.*

No. 152.

*An Act for the better security of the inhabitants of this province by obliging the male white persons within the same to carry fire arms to all places of public worship.*

March 6.

*This act gave place to act of 1770, No. 191.*

No. 153.

*An Act for the relief of debtors who may be confined in gaol, and are unable to support themselves during such their confinement.*

Preamble.

**W**HEREAS it often happens that debtors are confined in gaol, 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 in what manner to be relieved.

I. *Be it enacted*, That immediately from and 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  
 whole



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 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 otherwise 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 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, gaoler, 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 gaoler 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 gaol 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.

II. *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.

A. D. 1766.

No. 153.

Their oath.

Prisoner may still be detained by creditors entering into written agreement to pay him a weekly allowance of 7s. On refusal or failure to pay such regularly, prisoner to be discharged by order of court on paying costs.

Provisto. Not to extend to relief of persons capable of maintaining themselves within the limits of the gaol.

Persons committing perjury under this act to stand in the pillory and never after to have the benefit of the same:

III.



- A. D. 1766. III. *And be it further enacted*, That this act shall be and continue 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.\*

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

JAMES WRIGHT.

March 6, 1766.

\* Further continued by act of 1767, No. 170, for three years. No further continuance can be found, nor can we discover, that it has since been revived; but this act never having been repealed, and there being no other act for the relief of such unfortunate persons, it has generally been considered in force, and admitted by our courts as law: Indeed, the broad and general expressions of the several revival acts may be said to favor so benevolent a construction.

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- No. 154. *An Ordinance directing and empowering the commissioners herein named to purchase a quantity of rice at a certain price, and to retail the same for account of the public.*

June 18.

*Obsolete.*

- 
- No. 155. *An Act to prohibit for a certain time the exportation of clean rice, rough rice, wheat flour, ship bread, corn and pease, from the province of Georgia.*

June 18.

*Obsolete.*

- 
- No. 156. *An Act to prohibit the exportation of corn and pease until the first day of September next, and to empower the governor or commander in chief for the time being, by and with the advice and consent of the honorable council, at any time or times hereafter, during the continuance of this act, conditionally to prohibit the exportation thereof.*

December 19.

*Obsolete.*

A. D. 1767.

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- No. 157. *An Act to amend and continue an act for regulating a work house for the custody and punishment of negroes.*

March 26, 1767.

*Re-enacted by act of 1770, No. 204, 24 sec.*

- 
- No. 158. *An Act to prevent stealing of horses and neat cattle, and for the actual discovery and punishment of such persons as shall unlawfully brand, mark, kill, or drive the same.*

March 26, 1767.

*See act of 1773, No. 220.*

*An*



*An Act to empower the commissioners therein named to purchase from Josiah Tatnell, Esquire, his executors or administrators, one hundred and four acres of land, for the purpose of erecting a lazaretto upon Tybee island.* A. D. 1767.  
No. 159.

**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. Preamble.

*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 Tatnell, Esquire.

I. *Be it therefore enacted*, That immediately from and after the passing of this act, it shall and may be lawful for the commissioners herein after named, or any three of them, to accept and take from Josiah Tatnell, Esquire, his executors or administrators, a fit deed or conveyance in the law, by him or them to be duly executed, whereby to vest in them the said commissioners, and the survivors and survivor of them, and the heirs of such survivor, in trust to and for the use of the public of this province for ever, 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, 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 Tatnell, 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. Lazaretto and other buildings on Tybee island, 104 acres land to be purchased to erect the same.

II. *And be it further enacted*, That the honorable Noble Jones, Grey Elliot, and Alexander Wyllly, Esquires, and Joseph Gibbons, and John Smith, Esquires, 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. The commissioners.

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

JAMES WRIGHT.

March 26, 1767.

*An Act to empower the commissioners therein named to erect a lazaretto and a house for the keeper thereof upon the island of Tybee, and to receive from the treasurer or powder receiver of this province a sum not exceeding £300 to defray the expences thereof, and to empower the said treasurer to repay the same.* No. 160.

March 26, 1767.



A. D. 1767. *An Act to lay a duty upon negroes and other slaves that have been above six months in any of the islands or colonies in America and imported for sale in this province, and for appropriating the same towards the repairing or rebuilding the light house on Tybee island; and to prevent negroe convicts being imported into and sold in this province.*

No. 161.

March 26.

*Obsolete.*

No. 162.

*An Act to amend an act to empower the several commissioners or surveyors thereafter named to lay out and make such public roads in the province of Georgia as are therein after mentioned and directed, and to continue to work upon, clear, repair and improve the several roads already laid out, and also the rivers and creeks within their several and respective divisions so far as the same respects the male white inhabitants within the town division therein ascertained.*

March 26.

*Obsolete.*

No. 163.

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

Writs of formedon in descender of any lands, &c. to be sued within seven years.

**F**OR quieting of mens estates, and for avoiding of suits, *Be it enacted*, That all writs of formedon in descender, 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 descend 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 or 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, discovery coming

Proviso.

\* The space of time between the first of July, 1775 and the first of February, 1793, is not to be taken into the computation. See act of 1782, No. 270, sect. 9; act of 1788, No. 387, and act of 1790, No. 438, sect. 14.



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. A. D. 1767.

No. 163.

II. 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 whatsoever, 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, 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.

Twenty years quiet possession of lots, lands, &c. good right for ever in fee simple.

III. *And be it further enacted*, That not only the person or persons who are or shall be hereafter barred, by not suing or prosecuting his or their claim 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 a jury upon a 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.

All under claimants barred in like manner.

IV. 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,

Claims to be made effectual by suit only.



A. D. 1767. province, and that the chief justice and judges of the said court do allow of no  
No. 163. 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  
certain actions.

V. *And be it further enacted*, That all actions of trespasss, *quare clausum fregit*, all  
actions of trespasss, detinue, actions of trover and replevin for taking away of 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 specialty,  
all actions of debt for arrearages of rent, and all actions of assault, menace, and bat-  
tery, 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 trespasss, debt, detinue, and replevin for goods and cattle, and the  
said actions of trespasss, *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 trespasss, 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 actions 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.

In case of rever-  
sal of judgment  
plaintiff may  
renew his action  
within a year  
after.

VI. *And nevertheless be it enacted*, That if, in any of the said actions or suits, judg-  
ment 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 bill, or if any  
the said actions shall be brought by original, and the defendants therein be outlawed,  
and shall after reverse 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 reversed, or such judg-  
ment given against the plaintiff, or outlawry reversed, and not after.

In trespasss, dis-  
claimer and ten-  
der of amends,  
when sufficient  
bar to actions.

VII. *And be it further enacted*, That in all actions of trespasss, *quare clausum fregit*  
hereafter to be brought, wherein the defendant or defendants shall disclaim in his or  
their plea, to make any title or claim to the land in which the trespasss is by the decla-  
ration supposed to be done, and the trespasss be by negligence, or involuntary, the  
defendant or defendants shall be admitted to plead a disclaimer, and that the trespasss  
was by negligence, or involuntary, and a tender or offer of sufficient amends for such  
trespasss 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 defend-  
ant 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.

VIII.



VIII. *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 for 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 damages 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.

A. D. 1767.

No. 163.

In slander, if damages be under 40s. no more costs shall be recovered.

IX. *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 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 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.

Limitations not to affect persons under age of 21 years.

X. *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 thereby be inflicted or imposed, any law, usage, or custom, to the contrary thereof in any wise notwithstanding.

Time limited to six months after this act for recovery of fines and forfeitures not specially provided for.

XI. *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.

This act not to prejudice the claims of Sir Wm. Baker.

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

JAMES WRIGHT.

March 26, 1767.

An



- A. D. 1767. *An Act to prevent the bringing into and spreading of malignant and contagious distempers in this province; to oblige masters or commanders of vessels going out of any port within the same first to produce a passport from the governor or commander in chief; to prevent the harboring of sick sailors and others; and for the regulating and well ordering of the lazaretto upon the island of Tybee.*  
 No. 164.

March 26.

*Part obsolete; and the rest repealed by act of 1795, No. 485.*

- No. 165. *An Act for granting to his majesty the sum of £1843 11 4 $\frac{1}{4}$  for the use and support of the government of Georgia for the year 1767, to be raised at certain rates and after the method therein mentioned; and for the more effectual collecting of arrears.*

March 26, 1767.

*Obsolete.*

- No. 166. *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.*

Preamble.

**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 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 or tenements 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 to the age of twenty one years, to apply to the general court of pleas for a writ of partition, (to be divided 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 partitioner'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,

Enacted.

Partition of  
lands held in  
coparcenary,  
&c. how to be  
obtained.



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 parties concerned, 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, apply 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 and tenants to appear and plead, and the cause shall proceed according 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 as aforesaid, the tenants or persons concerned, admitting the demandant's title, parts and purparts, shall shew to the court an equality in the partition, the court may award a new partition to be made in the presence of all parties concerned, (if they will appear) notwithstanding the return and filing upon record the former, which said second partition returned and filed, shall be good and firm for ever against all persons whatsoever, except as before excepted.

II. *And be it enacted by the authority aforesaid*, That the persons making such partitions shall be allowed and paid a reasonable charge for the same; and, in 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 warded by the court.

Partitioners to be allowed a reasonable compensation.

ALEXANDER WYLLY, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT.

March 26, 1767.

An



- A. D. 1767. *An Act to regulate the making of cypress, oak and pine lumber, slaves, and shingles, and to ascertain the quality thereof.*  
No. 167.

March 26.

*Repealed by act of 1790, No. 445.*

- No. 168. *An Ordinance for appointing packers and inspectors for the ports of Savannah and Sunbury; and also cullers and inspectors of lumber for the said ports.*

March 26.

*Repealed by act of 1790, No. 445.*

- No. 169. *An Act to oblige the inhabitants of the town of Sunbury to clear and keep clear the several squares, streets, lanes and common within the same; and to exempt the said inhabitants from working upon the roads within the parish of St. John.*

March 26.

*See act of 1791, No. 450.*

- No. 170. \* *An Act for continuing several laws of this province which are near expiring.*

The act concerning special or extraordinary courts of common pleas passed in 1763.

The act amending the above act passed in 1766.

An act to prevent damages from dams, &c. passed in 1763.

An act for the punishment of vagabonds, passed in 1764.

An act for the relief of debtors, passed in 1766.

**W**HEREAS several wholesome laws of this province herein after mentioned are near expiring, *Be it enacted*, That an act passed the seventh day of April, one thousand seven hundred and sixty-three, entitled, *an act* for holding special or extraordinary courts of common pleas for the trials of causes arising between merchants, dealers, and others, and ship-masters, supercargoes, and other transient persons, which was to continue and be in force for three years, and from thence to the end of the next session of the general assembly; and also an act to amend the said act, passed the sixth day of March, one thousand seven hundred and sixty-six; and also *an act* passed the seventh day of April in the year of our Lord one thousand seven hundred and sixty-three, entitled, an act to prevent damages which may arise from dams or banks for reserving or stopping of water, which was to continue and be in force for three years, and from thence to the end of the next session of the general assembly; and also *an act*, passed the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and sixty-four, entitled, an act for the punishment of vagabonds, and other idle and disorderly persons, and for erecting 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 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 from the time of the passing thereof, and from thence to the end of the next session of the general assembly; also *an act*, passed the sixth day of March, one thousand seven hundred and sixty-six, entitled, an act for the relief of debtors who may be confined in gaol, and are unable to support

\* See act of 1770, No. 203, further continuing certain laws.



support themselves during such their confinement, which was to continue and be in force for one year, and from thence to the end of the next session of the general assembly; and also an act, passed the fourth day of March, one thousand seven hundred and sixty-two, entitled, an act to oblige masters of vessels, supercargoes, and other transient persons, importing goods and merchandise into this province, to pay tax for the same, wick was to continue and be in force for and during the term of five years from the passing thereof, and from thence to the end of the next session of the general assembly, shall severally and respectively continue and be further in force for and during the term of three years from the passing of this act, and from thence to the end of the next session of the general assembly, and no longer.

A. D. 1767.

No. 170.

An act to oblige masters of vessels, &c. to pay tax for goods imported, passed in 1762.

Continued for the time herein mentioned.

ALEXANDER WYLLY, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

March 26, 1767.

*An Act to further amend an Act for the better regulating taverns, punch houses, and retailers of spiritous liquors.*

No. 60.

March 26.

Repealed by act of 1791, No. 449.

*An Act for establishing a jurisdiction for the trial of negroes and other slaves, and other persons therein mentioned, directing the mode of evidence and trial, and for the punishment of crimes and offences committed by them; and also for making other necessary regulations relating to such slaves and other persons.*

No. 171.

April 11, 1768.

See act of 1770, No. 204.

*An Act to empower the commissioners therein named to put up to sale, for the benefit of the public, the ferry over Great Ogechee river, at a place called the Pine Bluff, for a term of five years, and to authorize the said commissioners to inspect and regulate the said ferry.*

No. 172.

April 11.

See act of 1773, No. 221.

*An Act for establishing several ferries in this province, and for vesting the same in the persons therein mentioned.*

A. D. 1768.

No. 173.

**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

Preamble.

Enacted.

T

Ebenezer,



A. D. 1768. Ebenezer, upon Savannah river, to the bluff on the opposite shore; as also two ferries over Briar creek, one at a place called Milltown, and the other at the upper public roads; also a ferry from the center 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.

No 173.  
Ferry established on Savannah river at Ebenezer, and two ferries on Briar creek, one at Milltown and the other at the upper public road, one at Augusta, & at Fort Barrington.

*The remainder of this act is obsolete or expired.*

ALEXANDER WYLLY, *Speaker*.  
N. JONES.

JAMES WRIGHT.

April 11, 1768.

No. 174.

*An Act for regulating the assize of bread.\**

Preamble.

WHEREAS the regulating the price and assize of bread is absolutely necessary, to prevent evil disposed persons from taking advantage, for their own gain and lucre, to deceive and oppress his majesty's subjects, and more especially the poorer sort of people are thereby greatly distressed, for remedy whereof, *Be it enacted*, That, from and after the passing of this act, no person or persons whatsoever shall make for sale, or sell or expose to sale, within this province, any sort or sorts of soft bread made of wheat, other than the several sorts herein after mentioned, viz. white, wheaten, and household bread, all which several sorts of soft bread shall be made in their several and respective degrees, according to the goodness and fineness of the several sorts of flour of which the same ought to be made; and when fine wheat flour is sold in Savannah at any of the rates herein after mentioned, the assize and weight of the said white, wheaten, and household bread, respectively, are, and shall be set and ascertained according to the following table in avoirdupois weight, and so proportionably when fine flour shall be sold in Savannah for more or less money than is specified in the said table, wherein the white loaves shall always be one half, and the wheaten three quarters of the weight of the household loaves.

Enacted.  
Bread for sale how to be made.

A Table of the assize of BREAD, in pounds, ounces, and drams, avoirdupois weight.

FOUR PENNY LOAF.

Price of flour per 100 lb.	White.			Wheaten.			Household.		
	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.
10	2	11	4	4	1	2	5	6	8
11	2	7	4	3	11	2	4	14	8
12	2	4	0	3	6	0	4	8	0
13	2	1	3	3	1	12	4	2	6
14	1	14	13	2	14	3	3	13	10
15	1	12	12	2	11	2	3	9	8
16	1	11	0	2	8	8	3	6	0
17	1	9	6	2	6	1	3	2	12
18	1	8	0	2	4	0	3	0	0
19	1	6	11	2	2	0	2	13	6
20	1	5	9	2	0	5	2	11	12

TWO

\* This act appears to have been made principally for Savannah. The town has since been incorporated. See act of 1789, No. 430.



TWO PENNY LOAF.

A. D. 1768.

Price of flour per 100 lb.	White.			Wheaten.			Household.		
Shillings.	lb.	oz.	dr.	lb.	oz.	dr.	lb.	oz.	dr.
10	1	15	10	2	0	9	2	11	4
11	1	3	10	1	13	9	2	7	4
12	1	2	0	1	11	0	2	4	0
13	1	0	10	1	8	14	2	1	3
14	0	15	7	1	7	2	1	14	3
15	0	14	6	1	5	9	1	12	12
16	0	13	8	1	4	4	1	11	0
17	0	12	11	1	3	1	1	9	6
18	0	12	0	1	2	0	1	8	0
19	0	11	6	1	1	0	1	6	11
20	0	10	13	1	0	3	1	5	14

No. 174.

PENNY LOAF.

10	0	10	13	1	0	4	1	5	10
11	0	9	13	0	14	12	1	3	10
12	0	9	0	0	13	8	1	2	0
13	0	8	5	0	12	7	1	0	9
14	0	7	11	0	11	9	0	15	6
15	0	7	3	0	10	12	0	14	6
16	0	6	12	0	10	2	0	13	8
17	0	6	5	0	9	8	0	12	11
18	0	6	0	0	9	0	0	12	0
19	0	5	11	0	8	8	0	11	5
20	0	5	6	0	8	1	0	10	15

And so in proportion to the above table when the price of flour shall be more or less than is therein mentioned, or for loaves of other denominations.

II. Requiring prices of flour to be published.—*Obsolete.*

III. And, to the intent the good design of this act may be effectually complied with, *Be it further enacted*, That every baker, or other person making bread for sale, or exposing the same to sale, shall mark or imprint, or cause to be fairly marked and imprinted, on every loaf so by him or her made, the price of such loaf, together with the initial letters of his or her name, that the baker and price thereof may be the more distinctly known; and if any baker or bakers, or any other person making bread for sale, or exposing the same to sale, shall not observe the assize ascertained by this act, or shall bake or make for sale, or sell or expose to sale, any of the sorts of bread before mentioned, wanting the due weight, or not marked as aforesaid, he, she, or they being thereof convicted, on the oath of one or more credible witnesses, before one or more justices of the peace of the district where such baker, or other person exposing the same to sale, shall reside, shall, for every such offence, forfeit the value of such bread for the use of the poor of the parish where such offence shall be committed, and also pay a farther sum, not exceeding ten shillings, to be levied by distress and sale of the offender's goods and chattels, by warrant from the said justice or justices before whom such conviction shall be made, to be given for the use of the informer or informers.

Bakers to mark every loaf with initial letters of their names, and the price or forfeit the value thereof and 10s.

IV.



A. D. 1768.

No. 174.

Bread made of  
fraudulent mix-  
ture to be for-  
feited, and the  
maker to for-  
feit 20s.

IV. *And be it further enacted*, That if any baker or seller of soft bread, as herein before mentioned, shall put, into any such bread by him or her sold, or exposed to sale, any mixture other than what shall be necessary for the well making or baking thereof, to be judged of by the justice or justices trying and examining the same, every such person so offending shall, for every such offence, forfeit all such bread so fraudulently mixed for the use of the poor of the parish where the offence shall be committed, and also a sum not exceeding twenty shillings, for the use of the informer or informers, to be recovered in manner before directed; *Provided always*, That no person shall be convicted, in manner aforesaid, for any of the offences before said, unless the same shall be prosecuted within three days next after such offence shall be committed.

Justices may en-  
ter bake houses  
and seize all  
bread not made  
as directed by  
this act.

V. *And be it further enacted*, That it shall and may be lawful for any justice or justices of the peace, at all times hereafter, in the day time, to enter into any house, shop, stall, bakehouse, or warehouse, of or belonging to any baker or seller of bread, and there search for, view, or try and weigh all and any of the bread mentioned in this act, of such person or persons, or which shall be there found, and if any such bread so found shall be wanting either in goodness of its materials, or not be duly baked, or wanting in its due weight, or not marked as aforesaid, or shall be composed of or made up with any other materials than what is allowed by this act, then, and in every such case, it shall be lawful for the said justice or justices to seize and take the said bread so found, and cause the same to be given and distributed to the poor of the parish where such seizure shall be made; and if any baker or seller of bread, or other person, shall not permit and suffer such search and seizure to be made, or shall oppose, hinder, or resist the same, he, she, or they, so doing, shall, for every such offence, forfeit the sum of five pounds sterling to the use of the poor of the said parish, to be recovered in the same manner and form as before directed.

Persons con-  
victed of offen-  
ces may appeal,  
&c.

VI. *Provided always, and be it further enacted*, That if any person or persons, convicted of any offence against this act, shall think him, her, or themselves aggrieved, he, she or they, shall or may immediately, or within three days after such conviction, make his or her appeal in writing, to any two justices of the peace, of the district where such conviction shall be made, by whom the same shall be heard and finally determined, within ten days after such appeal made; and if the said person or persons so appealing shall not make good his, her, or their appeal, or prosecute it with effect, the said justices shall award such costs as they shall think reasonable to the prosecutor or informer, and in case such person or persons refuse to pay the said costs, to commit the offender or offenders to the common gaol, unless they give sufficient security, until he, she, or they shall make payment of the said costs, and also the penalty adjudged on the conviction, to the informer; but in case the said appellant or appellants shall make good his, her or their appeal, and be discharged of his, her or their conviction, the alike reasonable costs shall be awarded to the appellant or appellants against such informer, to be recovered as aforesaid.

VII. *And be it further enacted*, That if any action or suit shall be commenced or brought against any person or persons whatever, for doing or causing to be done, any thing



thing in pursuance or execution of this act, or relating thereto, the defendant in every such action or suit may plead the general issue, and give the special matter and this act in evidence, and if the plaintiff be nonsuited, or discontinue his action, or a verdict be given against, or judgment be otherwise given for the defendant, every such defendant shall have and be allowed his double costs. A. D. 1768.  
No. 174.  
General issue to be pleaded in suits for executing this law.

VIII. *And be it further enacted by the authority aforesaid, That this act shall be and continue in force for three years, and from thence to the end of the next session of the general assembly, and no longer.\**

ALEXANDER WYLLY, *Speaker.*  
N. JONES.

JAMES WRIGHT.

April 11, 1768.

\* Made perpetual by act of 1783, No. 279.

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*An Act to prevent as much as may be, the spreading of the small pox in this province.* No. 175.  
April 11.  
*Obsolete.*

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*An Act for granting to his majesty a duty upon raw meat hides, exported from this province, and for preventing the exportation of unmerchantable tanned leather.* No. 176.  
April 11.  
*Obsolete.*

---

*An Act to explain an act, entitled "An act for ascertaining the qualification of jurors, and for establishing the method of balloting and summoning jurors in the province of Georgia."* No. 177.  
April 11.  
*Obsolete.*

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*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.* No. 178.

**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 thousand seven hundred and sixty-three, is apparently too small to answer the purposes thereby intended, and it appearing necessary to make a further addition thereto, *Be it therefore enacted, That immediately after the passing of this act, it shall and may be lawful* Preamble.  
  
Enacted.  
to



A. D. 1768. to and for the church-wardens and vestry of the parish of Christ church aforesaid for  
 No. 178. the time being, and they are hereby authorized and empowered to lay out an addition  
 Church-ward- of one hundred and seventy feet in length of and from the common of the town of Sa-  
 ens empowered vannah, and adjoining to the eastward the present cemetery or public burial ground,  
 to enlarge the to enlarge the cemetery. and that the addition so laid out, made, and extended, shall from thenceforth for ever  
 cemetery. 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.

ALEXANDER WYLLY, *Speaker.*

N. JONES.

JAMES WRIGHT.

April 11, 1768.

No. 179. *An Act for amending an act, entitled, "An Act to prevent frauds and  
 deceits in selling beef, pork, pitch, tar, turpentine, and fire wood."*

Preamble.

**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, pork, pitch, tar, turpentine, and  
 fire wood," 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 sound and sufficient hoops.

Barrels of beef  
 and pork how  
 much to con-  
 tain.

To weigh 220 lb.  
 and of what  
 composed.

II. *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.

The inspectors  
 to brand all  
 barrels with the  
 name of the pa-  
 rish, and their  
 names at full  
 length.

III. *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.

IV. *And be it further enacted by the authority aforesaid,* That the before recited act,  
 and this act, shall continue and be in force for and during the term of three years and  
 from



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.\*

A. D. 1768.

No. 179.

N. W. JONES, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT.

December 24, 1768.

\* Perpetuated by act of 1783, No. 279.

† *An Act for continuing the several laws therein mentioned. Obsolete.*  
April 11, 1768.

No. 180.

**W**HEREAS several wholesome laws of this province are near expiring, and it is expedient that they should be further continued, *Be it enacted*, That *an act* passed the sixth day of March, one thousand seven hundred and sixty-six, entitled, an act, for amending an act for regulating the pilotage of vessels into the several ports of this province, which was to continue and be in force for two years, and from thence to the end of the next session of the general assembly: And also *an act* for raising a fund by an impost on shipping to defray the expenses of keeping in repair or rebuilding the light house and pilot house on Tybee island, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, which was to continue and be in force for three years, and from thence to the end of the next session of the general assembly: And also *an act*, passed the twenty-fifth of March one thousand seven hundred and sixty-five, entitled, an act to amend an act to prevent private persons from purchasing lands from the Indians, and for preventing persons from trading with them without license, to continue and be in force for three years, and from thence to the end of the next session of the general assembly: And also *an act* passed the twenty-fifth of March one thousand seven hundred and sixty-five, entitled, an act to prevent frauds and abuses in admeasuring and laying out of his majesty's lands within this province, which was to continue and be in force for three years, and from thence to the end of the next session of the general assembly; shall severally and respectively continue and be further 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.

The act for amending the pilotage act passed 6th March, 1766.

Act for raising a fund by an impost on shipping, &c. passed 25th March, 1765.

Act to amend the act to prevent private persons purchasing lands from the Indians, passed 25th March, 1765.

Act to prevent frauds, &c. in admeasuring lands, passed 25th March, 1765.

Continued to the time herein specified.

ALEXANDER WYLLY, *Speaker*.

N. JONES.

JAMES WRIGHT.

April 11, 1768.

† See act of 1770, No. 203, continuing certain laws.

*An Ordinance appointing Benjamin Franklin, Esquire, agent to solicit the affairs of this province in Great Britain.*

No. 181.

April 11.

Obsolete.

An



- A. D. 1768. *An additional Act to the act of the general assembly, entitled, "An act to empower the several commissioners or surveyors hereafter named to lay out and make such public roads in the province of Georgia as are herein after mentioned and directed, and to continue to work upon, clear, repair and improve the several roads already laid out, and also the rivers and creeks within their several and respective divisions;" for dividing the second north-west division of the roads in this province into two parts; for establishing a division upon the north side of Great Ogechee river, in the parish of St. Matthew; and for empowering the commissioners or surveyors of roads in the third south-west division to lay out a public road within the same, and for appointing additional commissioners or surveyors for the said division.*

April 11.

Obsolete.

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- No. 183. *An Act for granting to his majesty the sum of £3375 4 1 for the use and support of the government of Georgia for the year 1768, to be raised at certain rates and after the method therein mentioned; and for the more effectual collecting of arrears.*

April 11.

Obsolete.

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- No. 184. *An Ordinance for appointing Robert Nicholas, Esq. comptroller and collector of the country duties of the port of Sunbury, in the room of Francis Lee, Esq. deceased.*

April 11.

Obsolete.

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- No. 185. *An Ordinance for appointing inspectors of tanned leather at the ports of Savannah and Sunbury in this province.*

April 11.

Obsolete.

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- No. 186. *An Act to empower the commissioners appointed in and by an act of the general assembly, entitled "An act to lay a duty upon negroes and other slaves that have been above six months in any of the islands or colonies in America and imported for sale in this province, and for appropriating the same towards the repairing or rebuilding the light house on Tybee island; and to prevent negroe convicts being imported into and sold in this province," to build a new light-house on any part of the land reserved for the use thereof upon the said island; and also for procuring an accurate survey and chart of the sea coasts and inlets of this province, and publishing the same; and for granting to his majesty the sum of £2,200 for the said purposes, and for appointing and empowering commissioners to issue certificates for that sum, and for sinking the same; \*and for further continuing the acts herein after mentioned.*

December 24.

Obsolete.

An

\* The acts continued by this act are: An act for laying a duty upon negroes, &c. and an act for raising a fund by an impost on shipping.—Both obsolete.



*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."* A. D. 1768.  
No. 187.

**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 inveigling 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 none effect, by which means many inconveniencies 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 or 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 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, loading 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 sun set, and Monday morning before sun rise, notwithstanding a license or ticket for so doing.

Preamble.

Enacted.

No slaves shall carry fire arms, &c. unless in the presence of some white person, or at certain times.

Proviso.

II. *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 negroe 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 weapons, 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

Patrol may seize offensive weapons found in negroe houses, &c.

U

true



A. D. 1768. 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.

No. 187.

Provide.

III. IV. V. Prohibiting persons trading with negroes without the license or consent of owners.—Re-enacted with alterations by act of 1770, No. 204, Sect. 31, 32, 33.

The fourth clause of the patrol act not to exempt the persons mentioned therein from patrol duty in Savannah, &c the governor and the ministers of the gospel excepted.

VI. *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 burthen some 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, Ewensburg, 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.

Nightly disorders and riots how to be prevented:

VII. And in order to prevent 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, 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.

VIII.



VIII. *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.\*

A. D. 1768

No. 187.

Continuation of this and the before recited act.

N. W. JONES, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT

December 24, 1768.

\* Further continued by act of 1770, No. 203; and further continued by act of 1773, No. 224, for one year, and to the end of the next session of the general assembly, which was held in 1777; and finally made perpetual by act of 1784, No. 287.

*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.\**

No. 188.

**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, mortgage, or conveyance 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, mortgages, or 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.

Preamble.

Enacted.

Deeds of sale, &c. of lands, negroes, &c. where and in what time to be recorded.

II. *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,

How to proceed where there are more mortgages than one.

\* See alterations made by act of 1785, No. 311, as to the recording of deeds and other conveyances of lands and tenements.



A. D. 1768. No. 188. gages, 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 costs 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 the former mortgage 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 not barred of dower in mortgaged lands, unless the same is legally relinquished.

III. *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.

Defects of deeds, &c. in point of form, &c. not fatal.

IV. And, to the end that no person may hereafter suffer any inconvenience in recording their title deeds, by exposing the defects thereof, *It is hereby further enacted and declared*, That no deed 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 attournment 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.

V. *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 for one year by act of 1733, No. 224, and to the end of the next assembly, which was held in 1777, and further continued by act of that year. Being in force in 1776 the same is perpetuated by act of 1784, No. 287.

No. 189.

*An Act for the encouraging the cultivation of hemp, flax, and wheat; and for regulating the inspection of hemp, flax, and wheat flour.*

December 24.

*Expired.*



*An Act for granting to his majesty the sum of £3046 16 8 $\frac{1}{4}$  for the use and support of the government of Georgia for the year 1779, to be raised at certain rates and after the method therein mentioned; and for the more effectual collecting of arrears.* A. D. 1768. No. 190.

December 24.

*Obsolete.*

*An Act for the better security of the inhabitants, by obliging the male white persons to carry fire arms to places of public worship.*† A. D. 1770. No. 191.

**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.

I. *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 gunpowder 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. Enacted. All male white inhabitants to carry arms to places of divine worship under penalty of 10s.

How to be recovered and applied.

II. 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, upon finding any person or persons liable to bear arms, and bring them 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 selectmen, 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. Church wardens, &c. empowered to examine persons liable to carry arms.

III.

† *Query*—Whether this act can be enforced by any religious association, unless expressly authorized under the present government. See note, page 52.



A. D. 1770.

No. 191.

Penalty on persons refusing to be examined.

III. *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 aforefaid, 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 selectmen 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 of this act.

IV. *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.\*

N. W. JONES, *Speaker*.JAMES HABERSHAM, *President*.

JAMES WRIGHT.

February 27, 1770.

\* The next session after the expiration of the three years, was held in 1777, consequently this act being in force at the time of the revolution, the same is perpetuated by act of 1783, No. 279, though not particularly named.

No. 192.

*An Act to prohibit for a certain time, the exportation of Indian corn.*

February 27, 1770.

*Expired.*

No. 193.

*An Act to amend an act, entitled "An act for ascertaining the qualifications of jurors, and for establishing the method of balloting and summoning jurors in the province of Georgia."*

February 27.

*Obsolete.*

No. 194.

*An Ordinance re-appointing Benjamin Franklin, Esquire, agent to solicit the affairs of this province in Great Britain.*

February 27.

*Obsolete.*

No. 195.

*An Ordinance for appointing James Kitchen, collector and comptroller of the country duties of the port of Sunbury.*

February 27.

*Obsolete.**An*



*An Ordinance appointing inspectors of hemp, flax, and wheat flour for the ports of Savannah and Sunbury.* A. D. 1770. No. 196.

February 27.

*Obsolete.*

*An Act to regulate and ascertain the rates of wharfage of shipping and merchandize; and also to ascertain the rates of storage in the several ports of this province; and for the better regulation of wharves and of shipping in the said ports; and for ascertaining the duty of an harbor-master for the port of Savannah.* No. 197.

May 10.

*Expired.—See act of 1774, No. 230.*

*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.”* No. 198.

**W**HEREAS in and by an act of 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 said 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.

Preamble.

Enacted.

Savannah, what plan to be deemed the true plan of the town, &c.

II. Regulating town—Repealed by act of 1787, No. 367.

N. W. JONES, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

May 10, 1770.

*An*



A. D. 1770. *An Act for raising a certain number of watchmen for preserving good order in and about the town of Savannah.*

No. 199.

May 10, 1770.

Obsolete.

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No. 200. *An Act for appointing inspectors of tobacco, and to prevent the exportation of bad and unmerchantable tobacco.*

May 10.

Obsolete.

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No. 201. *An Act for empowering commissioners to assess the inhabitants of the town of Savannah in the sum of £200 13 4; and also to empower the treasurer to issue certificates for the sum of £100 6 8 to be sunk in the next general tax act for supporting a watch in the town of Savannah.*

May 10.

Obsolete.

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No. 202. *An Act to amend an Act, entitled, "An act to prevent the bringing into and spreading of malignant and contagious distempers in this province; to oblige masters or commanders of vessels going out of any port within the same first to produce a passport from the governor or commander in chief; to prevent the harboring of sick sailors and others; and for the regulating and well ordering of the lazaretto upon the island of Tybee."*

May 10.

Obsolete.

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No. 203.

*An Act to continue the several laws therein mentioned.\**

An act for punishing seamen and mariners neglecting their duty, &c. passed 6th March, 1766.

An act to amend the act for the better regulating the town of Savannah, &c. passed 6th March, 1766.

WHEREAS several wholesome laws of this province are near expiring, and it is expedient that they should be further continued, *Be it enacted*, That an act, passed the sixth day of March, one thousand seven hundred and sixty-six, entitled, An act 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 three years, and from thence 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, entitled, An act to amend an act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging; and also to authorize and empower the church wardens and vestry of the parish of Christ church to appoint a beadle for the purposes therein mentioned; which was to continue and be in force for and during the term of three years, and from thence to the end of the next session of

\* See act of 1773, No. 224, continuing certain laws.



of the general assembly: And also *an act* passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, to oblige the inhabitants of the town of Sunbury to clear and keep clean the several squares, streets, lanes, and common within the same; and to exempt the said inhabitants from working upon the roads in the parish of St. John; which was to continue and be in force for and during the term of two years, and from thence to the end of the next session of the general assembly: And also *an act* passed the twenty-seventh day of March, one thousand seven hundred and fifty-nine, for the better regulating taverns, punch houses and retailers of spiritous liquors, and further continued to the fourth day of March, one thousand seven hundred and sixty-two; and an additional act to the said act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, which were to continue and be in force until the twenty-fifth day of March, one thousand seven hundred and fifty-nine, and from thence to the end of the next session of the general assembly: And also *an act* passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, to prevent the bringing into and spreading of malignant and contagious distempers in this province; and to oblige masters or commanders of vessels, going out of any port within the same, first to produce a passport from the governor or commander in chief, to prevent the harboring of sick sailors and others; and for the regulating and well ordering the lazaretto upon the island of Tybee; which was to 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 also *an act* passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, to regulate the making of cypress, oak and pine lumber, staves and shingles, and for ascertaining the quality thereof, which was to continue and be in force for and during the term of two years, and from thence to the end of the next session of the general assembly: Also *an act* passed the eighteenth day of November, one thousand seven hundred and sixty-five, for the establishing and regulating patrols, and to prevent 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 from thence to the end of the next session of the general assembly; and further continued by an act passed the twenty-fourth day of December, one thousand seven hundred and sixty-eight, entitled "An act to amend and continue the said recited act;" both which acts were to 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 also *an act* passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to prevent frauds and abuses in admeasuring and laying out of his majesty's lands in this province, which was to 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 afterwards continued by an act, passed the eleventh day of April, one thousand seven hundred and sixty-eight, entitled, An act for continuing the several laws therein mentioned, which was to continue and be in force for and during the term of one year from the

X

passing,

A. D. 1770.

No 203.

An act to oblige the inhabitants of the town of Sunbury to keep clean the squares, streets, &c. passed 26th March, 1767.

An act for the better regulating taverns, punch houses, &c. passed 27th March, 1759.

Act to prevent the bringing into and spreading malignant and contagious distempers, &c. passed 26th March, 1767.

Act to regulate the making of cypress, oak, and pine lumber, &c. passed 26th March, 1767.

Act for establishing and regulating patrols passed 18th November, 1765.

Amended and continued by an act passed 4th Decem. 1768.

An act to prevent frauds and abuses in admeasuring and laying out his majesty's lands, passed 25th March, 1765.



A. D. 1770.

No. 203.

Act to amend the act for regulating the pilotage of vessels, passed 6th March, 1766.

Act to amend the act to prevent private persons from purchasing lands from the Indians, passed 25th March, 1765.

Act for establishing a jurisdiction for the trial of negroes and other slaves, &c. passed 11th April, 1768.

Act to prevent frauds and deceits in selling beef, pork, &c. passed 6th March, 1766.

Act to empower the several commissioners or surveyors to lay out public roads, &c. passed 6th March, 1766.

Act to amend the said act passed 26th March, 1767.

Act to prevent stealing horses and neat cattle, &c. passed 26th February, 1767.

passing of that act, and from thence 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 amend an act for regulating the pilotage of vessels into the several ports of this province, and which was to continue and be in force for and during the term of two years, and from thence to the end of the next session of the general assembly; and afterwards continued by an act passed the eleventh day of April, one thousand seven hundred and sixty-eight, entitled "An act for continuing the several laws therein mentioned," which was to continue and be in force for and during the term of one year from the passing of that act, and from thence 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;" and afterwards continued by an act passed the eleventh day of April, one thousand seven hundred and sixty-eight, entitled "An act for continuing the several laws therein mentioned," which was to continue and be in force for one year, and from thence to the end of the next session of the general assembly: And also *an act* passed the eleventh day of April, one thousand seven hundred and sixty-eight, for establishing a jurisdiction for the trial of negroes and other slaves, and other persons therein mentioned, directing the mode of evidence and trial, and for the punishment of crimes and offences committed by them, and also for making other necessary regulations relating to such slaves and other persons, which was to 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 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 fire wood, which was to 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 also *an act* passed the sixth day of March, one thousand seven hundred and sixty-six, to empower the several commissioners or surveyors hereafter named, to lay out and make such public roads in the province of Georgia, as are herein after mentioned and directed; and to continue to work upon, clear, repair, and improve the several roads already laid out, and also the rivers and creeks within their several and respective divisions, which was to 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 also *an act* passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, to amend the said recited act, which was to continue and be in force for and during the term of two years, and from thence to the end of the next session of the general assembly: And also *an act* passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, entitled "An act to prevent stealing of horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark, kill, or drive the same, which was to continue and be in force for and during the term of three years from the passing thereof, and from thence to the end of the next session of the general assembly;



assembly: And also *an act* passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, entitled "An act for the punishment of vagabonds and other idle and disorderly persons, and for erecting 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 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 from the time of the passing thereof, and from thence to the end of the next session of the general assembly; and afterwards continued by an act passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, entitled "An act for continuing several laws of this province," which was to continue and be in force for and during the term of three years from the passing thereof, and from thence to the end of the next session of the general assembly:—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.

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No. 203.

Act for the punishment of vagabonds, &c. passed 29th February, 1764.

Continued for the time herein mentioned.

N. W. JONES, *Speaker*.JAMES HABERSHAM, *President*.

JAMES WRIGHT.

May 10, 1770.

*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 inveigling and carrying away slaves from their masters, owners, or employers.*

No. 204.

**W**HEREAS, from the encreasing 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 mestizoes, who now are, or hereafter shall be in this province, (free Indians in amity with this government, and negroes, mulattoes, or mestizoes, 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 for ever 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, mulattoe,

The persons herein mentioned declared to be slaves.

Proviso.

OR



A. D. 1770. or mestizoe, do apply to the chief justice, or justices of his majesty's general court, by petition, either during the setting 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 persons so applying to the guardian for any negroe, Indian, mulattoe, or mestizoe, 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 negroe, Indian, mulattoe, or mestizoe; 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 a general or special verdict found, judgment shall be given according to the very right of the cause, without 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 corporal 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 negroe, Indian, mulattoe, or mestizoe, (except as before excepted) is a slave, unless the contrary can be made appear.

In actions brought by guardians the defendant to produce the ward of the plaintiff.

II. *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.

No persons to suffer their slaves to go out of the limits herein mentioned without a ticket.

III. *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, or consent; and every slave, who 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



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.

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No. 204.

IV. *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 the consent of their owners.

V. *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 of the said justices and freeholders, 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, the offender or offenders shall be committed by the said justices to the common gaol, there to remain until the said value shall be paid, or for any time not exceeding six months.

Slaves being out of the place where they live, and refusing to be examined by a white person, how to be treated.  
Proviso.

VI. *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 the peace respectively may judge) every person and persons so offending shall, for every such offence, forfeit and pay a sum not exceeding 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 and 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,

Penalty on persons beating slaves employed in the lawful business of their masters.

be



A. D. 1770. 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 gaol, 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.

Meeting of  
slaves how to be  
dispersed.

VII. *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 to 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 persons as aforesaid, are hereby authorised 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 a 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 sterling, to be recovered by a warrant under the hand and seal of any other justice of the peace.

Slaves committing  
offences  
how to be tried.

VIII. *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 work house, 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 summon a jury of not less than seven of the neighbourhood 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



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 corporal 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 forthcoming of such negroe 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.

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No. 204.

Proviso.

IX. *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.

Oath to be taken by the jury at the trial of slaves.

X. 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 therefore enacted*, That the evidence of any free Indians, mulattoes, mestizoes, or negroes or slaves, shall be allowed and admitted, in all cases 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.

Evidence to be taken against slaves.

XI. *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 punishment 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) mulattoe or mestizoe, and all crimes and offences committed by free negroes, Indians, (except as before excepted) mulattoes, or mestezoes, 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 to be admitted against free negroes, &c.

XII. *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 negroe, Indian, mulattoe, or mestizoe, (Indians in amity with this government

Crimes that are declared felony by this act.



A. D. 1770. ment excepted) shall be guilty of homicide, of any sort, upon white persons, 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 negroe, Indian, mulattoe, or mestizoe, (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 or 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 intention shall be manifested.

Proviso.

Poisoning, or being accessory thereto, declared to be felony.

XIII. *And whereas* the detestable crime of poisoning hath frequently been committed by slaves, *Be it therefore enacted*, That not only such negroes, mulattoes, or mestizoes, as shall administer poison to any person or persons, whether free or bond, but also all and every negroe, mulattoe, or mestizoe, 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 mestizoes, 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 shall suffer death in such manner as the persons appointed by this act for the trial of slaves shall adjudge and determine.

Slaves giving information of any intention to poison how to be rewarded.

XIV. And, for the encouragement of slaves to make discovery of the designs of others to poison any person, *Be it enacted*, That every negroe, mulattoe, or mestizoe, 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 negroe, mulattoe, or mestizoe, in this province, on the day that such discovery was made, and shall also be exempted from the labor of his or her master on that day; and every justice before whom such information 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.

Proviso.



XV. *And provided also, and be it further enacted,* That in case any slave 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.

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No. 204.

Slaves giving false information how to be punished.

XVI. *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 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.

Slaves teaching others in the knowledge of poison to suffer death, and those taught, corporal punishment.

XVII. *And be it further enacted,* That no negroe 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 negroe or other slave shall offend herein, he or she shall, upon complaint and proof thereof made to any justice of the peace, suffer corporal punishment, not exceeding fifty stripes.

Slaves administering medicines to another slave, unless by direction of a white person, to suffer corporal punishment.

XVIII. \* *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.

Slaves put to death to be appraised, &c.

XIX. *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 aforesaid, the said justices may, and they are hereby fully empowered and required, upon due proof made of such summons being served, to bind every such person offending as aforesaid by recognizance, with one or more sufficient sureties, to appear at the next general court,

Justices authorized to compel all persons to give evidence on the trial of slaves.

Y

to

\* This sect. is repealed by act of 1793, No. 497.



A. D. 1770. to answer such their offence and contempt, and, for default of finding sureties to  
 No. 204. commit such offenders to prison for any term not exceeding the space of two months.

Masters con-  
 cealing a slave  
 accused of a ca-  
 pital crime to  
 forfeit £200,  
 and if of a crime  
 not capital £20.

XX. *And be it further enacted*, That, in case the master, or other person having the charge or government of any slave who shall be accused of any capital crime, shall conceal or convey away any such slave, so that he cannot be brought to trial and condign 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 required  
 of constables in  
 putting the sen-  
 tences pro-  
 nounced against  
 slaves in execu-  
 tion.

XXI. *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 corporal 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 a work house 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 corporal punishment, shall be inflicted, to whip, or inflict such other corporal 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, by whipping on the bare back not exceeding twenty lashes, which punishment the said constable is hereby authorised and empowered to inflict; and the constable shall, if he presses a negroe, pay the owner of the said negroe two shillings out of his fee for doing the said execution, and in cases capital shall pay to the negroe doing the said execution the sum of two shillings, over and above the said fee to his owner.

Slaves not to  
 carry fire arms,  
 &c. except as  
 hereinspecified.

XXII. *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



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 the 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 the directions and agreeable to the true intent and meaning of this act, the said justice shall, by a certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person 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 weapons 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 weapons, 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.

A. D. 1770.

No. 204.

Proviso.

XXIII. *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 directions 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 shall 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 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.

Slaves striking any white person how to be punished.

Proviso.

XXIV. *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 work house 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 work house, 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,

Runaway slaves to be delivered to the persons herein mentioned.



A. D. 1770. 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 or charge of such slave, may come to the knowledge that such slave is in 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.

Slaves to be maintained at the charge of the owners.

XXV. *And be it further enacted*, That the said master of the work house, or constable shall, at the charge of the owner of such slave, provide sufficient food, drink, 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 runaway slaves entitled to two pence for every mile slaves are brought or sent; the account herein mentioned to be given on delivery of slaves to the master of the work house or constable.

XXVI. *And be it further enacted*, That if any person shall take up any runaway slave, and 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 work house, shall be entitled to receive from the owner, or constable of the parish, or the master of the work house, two pence 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 to the master of the work house, 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 work house, 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 work house, is hereby fully authorised 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 masters, 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: For apprehending each slave, paid to the person who delivered such slave into custody, five shillings; for mileage, paid to the same person, two pence *per* mile; for a sufficient quantity of provision for each slave, six-pence; for advertising every slave as directed by this act, three shillings and six-pence; for receiving each slave, six-pence; for poundage on money advanced, one shilling in the pound; and the said constable, or master of the work house, 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,

Fees of the constable and master of the work house.



agent, manager, attorney, or trustee, the said constable, or master of the work house, 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.

A. D. 1770.

No. 204.

XXVII. *And be it further enacted*, That if any constable, or the master of the work house, 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 work house, 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.

Penalty on constables or the master of the work house not performing the duties required in the foregoing clause.

XXVIII. And forasmuch 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 work house, may not be obliged to keep such slave in his custody, and find and provide provisions for such slave 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 work house, 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 work house 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 work house, 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 work house to sell such slave at public outcry, he first advertising such sale, together with the reasons thereof, and, out of the money arising from such sale, to deduct or retain to himself what shall be then due for money by him disbursed on the receipt of such 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 work house 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 pay the same.

Slaves not claimed within six days after advertising to be committed to the work house.

Proviso.

XXIX. *And be it further enacted*, That if any free person, or any slave, shall harbor, conceal, or entertain any slave that shall run away, or shall be charged or accused of any criminal matter, every free negroe, mulattoe, and mestizoe, and every

Persons harboring runaway slaves how to be punished.



A. D. 1770. 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 corporal 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 maimed, &c. in doing any thing pursuant to the direction of this act to be rewarded by the public.

XXX. *And be it further enacted*, That if any person shall be maimed, wounded, or disabled, in pursuing, apprehending, or taking any slave, that is a 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.

Penalty on persons giving or selling beer, &c. to slaves without the license of their owners.

XXXI. *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 spiritous liquors whatsoever, without the license or consent of the owner, or such other person who shall have the care and 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 of the parish where such offence shall be committed, not to offend in like manner, and to be of good behavior for one year, and, for want of such sufficient sureties, to be committed to the nearest common gaol for a term not exceeding three months.

Penalty on persons dealing with slaves, &c.

XXXII. *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 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 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 behavior 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 gaol, 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,

Proviso.

in



in open market, under such regulations as are or may be by law made and appointed concerning the market in such town or towns. A. D. 1770.  
No. 204.

XXXIII. *And whereas* it may in many cases be difficult to procure sufficient evidence or proof of such offence 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. Evidence to be taken against such offenders.

XXXIV. *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 disputed. Penalty on owners of slaves permitting them to work out without tickets.  
  
Proviso.

XXXV. *And whereas* several owners of slaves may permit them to keep canoes, and to breed and raise horses and neat cattle, and so traffic and barter in the 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, pettiagua, or canoe, or to raise, breed, or keep, for the use and benefit of such slave, any horses, mares and neat cattle, under pain of forfeiting all the goods and commodities which shall be so bought, sold, trafficked, traded, dealt, or bartered for by any slave, and of all the boats, pettiaguas, 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, such goods, commodities, boats, pettiaguas, 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

Goods, &c. bartered for, or canoes, &c. kept by slaves for their own use, except as before excepted, liable to be seized.



A. D. 1770. according to the directions of this act, he shall pronounce and declare the goods so  
 No. 204. 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 came to the possession of any slave by theft, finding, or otherwise, without the knowledge, privity, consent, or conveyance of the persons who have a right to the property or lawful custody of any such goods, the same shall be restored, on such person's 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 entrusted 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.

Slaves found out of the plantations of their owners without a ticket, or with a ticket and armed, to be taken up and whipped, &c.

XXXVI. 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 holidays, 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 and may be lawful for any person whomsoever to apprehend and take up any negroe, 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 holidays, 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 mistresses, 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 master, 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 meetings

or



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 the forfeiture thereof.

A. D. 1770.  
No. 204.

XXXVII. *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.

Slaves not to rent or hire any house, &c.

XXXVIII. *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 assembling together, in any high road, to apprehend all and every such slaves, and may whip them not exceeding twenty lashes on the bare back.

Men slaves exceeding seven in number not to travel in any high road without a white person.

XXXIX. *And whereas* the having slaves taught to write, 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.

Penalty on persons teaching slaves to write.

XL. *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 negroe, 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 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.

Inveigling of slaves declared felony.

XLI. *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, (works 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.

Penalty on persons causing slaves to work on Sundays.



A. D. 1770.

No. 204.

Murdering of  
slaves how to  
be punished.

XLII. *And whereas* cruelty is not only highly unbecoming those who profess themselves Christians, but is odious in the eyes of all men who have any sense of virtue or humanity, therefore, to restrain and prevent barbarity being exercised towards slaves, *Be it enacted*, That if any person or persons shall wilfully murder\* his own slave, or the slave of any other person, every such person shall, upon conviction thereof by the oath of two witnesses, be adjudged guilty of felony for the first offence, and have the benefit of clergy, making satisfaction to the owner of such slave, and shall be rendered, and is hereby declared altogether incapable of holding any place of trust, or of exercising, enjoying, or receiving the profits of any office, place or employment, civil or military, within this province; but if any person shall offend in like manner a second time, such second offence shall be deemed murder, and the offender suffer death for the said crime, and shall forfeit as much of his lands, tenements, goods, and chattels, as may be sufficient to satisfy the owner of such slave so killed as aforesaid; and in case any person shall not be able to make the satisfaction hereby required on committing the first offence, every such person shall be sent to any frontier garrison of this province, or committed to the gaol at *Savannah*, and there to remain at the public expence, for the space of seven years, and to serve or be kept to hard labor, and the pay usually allowed by the public to soldiers of such garrisons, or the profits of the labor of the offender, shall be paid to the owner of the slave murdered; and if any person shall, on a sudden heat of passion, and without any ill intent, kill the slave of any other person, he shall forfeit the value of the said slave so killed, to be appraised by any three or more freeholders; and, in case any person or persons shall wilfully cut out the tongue, put out the eye, castrate, or cruelly scald, burn, or deprive any slave of any limb or member, or shall inflict any other cruel punishments, other than by whipping or beating with a horsewhip, cowskin, switch, or small stick, or by putting irons on, or confining or imprisoning such slave, every such person shall, for every such offence, forfeit a sum not exceeding fifty pounds *sterling*.

Penalty on persons not keeping a white person on plantation.

XLIII. *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 person 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.

Persons sued for executing this act may plead the general issue

XLIV. *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 non-suited, or a verdict pass for the defendant, or if the plaintiff

\* The murder of a slave is punishable in like manner as the murder of a white person. See const. of 1798.



tiff 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.

A. D. 1770.

No. 204.

XLV. *And be it further enacted*, That this act, and all the clauses therein contained, shall be construed most largely and beneficially 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 anywise impeached by reason of any default in form.

This act, and all the clauses therein contained, shall be construed most beneficial for carrying the same into execution.

XLVI. *And be it enacted*, That all fines and penalties and forfeitures imposed or inflicted by this act, which are not hereby particularly disposed of, or the manner of the recovering 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, &c. not hereby disposed of, or the manner of recovery directed, how to be recovered and applied.

XLVII. *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.

XLVIII. *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 to be deemed a public act.

XLIX. *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.†

Continuation of this act.

JAMES WRIGHT.

N. W. JONES, *Speaker*.

JAMES HALERSHAM, *President*.

May 10, 1770.

An

\* Now applied to the use of the State. See Revival Act of 1784, No. 287.

† The next session, after the expiration of the five years, was held in 1777. Consequently, this act being in full force at the time of the revolution, the same is perpetuated by act of 1784, No. 287.



- A. D. 1770. *An Ordinance for re-appointing Benjamin Franklin, Esquire, agent to solicit the affairs of this province in Great Britain, to commence the first day of June next, and to continue for one year.*

No. 205.

May 10.

Obsolete.

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- No. 206. *An Ordinance for appointing packers and inspectors for the ports of Savannah and Sunbury; and also cullers and inspectors of lumber in the said ports.*

May 10.

Part obsolete; and the rest repealed by act of 1790, No. 455.

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- No. 207. *An Ordinance for appointing Andrew Elton Wells harbor master for the port of Savannah.*

May 10, 1770.

Obsolete.

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- No. 208. *An Act for granting to his majesty the sum of £3355 9 0 $\frac{1}{4}$  for the use and support of the government of Georgia for the year 1770, to be raised at certain rates and after the method therein mentioned; and for the more effectual collecting of arrears; and for exempting the parishes of Saint David, Saint Patrick, Saint Thomas, and Saint Mary, they not being represented.*

May 10.

Obsolete.

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A. D. 1773.

- No. 209. *An Ordinance for re-appointing Benjamin Franklin, Esquire, agent to solicit the affairs of this province in Great Britain.*

September 29, 1773.

Obsolete.

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- No. 210. *An Act for granting to his majesty the sum of £5171 15 10 $\frac{1}{4}$  for the use and support of the government of Georgia for the year 1773, to be raised at certain rates and after the method therein mentioned.*

September 29.

Obsolete.

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- No. 211. *An Act for granting to his majesty a duty upon raw meat hides, exported from this province, and for preventing the exportation of unmerchantable tanned leather.*

September 29.

Obsolete.



*An Act to empower the commissioners or surveyors to lay out, make and repair the roads already laid out, or that may hereafter be necessary, and also to clear the rivers and creeks within their respective divisions.* A. D. 1773.  
No. 212.

September 29.

*Obsolete.*

*An Act to prevent counterfeiting the paper money of other his majesty's colonies or province in America.\** No. 213.

I. **B**E it enacted, That if any person or persons after the passing of this act, shall, within this province, prepare, engrave, stamp, or print, or cause or procure to be prepared, engraved, stamped or printed, the counterfeit resemblance of any paper money which now is, or hereafter may be circulated in payments by legislative authority, in any British colony or plantation in America, with intention that such counterfeit paper shall be passed in payment, whether the same be so passed or not, shall be adjudged a felon, and shall suffer death without benefit of clergy; and if any person or persons shall in this province pay, or tender in payment, any such counterfeited money, knowing the same to be forged or counterfeited, altered or erased, every such person, being lawfully convicted, shall forfeit the sum of two hundred pounds current money of this province, and shall be imprisoned in the common gaol for six calendar months, and during such imprisonment shall be publicly whipped three times.

II. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in force for the term of five years, and from thence to the end of the next session of the general assembly, and no longer.†

WILLIAM YOUNG, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

September 29, 1773.

\* See act of 1786, No. 349, to prevent counterfeiting paper money of this State.

† This act being in force at the time of the revolution, the same is perpetuated by acts of 1783, No. 279, and 1784, No. 287.

*An Act for the better ordering the militia.*

No. 214.

September 29.

*Obsolete.*

*An Ordinance appointing the Honorable Grey Elliott, Esquire, agent, to solicit the affairs of this province in Great Britain, in case of the absence of Benjamin Franklin, Esq. from Great Britain.* Nos. 215.

September 29.

*Obsolete.*

*An*



- A. D. 1773. *An Act to oblige masters of vessels and other transient persons importing negroes or other slaves, goods, wares, and merchandize, to pay tax for the same; and to compel the persons directed to receive the same, to give security for the due performance of their office, and for the monies that may be received by them, by virtue of any act of this province.*  
No. 216.

September 29, 1773.

*Obsolete.*

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- No. 217. *An Act to enforce the payment of arrears of taxes due in this province, from persons holding, or claiming to hold lands, by virtue of and under grants, signed by the governor of South Carolina, in the year of our Lord, 1763.*

September 29.

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- No. 218. *An Act to prevent mischiefs arising from the practice of hunting or killing deer by fire light, in the night time.*

September 29.

*Revised and re-enacted with alterations, by act of 1790, No. 444.*

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- No. 219. *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.\**

No persons shall make dams to keep up the natural course of water so as to overflow any other persons lands without their consent, &c.

**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 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, 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.

II. *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 being made thereof by the party injured

\* See act of 1787, No. 363, respecting dams across rice grounds.



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 freeholders of the said district, one of whom shall be named by the said justice, and two by each of the parties, and such freeholders 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.

III. *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 freeholders 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 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 freeholders shall be of opinion that such damages do not 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 freeholder shall neglect or refuse to obey the summons of the justice, or any other matter herein directed, such freeholder 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.

IV. *And be it further enacted*, That the freeholders 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.

V. *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

A. D. 1773.

No. 219.

Justices of the peace to summon five freeholders to determine matters complained of, &c,

Damages sustained to be ascertained by the freeholders, and paid by the party offending.

Freeholders to be allowed 5s. a day for their attendance.

Persons sued for any thing done in pursuance of this act may plead the general issue.



A. D. 1773. 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.

No. 219.

Continuation of this act.

VI. *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 end of the next session of the general assembly, and no longer.\*

WILLIAM YOUNG, *Speaker*.

JAMES HABERSHAM, *President*.

September 29, 1773.

JAMES WRIGHT.

\* The next session after the expiration of the three years, was held in 1777, consequently this act being in force at the time of the revolution, the same is perpetuated by acts of 1783, No. 279, and 1784, No. 287.

No. 220.

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

Stealing of horses, cattle, &c. how to be punished.

I. **†** *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 accessories, 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. when to be vouched before toll masters and a certificate thereof obtained.

II. *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, 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 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.

Justices of the peace are appointed toll masters. See act No. 454.

III. *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 to be toll masters in their respective parishes, and 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.

IV. *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

† This section, so far as respects horses, repealed by act of 1791, No. 447—the rest in force.



the proof of the property of the person so tolling, (of the sufficiency of which proof, are hereby declared to be judges) and, upon such proof appearing, may be 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.

V. *And be it further enacted*, That if any horse, mare, gelding, 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 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 the 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 to 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.

VI. *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 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.

VII. *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 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,

A. D. 1773.

No. 220.

Toll masters to swear persons avouching, and keep a book of entries of sellers, buyers, marks, &c.

Stolen horses, &c. sold and tolled may be regained by proper owner or claimer in six months.

Toll master not to toll horses, &c. offered for sale by persons not freeholders, without certificate of legal possession.

Penalty for unlawful branding &c. (Justices jurisdiction now limited to thirty dollars)



A. D. 1773. 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 do injury to the property of such person or persons, (except by order and direction of the 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, 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 gaol 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.

Penalty on persons ordering slaves to kill, mark, &c. horses, cattle, &c.

VIII. *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.

IX. Respects the taking up estrays.—Repealed by act of 1791, No. 454.

Persons driving up, &c. wild horses, &c. how to proceed.

X. *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 inclosures 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 up and pen, or put in any inclosure, 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 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



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 charges 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 outcry, 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.

A. D. 1773.  
No. 220.

XI. *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 and 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 payment of one shilling and six-pence *sterling* for his trouble therein, under the penalty of five pounds for every neglect or refusal of the said comptroller.

Horses, &c. for exportation to be avouched before custom-house officers at the several ports, who shall keep a book for that purpose.

XII. *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.

Such books liable to be inspected.

XIII. 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 swear as aforesaid; and every horse, mare, gelding, colt, filly, or neat cattle, that shall

How to prevent horses not tolled, &c. being shipped.



**A. D. 1773.** 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 in this province wherein noessoign, 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.

Continuance of  
this act.

**XIV.** *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.\*

WILLIAM YOUNG, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

September 29, 1773.

\* This act is perpetuated by act of 1783, No. 279.

**No. 221.** *An Act to empower the commissioners therein named to lease to the 31st of December next, and then to put up to sale for the benefit of the public, the ferry over Great Ogechee river for a term of years, and to authorize the said commissioners to inspect and regulate the said ferry.*

September 29.

*Vested in Wade Hampton and James Gun, Esqrs. to build a bridge by ordinance of 1790, No. 436.*

**No. 222.** *An Act to empower the commissioners of the general loan to stamp, re-imprint, sign, and issue paper bills of credit, to the amount of £520 sterling being in lieu of that sum received by them as interest money unappropriated (the bills of which are obliterated and decayed) by virtue of an act, entitled "An Act for stamping, imprinting, issuing and making current the sum of £7410 in paper bills of credit, and for applying and sinking the same; and for appropriating the said sum of £520 in aid of the general tax for the service of the year 1773; and also to re-imprint, sign, and issue the further sum of £73, for other purposes therein mentioned.*

September 29.

*Obsolete.*



*An Act for granting to his majesty the sum of £4299, and for empowering the commissioners therein named to stamp, imprint, sign, and issue paper certificates, to the amount of the said sum, for the uses and purposes therein mentioned.*

A. D. 1773.

No. 223.

September 29.

*Obsolete.*

\* *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."*

No. 224.

**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-seventh of March, one thousand seven hundred and fifty-nine, for the better regulating taverns, punch houses, and retailers of spiritous liquors, and further continued by an act, passed the fourth of March, one thousand seven hundred and sixty-two, and again continued by an act passed the tenth May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: And also that an additional act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to an act, entitled, An act for the better regulating taverns, punch houses, and retailers of spiritous liquors, which was to continue and be in force for four 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 eleventh day of April, one thousand seven hundred and sixty-eight, for regulating the assize of bread, which was to continue and be in force for three years, and from thence to the end of the next session of the general assembly, and no longer: And also an act, passed the twenty-seventh day of March, one thousand seven hundred and fifty-nine, to prevent masters of vessels from carrying off persons in debt from this province, which was to continue and be in force for the two years from the passing thereof, and which was amended and further continued by an act, entitled, An act to amend an act to prevent masters of vessels from carrying off persons in debt from this province, passed the first day of May, one thousand seven hundred and sixty, which was to continue and be in force for the term of three years from the passing thereof, and from thence to the end of the then next session of the general assembly, and again continued by an act passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, and further continued the twenty-fifth day of March, one thousand seven hundred and sixty-five, to the first day of November, one thousand seven hundred and seventy, and from thence to the end of the next session of the next general assembly, and

An act for the better regulating taverns, punch houses, &c. passed 27th March, 1759;

And also an additional act to the said act passed 25th March, 1765.

An act for regulating the assize of bread, passed 11th April, 1768.

An act to prevent masters of vessels from carrying off persons in debt, passed 27th March, 1759.

\* See act of 1777, No. 236, declaring the laws of England and the province to be in force under certain restrictions.



A. D. 1773.

No. 224.

An act for the punishment of vagabonds and other idle and disorderly persons, &c. passed 29th February, 1764

An act to suppress lotteries and prevent other excessive and deceitful gaming, passed 29th February, 1764;

And the additional act passed the 25th March, 1765.

An act to prevent the spreading of the small pox, passed 11th April, 1768.

An act to prevent persons throwing ballast or rubbish into the rivers, &c. passed 7th April 1763.

Act to amend the said act, passed 25th March, 1765.

An act to prevent frauds and abuses in admeasuring and laying out his majesty's lands, passed 25th March, 1765.

An act to amend the act to prevent private persons from purchasing land from the Indians, passed 25th March, 1765.

and no longer : And also *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 erecting 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 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 also *an act*, passed the eleventh day of April, one thousand seven hundred and sixty-eight, to prevent, as much as may be, the spreading of the small pox in this province, which was to continue and be in force for the term of three years, and to the end of the next session of the general assembly : 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 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 land 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



dred 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 fire wood, 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 sixth day of March, one thousand seven hundred and sixty-six, to amend an act for the better regulating the town of Savannah, and the common thereunto belonging; and also to authorize and empower the church wardens and vestry of the parish of Christ church to appoint a beadle for the purposes therein mentioned; 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-sixth day of March, one thousand seven hundred and sixty-seven, to regulate the making of cypresses, oak, and pine lumber, staves and shingles, and to ascertain the quality thereof, which was to continue and be in force for and during the term of two years, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, for one year, and to the end of the next session of the general assembly: And also *an act*, passed the twenty-sixth day of May, one thousand seven hundred and sixty-seven, to prevent the bringing into and spreading of malignant and contagious distempers in this province, to oblige masters or commanders of vessels going out of any port within the same first to produce a passport from the governor or commander in chief, to prevent the harboring of sick sailors and others, and for the regulating and well ordering of the lazaretto on the island of Tybee, which was to continue and be in force for and during the term of two years, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, for one year: And also an act, entitled, *an act to amend the said 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 seventh of April, one thousand seven hundred and sixty-three, for regulating a work house 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 work house 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: And also *an act*, passed

A. D. 1773.  
No. 224.

An act for punishing seamen and mariners neglecting or deserting their duty, passed 6th March, 1766.

An act to oblige the male white persons to carry fire arms to places of public worship, passed 27th February, 1770.

An act to prevent frauds and deceits in selling beef, pork, &c. passed 6th March, 1766.

Act for the better regulating the town of Savannah and the common, passed 6th March, 1766.

An act to regulate the making of cypress, oak, and pine lumber, &c. passed 26th March, 1767.

An act to prevent the bringing into and spreading malignant distempers, passed 26th May, 1767.

And an act to amend the said act, passed 10th May, 1770.

An act for regulating a work house passed 7th April, 1763; and act to amend and continue the said act, passed 26th March, 1767.

the



A. D. 1773.

No. 224.

An act for establishing and regulating patrols, passed 18th November, 1765.

Act to amend and continue the said act, passed 24th December, 1768.

An act to direct executors and administrators in the method of returning inventories, &c. passed 29th February, 1794.

An act for holding special or extraordinary courts of common pleas, passed 7th April, 1763.

An act to prevent fraudulent mortgages, &c. passed 24th Dec. 1768.

Continued for the time herein mentioned.

Act for establishing several ferries, and for vesting the same in certain persons—the property thereof vested in them for one year longer.

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: 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 of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: 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 entrusted with the care and management of minors and other estates, to charge commissions thereon, passed the twenty-ninth of February, one thousand seven hundred and sixty-four, for seven years, and to the end of the next session of the general assembly: And also *an act* for holding special or extraordinary courts of common pleas for the trial of causes arising between merchants, dealers, and others, shipmasters, supercargoes, and other transient persons, passed the seventh day of April, one thousand seven hundred and sixty-three; and also an amendment thereto, passed the sixth day of March, one thousand seven hundred and sixty-six; and further continued by an act 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: 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.

II. *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 of the said several ferriers in such ferries did determine on the eleventh day of April last, *Be it therefore enacted, by the authority aforesaid,*



*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. A. D. 1773. No. 224.

WILLIAM YOUNG, *Speaker*.  
JAMES HABERSHAM, *President*.

JAMES WRIGHT.

September 29, 1773.

*An Act for settling and ascertaining the fees to be taken by the several public officers and persons herein after mentioned.* No. 225.

September 29.

*Obsolete.*

*An Act for granting to his majesty the sum of £800, and to appoint and empower commissioners to stamp, imprint, sign, and issue certificates to the said amount, and for sinking the same.* No. 226.

March 12, 1774.

*Obsolete.*

*An Act to empower certain commissioners, herein appointed, to regulate the hire of porters, and labor of slaves, in the town of Savannah.* A. D. 1774. No. 227.

*Obsolete.—See corporation act of 1789, No. 430.*

*An Act to ascertain the boundary line between the two courts of conscience, in the parish of Saint George.* No. 228.

March 12.

*Obsolete.*

*An Act to oblige the planters of indigo, after steeping the weed, to bury or destroy it within a limited time.* No. 229.

**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 therefore 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 has been taken out of any vat or vats as aforesaid.

Preamble.

Enacted.

Indigo weed after being steeped to be buried in forty-eight hours.



A. D. 1774.

No. 229.

Persons failing  
to bury or other-  
wise destroy the  
same to forfeit  
£5.

II. *And be it further enacted by the authority aforesaid,* That if any person or persons planting and making indigo, shall neglect to cause the weed, after steeping, 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.

Forfeitures how  
applied.

III. *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.

Continuance of  
this act.

IV. *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.\*

WILLIAM YOUNG, *Speaker.*

JAMES HABERSHAM, *President.*

JAMES WRIGHT.

March 12, 1774.

\* Further continued by acts of 1777, No. 236—1778, No. 257—1781, No. 262—and perpetuated by act of 1783, No. 279.

No. 230.

*An Act to regulate the wharves 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."*

Preamble.

WHEREAS 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 therefore enacted,* That from and immediately after the passing of this act, the several owners and occupiers of wharves 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.

Enacted.

Rates of wharf-  
age.

For every ship, snow, brigantine, or bilander loading at a wharf, one

shilling and four-pence, each day. 0 1 4

For every such vessel lying and not loading at a wharf, two shillings

and eight-pence each day. 0 2 8

For



£. s. d. A. D. 1774.  
No. 230.

For every sloop or schooner (coasters trading from one part of this province to another only excepted) loading at a wharf, ten pence each day. - - - - -

0 0 10

For every sloop or schooner lying and not loading at a wharf, one shilling and eight-pence 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, cyder, 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, two pence.

0 0 2

For corn, peas, oats, and other grain not in barrels landed or taken from any vessel by any other vessel lying at a wharf, and for salt landed or loaded 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 in 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, six-pence. - - - - -

0 0 6

For every thousand of barrel heading and barrel staves landed or taken in as is above mentioned, nine-pence. - - - - -

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 six pence. - - - - -

0 1 6

For every thousand of butt staves, two shillings. - - - - -

0 2 0

For every cord of fire wood, four-pence. - - - - -

0 0 4

For every cord of tanners bark, four-pence. - - - - -

0 0 4

For every thousand of bricks or hearth-tiles, six-pence. - - - - -

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 hoghead and tierces of about sixty-three gallons, one penny half-penny. - - - - -

0 0 1  $\frac{1}{2}$

For every hoghead of rum, pipe of wine, and other goods in hogheads and pipes of about one hundred and twenty gallons, three-pence.

0 0 3

For every hoghead of sugar of one thousand weight and under, four-pence. - - - - -

0 0 4

For every hoghead of sugar of above one thousand weight, six-pence.

0 0 6

For



A. D. 1774.

£. s. d.

No. 230.

For every one hundred weight of hemp, one penny.	-	-	0	0	1
For every ton of logwood, fustick, lignumvitæ, or braffetto landed or loaded from any vessel at any wharf, and not lying above one week, six-pence.	-	-	0	0	6
And for every week after, six-pence.	-	-	0	0	6
For every ton of the like wood taken in by one vessel from another lying at a wharf, three-pence.	-	-	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 half-penny.	-	-	0	0	1½
For every ton of iron, and other heavy goods, four-pence.	-	-	0	0	4
For lime at the rate of eight-pence each hundred bushel.	-	-	0	0	8
For every large bale, hoghead, tierce, or vat of the like size, three-pence.	-	-	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 wheel carriage, one shilling and six-pence.	-	-	0	1	6
For every riding chair or chaise, nine-pence.	-	-	0	0	9
For every pot, skillet, jug, or keg of shot or paint not enclosed in any package each dozen, two-pence.	-	-	0	0	2
For every grind or quern stone, one half-penny.	-	-	0	0	0½
For every keg of bread, flour, butter, tallow, lard and such like articles, four-pence each dozen.	-	-	0	0	4
For every barrel of one hundred weight of gun powder, two-pence, and in proportion for smaller barrels of the same.	-	-	0	0	2
For every ton of coals, four-pence, for every week after the first week that it shall lie on the wharf, two-pence.	-	-	0	0	2
For every hundred of paving or Bermuda stones, four-pence.	-	-	0	0	4
For every hundred of raw or tanned hides, one shilling and six-pence, and so in proportion for raw or tanned sides.	-	-	0	1	6
For every thousand pounds weight, and so in proportion for smaller quantities of hay or corn blades, four-pence.	-	-	0	0	4
For every other article of goods not before enumerated, at the rate of four-pence each ton according to weight or measure.	-	-	0	0	4
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)	-	-	0	0	9
For every hoghead or cask of any kind of goods, weighing upwards of eleven hundred pounds, per hundred weight,	-	-	0	0	1

For



	£.	s.	d.	A. D. 1774.
				No. 230.
For every ton of fustick, logwood, brailetto, lignumvitæ, or other wood, per ton weight, - - - - -	0	2	2	
For every ton of iron or other heavy goods, - - - - -	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, - - - - -	0	0	2½	
For every draught above two hundred and fifty pounds of such like goods, - - - - -	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, - - - - -	0	0	5	
For every barrel, hoghead, or other package of indigo, - - - - -	0	0	3	
<i>And for the storage of goods—that is to say:</i>				Rates of storage.
For every barrel or other cask or package of indigo each hundred weight, per week, - - - - -	0	0	1	
For every hoghead, tierce, barrel, large trunk, case or bale of dry goods that shall be put into any store for one or more nights, not exceeding one week, - - - - -	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, - - - - -	0	0	2½	
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, - - - - -	0	0	5	
And for every week or part of a week after, - - - - -	0	0	4	
For every whole barrel of rice, not exceeding six hundred and fifty pounds gross for the first and last week, - - - - -	0	0	1½	
And for every intervening week per barrel, - - - - -	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, - - - - -	0	0	1	
And for every intervening week. - - - - -	0	0	0½	
— in proportion to the foregoing rates for every other article not enumerated above, according to size and weight.				

II. *And whereas* some regulation is necessary to be made with respect to the mooring of ships or vessels at the said wharves, and in the river before the said town of Savannah, \**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

Vessels lying before the town of Savannah how to be moored.

\* See act of 1787, No. 366, sect. 30, respecting the duty, &c. of a harbor master.



**A. D. 1774.** 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 hereinafter is directed.

No. 230.

Harbor master to superintend the same.

To employ persons to raise cables of vessels lying improperly, to receive 20<sup>s</sup> therefor, and enforce act to prevent throwing ballast, rubbish, &c. into the rivers and navigable creeks.

III. *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."

Masters of vessels throwing ballast into the river Savannah how to be proceeded against.

Harbor master to give due notice thereof.

IV. *And whereas* masters of vessels do frequently discharge their ballast in the river Savannah before they come up to the town, under pretence of lightening 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.

Masters of vessels failing to comply with the regulations of this act to forfeit £100.

Harbor master to inspect the wharves, and prosecute offenders.

V. *And be it further enacted,* That all and every master and 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.

VI. *And be it further enacted,* That the said harbor master shall, from time to time inspect the several wharves 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.

To decide disputes between masters of vessels and wharfingers.

VII. *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 wharves or in mooring such vessel, shall be referred to and immediately decided by the said harbor master.

To examine and regulate the public landings.

VIII. *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 incumbered.



bered with any lumber or thing whatsoever, on pain that such lumber or thing whatsoever, so incumbering 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 incumbered or cause to be incumbered 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 hereinafter directed.

A. D. 1774.  
No. 230.

IX. *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 bilander, 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.

Harbor master  
to be sworn.

His oath.

His fees.

X. *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 offenders 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.

Fines and forfeitures how to be recovered and applied. (Jurisdiction of justices now restricted to thirty dollars. See act of 1797, No. 582.)

General issue to be pleaded.

XI.



A. D. 1774.  
No. 230.

Scales, weights,  
and measures  
how to be regu-  
lated. (Now un-  
der direction of  
the corporation  
of Savannah.  
See act of 1789,  
No. 430.)

Wharfingers to  
be sworn.

Persons having  
false weights to  
forfeit £10.

XI. *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 wharves, 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.

XII. 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 every such offence, to be recovered as herein before is directed.†

WILLIAM YOUNG, *Speaker*.

JAMES HABERSHAM, *President*.

JAMES WRIGHT.

March 12, 1774.

\* The standard of weights and measures is to be fixed by Congress.

† Perpetuated by act of 1783, No. 279.

No. 231.

*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.

To murder any  
Indian in amity  
declared to be as  
penal as to murder  
a white  
person.

Felony to rescue  
a prisoner com-  
mitted for the  
murder of such  
Indian.

WHEREAS 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.

II. 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.

WILLIAM YOUNG, *Speaker*.

N. JONES.

JAMES WRIGHT.

June 20, 1774.

*An*



*An Act to prevent gaming, and horse racing.*

A. D. 1777.

No. 232.

Preamble.

**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 general 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, yard, apartment, ground or inclosure 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.

Enacted.  
Additional forfeitures for gaming.

Persons keeping a billiard table to game, to forfeit £100. Now licensed by act of 1791, No. 459.

Licensed tavern keepers suffering any person to game for money or other thing to forfeit £20.

Persons racing for money, &c. to forfeit £100.

II. *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.

III. *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 in 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 under this and former acts in force against gaming and horse racing to be recovered and applied as pointed out by those acts.

IV. *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.

N. W. JONES, *Speaker.*

*Savannah, June 7, 1777.*

\* Revived and continued by act of 1781, No. 263, and perpetuated by act of 1783, No. 279.

*An Act to enforce the collection of arrears due from persons keeping taverns, punch houses, and billiard tables, and retailers of spiritous liquors in this State; and to amend the several acts heretofore passed for regulating taverns, punch houses and retailers of spiritous liquors.*

No. 233.

June 7, 1777.

*Repealed by act of 1791, No. 459.*



A. D. 1777. *An Act to amend the several acts for regulating the pilotage of vessels into the several ports of the then Province, now State of Georgia.*

No. 234.

June 7, 1777.

*This act was made to continue in force only for one year, and until the end of the next session, and has not been continued or revised.*

No. 235.

*An Act to discourage desertion, and to punish all such persons as shall harbor or conceal deserters.*

June 7, 1777.

*Obsolete.*

No. 236.

*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.

**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 connection 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.

Provincial laws, laws of England as well statute as common, relative to criminal matters, except treason, heretofore used in this State, and not repugnant to the constitution and form of our government declared to be in full force.

I. *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 passing 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 had, 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



particular of 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. A. D. 1777.  
No. 236.

II. *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. General act.

III. *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.

N. W. JONES, *Speaker*.

*Savannah, September 16, 1777.*

\* See acts of 1778; No. 257—1781, No. 263—1783; No. 279—and 1784, No. 287.

## *An Act for opening the land office, and for the better settling and strengthening this State.* No. 237.

**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. Preamble.

I. *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 for 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 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. Enacted.  
Land office opened.  
  
Head rights.  
  
 proviso.  
  
Governor to grant lands.  
  
To be settled within six months.

† Altered by act of 1780, No. 259, sect. II.



**A. D. 1777.** 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.

No. 237.

Persons who had former allotments, and have continued in this State; and those who have settled on lands not allotted or granted, entitled to right of preference.

Absent persons holding allotments granted, and other claims to lands who have neglected to settle or cultivate the same, to be publicly notified by proclamation to return in six months and settle such, or forfeit them.

Persons obtaining confirmations of former allotments or grants, not to alien the same without five years residence thereon.

Assignments of such lands within that time to be void, the lands vacant,

Rent of 2s. per hundred acres in addition to expences of surveying and granting the same.

Lands how to be surveyed and laid out.

May be granted on old rights and warrants.

II. *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.\*

III. *And whereas* divers persons who have left this State, hold allotments, grants; and other claims to land 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 otherwise, 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.

IV. *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. and to be re-granted, where the former occupiers have actually left the same and the State.

V. *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

\* See act of 1780, No. 259, sect. 12, respecting former allotments by commissioners.

† The time declared to be too short, and the sect. repealed by act of 1777, No. 238, sect. 1.



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.

A. D. 1777.  
No. 237.

VI. 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.

Persons building grist mills on vacant land entitled to 100 acres.

A saw mill, 500 acres.

VII. \**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.

Iron works, 2000 acres.

VIII. *And be it further enacted by the authority aforesaid*, That every person or persons who shall build a forge for making bar iron, and will 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.

Forge for making bar iron, a like quantity of 2000 acres.

IX. *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.

Persons who have already had lands granted to their family, not entitled under this act. Continuation.

X. *And be it 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.

N. W. JONES, *Speaker*.

Savannah, June 7, 1777.

\* See act of 1780, No. 259, sect. 17, respecting iron works.

*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.*

No. 238.

WHEREAS in and by an act of this 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 re-granted to those persons petitioning for the same, *And whereas*

Preamble.

Six months declared to be too short a time for absentees to return.

it



**A. D. 1774.** it appears the time allowed is too short and many injuries may arise therefrom to such absentees as aforesaid, for the preventing of which

No. 238.

The clause of the act for opening the land office which respects re-granting of lands repealed, and no Persons having former allotments or special contracts for land, and having paid the deposit money, Grants unnecessary to be audited as formerly. Surveys to be returned to and recorded in surveyor general's office, and certified copies thereof delivered to attorney for the State, for his fiats to the secretary of State's office, that grants may be issued, Which grants shall be registered in the county where the lands lie.

Continuation.

I. *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 clause which respects re-granting of lands be, and is hereby repealed, and no lands formerly granted or allotted shall be re-granted or allotted to any person or persons whatsoever.

II. *And be it enacted by the authority aforesaid,* That if any person or persons have heretofore had allotments of lands within this State, or 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.

III. *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 unnecessary 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 lies, 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.

IV. *And be it therefore 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.

N. W. JONES, *Speaker.*

*Savannah, September 16, 1777.*

\* Not necessary to be registered. See act of 1786, No. 325, sect. 2.

No. 239;

*An Act to amend an act, entitled, "An act to empower the commissioners or surveyors to lay out, make and repair the roads already laid out, or that may hereafter be necessary; and also to clear the rivers and creeks within their respective divisions."*

*September 16, 1777.*

*Obsolete.*

No. 240.

*An Act to appoint commissioners of the loan office in the place of those appointed under the act of assembly of the then province, now State of Georgia, and to empower the said commissioners hereby appointed to account with the commissioners appointed as aforesaid; and to do all such other matters relative to the loan office as are directed by an act passed the 4th day of June, 1760, for stamping, imprinting, issuing and making current the sum of £7410, sterling, in paper bills of credit, and for applying and sinking the same.*

*September 16, 1777.*

*Obsolete.*

*An*



*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.* A. D. 1777. No. 241.

September 16, 1777.

*Obsolete.*

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*An Act for the expulsion of the internal enemies of this State.*

No. 242.

September 16, 1777.

*Obsolete.*

---

*An Act for regulating captures and seizures made in this State, or on the high seas, under and by virtue of the resolves and regulations of Congress.* No. 243.

September 16, 1777.

*Obsolete.*

---

*An Act for the better security of this State by obliging and making liable negro slaves to work on the forts, batteries, or other public works within the same.* No. 244.

September 16, 1777.

*Obsolete.*

---

*An Act for regulating the commissioners appointed by this State, and to prevent abuses in the said departments.* No. 245.

September 16, 1777.

*Obsolete.*

---

*An Act for regulating the superior courts in each county, and for the more convenient administration of justice in this State, agreeable to the constitution thereof.* No. 246.

*This act being made to continue in force only one year, and until the end of the next session, expired and gave place to act of 1778, No. 248. It is therefore deemed unnecessary to insert it.*

Savannah, September 16, 1777.

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*An Act for raising the sum of £66,000 for the use and support of the government of the State of Georgia, for the year of our Lord 1777, to be raised at certain rates, and after the method therein mentioned.* No. 247.

September 16, 1777.

*Obsolete.*

\* *An*



A. D. 1778. \* *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.*  
No. 248.

Preamble.

**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 antient 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 antient 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 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 in this State: *And whereas* various persons, inhabitants of this State, in contempt of the said allegiance and duty so transferred as aforesaid, 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.

\* Altered and amended by acts of the same year, No. 252, and No. 254: See acts of 1778, No. 256—of 1782, No. 265 and No. 267, attainting and confiscating the estates of certain other persons.



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,

I. *Be it enacted by the representatives of the freemen of the State of Georgia in 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'Kennin, George Barry, Alexander Wylly, William Johnston, John Lightenstone, John Mulryne, Josiah Tatnall, William M'Gillivray, John Joachim Zubly, George Kincaid, John Hume, Joseph Farley, Robert Reid, Thomas Reid, John Bond Randell, Henry Yonge, senr. Philip Yonge, James Robertson, James Brown, (schoolmaster) David Johnson, Alexander M'Goun, William Simes, John Inglis, Peter Dean, Thomas Johnson, George Bosland, James Johnston, James Downey, William Trintfield, George M'Caully, John Jameison, Andrew Hewitt, George Baillaie, George Webb, John Love of Effingham county, Joseph Johnston, John Johnston, George Wilds, William Love, Charles Hall, James Moore, Samuel Moore, John Hubbard, Matthew Marshal, Joseph Marshal, Thomas Brown, (late of the ceded lands) Thomas Scott, (late of the ponds on Ogeechee, Wilkes county) William Frazer, Timothy Hollingsworth, Valentine Hollingsworth, William M'Donald, John M'Donald, John M'Donald, (taylor) William Rofs, (late of St. 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 Patterson, William Lyford, Robert Baillie, James Kitching, Roger Kelfall, James Spalding, Robert Porteous, Alexander Creighton, Robert Moodie, William Clark, (late of Saint Andrew's Parish) James Chapman, Charles Watts, William Bosomuorth, Sampson Williams, Garret Vinsant, George Vinsant, Daniel M'Gurth, James M'Gurth, George Proctor, James Shivers, John Speier, John Martin, (of Jekyl Island) John Frost, William Frost, Cornelius Dunn, John Dunn, John Pettinger, Robert Abrams, (hatter) Joseph Rains, (late of the Parish of St. David's) Basil 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, Jermyn Wright, Charles Wright, Thomas Eatton, James Tayler, (merchant) George Finch, Philip Moore, William Panton, John Simpson, (Sabine Fields) Charles M'Culloch, (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.

II. *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

D d.

shall

A. D. 1778.

No. 248.

Confiscations recommended by congress to be carried into effect.

Certain persons named, attainted and adjudged guilty of high treason against the State.



A. D. 1778.

No. 248.

Any person attainted of treason returning to the State, or being taken in arms, shall be imprisoned and tried for high treason, and on conviction shall suffer death.

All lands heritages, debts or sums of money, and goods and chattels of persons hereby attainted of treason, &c. declared to be forfeited and vested in the government for the use of the State.

For the better discovery and ascertaining the estates and interest of traitors.

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

III. *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: *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 soever 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 was, 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 or found, and without 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 incumbrances thereupon may be the better discovered, known and described, 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



in for the use of, and to defray the grievous and heavy expences 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: *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'Cleur, Edward Davis, and Ambrose Wright;—for the county of *Effingham*, John Postell, Henry Wood, Jacob Cronenburger, Joshua Pierce and Archibald Patterson;—for the county of *Burke*, John Thomas, Abraham Jones, Blessingham Harvey, Joseph Gresham, 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 Neifum, junior, Richard Aycock, George Wells, Daniel Coleman and Barnard Herd;—for the county of *Liberty, Glenn, and Camden*, Benjamin Baker, John Sandiford, 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 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

A. D. 1778.  
No. 248.

A board of commissioners appointed in certain counties.

Any three or more in each county to exercise the powers given by this act. Their duty.

Creditors of such estates to exhibit their claims to the respective boards to be examined and admitted or rejected by them.

Duty of attorney general to aid in the examination, and to defend the right of the State.



A. D. 1778  
No. 248.

The commissi-  
oners to sit and  
act on their own  
adjournments;  
empowered to  
call persons be-  
fore them, and  
allowed free use  
of all necessary  
books, papers,  
&c. their pow-  
ers and duty  
further pointed  
out.

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.

IV. *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 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 directions, 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 attainted or to be attainted 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 incumbrances 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 of our Lord 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 board 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 gaol 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 precepts and orders of the said boards 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



money of this State, for any one offence, and to commit any such officer or officers to gaol 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, *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 thereof 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 boards 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.

V. 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 re-

spective

A. D. 1778.

No. 248.

Persons indebted and neglecting to discover, and make known the same to the commissioners within sixty days after this act to forfeit double the value thereof.

Persons possessed of goods, &c. of such persons, charged to make them known within sixty days, on failure to forfeit double the amount.

Commissioners authorized to make settlements with persons in debt.

Their powers and duty further defined.



A. D. 1778.  
No. 248.

To make sales of goods and chattels giving at least thirty days notice, for the money of this State only, and to none others but citizens and inhabitants thereof.

Board of commissioners to attend sales, keep books of entries thereof and give certificates to buyers.

Terms of sale.

Bonds taken to be recorded in secretary's office

spective 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.

VI. 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, 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 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 for 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



approved security as aforesaid, for payment of the remainder within the times 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.

VII. *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, or 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.

VIII. *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 restrictions 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.

IX. *And be it further enacted by the authority aforesaid*, That all and every person or persons being friends to the independency 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 and 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 incumbrances and charges; 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, in like manner as is required in and by this act, in respect to the sale of personal goods and chattels.

X. *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 any wise notwithstanding.

A. D. 1778.

No. 248.

Buyers not complying with the terms of sale, goods purchased to be re-sold.

Proviso.

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

Proviso.

Citizens of other States coming here to settle may become purchasers.

Negroes purchased not to be removed out of the State.

Claims to confiscated property to be exhibited in sixty days or be barred.

Forty days notice of sales real estate.

What persons failing to exhibit their claims may be relieved by the legislature.

XI.



A. D. 1778.

No. 248.

Claimants may  
be heard by  
counsel,

And may appeal  
to the superior  
court.

Real estates to  
be sold at five  
years credit six  
per cent. interest.

Titles to be  
made to pur-  
chasers on their  
giving security  
as required by  
this act.

To be endorsed  
by the commis-  
sioners.

Suits to be in  
the name of the  
governor.

*Bona fide* settle-  
ments, sales, &c.  
of such estates,  
heretofore  
made, declared  
valid.

Commissioners  
empowered to  
make enquiry  
therein.

XI. *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.

XII. *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 right of appealing from the same to any of the superior courts of this State within the respective counties.

XIII. 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 sheriffs 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, her, or their heirs and assigns for ever, every such tract of land or plantation so to be sold and purchased, under 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 deed of release, specifying the actual sale of the premises, the consideration or purchase money, and the purchaser's name.

XIV. *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 of 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.

XV. *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 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.

XVI.



XVI. *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 selling and disposing of 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. A. D. 1778.  
No. 248.  
To be sworn.

" 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 commissioner for the county of  
 " So help me God."

Their oath.

XVII. 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 intrusted to them, in manner and form following, that is to say :

Severally to give bond and security to the governor.

Each of the commissioners of 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, Glenn, and Camden, five hundred pounds :

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

XVIII. *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 any 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.

Days of sale, how appointed.

XIX. 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 estate 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 of the same for the time being, are hereby directed and required to make and subscribe three receipts for every such sum of money of the same tenor 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.

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



A. D. 1778.

No. 248.

Vacancies in  
any board, how  
filled.

XX. *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 appointment, refuse or neglect to act in the recesses 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.

Compensation  
to sheriffs, &c.  
in the several  
counties for sel-  
ling under this  
act.

XXI. *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, viz:—To the sheriff, 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 counties of Effingham, Burke, Richmond, Wilkes, and 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.

To give security  
payable to the  
governor.

XXII. *And to the end that all monies arising from the said sales may 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.

Wives and chil-  
dren of persons  
attainted may  
be allowed sup-  
port out of their  
estates.

Proviso.

XXIII. *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 or 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 these 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.

Appropriation  
of monies aris-  
ing from sales.

XXIV. *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



towards calling in, and sinking the certificates and bills of credit issued by this State for the public defence and security, 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.

XXV. *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 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.

A. D. 1778.  
No. 243.  
Public act, persons sued may plead the general issue.

N. W. JONES, *Speaker.*

*Savannah, March 1st, 1778.*

*\* An Act for opening and regulating the superior courts in the several counties of this State, and for the more convenient administration of justice in the same, agreeable to the constitution thereof.*

No. 249.

**W**HEREAS by the constitution of this State, circuit courts are established and directed to be held in each county, by the style and title of a superior court, wherein all causes of what nature or kind soever are to be tried, except as in the said constitution excepted: *And whereas* some doubts may arise with the justices in each county, whose duty it shall be to assist in holding such courts, whereby the business of such courts may be greatly retarded; for the prevention whereof, and in order to carry the said constitution into full force and effect,

Preamble.

I. *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 Joseph Clay, William O'Brien, James Maxwell, and Phillip Box, Esquires, justices of the peace for the county of Chatham; and John Adam Treutlen, Abraham Ravot, Benjamin Lanier, and William Holzen-dorf, Esquires, justices of the peace for the county of Effingham; and John Thomas, Edward Telfair, David Lewis, and Daniel M'Murphy, Esquires, justices of the peace for the county of Burke; and John Walton, James M'Farland, Dionysius Wright, and William Few, Esquires, justices of the peace for the county of Richmond; and William Downes, Zachariah Lamar, Benjamin Catchings, and Absalom Beddel, Esquires, justices of the peace for the county of Wilkes; and Parmenas Way, John Graves, John Mitchell, and Samuel Saltus, Esquires, justices of the peace for the county of Liberty, shall be assistant and associate judges with the chief justice of this State, to hold the several superior courts in the respective counties, for which they the said judges are appointed; and shall have full power and authority to exercise jurisdiction, and have cognizance of all pleas civil and criminal, and of all causes of what

Assistant judges appointed for the several counties.

Superior court jurisdiction.

\* See acts of 1782, No. 270, and of 1786, No. 344. See also note at the conclusion of this act.



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Proviso.

Any justice may assist in the said courts.

Rules of court.

Writs and other process how issued and returnable.

To be directed to, and served by sheriffs of the county where defendant resides, and there ended.

Superior court how to proceed with the jury.

Judgment to be according to the verdict of the jury.

Execution against the body or goods, unless appeal be entered agreeably to the constitution, in ten days.

Petition how to be drawn and signed, and to be served twenty days before court.

Bail how to be taken subject to order of court.

Superior court judges in equity.

what nature or kind soever, according to the custom and usage of courts of law and equity, at such times, and in such way and manner as is directed by the constitution aforesaid: *Provided*, nothing in this act is intended or meant to prevent any of the justices in the respective counties from assisting in the said courts: And that the said courts shall and may, from time to time, make rules and orders (not contrary to any thing herein contained) for the regular and more convenient conducting and effectual dispatch of business therein, as to the same shall seem necessary and proper; and all writs, and other process, in civil actions, triable in the said courts, shall issue either from the chief justice, or senior assistant judge of the county, where such court shall be held, and be returnable at least twenty days before the first sitting of the court, and be directed to all and singular the sheriffs of this State, and be served by the sheriff, or his deputy, for the county where the defendant shall or may be found; and all proceedings thereon shall be carried on in the county wherein the defendant resides, until the cause shall be at issue, and finally concluded and determined; and that in all capital cases, the said judges shall have power to respite execution until thirty days after sentence.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said judges, in the said superior courts, to proceed with a jury in summary way, on petition, in all disputes of a civil nature, cognizable in the said court, for any debt or damages, or any sum of money above ten pounds (except where the titles of land or other real estate may come in question, in which suit the plaintiff and defendant shall have the benefit of all matters in the same manner as if the suit was commenced in the ordinary forms of common law and equity heretofore had and used) and the said judges are hereby required so to do, and to give judgment according to the verdict of the jury, and in the space of ten days afterwards, where the case shall so require, award execution, together with costs, against the body or goods of the party against whom a verdict shall pass, unless an appeal is made by either party agreeable to the constitution, in which case the cause shall be reheard in the appeal, in the same summary way as is herein expressed and pointed out for the first trial, and on final judgment, execution shall be granted, where the case may so require as aforesaid; and that the petition shall contain the plaintiff's charge, complaint, allegation, or demand, plainly and distinctly set forth, and be signed by the party or his attorney, and a true copy thereof shall be personally served, or left at the defendant's usual and notorious place of abode, by the sheriff or his deputy, for the county where the cause is determinable, twenty days before the first sitting of the said courts; and where bail is required, an affidavit shall be made of the debt or damages, and endorsed on the petition, in which case the sheriff shall take a bail bond in double the value of the debt, which shall be subject to the order of the court.

III. *And whereas* many cases may happen wherein the title of land and other important matters may require an equitable determination, *Be it therefore enacted by the authority aforesaid*, That where any case which may or heretofore was cognizable in a court of equity shall happen, the same shall be introduced by way of petition, to the



the superior court of each county, as the case may require, which court is empowered to determine finally on all such causes as courts of equity have heretofore usually done, any thing in this act to the contrary notwithstanding. A. D. 1778.  
No. 249.

IV. *And be it further enacted by the authority aforesaid,* That in every civil action commenced and depending in the said superior courts, the respective officers of the said courts shall be entitled to the following fees, (except the same be a special court called for a particular purpose, in which case the like fees shall be allowed, and taxed by the chief justice, or any one of the assistant judges of the county wherein the cause shall be tried, as have in such cases been hitherto accustomed) to wit: The chief justice, or in his absence, the senior assistant and associate judge presiding at the said courts, fifteen shillings; the attorney, one pound; the clerk of the court, fifteen shillings; the sheriff, ten shillings: *Provided nevertheless,* That in case the defendant shall suffer execution to issue against him, and a levy and sale made thereon, the sheriffs shall, on such levy and sale, be entitled to the following fees, to wit: For mileage, per mile, four-pence; for levy, ten shillings; for commissions on the sale, five *per cent.* on all sums above; for conveyance, (if the sale be of real estate) one pound. Costs of suit.  
  
Sheriff's fees on executions.

V. *And be it further enacted by the authority aforesaid,* That all sheriffs, before they enter upon the execution of their offices, shall take the oaths of office, and give bond with security, for the sum of two thousand pounds, to the governor or commander in chief of this State for the time being, for the due and faithful discharge and execution of their said offices; and the said bonds shall remain in the clerk's office of the said county for which such sheriffs are appointed, and may be sued for by order of the said court, for the satisfaction of the public, and all private persons aggrieved by the misconduct of the said sheriff. To be sworn and give bond with security.

VI. *And be it further enacted by the authority aforesaid,* That the said sheriffs shall, by themselves or their lawful deputies respectively, attend all the courts hereby appointed or directed to be held within their respective counties, and shall have the like powers and authorities, and they and their under sheriffs and gaolers be subject and liable to all actions, suits, fines, forfeitures, penalties, and disabilities whatsoever, which any sheriff, under sheriff, or gaoler, is subject or liable to, or may incur by the laws and statutes of Great Britain, as have been heretofore used in the then province, but now State of Georgia, for and in respect of the escape of prisoners, or for or in respect of any other matter or thing whatsoever, relating to or concerning their several and respective offices; and no sheriff, under sheriff, sheriff's clerk, or other sheriff's officers, shall act as an attorney in his own name, or in the name of any other person, or be allowed to plead or practice in any of the courts of this State, during the time he is in any such office. Their powers, and how liable.  
  
Not to act as attorneys.

VII. *And for the case of sheriffs with regard to the return of process, Be it enacted by the authority aforesaid,* That the sheriff of each county shall, at the expiration of his office, turn over to the succeeding sheriff, 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 such sheriffs shall refuse or neglect to turn over such And at the expiration of their offices to turn over all process, &c. to their successors, otherwise liable to damages and costs.



A. D. 1778. 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 such neglect or refusal; and the said sheriff shall also deliver up to his successor the custody of the gaol, and the bodies of such persons who shall be confined therein, and the cause of their detention; and all writs and process brought against any sheriff shall be directed to the coroner of the said county where such sheriff resides, returnable to the said superior courts; and, where the case shall so require, execution shall also be levied by such coroner.

No. 247.

To deliver up the gaol also, with the prisoners.

Process, &c. against sheriff to be directed to coroner.

Grand and petit jurors to be free holders,

VIII. *And be it further enacted by the authority aforesaid*, That as soon as may be after the passing of this act, the said justices shall cause lists of jurors, for the trial of civil and criminal causes, and grand jurors to be made for each of the counties aforesaid, who are freeholders; and that all persons who are to be returned for the trial of civil and criminal causes in the said superior courts, shall every of them have and be seized of fifty acres of land, in their own right, in fee simple, fee tail, or for the life of themselves, or some other person; or shall be a householder, and seized in like manner of a town lot in some town or township in the county wherein he shall be returned to serve; all which persons having such estate as aforesaid, are hereby enabled and made liable to be returned and serve as jurors for the trial of civil and criminal causes aforesaid; and if any person of a lesser estate shall be returned upon any such jury, it shall be a good cause of challenge, and the party returned shall be discharged upon the said challenge, or upon his own oath of the truth of the said matter.

Grand jury lists how to be made out,

IX. *And be it further enacted*, That all persons returned to serve as grand jurors at the said superior courts shall every of them have and be seized of not less than two hundred and fifty acres of land, in their own right, in fee simple, fee tail, or for the life of themselves or some other person, or shall be in the commission of the peace; and the said assistant and associate judges are hereby required to regulate and correct the several lists of freeholders annually, by particularly specifying therein, in distinct columns, the persons most able and discreet, and qualified as aforesaid, to serve as grand jurors, together with their titles, additions, and places of abode; which lists, so corrected, the said judges shall transmit to the clerk of the counties respectively, first attesting such lists under their hands.

Juries in what manner to be drawn.

X. *And be it further enacted by the authority aforesaid*, That the clerks of the several counties shall, immediately after the receiving such lists, fairly enter the same in a book for that purpose to be provided, distinguishing in separate columns the persons returned qualified to serve as grand jurors, and those for the trial of civil and criminal causes as aforesaid, and that the names of the several persons so returned shall be written on separate pieces of paper, and the said judges shall cause a jury box to be made for the said courts, to be provided at the public expence, and such jury lists shall be put in the said boxes respectively; which boxes shall remain in the charge of the clerks of the respective counties, and be locked with the keys of any one of the said assistant and associate judges and the clerk of the county; and the names of all the persons returned qualified to serve as grand jurors shall be put into an

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an apartment of the said box, to be marked with the number one; and the names of those persons returned for the trial of civil and criminal causes as aforesaid, shall be put into an apartment of the said box to be marked with the number three.

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No. 248.

XI. *And be it further enacted by the authority aforesaid,* That no juror whatsoever shall be drawn or impannelled but in the presence of one of the assistant and associate judges and the clerk of the county: *Provided always,* That in case of death, sickness, or other unavoidable accident, occasioning the absence of either of the said parties having the custody of the said keys, that then the key of such absentee shall be committed to, and remain in the custody and care of any other of the said assistant judges for the county.

To be done before the assistant judges.

XII. *And be it further enacted by the authority aforesaid,* That the said assistant judge and clerk of the county, or persons having the custody of the keys as aforesaid, shall, on the adjournment day of the said superior courts to be held in each county, cause to be drawn, by some indifferent person, out of the division or apartment of the said box marked with the number one, thirty-six of the papers or ballots, one after another, and the persons whose names shall be wrote therein shall be the grand jurors to serve on the grand inquest at the superior courts next ensuing; and so repeatedly until all of the said papers shall be drawn out of the said division marked with the number one; which papers, from time to time, as they are drawn out of the said division, shall, after an account is taken of the names therein written, be rolled up again, and put into a division to be marked with the number two; and when all the papers or ballots are drawn out of the division number one, then they shall in like manner be drawn out of the division number two, and returned into the division number one, and so alternately, from time to time, as the said papers shall be all drawn out of either of the said divisions; and the said assistant judge, immediately after the drawing of the grand jurors, shall in like manner cause to be drawn, out of the division or apartment of the said box to be marked with the number three, thirty-six of the said papers, and the persons whose names shall be wrote therein shall be the jurors to serve on the petit jury for the trial of civil and criminal causes, and so from time to time until all of the papers shall be drawn out of the division number three, which, as they are drawn out of the said division, shall, after an account is taken of the names therein written, be rolled up again and put into the division marked with the number four; and when all the papers are drawn out of the division number three, then they shall in like manner be drawn out of the division number four, and returned into the division number three, and so alternately, from time to time, as the papers or ballots shall be all drawn out of either of the said divisions.

Thirty-six to be drawn for grand jurors; and thirty-six for petit jurors.

XIII. *And be it further enacted by the authority aforesaid,* That the names of the several jurors, so to be drawn in manner aforesaid, shall, immediately after they are drawn out, be entered by the clerk of the county, who shall attend the drawing as aforesaid, in the minute book of the said superior court.

And immediately entered in a book by the clerk.

XIV. *And be it further enacted by the authority aforesaid,* That the clerk of the county shall annex a pannel, containing the names of the jurors drawn to serve on the

the.



**A. D. 1778.** the grand inquest, exactly transcribed from the said minute book, to the precept for summoning the grand jury; and shall also annex another pannel of the names of the persons drawn to serve as petit jurors, for the trial of civil and criminal causes, exactly transcribed as aforesaid, to the writ of *venire facias* to be issued for summoning the said petit jury, in the mandatory part of which said writ of *venire facias* shall be inserted the words following, to wit: "The several persons named in the pannel to this writ annexed," which precept and writ of *venire facias*, with their several pannels annexed as aforesaid, shall be delivered by the clerk of the court within three days after such juries being ballotted and drawn as aforesaid, to the sheriff of the county.

No. 249.

Precepts and *venire facias* for summoning juries how to be made out.

To be summoned by the sheriff at least ten days before court.

Form of summons.

Sheriff's returns how to be made.

Clerk to enter the appearance and default of jurors.

Defaulters of petit juries to be fined £5, unless good cause shewn—those of grand juries £10.

**XV. And be it further enacted by the authority aforesaid,** That the sheriff, or his lawful deputy, for the time being, upon the receipt of every precept and writ of *venire facias*, shall cause the several persons whose names are contained in the pannels thereto annexed, to be served with a summons in writing ten days at least before the court at which they are to attend, which summons shall be in the following form, or in words to the like effect: "By virtue of a precept, (or writ of *venire facias*) you are hereby summoned to appear before the chief justice and his associates, at the next superior court, to be held at the court house in the county of \_\_\_\_\_ on Tuesday the \_\_\_\_\_ day of \_\_\_\_\_ next, at \_\_\_\_\_ o'clock in the morning of the same day, to be sworn on the grand jury, or petit jury, (or as a juror) for the trial of certain causes then and there depending, and signed by the sheriff, or his lawful deputy, under forfeiture of \_\_\_\_\_ pounds for every default."

**XVI. And be it further enacted,** That the sheriff or his lawful deputy, for the time being, shall make due return of all precepts and writs of *venire facias*, and in every such return shall set forth the names of all such persons as he shall have summoned by virtue of such writs or precepts, and the time when they were summoned, and also the names of those persons as he hath not summoned pursuant to such precepts or writs, together with the reason why they were not summoned, on pain of being amerced, to the truth of which the sheriff, his deputies, or one of them, shall make oath, if required.

**XVII. And be it further enacted,** That the clerk of the court shall make due entries in the minute book of the said court, of the appearance of all jurors, and also shall enter and record the names of those who shall make default in appearing.

**XVIII. And be it further enacted,** That if any person, who shall be drawn, empannelled, summoned, and returned, to serve as a juror at any of the courts aforesaid, according to the direction of this act, shall neglect or refuse to appear, or, if after appearance, shall refuse to serve, or shall absent himself without leave of the court, then, and in such case, it shall and may be lawful for the chief justice, or presiding judge, for the time being, to fine such person, not being a grand juror, in a sum not exceeding five pounds, and if a grand juror, in a sum not exceeding ten pounds, unless such juror making default, or refusing to serve shall shew good and sufficient cause of excuse to be made on oath before the chief justice or one of the assistant justices of the county, within thirty days after the court at which he was summoned to appear.

XIX.



XIX. *And be it further enacted*, That if at any of the said courts, a sufficient number of jurors shall not appear of those who shall have been duly summoned, whether grand jurors or others, it shall and may be lawful for the chief justice, or presiding judge, to order and direct the number deficient to be drawn by ballot out of the division of the box where the names of such jurors are deposited, and, in case of challenge or non-appearance, to draw others out of the said division, until the deficiency be made up by persons then residing or being near where the court is held, who, in case of absenting themselves or refusing to be sworn as jurors, shall be subject to the like fine as is herein before inflicted on jurors for not appearing when lawfully summoned.

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Defect of jurors by challenge and non appearance, how to be supplied.

XX. *And be further enacted*, That from the jurors to be summoned and returned as aforesaid, for the trial of civil and criminal causes in the several courts, a jury shall be ballotted and drawn for every cause, in like manner as has hitherto been used and accustomed in the courts of law in this State.

Jury to be ballotted and drawn for every cause out of those summoned and returned.

XXI. *And be it further enacted by the authority aforesaid*, That at the several times herein before appointed for balloting jurors, the assistant judge or justices attending the same, shall, from time to time cause to be examined, torn, and destroyed, the rolls of paper that shall be drawn, wherein are contained the names of any persons who shall be dead or departed the county; and also shall, upon the annual returns to be made as herein before is provided, cause to be selected all those names that have not before been returned, and to be written in ballots as before directed, and put into the box or chest with the other jurors, agreeable to their respective qualities:

Assistant judges to examine and correct the lists and rolls of juries.

*Provided always*, That the following persons shall not be liable to serve upon any jury directed by this act, to wit: Ministers of the several churches or of any dissenting congregations, members of the executive council, or house of assembly; sworn attorneys, physicians, surgeons, apothecaries, madmen, idiots, and sick persons.

Proviso. Certain persons exempt from serving on juries.

XXII. *And be it further enacted by the authority aforesaid*, That the clerks of the respective counties shall, before they enter upon the execution of their office, take an oath before the governor and council or some person authorized by them to administer the same, that they will well and truly demean themselves in their said offices, and be accountable for all records and other papers that may come into their hands in virtue thereof, without fraud, alteration, seduction, or embezzlement.

Clerks to be sworn.

XXIII. *And be it further enacted by the authority aforesaid*, That all fines, penalties and forfeitures, that shall be imposed or recovered in any of the courts aforesaid, shall be paid into the treasury, and appropriated and applied towards paying the several salaries granted to the officers of court, and in case they shall be insufficient for that purpose, then the public treasurer of this State is hereby directed, authorized and required, to pay the said salaries annually, out of any monies lying in the treasury; and that no person be held to bail on any writ or process, without an affidavit made before and attested by some judge or justice of the peace, and endorsed on or annexed to the writ, before the service thereof, of the sum he really believes to be due; nor for any other cause, without a judge or senior justice's order, on probable cause of action shewed, and to be endorsed on or annexed to the said writ, expressing the sum for which such bail shall be given.

Fines and forfeitures how to be applied.

Bail not to be taken without affidavit annexed to the writ, or special order of a judge.



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No. 249.

Any one or more justices and clerk may in certain cases adjourn the court.

To be courts of record.

Suitors and witnesses attending court, &c. free from arrest in civil cases.

State's attorney not attending court, may appoint a fit person to act for him.

Superior court to determine all matters in dispute and caveats concerning the proving of wills and granting letters of administration.

Proviso.

Public act.—  
Persons sued for any thing done under this act, and prevailing, to recover double costs.

XXIV. *And be it further enacted by the authority aforesaid,* That in case by any unavoidable accidents, the said courts shall fail to be held at the times respectively appointed for holding the same, the proceedings shall not be discontinued, but that any one or more of the justices and the clerk of the said courts shall and may adjourn the said courts from day to day, not exceeding four days, until the said courts shall meet; and in case the said court shall not meet and sit in that time, the said justice and clerk of the court as aforesaid, shall adjourn the same to the next court, to which time all causes then depending shall be continued over.

XXV. *And be it further enacted by the authority aforesaid,* That the said several courts shall be courts of record; and all persons necessarily going to, attending, or returning from the same, shall be free from arrest in any civil action.

XXVI. *And whereas* it may so happen that the attorney general for the State, cannot attend at some of the said courts, to prepare or prosecute indictments for criminal offences, *Be it therefore enacted by the authority aforesaid,* That in case the attorney general shall not attend any of the said courts, then any barrister or attorney at law, or other fit person, may prepare and prosecute indictments by leave and appointment of the judges of the said court, and be allowed the same fees for his trouble therein as the attorney general is entitled to.

XXVII. *And whereas* there are some doubts respecting the power of determining contested wills, and application for granting letters of administration; *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this act, the chief justice and four assistant judges, or a majority in each county of them, named in this act, shall be and they are hereby appointed judges to determine in all matters of dispute concerning the proving of wills and granting letters of administration; and, where any caveats have been heretofore entered and not determined, or shall hereafter be entered in the register of probat's office, the said register shall, within four days after a written application made to him by either party, notify the same in writing to the said chief justice or assistant judges, and they or a majority of them, are hereby directed and required, within ten days after such notification of the register, to meet at the court house (or at the place appointed by the said judges for the same) of the said county, and proceed to hear and determine the said caveats according to law and equity; and the determination of the said judges respectively, or a majority of them so met, shall be binding and conclusive on all parties; *Provided,* That nothing in this clause contained shall extend to deprive either party, who shall be dissatisfied with any such determination, of bringing such caveat before the superior court of the county wherein such caveat shall be triable, in the manner as is directed by the constitution.

XXVIII. *And be it further enacted by the authority aforesaid,* That this shall be deemed a public act, and may be given in evidence without special pleading; and if any person shall be sued for any thing done in pursuance hereof, and judgment shall pass for the defendant, either on verdict, non-suit, or demurrer, or the plaintiff shall discontinue his action, the defendant shall recover double costs.

XXIX.



XXIX. *And be it further enacted by the authority aforesaid, That this act shall con-* A. D. 1778.  
*tinue and be in force for the term of three years, and from thence to the end of the* No. 249.  
*then next sessions and no longer.\** Continuation.

N. W. JONES, *Speaker.*

*Savannah, March 1, 1788.*

\* This act appears to have been comprehended in the general terms of the revival acts of 1781, No. 263, and 1783, No. 279; and considered in force until 1789. It was then expressly repealed by act of that year, No. 429. It was, however, materially altered by intermediate acts of 1782, No. 270, and of 1786, No. 344.

*An Act to prevent the dangerous consequences that may arise from the practices of dis-* No. 250.  
*affected and other suspicious persons within this State.*

*Temporary.*

*March 1, 1778.*

*An Act for the better regulation of the militia, and for preventing the dangerous conse-* No. 251.  
*quences arising from an invasion.*

*Obsolete.*

*May 2, 1778.*

*An Act for emitting the sum of one hundred and fifty thousand pounds,* No. 252.  
*and for supporting the credit of the same, and other emissions hereto-*  
*fore made by monies arising out of the sales of the forfeited estates ;*  
*and for other purposes therein mentioned.*

I. II. III. **D**IRECTING the emission of the money, and providing for the sup-  
 port of the credit of the same.—*Obsolete.*

IV. *And whereas it is extremely necessary that some alterations and amendments should take place in an act, entitled " An act for attainting certain persons therein mentioned, and confiscating their estates real and personal, and for establishing boards of commissioners for the sales of such estates, and other puposes therein mentioned," passed at the last session of the assembly, with respect to the persons appointed therein to act as boards of commissioners for the sale of the estates forfeited, and confiscated therein, and also the powers which the said boards of commissioners derived under the aforesaid law ; to the end therefore that the sales of the said estates be carried into more effectual execution for answering the great and salutary purposes intended by this law, and for obviating any doubts that may arise respecting the same, Be it further enacted by the authority aforesaid, That all and every nomination of persons contained in the former aforesaid law to act as boards of commissioners for the sale of the said forfeited estates be void, and null ; and every power which the said commissioners derived under the said law, is hereby declared null and void to all intents and purposes ; and the said boards of commissioners shall deliver up and surrender the said*

*Nomination of commissioners under former act declared void, and all powers therein given them repealed.*

*estates*



A. D. 1778. estates both real and personal, and all manner of papers and other documents in their hands respecting the said forfeited estates into the care, custody, and management of such persons as are by this act appointed to receive the same; and every part or parts of the said before recited act, as far as the same relates to the said commissioners, and the powers they were invested with, are hereby accordingly repealed.

No. 252.

Sales of forfeited estates to be made by the sheriff of Chatham county, under direction of the general assembly.

V. *And be it further enacted by the authority aforesaid*, That the sales of the said forfeited estates shall be made by the sheriff, and shall begin and commence on the fifteenth day of October next, in the county of Chatham, between the hours of ten and twelve in the forenoon, under the inspection and direction of the general assembly; and the said sales shall be continued or adjourned from time to time and from place to place, according as the general assembly in its wisdom shall then order and direct.

Claims to be laid before the assembly, or sued in the superior court.

VI. *And be it further enacted by the authority aforesaid*, That every mode and method directed by the said recited act for carrying in claims before the boards of commissioners, shall henceforth be pursued in the following manner, that is to say; that all and every such claim may be lodged with the clerk of the general assembly to be laid before the house, or may be brought before the superior courts in the respective counties by petition or otherwise, at the option of the said claimants, and shall there be tried as other causes usually are, by the constitution and laws of this State, and justice shall be done according to the true intent and meaning of the said act as aforesaid; and the clause in the said recited act respecting the limitation of claims is hereby repealed.

Limitation thereof repealed.

Trustees appointed for the custody and management of forfeited estates.

VII. *And be it further enacted by the authority aforesaid*, That the following persons shall be trustees for taking into their custody and management the said forfeited estates, Luke Mann, Thomas Maxwell, John Bohum Gerardeau, James Maxwell, Josiah Dupont, William Maxwell, and Charles Odingfell for the county of Chatham; John Adam Treutlen, Benjamin Lanier, Abraham Ravot and William Holzendorf, for the county of Effingham; Devereux Gerard, James Brown, Richard Berkuloe, and John Jones for the county of Burke; William Glascock, John Walton, Seth John Cuthbert, and Robert Walton for the county of Richmond; Richard Aycock, Solomon Nufam, jun. and Daniel Coleman for the county of Wilkes; John Sandiford, Moses Way, Francis Brown, William Peacock, and Samuel Saltus for the counties of Liberty, Glynn, and Camden. And the boards of commissioners shall deliver up and surrender into the hands of the trustees appointed by this act, all the said forfeited estates, real and personal, and all and every the documents and papers respecting the same. And the said trustees appointed by this act shall have power to place guards, and do every other act which may tend to the better security of the said forfeited estates.

The several boards of commissioners to deliver up all estates, papers, &c. in their hands to the trustees.

Sheriffs to have personal estates appraised on oath.

VIII. *And be it further enacted by the authority aforesaid*, That the sheriffs of the respective counties shall cause the several and respective forfeited personal estates within their counties to be appraised by three freeholders, on oath, within six weeks from the passing of this act, and make a return thereof into the secretary's office of this State.



IX. *And be it further enacted by the authority aforesaid, That if any person or persons shall feloniously remove, or aid, abet, and assist in feloniously removing without the limits of this State, any part of the said confiscated estates; every such person or persons so offending shall be deemed and adjudged felons, and on conviction thereof shall suffer death.*

A. D. 1778.  
No. 252.

Felony to remove any part of confiscated estates out of the State.

JAMES WHITEFIELD, *Speaker.*

*Augusta, May 4th, 1778.*

*An Act for raising the sum of £12,000 for the use and support of the government of the State of Georgia, for the year 1778, to be raised at certain rates and after the method therein mentioned.*

No. 253.

May 4th, 1778.

*Obsolete.*

*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.*

No. 254.

**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*

Preamble.

the



**A. D. 1778.** 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 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. That all sums of two hundred pounds and under be 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.

Enacted.

The manner and terms of sale in the act of attainder and confiscation repealed.

Sheriffs of the several counties to sell personal estates, all under £200 for cash—above that sum half cash and one years credit for the other half on interest.

Land security to be given—4 *per cent.* allowed for further prompt payment.

Sheriffs to sell real estates—  
one fourth to be paid at the sale, the balance in three equal payments yearly, with 8 *per cent.* interest.

To take mortgages and other security under inspection of a committee.

And to execute titles to purchasers.

II. *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.

III. *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.

N. W. JONES, *Speaker.*

*Savannah, October 30, 1778.*

No. 255.

*An Act for dividing the county of Richmond into two battalion districts.*

November 15, 1778.

*Obsolete.*

*An*



*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, Esquire, formerly provost marshal of the then province, now State of Georgia.* A. D. 1778.  
No. 256.

**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.

Enacted.  
Estates of persons residing in British dominions forfeited and confiscated unless they come within the State and subscribe to certain oaths in twelve months.

II. *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 people of this State have been afflicted.

William Knox.

III. *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.

His estate confiscated, and how to be sold.

N. W. JONES, *Speaker.*

*Savannah, November 15, 1778.*

*An Act to revive and continue the several acts therein referred to.* No. 257.

**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,

I. *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.



**A. D. 1778.** 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 sales 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.

No. 257.  
Provincial laws,  
and laws of En-  
gland, as well  
statute as com-  
mon, heretofore  
used in this  
State, and not  
repugnant to  
the constitution,  
&c. declared to  
be in full force.

General act.

II. *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.

Continuation.

III. *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 seven hundred and seventy-nine, and from thence to the end of the next session of assembly.\*

N. W. JONES, *Speaker*.

*Savannah, November 15, 1778.*

\* See acts of 1781, No. 263—1783, No. 279—and 1784, No. 287.

No. 258.

*An Act for the better ordering and regulating the militia of this State.*

November 15, 1778.

*Obsolete.*

No. 259.

*An Act for the more speedy and effectual settling and strengthening this State.*

Preamble.

**W**HEREAS in any situation, but most 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 transactions of business in public offices; and also for the granting of lands, as well



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; *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 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.

II. *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, contrary to the original intention, and the 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 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.

III. *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'Cartan Campbell on the west, and Andrew M'Lean on the east, ought to be laid out in 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 of the same,* 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: *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.

IV. *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.

V. *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 sand-bar are not regular or straight, *Be it therefore*

G g

A. D. 1780.

No. 259.

Enacted.  
The town of Augusta declared to be the seat of government until otherwise directed by the legislature.

Proviso.

Lot holders to build thereon in two years, or forfeit the same.

The vacant land adjoining above and below added to the town, and the five commissioners to be appointed, empowered to lay off the same. And cause them to be sold at public vendue by the sheriff; one half to be paid down, the other in twelve months.  
Proviso.

The governor to sign grants for the lots, the purchasers giving security to build on them.

\* The terms of this sale not having been complied with, the lots are directed to be re-sold by act of 1783, No. 282, sect. 1.



A. D. 1780.

No. 259.

The commissioners to straighten the streets above and below the town. And to have a court house and gaol built on one of the public lots in Broad-street.

The dimension and kind of houses to be built, under the direction of the commissioners.

The other public lot in Broad-st. reserved for public schools.

Two lots for houses of public worship to be reserved by the commissioners.

Monies arising from sales of lots to be paid into the treasury.

The lands in Wilkes county and elsewhere to be granted—250 acres to the head of a family and 50 acres for every other, whether white or black. Proviso.

He must first bring his family into the State, subscribe the oath of government and give security to settle the same in nine months.

*therefore enacted by the authority aforesaid*, That the said commissioners, or any three of them be empowered, and are directed to lay out, measure, and post the same in the best and most regular way.

VI. *And whereas* the remote situation of Brownsborough, renders it a very unsafe place for a gaol and court house, *Be it therefore enacted by the authority aforesaid*, That a court house and gaol for the county of Richmond be built in the town of Augusta, on one of the public lots in Broad-street under the directions of the said commissioners or any three of them, and that all malefactors shall be there confined, and tried, and suits at law heard and determined during the present war.

VII. *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 workmanlike 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.

VIII. *\* And be it enacted by the authority aforesaid*, That the other lot in Broad-street be reserved for houses of public seminaries and schools.

IX. *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 the respective lots, and to cause the same to be cleared and fenced in, and hereafter no corpse shall be interred in the town.

X. *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.

XI. *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 the State, and himself take and subscribe the oath 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 hereafter.

XII.

\* See act of 1783, No. 282, sect. respecting lots to be reserved for public uses.

† Vested in trustees by act of 1783, No. 262, sect. 4.

‡ Altered by act of 1783, No. 273, sect. I.



XII. *And be it further enacted by the authority aforesaid,* That where it shall appear the commissioners under the former government sold and made allotments to any person who have settled and still possess the same, such persons shall have grants in preference\* to any other persons whatsoever.

ers of the former government having settled, and still possess the same to have a right of preference.

XIII. *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.

XIV. *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 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.

XV. *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 lands so laid out and surveyed, within three† months next after the date of such proclamation; otherwise all such lands shall be deemed vacant.

XVI. *And be it further enacted by the authority aforesaid,* That the following shall be the form of all grants of land within this State.

‡ *By the 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 to C. D. 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 for ever in fee simple.— Given under my hand, and the great seal of the said State, this                      day of                      in the year of our Lord, one thousand seven hundred &c. By his honor, &c.

XVII. *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.

A. D. 1780.

No. 259.

Persons having allotments under commission-

Those settling in Wilkes county how far exempt from militia duty.

A town to be built in Wilkes county, five commissioners directed to lay out the same, to be sold and granted in like manner as the lots in Augusta.

Governor to issue a proclamation admonishing absentees to return within three months, and settle lands formerly surveyed for them, otherwise such lands to be deemed vacant.

The form of grants.

Iron works—persons giving security to the governor to erect them, entitled to a grant of 2,000 acres.

XVIII.

\* See act of 1783, No. 273, sect. 10, further extending the right of preference.

† Extended 12 months by act of 1783, No. 283, sect. 4.

‡ The form of grants altered by acts of 1783, No. 273, sect. 12.



A. D. 1780.  
No. 259.

Lost warrants  
and plats how to  
be established.

Surveys &c. on  
lands within the  
limits of the In-  
dians declared to  
be null and void.

Governor in  
council to sign  
and pass grants  
for former allot-  
ments, &c. to  
all persons ap-  
plying in terms  
of this act and  
the land act.

Proclamation to  
be issued describ-  
ing the land to  
be granted and  
inviting settlers.

Claims of cer-  
tain Indian tra-  
ders of this and  
the State of  
South Carolina  
relative to lands  
of Wilkes coun-  
ty to be exam-  
ined by the as-  
sembly, and how  
paid if allowed.

Commissioners  
named for the  
town of Augus-  
ta.

And for the  
town of Wash-  
ington in  
Wilkes.

XVIII. *And whereas* it may so be that a number of warrants, and returns of plots may be lost in our late confused state; for remedy thereof, *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.

XIX. *And be it further enacted by the authority aforesaid*, That no warrant, survey, or plot, 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.

XX. *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, called the land act.

XXI. *And be it enacted further by the authority aforesaid*, That his honor the governor, by and with the advice 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.

XXII. *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.

XXIII. *And be it further enacted by the authority aforesaid*, That William Glascock, George Walton, Daniel M'Murphy, John Twiggs, and George Wells, Esquires, or any three of them be a board of commissioners for acting under this act, respecting the town of Augusta;† and William Downes, Barnard Heard, John Gorham, Daniel Coleman, and John Dooly, Esquires, 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.§

XXIV.

\* Penalty imposed by act of 1783, No. 273, sect. 9.

† Commissioners again appointed by act of 1783, No. 282, sect. 1.

§ And also for Washington, sect. 9.



XXIV. *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.* A. D. 1780.  
No. 259.

WILLIAM GLASCOCK, *Speaker.* Public act.

January 23, 1780.\*

\* The original act is without date as to the year, but by act of 1783, No. 282, sect. 1, it appears to have been passed in 1780.

*An Act declaring certain persons who are therein described, citizens of this State, and for burying in oblivion certain high crimes and misdemeanors.* A. D. 1781.  
No. 260.

**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. Preamble.

I. This sect. excluding certain persons from the right of citizenship repealed by act of 1782, No. 266.

II. *And be it further enacted by the authority aforesaid, That all persons having taken protection 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 a free people, except those who have been guilty of murder or plundering, or distressing the peaceable inhabitants of this or any other State.* Certain persons excepted, &c. who have not murdered, plundered, &c.

III. *And it is hereby 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 to which such person may reside or belong, viz. "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, for ever: 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* On what terms allowed to return.  
To take and subscribe an oath.  
The form thereof.



A. D. 1781. 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 internal enemies to suffer death or banishment. IV. *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.

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

Continuation, VI. *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.

JOHN JONES, *Speaker.*

*Savannah, August 20, 1781.*

No. 261. *An Act to amend the several acts for the better regulation of the militia of this State.*

Soldiers faithfully doing their duty entitled to bounty of 250 acres good land exempt from tax for ten years. VIII. **A**ND whereas numbers of persons are daily absenting themselves and leaving their fellow citizens to encounter the difficulties of the present crisis, *Be it enacted by the authority aforesaid*, That any person or persons who shall produce a certificate from the commanding officer of the district to which he belongs, to the legislature of this State (on the total expulsion of the enemy from it) of his having steadfastly done his duty from the time of passing of this act, shall be entitled\* to two hundred and fifty acres† of good land (which shall be exempt from taxes for the space of ten years thereafter;) *Provided* such person or persons cannot be convicted of plundering or distressing the country.

*All the rest obsolete.*

JOHN JONES, *Speaker.*

*Savannah, August 20, 1781.*

\* Grants directed to be issued to officers, soldiers, &c. by act of 1783, No. 273, sect. 2.

† See act of 1784, No. 289, sect. 11 and 15, appropriating land for payment of bounties with additional allowance in lieu of exemption from tax.

No. 262. *An Act for the prevention of internal conspiracies, and for the empowering certain committees therein mentioned, to examine into the conduct of certain suspicious persons.*

*Temporary.*

*August 21, 1781.*

*An*



*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.* A. D. 1781.  
No. 263.

**W**HEREAS 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.

II. *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.\* Continuation.

JOHN JONES, *Speaker.*

*Savannah, August 21, 1781.*

\* See revival act of 1783, No. 279.

*An Act to repeal an act, entitled "An Act to draw a line or lines between the good citizens of this State and the enemies thereof, and to prevent plundering and detect spies within the same."\** A. D. 1782.  
No. 264.

**W**HEREAS it hath been found upon trial that the said act hath not answered the purposes for which the same was intended, but on the contrary hath been attended with many abuses; in order therefore to remedy the same and preserve the property for the use of this State, to defray the necessary expences of government which have already accrued and will accrue, *Be it 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 the said act passed on the twenty-ninth day of January, one

Act drawing a line between the good citizens of the State and enemies thereof dated 29th January, 1780, Repealed.

\* The original act referred to, cannot be found. The resolution mentioned and repealed by this act, is therefore inserted, as the best evidence in our power, of the line in question:

" WEDNESDAY, 22d August, 1781.

" *Resolved,* That all property taken in action shall be sold for the benefit of the captors, except such as may belong to the friendly citizens of this or any other State, or the sequestered property.

" *And it is further resolved,* That they shall be allowed a salvage of one third on all property taken from persons living on the other side of the line, from Hudson's ferry on Savannah river, to the mouth of Little Ogeechee, from thence to Beard's bluff on the Altamaha, and from thence to the Cowford on Saint Mary's river, (except the property of citizens as aforesaid) though not immediately taken in action, unless such property shall be taken after our fixing posts or taking possession of the posts below, *Provided* the same be condemned agreeable to the constitution of this State, *And provided also,* on evidence to the court, it shall appear that the party was commanded by an officer, and ordered out by the commanding officer of the regiment to whom they belong." *Extract from the journal.*



A. D. 1782. one thousand seven hundred and eighty, and also a resolution of the house of assembly, dated the twenty-second day of August, one thousand seven hundred and eighty-one, and every part of the same shall be and they are hereby repealed, and of no force or effect whatever, any matter or thing contained in the same, to the contrary notwithstanding.

No. 264.

WILLIAM GIBBONS, *Speaker.*

Savannah, January 9, 1782.

No. 265.

*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.*

**W**HEREAS it is absolutely necessary a fund should be raised for the defraying the contingent and necessary expences of the 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 dictate should be applied to the uses of government.

Confiscation of estates of all persons who have been within the British lines as their subjects, and not heretofore included.

I. *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 twentieth day of August, one thousand seven hundred and eighty-one, or in the amendment thereto 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 to amount of £22,100 specie.

Form thereof.

In payment for confiscated estates.

Quarter masters and commissaries to issue temporary certificate to be taken up by the aforesaid certificates.

II. *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 manner following, viz :

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

III. *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



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.

A. D. 1782.  
No. 265.

IV. *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.

Governor to draw 500l. for contingent expences.

V. *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.

£100 for secret service.

VI. *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.

£500 for equipping the State legion.

VII. *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.

The further sum of £15,000 to pay off arrears of militia.

VIII. *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.

Pay-rolls, how to be made out and signed. Certificates to be issued separately in the name of persons who have done duty.

IX. *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.

£2500 for civil list expences. And the further sum of £500 for certain officers and privates of the aforesaid legion.

X. *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 six-pence per bushel.

The prices of articles &c. in 1774 and 5, to regulate the issuing of certificates. Corn not to exceed 2/6 per bushel. The certificates how to be redeemed.

XI. *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.



A. D. 1782. XII. *And be it further enacted*, That this act shall be considered as a public act, and given as such in evidence.

No. 265.  
Public act.

WILLIAM GIBBONS, *Speaker*.

*Savannah, January 11, 1782.*

No. 266.

*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.*

So much of the act of 20th Aug. last as respects officers, repealed.

**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.

Public act.

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

WILLIAM GIBBONS, *Speaker*.

*Augusta, January 12, 1782.*

No. 267.

*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.

**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 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 peaceful citizens of this 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

Confiscation further extended.



previously plundered of both their and their childrens' 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 compleated 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 *Chatham*, Sir James Wright, Baronet, John Graham, Alexander Wright, Lachlan Mc.Gilivray, John Mulbryne, Josiah Tatnall, Basil Cowper, William Telfair, Alexander Mc.Goun, Thomas Talmash, Samuel Douglass, Lewis Johnston, senior, Lewis Johnston, junior, William Johnston, Thomas Johnston, James Johnston, Samuel Farley, James Alexander, Joseph Spencer, James Batler, John Wood, Robert Reid, John Stour, Thomas Reid, George Houstoun, Philip Delegal, senior, his heirs, devisees, or assigns, Philip Delegal, junior, David Delegal, John Glen, John Bond Randell, James Mofsman, John Charles Lucena, Nathaniel Hall, Thomas Gibbons, John Fox, junior, John Simpson (Sabine fields), Matthew Stewart, John Sutcliffe, Benjamin Farley, Thomas Rofs, John Joachim Zubly, his heirs, devisees, or assigns, David Zubly, junior, George Baillie, William Wyllly, Campbell Wyllly, Thomas Wyllly, Levi 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 Yonge, junior, Joseph Farley, his heirs, devisees, or assigns, John Foules, Thomas Fleming, Alexander Thomson, Robert Mc.Cormick, his heirs, devisees, or assigns, Thomas Forbes, Colonel Thomas Brown, James Thomson, William Jones, of Savannah, Martin Jollie, Donald Frazer, Isaac Baillou, Doctor John Irvine, George Kincaid, William Knox, John Murray, George Cuthbert, William Mc.Gillivray, William Stephens, Benjamin Wilson, Peter Dean, George Fox, Moses Kirkland, John Lightenstone, William Lyford, Andrew Hewat, Alexander Inglis, James Brisbane, William Miller, William Mofs, Philip Moore, William Panton, Thomas Skinner, John Mulryne Tattnall, Charles William Mc.Kenny, his heirs, devisees, or assigns, Alexander Rose, Charles Wright, senior, Robert Porteous, Jermyn Wright, his heirs, devisees, or assigns, Charles Wright, son of Sir James, John Mc.Gillivray, Tim Barnard, Isaac Delyon, Peter Edwards, Samuel Langley, and Samuel Ealy:—*Liberty, Glynn, and Camden*, Roger Kelfall, Thomas Young, Simon Munro, Henry Munro, James Spalding, Robert Baillie, Alexander Creighton, Roderick Mc.Intosh, William Mc.Intosh, Indian trader, Charles Mc.Daniel, his heirs, devisees, or assigns, John Mc.Donald, Donald Mc.Donald, Daniel Mc.Leod, Daniel B. Mc.Intosh, John Polson, his heirs, devisees, or assigns, William Rofs (Saint Andrews), John Wessly, — Mc.Coy, of Saint Andrews, John Shave, junior, Richard

Shave,

A. D. 1782.

No. 267.

Persons named.



A. D. 1782. Shave, Arthur Carney, senior, his heirs, devisees, or assigns, Arthur Carney, junior,  
 No. 267. William Dawson, of Newport ferry, Charles Watts, ship carpenter, ——— Shepherd,  
 of Colonels island, James Carson, of South Carolina, William Clark, Sir Patrick  
 Houston, baronet, John Martin, of Jakell, his heirs, devisees, or assigns, James Kit-  
 ching, John William Williams, Raymond Demercee, junior, John Proctor, Daniel  
 Mc.Girt, James Mc.Girt, George Aarons;—*Effingham* county, William Willis,  
 Abraham Mincey, Henry Cooper, senior, Henry Cooper, junior, W. Cooper, Ben-  
 jamin Lanier, John Boykin, Joshua Pearce, senior, William Pearce, Stephen Pearce,  
 Philip Dill, senior, Philip Dill, junior, James Dill, his heirs, devisees, or assigns,  
 John Goldwise, James Pace, senior, Christopher Frederick Freebrier, 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, David Ruffel,  
 Matthew Lyle, Robert Miller, John Robertson, Daniel Howell, Alexander Carter,  
 Robert Wolfington, Willoughby Tucker, John Mc.Cormick, his heirs, devisees, or  
 assigns, Paul Mc.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 Bal-  
 four, his heirs, devisees, or assigns, Isaac Downing, Isaac Eaton, Andrew Mc.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, senior, John Johnston,  
 William Corker, Edward Corker, John Corker, Stephen Corker, William Mangrum,  
 James Douglass, William Durgan, James Hunt, John Young, Robert Tilman, Wil-  
 liam Young, Matthew Moore, his heirs, devisees, and assigns, Henry Sharp, his  
 heirs, devisees, and assigns, Jacob Sharp, Cordy Sharp, William Mc.Natt, Samuel  
 Montgomery, Thomas Lamb, Edward Pilcher, Benjamin Brantley, Henry Overstreet,  
 Elias Bonnell, William Brown, Augustus Underwood, Absalom Wells, John Fer-  
 guson, William Reid, Thomas Beaty;—*Wilkes* county, Thomas Watters, Henry  
 Williams, John Douglass, William White, Samuel Williams, John O'Neal, Aving-  
 ton Perkins, Daniel Philips, James Gordon, Abraham Wilkins, Samuel Wilkins,  
 Jonathan Wilkins, Luke Bynan, William Tidwell, Reubin 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 Ashton,  
 James Seymour, Martin Weatherford, James Weatherford, John Henderson, John  
 Weatherford, George Philips, Alexander Mc.Lean, Benjamin Howard, his heirs,  
 devisees, or assigns, Thomas Howard, his heirs, devisees, or assigns, Andrew Robert-  
 son, Daniel Cameron, John Jamieson, William Oats, Thomas Scott, Richard Bai-  
 ley, John Coppinger, Thomas Manson, Jacob Watson, Doctor Andrew Johnston,  
 Charles Weatherford, John Furlow, James Jackson, of Augusta, merchant, William  
 Johnston, Doctor Francis Folliott, Doctor Thomas Taylor, Simon Patterson, Tho-  
 mas Polhill, Nathaniel Polhill, his heirs, devisees, or assigns, John Maxwell, Solomon  
 Kemp,



Kemp—*Be*, and they are hereby declared to be banished from this State for ever; 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 gaol, 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.

II. *And be it further enacted by the authority aforesaid*, That all and singular the estate, 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, and 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.

III. *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.

IV. *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 subjected to in the States of which they respectively were citizens of, and the monies

arising

A. D. 1782.

No. 267.

Banished from the State for ever, to depart in 60 days or be transported to the British dominions.

Declared guilty of felony, and suffer death if they return.

Their estates, together with all debts, dues, &c. to which they were any way entitled on the 19th April, 1775, confiscated for the use of the State.

Certain persons not named, subject to like pains and forfeitures.

Estates, debts, &c. of persons on confiscation acts in other States, confiscated in like manner.

Debts due to merchants, &c. residing in British dominions, hereafter appropriated.



A. D. 1782.  
No. 267.

Sequestration thereof—commissioners to recover and deposit the same in the treasury, in like manner as debts confiscated.

Confiscation of all estates of British subjects, and also all debts &c. due or accruing to them.

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

Claims against confiscated estates, to be exhibited to the commissioners or sued in 12 months.

Persons having claims, at liberty to submit them to the commissioners or to proceed by action at law—when liquidated how to be paid.

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.

V. *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.

VI. *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, to be applied to such uses and purposes as the legislature shall hereafter direct.

VII. *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 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 attornies, 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.

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

IX. *And be it further 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



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 refuse, 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 or 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 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.

X. 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.

XI. *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 from and 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 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

A. D. 1782.  
No. 267.

Proviso.  
Superior court  
to proceed in a  
summary way,  
not exceeding  
£15.

Commissioners  
appointed for  
the several  
counties to carry  
this act into  
execution.

Sales when to  
commence.

Conditions: Seven  
years credit  
to purchasers of  
real estates.

Manner and  
times of sale.

\* See act of 1783, No. 272, authorizing a less number of commissioners to be a board, and the powers herein given declared void.



A. D. 1782.

No. 267.

Purchasers of real estate to give personal obligation and mortgage on the same, together with sufficient security for payment of the interest annually. Principal and interest to be rendered in Mexican dollars or otherwise in gold or silver.

Bonds to be taken in the name of the governor. Titles to purchasers how made.

Commissioners respectively to give bond and security for £300 and to be sworn.

Their oath.

Families of persons banished to be afforded temporary support.

Embezzlement of confiscated property, felony, and punished with death.

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."

XII. *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.

XIII. *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.

XIV. *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 therefore enacted*



*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.

XV. *And whereas*, from the irruptions of the enemy, and the devastation which followed, various of the good people of the State may have lost their grants or titles to their lands, *Be it therefore 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.

XVI. *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 not 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 forms 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.

XVII. *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.

XVIII. *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 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 real and personal estates confiscated by this act.

XIX. *And be it further enacted by the authority aforesaid*, That the said commissioners be allowed a commission of one and an 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.

A. D. 1782.

No. 267.

Inhabitants holding any part of the ceded lands in Wilkes county purchased under British commissioners may give such ungranted lands as security in purchases under this act.

Certain lands, the grants or titles of which being lost may also be given as security.

Sales of real estates under confiscation act of 1778, not strictly fulfilled by purchasers, declared void.

The same to be sold under this act.

Sales of plantations to be sold by the best description to be obtained.

The State to guarantee and defend the proceedings and sales made by the commissioners under this act.

Commissioners allowed one and half *per cent.* on all sales besides reasonable expences.



A. D. 1782.

No. 267.

To make frequent return of their proceedings to the governor.

Public act to receive the most liberal and beneficial construction.

General issue to be pleaded.

XX. *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.

XXI. *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.

SAMUEL SALTUS, *Speaker.*

Savannah, May 4, 1782.

No. 268.

*An Act for preventing improper or disaffected persons emigrating from other places, and becoming citizens of this State, and for other purposes therein mentioned.*

*Temporary.—Expired.*

August 5, 1782.

No. 269.

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

Preamble.

**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, within two months after passing this act, take an inventory

Enacted.  
Commissioners to take an inventory of estates of persons therein named.

\* See act of 1785, No. 300, amercing certain other persons.



tory and appraisement of the estates of the persons herein after mentioned, viz. Thomas Polhill, Sir Patrick Houston, John Sutcliffe, George Basil Spencer, Thomas Wyly, William Struthers, Amos Whitehead, Mc.Carten Campbell, James Lambert, Andrew McLean, John Irvine, 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 Cavenagh, David Cavenagh, Peter Winn, heirs of George Walker, David Johnston, James Johnston, David Delegal, Benjamin Wilson, Robert Baillie, George Houston, James Mossman, David Douglass, 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 freeholders, 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.

A. D. 1782.

No. 269.

Amercement  
eight *per cent.*Persons refusing  
to render ac-  
count of their  
property to for-  
feit double a-  
mercement.II. Respecting military regulations. *Obsolete.*

III. *And be it further 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 and required to give the said commissioners or a majority of them, a sufficient receipt for such sum or sums as may be by him received.

Commissioners  
to account with  
treasurer.IV. Respecting military regulations. *Obsolete.*

V. *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

Persons amerced  
allowed ten  
*per cent.* on  
prompt pay-  
ment.

or



A. D. 1782.  
No. 269.

Allowed a deduction for furnishing soldiers.

Certain disqualifications for two years; restored to the rights of citizenship in other respects.

Offences (murder excepted) buried in oblivion, but liable to civil actions.

Commissioners to make allowance for former payments made by persons named in this act, where any of their estates have been sold, the purchasers may or may not relinquish the same at their option.

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.

VI. *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 soldier 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 soldier, the sum of thirty pounds to be taken from the amount of his said amercement, subject however to no other deduction whatsoever.

VII. *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 and is 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 forever buried in oblivion, saving only the right of civil actions to any person or persons who may apprehend him, her or themselves aggrieved by such person or persons named in this act.

VIII. *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 or 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



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 chuse to give up his, her or their purchase, he, she or they shall have power so to do, and the estate 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 and owners, his, her or their heirs, executors, administrators and assigns forever, subject only to the amercement, in this act specified and contained.

A. D. 1782.

No. 269.

IX. *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 for ever 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.

Estates of persons herein named remaining unsold, restored.

X. *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.

subject however to payment of commissioners.

XI. *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.

The State to guarantee and defend the commissioners in their proceedings and warrant the sales made by them.

XII. *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 of such reasonable charges as may accrue from the execution of the same.

Commissioners allowed one per cent. and reasonable expences.

XIII. *And be it further enacted,* That if any person or persons 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 or 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.

Persons concealing any part of their property taken to forfeit the whole.

XIV.



A. D. 1782.

No. 269.

Public act.

XIV. *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 the State.*

JAMES HABERSHAM, *Speaker.**Savannah, August 5, 1782.*

No. 270.

*An Act for opening the courts of law and justice within this State under certain restrictions therein mentioned.\**

**W**HEREAS it is expedient and necessary that the courts of justice be immediately opened under the restrictions herein after mentioned;

Courts of justice opened and established with as ample jurisdiction in all criminal matters exercised within this State prior to the British invasion in 1778.

I. *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 courts of justice for the trial of all criminal matters or such as are carried on in the name and behalf of the State be, and they are hereby declared to be henceforth opened, and from and immediately after the passing of this act well and sufficiently authorized and empowered to hold plea and take cognizance of, and to proceed to judgment and execution in all matters, causes, and things of a criminal nature whatsoever in the same manner, and as fully and effectually to all intents, constructions and purposes as formerly, and with as ample a jurisdiction as the said courts used, exercised or enjoyed within this State prior to the invasion of the British forces of the same in the year of our Lord one thousand seven hundred and seventy-eight.*

Trial of civil causes herein regulated.

II. *And be it further enacted by the authority aforesaid, That the courts of justice, for the trial of civil causes, or those which arise or lie between man and man, be and they are hereby declared to be opened, and from and immediately after the passing of this act well and sufficiently authorized and empowered to hold plea, and take cognizance of, and to proceed to judgment and execution in all matters, causes and things of a civil nature whatsoever in manner and under the regulations herein after mentioned, that is to say: Where the suit or action shall be between parties both resident in this State, the same shall be allowed to proceed in the usual form and manner to judgment; but after judgment obtained, in case the same shall be for the plaintiff, and shall exceed the sum of ten pounds, besides costs, either debt or damages, the judge or judges before whom the said suit, action or cause shall be brought or tried shall stay execution thereon for the space of two years from and after the passing of this act, on condition that the defendant or defendants give satisfactory security that he, she or they will not leave this State, or fraudulently remove his, her or their property out of the same within that time, and shall also allow interest on the said debt or damages so recovered as aforesaid; and where the suit or action shall be between parties either both transient, or the one resident, and the other transient, the same shall be allowed to proceed in the usual form and manner to judgment*

Where both parties are of this State, suits to Proceed in usual way to judgment, if for the plaintiff above 10l. besides costs, the court shall on certain conditions stay execution thereon two years.

Judgments to bear interest.

\* Certain parts of this act repealed by act of 1786, No. 344. And finally repealed by act of 1789, No. 421.



ment; but after judgment so obtained, in case the same shall pass for the plaintiff, and shall exceed the sum of ten pounds, besides costs, either debt or damages, the judge or judges before whom the said cause shall be tried shall stay execution the same for the space of six months thereafter, on condition that the defendant or defendants give satisfactory security that he, she or they will not leave the State aforesaid, or fraudulently remove his, her, or their property out of the same within that time, and shall also allow interest on the said debt or damages so recovered as aforesaid; *Provided always*, That nothing in this act contained shall extend or be construed to extend to stay, retard, or delay any suit, judgment, execution, or other process commenced or brought, or to be commenced or brought by his honor the governor for the time being, or by any other person or body for or in behalf of the State, or wherein the State collectively shall be concerned.

III. *And be it further enacted*, That the courts of conscience shall be also opened, and all causes belonging to the monthly courts shall be allowed to proceed as well before as after judgment in the old and usual manner; and all other causes belonging to the quarterly courts of conscience whose jurisdiction extends from forty shillings to ten pounds, shall be allowed to proceed in the old and usual manner until judgment be obtained, but after that, execution shall be stayed for the space of twelve months on condition that satisfactory security be given and interest allowed as aforesaid.

IV. *And be it further enacted by the authority aforesaid*, That in case default shall be made in payment of the sums for which judgments shall be obtained as aforesaid, it shall and may be at the option of the plaintiff or plaintiffs at the expiration of the respective terms herein mentioned (as the case may be) in all and every matter coming within this act, either to take out execution against the body, lands or goods of the defendant or defendants, or else to proceed by a new action for recovery of his, her or their money, against the security given as aforesaid; and in the latter case no essoin, wager of law or imparlance whatsoever, shall be granted, but execution shall issue on the judgment so obtained against the security immediately, that is to say, as soon as the same may issue agreeable to the standing rules of court, independent of this act.

V. *And be it further enacted*, That no sale subsequent to judgment of any lands or tenements, goods or chattels, by any person or persons whatsoever, who shall claim the indulgence allowed by this act, shall be good and valid against the plaintiff or plaintiffs in any such judgment, unless the defendant or defendants hath or have left sufficient estate to pay and satisfy the debt or damages and costs of such plaintiff or plaintiffs: And it is hereby declared to be the true intent and meaning of this act, that the indulgencies aforesaid of six months, two years, and one year, (as the case may be) are only meant to be granted in cases where the contract was made, or the cause of action arose prior to the twelfth day of July last past; and that in all cases where the contract hath been made, or the cause of action arose subsequent to that period, the parties are to proceed and defend in the ordinary course, and without any special indulgence being claimed or granted after judgment.

A. D. 1782.

No. 270.

In suits between other persons, six months stay on like conditions.

Proviso.

Not to affect cases in behalf of the State.

Courts of conscience and monthly courts to proceed in the usual way. Stay of execution 12 months on judgments of the former, security being given. Judgments therein to bear interest.

Execution may issue against the body or estate of defendant—or plaintiff may bring a new action against the security.

Sales of land, &c. subsequent to judgment in cases of indulgence not valid unless sufficient estate be left.

Indulgence after judgment to be granted in no case but where the cause of action arose prior to 12th July last.

VI.



A. D. 1782.

No. 270.

In cases of account two persons may be appointed to examine and make a statement of the same to be laid before the jury.

Proviso.

This mode shall continue until a depreciation table shall be formed and no longer.

Demurrers, special pleas in abatement, prolixity and nicety shall be discouraged by the courts.

General issue to be usually pleaded.

Attachments to be proceeded in as formerly.

That the statute of limitations may not bar recovery of just debts.

VI. *And whereas* in consequence of the depreciation of money prior to the reduction of Savannah by the British troops, and the troubles and confusion that have taken place and existed ever since that period, many difficult and intricate causes in matters of account will necessarily arise, which a common jury may not be sufficiently qualified to decide without the help of a depreciation table: *And whereas* no depreciation table being as yet formed, it is necessary that some mode be substituted to assist common juries, until such depreciation table be formed and established by law; *Be it therefore enacted by the authority aforesaid*, That in all cases of account or intricacy which shall happen in any of the said courts within this State, it shall and may be lawful for either party after the cause is at issue to apply by petition or motion to the judge or judges before whom the said cause is depending, and to pray that the same be referred to two intelligent and indifferent persons in the vicinity, the one to be chosen by the petitioner, and the other by the opposite party, if such party shall agree to do so, but if not, then by the court; and the whole matter in dispute shall be fully considered by the said two persons as soon as conveniently may be thereafter, and they shall, to the best of their knowledge and ability, make a just state and true account thereof, with their opinion of the merits fully expressed, and return the same to the court without loss of time; and the said state and account with the opinion of the said two persons, shall, on the trial of the said cause, be laid before the jury, who shall be allowed to pay what regard thereto they shall think proper. *Provided nevertheless*, That this mode shall continue until a proper depreciation table for the settlement of matters of account and intricacy shall be formed and established by law, and no longer.

VII. *And be it further enacted*, That in all cases whatsoever, demurrers, special pleas in abatement, and all unnecessary prolixity and nicety, shall as much as possible be discouraged by the several courts within this State; the general issue shall be usually pleaded, and all matters of fact which go to the merits of the dispute, and are for the advancement of justice between the parties at variance shall be allowed to be given in evidence under the said plea, though not coming within the strict rules of former practice; and in every case it shall be at the discretion of the court to admit parties to avail themselves of substantial advantages as well by motion as if the same had been brought on by a formal plea.

VIII. *And be it further enacted*, That nothing in this act contained, shall extend or be construed to extend to the case of attachments, further or otherwise than to open the courts for the same, and then to leave the said attachments on the same footing as they formerly stood, both in respect to the manner of commencing and the mode of proceeding in the same, as well before as after judgment obtained.

IX. *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

\* The time further extended by act of 1788, No. 387.



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.

X. *And be it further enacted*, That this act shall be a public act, and shall be considered and held as such in all courts within this State, without being specially pleaded, and shall receive the most liberal and beneficial constructions for carrying the same into effect.

JAMES HABERSHAM, *Speaker*.

Savannah, August 5, 1782.

A. D. 1782.

No. 270.

The space of time between 1st July, 1775, and 12th July, 1782, shall not be reckoned in the computation

Public act.

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

Savannah, February 8, 1783.

*Private.*

A. D. 1783.

No. 271.

*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.*

No. 272.

WHEREAS 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 Odingsells, Hugh Lawson, and Abraham Ravott 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

Preamble.

Enacted.

Three commissioners named; invested, under certain restrictions, with all the powers of those under the confiscation act.

K k

empowered



A. D. 1783. No. 272. 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 thereof contained notwithstanding.

The powers thereby given to the other commissioners declared void.

II. *And be it further enacted by the authority aforesaid*, That all and every power and powers derived by any of the commissioners except Charles Odingsfells, Hugh Lawson, and Abraham Ravott, 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.

Governor and council may direct sales of personal property.

III. *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.

The above commissioners invested with the authorities given to a majority under the amercement act.

IV. *And be it further enacted*, That Charles Odingsfells, Hugh Lawson, and Abraham Ravott, commissioners as aforesaid and hereby appointed, shall be and they hereby are invested and authorized with all and every the powers and authorities, the majority 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 past, 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.

V. *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.*

No. 273.

*An Act for opening the land office, and for other purposes therein mentioned.\**

Land office opened.

**W**HEREAS it will tend much to the benefit and advantage of this State that the unlocated lands within the same be granted out, and that all due encouragement be given to the immediate settlement thereof, *Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same*, That from and immediately after the passing of this act, the land office shall, and the same is hereby declared to be opened and all and every person and persons applying for land agreeable to the terms herein after mentioned, shall be entitled

\* Some part of this act repealed and amended by act of 1783, No. 283.



tled 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 six-pence per acre for the second hundred acres, two shillings per acre for the third hundred acres, and two shillings and six-pence per acre for the fourth hundred acres, and so on in the same progression according to the number of head rights in such family. *Provided*, The quantity of land granted and sold to any one person shall not exceed one thousand acres, and that such person do live on, and cultivate a part of the said land, twelve months before he or she shall be entitled to a grant for the same.‡ *And also further provided*, That such person hath not heretofore received the head right for which he or she then applies, either under the present or former government within this State.

II *And whereas* this State hath made engagements to the soldiery and other troops which in justice they ought to fulfil, *Be it therefore enacted*, That in case any officer or soldier or other person claiming under such engagements as aforesaid, shall produce a certificate from his 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.

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

IV. *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 surveyor 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

A. D. 1783.

No. 273.  
Head rights—  
head of a family  
allowed 300 a-  
cres without  
further charge  
than office fees,  
and to purchase  
for the rest of  
his family.  
Provifo.

Not more than  
1000 acres to be  
granted to any  
one person who  
shall live on and  
cultivate a part  
thereof twelve  
months before  
he is entitled to  
a grant.

Engagements to  
the soldiery.

The governor  
to grant war-  
rants on officers  
and soldiers cer-  
tificates for land  
agreeable to the  
quantity con-  
tained in each.  
No person to ob-  
tain a grant on  
head rights, or  
to sell land with-  
out actual set-  
tlement and cul-  
tivation of at  
least 3 acres for  
every hundred.

Surveyor gene-  
ral for the State,  
and a surveyor  
for the respec-  
tive counties to  
be annually ap-  
pointed by the  
legislature.

County survey-  
ors to lay out on  
warrants all  
lands applied for  
within their  
county.

The manner of  
passing the same  
into grants.

† May be paid in audited certificates by act of 1783, No. 283, sect. 3. By act of 1784, No. 289, sect. 6, the purchase money for land in Franklin and Washington payable only in gold and silver.

‡ Settlement and cultivation not necessary. See act of 1784, No. 289, sect. 17.

\* Now elected by the people in each county. See act of 1792, No. 475, sect. 47.



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No. 273.

Proviso.

Purchase money and office fees not being paid in 12 months from the date of the warrant the lands deemed lapsed.

Caveats against the passing of grants to be entered in the county surveyor's office, who is to give 30 days public notice thereof. The manner of laying the same. County surveyors to transmit monthly all plats with the warrants; and an account of all caveats to be laid before the governor.

A majority of justices in each county empowered to issue warrants on first Monday in each month at the place of holding superior courts.

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 to the secretary's office to be there sealed with the great seal and †registered; and then after 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 court.

V. *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 caveats shall be as follows: The justices of the county, or any three or more of them, shall, on the day succeeding the day on which they meet for the purpose of granting warrants for land, cause to be drawn and summoned out of the by-standers (being freeholders within this State) a jury of twelve men, who being duly sworn to try the matter according to law and equity, shall immediately proceed to try and give their verdict thereon, which shall be final and conclusive;† and the said county surveyors shall once in every month, when they respectively transmit to the surveyor general fair copies of plats, together with warrants as before directed, also transmit and send to the said surveyor general a regular account of all caveats, depending or determined in their respective counties, in order that the same may, from time to time, be laid before the honorable the governor and executive council, as a guide in respect to the signing of grants.

VI. *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, and according to justice and

† Not necessary to be registered. See act of 1786, No. 325, sect. 2.

\* The time of payment extended by act of 1785, No. 310, sect. 3.

† Appeal allowed to the governor and council by act of 184, No. 289, sect. 10. See also 16th section.

§ By act of 1783, No. 283, sect. 2. Any five including an assistant justice may hold land-court. The same powers vested in three or more common justices. Warrants to be signed by them all, by act of 1789, No. 422.



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. D. 1783.

No. 273.

To be signed by the senior justice present and attested by the clerk.

VII. *And be it further enacted*, That all and every person and persons before he, she, or they shall obtain a warrant or warrants for any land within this State, shall, on oath declare, before the said justices holding a court as aforesaid, that he, she or they hath, or have not taken up or obtained land in this State for the head rights or any of them at that time applied for. And also that he, she or they doth, or do not hold, nor have had granted under the present or former government to him, her or them, on head rights as aforesaid, any quantity of land exceeding one thousand acres, nor more land than together with what is at that time applied for, will make a quantity exceeding one thousand acres; and such person or persons shall also, at the same time, produce a certificate signed by two or more justices of the county he, she or they last 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 for the said county. *You are hereby authorized and required to admeasure and lay out, or cause to be admeasured and laid out unto C. D. a tract of land which shall contain* acres *in the said county of* (here describe the buttings and boundings of the land as particularly as may be) *taking special care that the same has not heretofore been laid out to any other person or persons, and you are hereby also directed and required to record the plat of the same in your office, and transmit a copy thereof, together with this warrant, to the surveyor general, within the term of three months\* from this date.*

Persons applying for warrants, are to be sworn before the justices.

The oath.

And to produce a certificate of their honesty and integrity.

Form of warrants.

*Given under my hand as senior justice of the said court, this* day of 1783."

VIII. *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.*"

Clerks of the land courts to keep regular books of entry. County surveyors to be sworn.

Form of the oath.

And such county surveyors respectively, shall give bond with approved security, in the penal sum of five hundred pounds specie,† to his honor the governor for the time being, conditioned for the good behavior in office, and true performance of the

And give bond and security to the governor in the penalty of £500.

\* Extended six months by act of 1785, No. 304, sect. 8. Further extended by act of 1786, No. 325.— Warrants never out of date, if surveyed within two years.

† Altered to £2000 by act of 1789, No. 422, sect. 4.



A. D. 1783. No. 273. Their duty punctually to carry into execution all orders and instructions of the surveyor general; And to wear all chain carriers.

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 misbehavior 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 to swear or cause to be sworn, all chain carriers within their respective counties.

All warrants issued since the revolution, and surveys thereupon to be returned to the court of justices where the land lies, subject to their order.

To be a rule with the justices and surveyors, that citizens entitled on 29th Decem. 1778, to grants of lands already run, by any law or order of the present government shall receive such grants free of further charge than office fees.

Proclamation of 1778, inviting settlers.

Persons *bona fide* entitled to grants of land under the terms of the same, and who have fixed some mark of possession thereon, or their legal representatives, to have preference, without further charge than office fees.

All surveys beyond the temporary boundary line declared void.

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

X. *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 on all and every case where it shall appear, that any person or persons is or are really and *bona fide* entitled under the terms of the said proclamation, to any grant or grants whereon he, she or they have fixed some mark of possession within the present temporary division line between the white inhabitants and the Indians, 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 anywise notwithstanding.

XI. *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

† See act of 1785, No. 304, sect. 7, as to right of preference in case of two grants.



porary line within this State, between the white inhabitants and the Indians belonging to the same, or on any part of the lands not already laid out into counties, but allowed to remain as hunting ground for the Indians at present, shall, and the same is and are hereby declared to be null and void to all intents and purposes, as though such surveys or lines had never been made; and all and every person or 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; and all and every such person and persons shall forfeit and pay a penalty of twenty shillings\* for every acre of land he, she or they shall so run or attempt to run, or obtain or attempt to obtain a grant for, which said penalty shall be recovered in any court of record or conscience (according to the amount thereof) within this State, and shall be for the use of any person or persons who will inform of and sue for the same, either by way of information or action; and if the person or persons against whom a judgment shall be obtained for any penalty as aforesaid, shall be unable to pay the same, or will not produce property whereon the sheriff may levy to the amount thereof, he, she or they shall be liable, and the justices of the county where such cause shall be tried, shall order him, her or them into close confinement, without bail or main-prize, 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.

A. D. 1783.  
No. 273.

Persons heretofore making or attempting to make such surveys to forfeit 20s. for every acre; how to be recovered and applied. On failure of payment may be committed to gaol.

XII. *And be it further enacted*, That the following shall be the form† of grants of land within this State:

The form of grants.

GEORGIA,

*By the Honorable A. B. Esquire, captain general, governor and commander in chief in and over the State.*

*To all to whom these presents shall come, GREETING:*

**Know Ye**, That in pursuance of the act for opening the land office, and by virtue of the powers in me vested, I have by and with the advice and consent of the 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 \_\_\_\_\_ acres, 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, in or out of the same, to have and to

\* Additional penalties imposed by act of 1787, No. 381, sect. 2. See also acts of 1785, No. 304, sect. 5, and of 1786, No. 325.

† The governor empowered to direct the form of grants by act of 1789, No. 422.



A. D. 1783. 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 the year of American Independence.

Signed by his honor the governor in council.

E. F. clerk council, the day of 178 .

That persons disposed to settle in this State may be acquainted with the limits and boundaries thereof, and to prevent mistake in the running of lands

XIII. And whereas it may so happen that persons emigrating from elsewhere and disposed to settle in this State, may not be sufficiently acquainted with the limits and boundaries of the same; and surveyors may wilfully or ignorantly commit mistakes in the running of lines, unless the said limits and boundaries be made known to them: In order therefore to inform and encourage all persons disposed to migrate into this State, to prevent mistakes and to remove every pretence for fraud in surveyors and others intrusted with the execution of this law, *Be it enacted, ordained and declared by the authority aforesaid*, That 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 Chatahoochee, and from the fork of the said river Apalachicola, where the Chatahoochee and Flint rivers meet in a direct line to the head or source of the southernmost stream of the river St. Mary's, and along the course of the said river St. Mary's 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 from 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 surveyor or other person or persons whatsoever, to survey, run or make lines upon the lands before described, as being allowed to the Indians for hunting ground, or any part or parcel thereof, before or until permission for that purpose shall be granted by the legislature, and made known by proclamation.

**Proviso.**

No surveyor or other person is empowered to run lands on Indian hunting grounds until permission be granted by the legislature.

Surveyor general and county surveyors how to be governed and directed.

XIV. 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



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.

N. W. JONES, *Speaker*.

Savannah, February, 1783.

A. D. 1783.

No. 273.

Rules, laws, &c. to be made known to them from time to time, by the legislature or executive body.

*An Act to point out the mode for the recovery of property unlawfully acquired under the British\* usurpation, and withheld from the rightful owners; and for other purposes therein mentioned.*

No. 274.

**W**HEREAS during the British usurpation in this State, divers persons under and by virtue of certain sales or other acts made and done under the pretended authority of the said usurpers, became possessed of negroes, household goods and other property belonging to some or other of the faithful citizens of this State. *And whereas*, notwithstanding it is well known to such persons, that on the restoration of lawful government, all acts, matters and things done under the pretended authority of an usurpation became null and void: Yet, nevertheless some of the said persons still unlawfully secrete, and hold and detain from their rightful owners the said negroes, household furniture and other property so acquired as 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 in all cases where any person or persons whatsoever, since the twenty-ninth day of December, in the year of our Lord one thousand seven hundred and seventy-eight, hath or have, under British usurpation, acquired or become possessed of any negroes, household goods, or other property not his, her, or their own, but of right belonging to some or other of the faithful citizens of this State, and so acquired by the said possessor or possessors thereof, either by purchase under any of the pretended marshal's sales or other proceedings of the said usurpation, or in any other way, or manner howsoever, other than by the gift or lawful sale of him, her, or them who was or were the rightful owner or owners thereof on the said twenty-ninth day of December, one thousand seven hundred and seventy-eight, or by a fair title regularly deduced from such owner or owners, by him, her or them voluntarily made and executed; (*Provided* that nothing herein contained shall extend to confirm any gift or sale made by any person named in the bill of attainder, or of any person who, during the usurpation, was or now is a British subject.) That all and every such person and persons shall within sixty days from and after the passing of this act restore and deliver up to the said rightful owner or owners all such negroes, household goods and other property so acquired as aforesaid, in case such owner or owners be known and shall be in the State, or shall demand, and prove the same to be his, her, or their right; but in case such owner or owners be not known to the said possessor or possessors as aforesaid, or shall not be within this State, then he, she or they the said possessor or possessors shall deliver into the secretary's office within the said sixty days a true

Preamble.

Enacted.

Property acquired under British usurpation, to be restored within 60 days to the rightful owner if known, unknown, an inventory thereof to be lodged in secretary's office or forfeit treble the value of such property. How to be applied.

Proviso.

L 1

and

\* See 6th sect. of 1785, No. 310.



A. D. 1783. and just inventory of all such negroes, household goods or other property, acquired as aforesaid, to the end justice may be done to individuals; and the said secretary is hereby directed and required to give free access, gratis, to such inventory, to all and every person or persons applying for the purpose of inspecting the same. And if any person or persons shall neglect or refuse to restore any negroes, household goods, or other property belonging to the citizens of this State, and under the description aforesaid, when demanded, or shall neglect or refuse to give an account thereof into the secretary's office of this State, as herein before directed, all and every such person or persons so offending, shall forfeit for every such offence treble the value of any such property so obtained and neglected to be delivered or restored or registered as aforesaid, to be recovered in any court of record or conscience within this State, by the person or persons injured or entitled to such property, or any other person or persons lawfully authorized, and who will sue for the same in behalf of such owner or owners.

All sales, &c. since the 29th Decem. 1788, of real estate acquired under the authority of the British usurpation declared void, and such estates re-vested in the proper owners.

II. *And be it further enacted*, That all pretended sales or transfers of any lands, lots, or other real estates, that may have taken place since the twenty-ninth day of December, one thousand seven hundred and seventy-eight, and acquired by any purchaser or purchasers under any pretended marshal's sales, or otherwise under and by virtue of the public authority of such British usurpation, are by this act declared to be null and void; and such lands, lots, or other real estates, to all intents and purposes, shall and are hereby held as of the estate and right of the last lawful possessor thereof, before the commencement of the said usurpation, any act of such usurpation to the contrary notwithstanding.

Governor to give public notification of this law by proclamation—persons failing to comply with the same, subject to criminal prosecution.

III. *And be it further enacted*, That his honor the governor shall within twenty days from and after the passing of this act, issue his proclamation, notifying this law, and also requiring, that in case any person or persons whatsoever, hath or have, since the eleventh day of July last past, possessed him or herself, or themselves of any negroes, household goods or other property, not belonging to him her or them, that such person or persons do within the time limited as aforesaid, restore and deliver up the same to the lawful and rightful owner or owners thereof, if an American citizen and known, or else register the same in the secretary's office as before directed, under pain of a criminal prosecution in case of neglect or refusal.

Public act.

IV. *And be it further enacted*, That this act shall be a public act, and given in evidence as such, in all courts within this State.

N. W. JONES, *Speaker*.

Savannah, February 17, 1783.

No. 275.

*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.*

WHEREAS 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, the inhabitants of this State, and others concerned



cerned 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, at 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, 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.

II. *And be it further enacted,* That this shall be considered as a public act, and taken notice of as such, in all courts whatsoever within this State, without being specially pleaded.

N. W. JONES, *Speaker.*

Savannah, February 17, 1783.

A. D. 1783.

No. 275.

Depreciation table or scale hereunto annexed, declared to be the true standard of depreciation of paper currency at the different periods by comparison with specie.

Public act.

A Table



A. D. 1783.

No. 275.

The table.

## A TABLE OF DEPRECIATION

*For settling contracts and debts made or due in Georgia currency from the first day 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.*

*Note.*—The figures on the right, in each column, are so many tenths.

1777.

Day	Jan.	Feb.	March.	April.	May.	June.	July.	August.	Sept.	October	Nov.	Dec.
1	100	112 1	123 1	135 4	144 4	153 7	163	173 9	184 8	195 4	226 4	256 4
2	100 4	112 5	123 5	135 7	144 8	154	163 3	174 2	185 1	196 4	227 4	257 4
3	100 7	112 9	123 9	136	145	154 3	163 7	174 6	185 5	197 4	228 4	258 4
4	101 1	113 3	124 3	136 3	145 3	154 6	164	174 9	185 8	198 4	229 4	259 4
5	101 5	113 7	124 7	136 6	145 6	155	164 4	175 3	186 2	199 4	230 4	260 4
6	101 9	114 1	125 1	136 9	145 9	155 2	164 7	175 6	186 5	200 4	231 4	261 4
7	102 3	114 5	125 5	137 2	146 2	155 5	165 1	176	186 9	201 4	232 4	262 4
8	102 7	114 9	125 9	137 5	146 5	155 8	165 4	176 3	187 2	202 4	233 4	263 4
9	103 1	115 3	126 3	137 8	146 8	156 1	165 8	176 7	187 6	203 4	234 4	264 4
10	103 5	115 7	126 7	138 1	147 1	156 4	166 1	177	187 9	204 4	235 4	265 4
11	103 9	116 1	127 1	138 4	147 4	156 7	166 5	177 4	188 3	205 4	236 4	266 4
12	104 3	116 5	127 5	138 7	147 7	157	166 8	177 7	188 6	206 4	237 4	267 4
13	104 7	116 9	127 9	139	148	157 3	167 2	178 1	189	207 4	238 4	268 4
14	105 1	117 2	128 3	139 3	148 3	157 6	167 5	178 4	189 4	208 4	239 4	269 4
15	105 5	117 6	128 6	139 6	148 6	157 9	167 9	178 8	189 7	209 4	240 4	270 4
16	105 9	118	129	139 9	148 9	158 2	168 2	179 1	190 1	210 4	241 4	271 4
17	106 2	118 4	129 4	140 2	149 2	158 5	168 6	179 5	190 4	211 4	242 4	272 4
18	106 6	118 8	129 8	140 5	149 5	158 8	168 9	179 8	190 8	212 4	243 4	273 4
19	107	119 2	130 2	140 8	149 8	159 1	169 3	180 2	191 1	213 4	244 4	274 4
20	107 4	119 6	130 6	141 1	150 1	159 4	169 6	180 6	191 5	214 4	245 4	275 4
21	107 8	120	131	141 4	150 4	159 7	170	180 9	191 8	215 4	246 4	276 4
22	108 2	120 4	131 4	141 7	150 7	160	170 3	181 3	192 2	216 4	247 4	277 4
23	108 6	120 8	131 8	142	151	160 3	170 7	181 6	192 5	217 4	248 4	278 4
24	109	121 2	132 2	142 3	151 3	160 7	171	182	192 9	218 4	249 4	279 4
25	109 4	121 6	132 6	142 6	151 6	161	171 4	182 3	193 2	219 4	250 4	280 4
26	109 8	122	133	142 9	151 9	161 4	171 8	182 7	193 6	220 4	251 4	281 4
27	110 2	122 4	133 4	143 2	152 2	161 7	172 1	183	193 9	221 4	252 4	282 4
28	110 6	122 8	133 8	143 5	152 5	162	172 5	183 4	194 3	222 4	253 4	283 4
29	111		134 1	143 8	152 8	162 4	172 8	183 7	194 6	223 4	254 4	284 4
30	111 4		134 5	144 1	153 1	162 7	173 2	184 1	195	224 4	255 4	285 4
31	111 7		134 9		153 4		173 5	184 4		225 4		286 4



A. D. 1783.

No. 275.

1778.

Day	Jan.	Feb.	March.	April.	May.	June.	July.	August.	Sept.	October	Nov.	Dec.
1	287 5	348 7	404 1	468 7	531 3	528 8	526 5	532 7	538 7	543 5	548 5	671 3
2	289 4	350 7	406 1	470 8	531 2	528 7	526 7	532 9	538 8	543 6	552 5	675 4
3	291 4	352 7	408 2	472 9	531 1	528 6	526 9	533 1	539 0	543 8	556 6	679 5
4	293 4	354 6	410 3	474 9	531 0	528 6	527 1	533 3	539 1	543 9	560 7	683 6
5	295 4	356 6	412 4	477 0	530 9	528 5	527 3	533 5	539 3	544 1	564 8	687 7
6	297 3	358 6	414 5	479 1	530 9	528 4	527 5	533 7	539 5	544 3	568 9	691 8
7	299 3	360 6	416 6	481 2	530 8	528 3	527 7	533 9	539 6	544 4	573 0	695 9
8	301 3	362 5	418 6	483 3	530 7	528 2	527 9	534 1	539 8	544 6	577 0	700 0
9	303 3	364 5	420 7	485 4	530 6	528 2	528 1	534 3	539 9	544 7	581 2	704 1
10	305 2	366 5	422 8	487 5	530 5	528 1	528 3	534 5	540 1	544 9	585 3	708 2
11	307 2	368 5	424 9	489 5	530 5	528 0	528 5	534 7	540 3	545 1	589 4	712 3
12	309 2	370 4	427 0	491 6	530 4	527 9	528 7	534 9	540 4	545 2	593 5	716 3
13	311 2	372 4	429 1	493 7	530 3	527 9	528 9	535 1	540 6	545 4	597 6	720 4
14	313 1	374 4	431 2	495 8	530 2	527 8	529 1	535 3	540 7	545 5	601 7	724 5
15	315 1	376 4	433 2	497 9	530 1	527 7	529 3	535 5	540 9	545 7	605 8	728 6
16	317 1	378 3	435 3	500 0	530 1	527 6	529 5	535 7	541 1	545 9	609 9	732 7
17	319 1	380 3	437 4	502 0	530 0	527 5	529 7	535 9	541 2	546 0	614 0	736 8
18	321 0	382 3	439 5	504 1	529 9	527 5	529 9	536 1	541 4	546 2	618 1	740 9
19	323 0	384 3	441 6	506 2	529 8	527 4	530 1	536 3	541 5	546 3	622 2	745 0
20	325 0	386 3	443 7	508 3	529 8	527 3	530 3	536 5	541 7	546 5	626 3	749 1
21	327 0	388 2	445 8	510 4	529 7	527 2	530 5	536 7	541 9	546 7	630 4	753 2
22	328 9	390 2	447 8	512 5	529 6	527 1	530 7	536 9	542 0	546 8	634 4	757 3
23	330 9	392 2	449 9	514 6	529 5	527 0	530 9	537 1	542 2	547 0	638 5	761 4
24	332 9	394 2	452 0	516 6	529 4	526 9	531 1	537 3	542 3	547 1	642 6	765 5
25	334 9	396 1	454 1	518 7	529 4	526 8	531 3	537 5	542 5	547 3	646 7	769 6
26	336 9	398 1	456 2	520 8	529 3	526 7	531 5	537 7	542 7	547 5	650 8	773 7
27	338 8	400 1	458 3	522 9	529 2	526 7	531 7	537 9	542 8	547 6	654 9	777 8
28	340 8	402 1	460 3	525 0	529 1	526 7	531 9	538 1	543 0	547 8	659 0	781 9
29	242 8		462 4	527 1	529 0	526 6	532 1	538 3	543 1	547 9	663 1	786 0
30	344 8		464 5	529 2	529 0	526 6	532 3	538 5	543 3	548 1	667 2	790 1
31	346 7		466 6		529 9		532 5	538 6		548 3		794 2



A. D. 1783.

No. 275.

1779.

Day.	Jan.	Feb.	March.	April.	May.	June.	July.	August.	Sept.	October.	Nov.	Dec.
1	1596 6	1911 0	2247 4	2591 4	2566 4	2653 4	3075 2	3636 8	4031 8	3985 6	4895 4	5660 2
2	1606 6	1923 0	2258 4	2590 6	2569 2	2667 4	3093 2	3649 4	4030 2	4014 8	4919 8	5695 6
3	1616 8	1935 0	2269 6	2589 8	2572 0	2681 4	3111 4	3662 2	4028 6	4044 2	4945 4	5731 0
4	1627 0	1947 0	2280 6	2589 0	2574 8	2695 4	3129 6	3675 0	4027 0	4073 4	4970 8	5766 4
5	1637 0	1959 0	2291 8	2588 2	2576 6	2709 6	3147 6	3687 0	4025 6	4102 8	4996 4	5801 8
6	1647 2	1971 0	2303 2	2587 4	2580 4	2723 6	3165 8	3700 4	4024 0	4132 2	5022 0	5837 2
7	1657 4	1983 0	2314 0	2586 6	2583 2	2737 6	3183 8	3713 2	4022 4	4161 4	5047 4	5872 6
8	1667 4	1995 0	2325 0	2585 8	2586 0	2751 8	3202 0	3725 8	4021 0	4190 8	5073 0	5908 0
9	1677 6	2007 0	2336 2	2585 0	2588 8	2765 8	3220 0	3738 6	4019 4	4220 0	5098 4	5943 4
10	1687 8	2019 0	2347 2	2584 2	2591 6	2779 8	3238 2	3751 4	4017 8	4249 4	5124 0	5978 8
11	1698 0	2031 0	2358 4	2583 4	2594 4	2794 0	3256 4	3764 2	4016 4	4278 8	5149 6	6014 2
12	1708 0	2043 0	2369 4	2582 6	2597 2	2808 0	3274 4	3776 8	4014 8	4308 0	5175 0	6049 6
13	1718 2	2055 0	2380 6	2581 8	2600 0	2822 0	3292 6	3789 6	4013 2	4337 4	5200 6	6085 0
14	1728 4	2067 0	2391 6	2581 0	2602 8	2836 0	3310 8	3802 4	4011 6	4366 6	5226 0	6120 4
15	1738 6	2079 0	2402 8	2580 2	2605 6	2850 2	3328 8	3815 0	4010 2	4396 0	5251 6	6155 8
16	1748 6	2091 0	2413 8	2579 4	2608 4	2864 2	3347 0	3827 8	4008 6	4425 4	5277 0	6190 2
17	1758 8	2103 0	2425 0	2578 6	2611 2	2878 2	3365 0	3840 6	4007 0	4454 6	5302 6	6226 6
18	1769 0	2115 0	2436 0	2577 8	2614 0	2892 4	3383 2	3853 2	4005 6	4484 0	5328 2	6262 0
19	1779 0	2127 0	2447 2	2577 0	2616 8	2906 4	3400 2	3866 0	4004 0	4513 2	5353 6	6297 4
20	1789 2	2139 0	2458 2	2576 2	2619 6	2920 4	3419 4	3878 8	4002 4	4542 4	5379 2	6332 8
21	1799 4	2151 0	2468 6	2575 4	2622 4	2934 4	3437 6	3891 6	4001 6	4572 0	5404 6	6368 2
22	1809 4	2163 0	2480 4	2574 6	2625 2	2948 4	3455 6	3904 2	3999 4	4601 2	5430 2	6403 6
23	1819 6	2175 0	2491 6	2573 8	2628 0	2962 6	3473 8	3917 0	3997 8	4630 6	5455 8	6439 0
24	1829 8	2187 0	2502 6	2573 0	2630 8	2976 6	3491 8	3929 8	3996 2	4659 8	5481 2	6474 4
25	1840 0	2199 0	2513 8	2572 2	2633 6	2990 6	3510 0	3942 4	3994 8	4689 2	5506 8	6509 8
26	1850 0	2211 0	2524 8	2571 4	2636 4	3004 8	3528 2	3955 2	3993 2	4718 6	5532 2	6545 2
27	1860 2	2223 0	2536 0	2570 6	2639 2	3018 8	3546 2	3968 0	3991 6	4747 8	5557 8	6580 6
28	1870 4	2235 2	2547 0	2569 8	2642 0	3032 8	3564 4	3980 6	3990 2	4777 2	5583 4	6616 0
29	1880 4		2558 2	2569 0	2644 8	3047 0	3582 4	3992 0	3988 6	4806 4	5608 8	6651 4
30	1890 6		2569 2	2568 2	2647 6	3061 0	3600 6	4006 2	3987 0	4835 8	5634 4	6686 8
31	1900 8		2580 4		2650 4		3618 8	4019 0		4865 2		6722 0

1780.

Day.	Jan.	Feb.	March.	April.	May.	June.	Day.	Jan.	Feb.	March.	April.	May.
1	6756 6	8748 8	9765 0	11648 2	16170 2	16229 4	17	7784 6	9308 8	10734 8	14058 8	16200 6
2	6820 2	8783 8	9825 6	11798 8	16172 0		18	7849 0	9343 8	10795 6	14210 6	16202 6
3	6885 0	8818 8	9886 4	11949 6	16174 0		19	7913 2	9378 8	10856 4	14361 2	16204 4
4	6949 2	8853 8	9947 2	12100 2	16175 8		20	7977 4	9413 8	10917 2	14512 0	16206 4
5	7013 6	8888 8	10007 8	12251 0	16177 8		21	8041 8	9448 8	10977 8	14662 8	16208 4
6	7077 8	8923 8	10068 6	12401 8	16179 6		22	8106 0	9483 8	11038 6	14813 4	16210 2
7	7142 0	8958 8	10129 4	12552 4	16181 6		23	8170 2	9518 8	11099 4	14964 2	16212 2
8	7206 4	8993 8	10190 2	12703 2	16183 4		24	8234 4	9553 8	11160 2	15115 0	16214 0
9	7270 6	9028 8	10250 8	12854 0	16185 4		25	8298 8	9588 8	11220 8	15265 6	16216 0
10	7334 8	9063 8	10311 6	13004 6	16187 2		26	8363 0	9623 8	11281 6	15416 4	16217 8
11	7399 2	9098 8	10372 4	13155 4	16189 2		27	8427 2	9658 8	11342 4	15567 2	16219 8
12	7463 4	9133 8	10433 2	13306 2	16191 2		28	8491 6	9693 8	11403 0	15717 8	16221 6
13	7527 6	9168 8	10492 6	13456 8	16193 0		29	8555 8	9728 8	11463 8	15868 6	16223 6
14	7591 8	9203 8	10552 6	13607 6	16195 0		30	8620 0		11524 6	16019 4	16225 4
15	7656 2	9238 8	10613 4	13758 4	16196 8		31	8684 4		11585 4		16227 4
16	7720 4	9273 8	10674 2	13909 0	16198 8							



THE TABLE OF DEPRECIATION,

A. D. 1783.

For settling contracts and debts made or due in continental currency,

No. 275.

From the first day of January, one thousand seven hundred and seventy-nine, to the first of June, one thousand seven hundred and eighty.

1779.

Day.	Jan.	Feb.	March.	April.	May.	June.	July.	August.	Sept.	October.	Nov.	Dec.
1	798 3	955 5	1123 7	1295 7	1283 2	1326 7	1537 6	1818 4	2015 9	1992 8	2447 7	2830 1
2	803 3	961 5	1129 2	1295 3	1284 6	1333 7	1546 6	1824 7	2015 1	2007 4	2459 9	2847 8
3	808 4	967 5	1134 8	1294 9	1286 0	1340 7	1555 7	1831 1	2014 3	2022 1	2472 7	2865 5
4	813 5	973 5	1140 3	1294 5	1287 4	1347 7	1564 8	1837 5	2013 5	2036 7	2485 4	2883 2
5	818 5	979 5	1145 9	1294 1	1288 8	1354 8	1573 8	1843 5	2012 8	2051 4	2498 2	2900 9
6	823 6	985 5	1151 4	1293 7	1290 2	1361 8	1582 9	1850 2	2012 0	2066 1	2511 0	2918 6
7	828 7	991 5	1157 0	1293 3	1291 6	1368 8	1591 9	1856 6	2011 2	2080 7	2523 7	2936 3
8	833 7	997 5	1162 5	1292 9	1293 0	1375 9	1601 0	1862 9	2010 5	2095 4	2536 5	2954 0
9	838 8	1003 5	1168 1	1292 5	1294 4	1382 9	1610 0	1869 3	2009 7	2110 0	2549 2	2971 7
10	843 9	1009 5	1173 6	1292 1	1295 8	1389 9	1619 1	1875 7	2008 9	2124 7	2562 0	2989 4
11	849 0	1015 5	1179 2	1291 7	1297 2	1397 0	1628 2	1882 1	2008 2	2139 4	2574 8	3007 1
12	854 0	1021 5	1184 7	1291 3	1298 6	1404 0	1637 2	1888 4	2007 4	2154 0	2587 5	3024 8
13	859 1	1027 5	1190 3	1290 9	1300 0	1411 0	1646 3	1894 8	2006 6	2168 7	2600 3	3042 5
14	864 2	1033 5	1195 8	1290 5	1301 4	1418 0	1655 3	1901 2	2005 8	2183 3	2613 0	3060 2
15	869 3	1039 5	1201 4	1290 1	1302 8	1425 1	1664 4	1907 5	2005 1	2198 0	2625 8	3077 9
16	874 3	1045 5	1206 9	1289 7	1304 2	1432 1	1673 5	1913 9	2004 3	2212 7	2638 5	3095 1
17	879 4	1051 5	1212 5	1289 3	1305 6	1439 1	1682 5	1920 3	2003 5	2227 3	2651 3	3113 3
18	884 5	1057 5	1218 0	1288 9	1307 0	1446 2	1691 6	1926 6	2002 8	2242 0	2664 1	3131 0
19	889 5	1063 5	1223 6	1288 5	1308 4	1453 2	1700 1	1933 0	2002 0	2256 6	2676 8	3148 7
20	894 6	1069 5	1229 1	1288 1	1309 8	1460 2	1709 7	1939 4	2001 2	2271 3	2689 6	3166 4
21	899 7	1075 5	1234 7	1287 7	1311 2	1467 2	1718 8	1945 8	2000 5	2286 0	2702 3	3184 1
22	904 7	1081 5	1240 2	1287 3	1312 6	1474 2	1727 8	1952 1	1999 7	2300 6	2715 1	3201 8
23	909 8	1087 5	1245 8	1286 9	1314 0	1481 3	1736 9	1958 5	1998 9	2315 3	2727 9	3219 5
24	914 9	1093 5	1251 3	1286 5	1315 4	1488 3	1745 9	1964 9	1998 1	2329 9	2740 6	3237 2
25	920 0	1099 5	1256 9	1286 1	1316 8	1495 3	1755 0	1971 2	1997 4	2344 6	2753 4	3254 9
26	925 0	1105 5	1262 4	1285 7	1318 2	1502 4	1764 1	1977 6	1996 6	2359 3	2766 1	3272 6
27	930 1	1111 5	1268 0	1285 3	1319 6	1509 4	1773 1	1984 0	1995 8	2373 9	2778 9	3290 3
28	935 2	1117 6	1273 5	1284 9	1321 0	1516 4	1782 2	1990 3	1995 1	2388 6	2791 7	3308 0
29	940 2		1279 1	1284 5	1322 4	1523 5	1791 2	1996 0	1994 3	2403 2	2804 4	3325 7
30	945 3		1284 6	1284 1	1323 8	1530 5	1800 3	2003 1	1993 5	2417 9	2817 2	3343 4
31	950 4		1290 2		1325 2		1809 4	2009 5		2432 6		3361 0

1780.

Day.	Jan.	Feb.	March.	April.	May.	June.	Day.	Jan.	Feb.	March.	April.	May.
1	3378 3	4374 4	4882 5	5824 1	8085 1	8114 7	17	3892 3	4654 4	5367 4	7029 4	8100 3
2	3410 4	4391 9	4912 8	5899 4	8086 0		18	3924 5	4671 9	5397 8	7105 3	8101 3
3	3442 5	4409 4	4943 2	5974 8	8087 0		19	3956 6	4689 4	5428 2	7180 6	8102 2
4	3474 6	4426 2	4973 6	6050 1	8087 9		20	3988 7	4706 5	5458 6	7256 0	8103 2
5	3506 8	4444 4	5003 9	6125 5	8088 9		21	4020 9	4724 4	5488 9	7331 4	8104 2
6	3538 9	4461 9	5034 3	6200 9	8089 8		22	4053 0	4741 9	5519 3	7406 7	8105 1
7	3571 0	4479 4	5064 7	6276 2	8090 8		23	4085 1	4759 4	5549 7	7482 1	8106 1
8	3603 2	4496 9	5095 1	6351 6	8091 7		24	4117 2	4776 9	5580 1	7557 5	8107 0
9	3635 3	4514 4	5125 4	6427 0	8092 7		25	4149 4	4794 4	5610 4	7638 8	8108 0
10	3667 4	4531 9	5155 8	6502 3	8093 6		26	4181 5	4811 9	5640 8	7708 2	8108 9
11	3699 6	4549 4	5186 2	6577 7	8094 6		27	4213 6	4829 4	5671 2	7783 6	8109 9
12	3731 7	4566 9	5216 6	6653 1	8095 6		28	4245 8	4840 9	5701 5	7858 9	8110 8
13	3763 8	4584 4	5246 3	6728 4	8096 5		29	4277 9	4864 4	5731 9	7934 3	8111 8
14	3795 9	4601 9	5276 3	6803 8	8097 5		30	4310 0		5762 3	8009 7	8112 7
15	3828 1	4619 4	5306 7	6879 2	8098 4		31	4342 2		5792 7		8113 7
16	3860 2	4636 9	5337 1	6954 5	8099 4							



A. D. 1783. *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.*

No. 276.

Preamble.

**W**HEREAS 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, in the year of our Lord 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.

Enacted.

Purchasers of confiscated property under act of 1782, allowed a certain time to repent of their bargains and relinquish the same, without interest, costs or charges.

Those not chusing to relinquish purchases, permitted to pay the purchase money and interest in certificates of any denomination, within a year, instead of gold and silver coin.

II. *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, (founded on some law or resolve of the assembly) of any denomination whatsoever, under the hand of the present, or of the last, or of 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



transferred (though not appearing on the face thereof to be negociable) 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.

III. *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 so 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.

IV. *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, (founded 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

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The interest money to be paid into the treasury, and to form a contingent fund.

Commissioners herein named when to proceed to sell in manner pointed out by the act of confiscation.

Proviso. Conditions of sale four years credit for personal and seven years for real estate.

Half the purchase money and interest thereof in gold or silver coin; the other half and interest in certificates.



A. D. 1783. (though not appearing on the face thereof to be negociable) 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.

No. 276.

Proviso.

If paid within  
one year from  
the date, other-  
wise the whole  
to be in gold  
and silver and  
nothing else.

Persons holding certificates or audited accounts allowed a certain time to exchange them for a new denomination of indented certificates.

V. *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.

Form thereof.

VI. *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:

STATE OF GEORGIA.

No.

}

By his honor A. B. Esquire, 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 29th 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 act of assembly, this      day  
of      178

Counterfigned by  
E. F. *Treasurer.*

Which



Which said certificates, 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 or silver coin, at the present current rates in Savannah, yearly and every year, on the day of the date of the said certificates respectively.

VII. *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 for ever precluded from the said demands, and the public shall not be liable to make provision for payment of the same at any time hereafter.

VIII. *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 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.

*Present.*

IX. *And be it further enacted by the authority aforesaid,* That when, and as soon as sale shall be made of all the said 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 the sales, and all other matters respecting

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No. 276.

A funded debt against the State to be redeemable in 7 years bearing interest at 7 *per cent.* to be paid annually in gold or silver.

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

Purchasers to comply with the terms of sale in three days or the property to be re-sold at their loss.

To give an obligation at the time of purchase.

Form thereof.

Commissioners to lay their proceedings before the house of assembly.



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No. 276.

Bonds, mortgages, &c. to the amount of £103,889 16 6 sterling, appropriated as a fund for sinking this State's quota of the national debt.

The interest accruing to be regularly remitted by the governor and council to the continental treasury.

Appropriations towards the payment of the French, Dutch, and domestic debt.

The residue of bonds, &c. a fund appropriated for the redemption of the funded debt and the interest before mentioned.

In case of deficiency, to pay the annual interest; the same to be supplied by unlocated lands or taxes, etc.

ing or concerning the same; and the said house of assembly, after having examined the said state or account, shall, at the 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 six-pence 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 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.

X. *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 charges 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 become due in four years after a peace; and of one million more of livres, (being the tenth part of the Dutch debt) which become 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.

XI. *And be it 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 six-pence, 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.

XII. *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



and eight thousand, eight hundred and eighty-nine pounds, sixteen shillings 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 supply 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.

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XIII. *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 or silver coin, and nothing else.

All other debts contracted since 1st Jan. 1782, on any account, except confiscated property, to be paid in gold or silver coin, and nothing else.

XIV. *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 already 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 Davies, Benjamin Andrew, Charles Odingells, and Lachlan M'Intosh, esquires, 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 certificates 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

Claims against confiscated estates to be no longer sued.

Proviso.

A board of commissioners appointed to settle and finally adjust all such claims, and to give certificates of amount due.

The governor to give certificates in the aforesaid form, in lieu thereof.

Clerk of the board.

advance



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His fees.

Proviso.

Certificates not to be issued until the sales are completed, and not for more than the several estates.

Estates being insolvent—creditors to be paid in equal proportion.

Proviso.

Nothing in this act to affect the jurisdiction of the courts, where titles of real or personal estate is in question.

The auditor to refer doubtful cases to the said board, from whom there is to be no appeal.

Costs how to be paid.

All certificates issued by commissaries and other officers for provisions, &c. to be laid before the said board. Such officers exempt from suit on account of the same.

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

XV. *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.

XVI. *And be it further enacted by the authority aforesaid*, That where certificates for provisions or other necessities 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 aforementioned, who shall in like manner finally decide on 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.

XVII. *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



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 all 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 past; 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.

XVIII. *And be it further enacted by the authority aforesaid*, That Charles Odingsfells, Hugh Lawson, and Abraham Ravott, 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 dying, 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.

XIX. *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 pound sterling, at such time or 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.

XX. *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.

XXI. *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

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Further time of twelve months allowed for exhibiting claims against confiscated estates.

And accounts audited within that time to be upon a footing with those already audited.

Odingsfells, Lawson, and Ravott appointed commissioners of confiscated estates—allowed one *per cent.* in lieu of all charges.

The governor to fill all vacancies in the board

Governor and council empowered to direct sales to the amt. of £2000 sterling, for certain purposes.

Liquidated accounts of officers and soldiers of the Georgia line, to be received as specie, and 12 and a half per cent. thereon allowed for prompt payment.

Proviso. Payments to be made within 12 months.



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So much of the  
confiscation act  
as is repugnant  
to this, repeal-  
ed, the rest de-  
clared to be in  
full force.

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 declared to be 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.

Public act.

General issue to  
be pleaded:

XXII. *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.

WILLIAM GIBBONS, *Speaker.*

Savannah, July 29, 1783.

No. 277.

*An Act to amend an Act for laying out a road from the north-west road through Newington Village to Bryan's Cowpen.*

July 29, 1783.

No. 278.

*An Act for enforcing the payment of arrears of taxes, and duties, and for imposing a tax on all goods, wares, and merchandize, and negro slaves sold at vendue.*

*Part obsolete, and the rest repealed by act of 1794, No. 508.*

July 29, 1783.

No. 279.

*An Act to continue the several laws of this State near expiring, and for other purposes therein mentioned.*

Preamble.

Enacted.

That certain acts  
passed before the  
revolution be fur-  
ther continued, viz.

An act for better  
regulating taverns  
etc. passed 27th  
March, 1759.

An additional act,  
passed 25th March,  
1759.

**W**HEREAS 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 twenty-seventh day of March, in the year of our Lord one thousand seven hundred and fifty-nine, for the better regulating taverns, punch houses, and retailers of spirituous liquors; and also an additional act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five; and also an act

\* Repealed with the additional act by act of 1791, No. 459.



*act*, passed the eleventh day of April, one thousand seven hundred and sixty-eight, for regulating the assize of bread; and also *an act*,† passed the twenty-ninth day of March, one thousand seven hundred and fifty-nine, to prevent masters of vessels from carrying off persons in debt from this State, (then province) and which was amended and further continued by an *act*, entitled “*An Act to amend an act to prevent masters of vessels from carrying off persons in debt from this State (then province),*” passed the first day of May, one thousand seven hundred and sixty; 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 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; and also *an act*‡ to oblige masters of vessels and other transient persons importing negroes or other slaves, goods, wares, and merchandize, to pay tax for the same, and to compel the persons directed to receive the same, to give security for the due performance of their office, and for the monies that may be received by them by virtue of an *act* of the State, passed the twenty-ninth day of September, one thousand seven hundred and seventy-three; 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 fire-wood, 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 fire-wood,*” passed the twenty-fourth day of December, one thousand seven hundred and sixty-eight; also *an act* passed twenty-sixth day of March, one thousand seven hundred and sixty-seven, to regulate the making of cypress, oak, and pine lumber, staves and shingles, and to ascertain the quality thereof; and also *an act* passed the seventh day of April, one thousand seven hundred and sixty-three, for regulating a work house, 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 work house for the custody and punishment of negroes,*” passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven; 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 persons 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* to regulate the wharves, 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*”

N n

(then

A. D. 1783.  
No. 279.

An *act* for regulating the assize of bread, passed 11th April, 1768.

To prevent masters of vessels from carrying off persons in debt, &c. passed 29th March, 1759.

To amend the above *act*, passed 1st May, 1760.

To prevent persons throwing ballast or rubbish into the rivers, &c. passed 7th April, 1763.

To amend the said *act*, passed 25th March, 1765.

To oblige masters of vessels and other transient persons importing negroes &c. to pay tax, passed 29th September, 1773.

To punish seamen, &c. neglecting or deserting their duty, passed 6th March, 1766.

To amend the said *act*, passed 24th Dec. 1768.

To regulate the making of cypress, oak and pine lumber &c. passed 26th March, 1767.

For regulating a work house, &c. passed 7th April, 1763.

To amend and continue the said *act*, passed 26th March, 1767.

For establishing and regulating patrols, passed 18th November, 1765.

To regulate the wharves and shipping, etc. passed 12th March, 1764.

† This, together with the amending *act* rendered obsolete by the Fed. Const.

§ Repealed by *act* of 1790, No. 445.

‡ Obsolete.



A. D. 1783.  
No. 279.

For granting a duty upon raw neat hides, and preventing exportation of unmerchable leather. For appointing inspectors of tobacco and to prevent exportation of unmerchable tobacco, passed 10th May, 1770.

For regulating the pilotage of vessels, passed 4th March, 1762.

To prevent stealing of horses, etc. passed 29th Dec. 1773.

The said acts severally to continue and be in force until repealed.

The public records being out of the State to prevent their falling into the hands of the enemy.

All laws passed prior to 29th December, 1778, which are or may be near expiring, and not repugnant to the constitution, or temporary, are declared to be in full force until repealed.

(then province) and for keeping clear the channels of the same;" also *an act*\* for granting a duty upon raw neat hides, exported from this State (then province) and for preventing the exportation of unmerchable tanned leather; also *an act*† for appointing inspectors of tobacco, and to prevent the exportation of bad and unmerchable tobacco, passed the tenth day of May, one thousand seven hundred and seventy; also *an act* for regulating the pilotage of vessels into the several ports of this State (then province) passed the fourth day of March, one thousand seven hundred and sixty-two; 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.

II. *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 whereof, *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. §

### III. *Obsolete.*

WILLIAM GIBBONS, *Speaker.*

*Savannah, July 30, 1783.*

\* *Obsolete.*

† Repealed by act of 1791, No. 431.

‡ Repealed so far as respects horses, by act of 1791, No. 447.

§ See act of 1784, No. 287.

No. 280.

*An Act to impose 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 1783.*

July 31, 1783.

*Obsolete.*

No. 281.

*An Act to empower certain commissioners herein appointed to regulate the hire of porters, and labor of slaves in the town of Savannah, and for other purposes therein mentioned.*

July 31, 1783.

*Obsolete.*

*An*



*An Act for the 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.* A. D. 1783.  
No. 282.

**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 Burns, William Glascock and Samuel Jack, Esquires, 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.

II. *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.\*

III. *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 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.

IV. *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 the 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 of the building said church, shall be, and they hereby are

Preamble.  
Augusta.

The terms of sale of public lots under act of 1780 not being fulfilled, such lots reverted in the State.

Commissioners named and appointed again to lay off and sell the same.

Terms of sale, one fourth cash, one fourth payable in one year, two fourths in three years; purchasers to give bond and security for principal and interest 7 per cent. and mortgage.

And to build thereon in two years, or forfeit the lots, which shall again become the property of the State.

Public seminary of learning.

One lot to be reserved for a church, and ten for public uses.

vested.

\* Further time allowed for payment, see act of 1786, No. 352.



A. D. 1783.

No. 232.

The monies arising from the sales vested in the commissioners or trustees for the use of the church and academy, and to their heirs and successors in office for ever.

Trustees to make titles, receive such monies, and may make loans thereof at interest, &c.

The said commissioners or trustees to render an account of their proceedings annually to the executive; may be displaced for mal-practice.

Empowered to erect an academy, and to make all necessary rules and regulations.

Public ferry under direction of the commissioners subject to regulations of the legislature.

Town of Washington in Wilkes county. Commissioners named and appointed to lay out and to sell the reverted lots in the said town on the same terms and in like manner as those of Augusta.

The monies arising vested in them and their successors in office as trustees to be applied towards erecting a free school for the said county and a church.

vested in the hands and power of the 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 for ever, in trust for the sole use of the said church and academy or seminary.

V. *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.

VI. *And be it further enacted*, That the said commissioners or trustees 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.

VII. *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.

VIII. *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.

IX. *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*, That Stephen Heard, Micajah Williamson, Robert Harper, Daniel Coleman, and Zachariah Lamar, Esquires, 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 commis-

sioners



sioners and their successors in office, for ever, 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.

X. *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 vacancy; 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.

XI. *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 a 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 public 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.

XII. *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 the said academy, such tract or tracts of vacant land they may apply for, not exceeding the quantity of two thousand acres.

XIII. *And be it further enacted*, That on application by 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.

XIV. *And be it further enacted*, That on application from any person or persons duly authorized by the respective counties,\* his honor the governor shall be, and he

is

\* Chatham county appears to be excepted as to this provision by act of 1788, No. 388, in which other and more liberal endowments are made to the academy of that county.

A. D. 1783.

No. 282.

Subject to like examination, to make titles, and to exercise like powers respecting the school and funds at Washington as the trustees of Augusta.

Vacancies to be filled, and their accounts examined by the executive.

Allowed a clerk and to make adequate compensation.

Commissioners named and appointed to lay out a town in Burke county, *Waynesborough*, with powers to make sale of lots not exceeding two hundred, for public buildings, &c.

The governor empowered to grant 2000 acres land to the trustees for the use of the said academy.

1000 acres for use of the free school at Washington.

And on application of persons duly authorized may grant 1000 acres to the respective counties for free schools.



A. D. 1783. is hereby likewise empowered to grant one thousand acres of vacant land for erecting free schools in the above town of Washington.

No. 282.

Public act.

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

WILLIAM GIBBONS, *Speaker*.

Savannah, July 31, 1783.

No. 283.

*An Act to repeal and amend some part of an act, entitled "An act for opening the land office."*

Repeal of that part of the act for opening the land office which requires a majority of justices to issue warrants

**W**HEREAS it is found by experience that some part of the act for opening the land office does not answer the salutary purposes thereby intended, *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.

Any 5 or more, one of whom being an assistant justice, empowered to hold a land court on first Monday in every month at the place of holding the superior courts, and constitute a board fully competent, &c.

II. *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.

Audited accounts to be received as specie in purchases of land under the aforesaid act.

III. *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 any account duly audited agreeable to law, that such 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 certificate be brought in and delivered to the treasurer within one year from and after the passing of this act, and not otherwise.

Proviso.

One year only allowed to paying them in.

Surveys of land on old warrants not granted.

IV. *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

\* The same power given to three common justices, by act of 1789, No. 422.



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 issuing of 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.

V. *And be it further enacted by the authority aforesaid*, That in all and every case where it shall be made appear to the satisfaction of his honor the governor, that the party applying for, and entitled to, any grant (to which the father or husband of him, her or them was entitled at any time before the twenty-ninth of December, which was in the year of our Lord, one thousand seven hundred and seventy-eight) is a minor under the age of twenty-one years, or a widow, and that such a widow became so since that period, and that the father of such minor or husband of such widow did actually in his life time, pay the cost or fees of his grant in the proper offices, that in all and every such case the said minor or widow shall be exonerated from all fees or cost, 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.

VI. *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 justices in and by the act for opening the land office as before mentioned.

WILLIAM GIBBONS, *Speaker*.

Augusta, August 1, 1783.

*An Act for ascertaining the qualifications necessary for the admission of attornies, solicitors and proctors in this State.*

February 20, 1784.

Repealed by act of 1789, No. 421.

A. D. 1783.  
No. 283.

Governor to issue his proclamation requesting residents of other States holding lands by such surveys to come in and settle the same in twelve months.

In default thereof such claims declared void, and the lands to surveyed to be vacant.

Provifo.

Persons applying for grants, to which the father or husband was entitled prior to 29th Dec. 1778, being a minor, or widow since that period, where office fees have been paid, shall have such grants free of further costs.

This act not to empower the justices of any county to hold more than one land court at the same time and place; the senior assistant justice present to be president.

A. D. 1784.  
No. 284.

An



A. D. 1784. *An Act to empower the governor and the executive council to issue special commissioners of  
No. 285. oyer and terminer to the chief justice and the assistant justices in the several counties  
within this State for the trial of criminals.*

February 24, 1784.

*Obsolete.*

No. 286. *An Act to regulate the Indian \*trade ; and for other purposes therein  
mentioned.*

Preamble.

**W**HEREAS the safety, welfare, and tranquillity of the State of Georgia, do  
in some measure depend on the maintaining a good correspondence between  
the citizens of this State, and the several nations of Indians in amity with the good  
people of the same ; *And whereas* many inconveniences have arisen from private persons  
claiming lands the property of this State, under pretence of certain purchases made by  
them from the Indians, which have given occasion for disputes with those people : For  
remedy whereof, and for preventing any differences and disputes with the Indians for  
the future, and also for preventing persons trading with them without license :

Enacted.

All contracts  
for land here-  
after made with  
Indians, except  
for the use of the  
State, to be void,  
and persons so  
offending to for-  
feit £100 for  
every offence.

I. *Be it enacted by the freemen of the State of Georgia in assembly met, and by the autho-  
rity of the same,* That from and after the passing of this act, if any person or persons  
whosoever shall attempt to purchase or contract for, or cause to be purchased or con-  
tracted for, or shall take or accept of a grant or conveyance of any lands, or tracts of  
lands, within the limits of the Indian hunting grounds in this State, from any Indian,  
or bodies of Indians, upon any pretence whatsoever, (except for the use of this State,  
and then under an act or resolve of the assembly of the same) every such purchase, con-  
tract, 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 hundred pounds sterling  
money, one half thereof to the use of this State, and the other half to him or them  
who shall sue for the same, by action of debt or information, in any superior court  
in this State, in which no unnecessary delay shall take place ; *Provided,* nothing herein  
contained shall extend or be construed to extend, so as to validate or confirm any ces-  
sion or cessions from the Indians to any person or persons whatever subsequent to the  
date of any act or acts passed under the former government of this State, then province  
previous to the nineteenth day of April, in the year of our Lord one thousand seven  
hundred and seventy five, but on the contrary to enforce so much of the said act as  
tends to prevent such cession or cessions to any private person or persons, and to annul  
and invalidate the same.

Proviso.

Nothing in this  
act to be con-  
strued to con-  
firm purchases  
heretofore  
made, but to  
enforce so much  
of the act passed  
under the form-  
er government,  
as tends to pre-  
vent such cessi-  
ons to private  
persons.

For preventing  
disturbances  
with Indians—  
no person allow-  
ed to trade with  
them without  
license, not to  
trespass on lands  
beyond the tem-  
porary line.

II. *And be it enacted by the authority aforesaid,* for the better preventing distur-  
bances among the Indians, by persons bartering with them in the woods, or hunting in  
their grounds, or in any other wise trespassing on the same, that from and after the  
passing of this act, it shall not be lawful for any person or persons to sell, truck, barter,

OF

\* This power is vested in the general government by the constitution of the United States.



or exchange with any Indian or Indians, any rum or other strong liquors, clothing, arms, ammunition, or any other thing whatsoever, privately in the woods, in their hunting grounds, or at cow-pens in the settlements, or at any other place other than at stores or houses licensed for that purpose, or shall hunt or trespass on the lands beyond the present temporary boundary line.

III. And for preventing of such offences, and punishment of such ill disposed person or persons, *Be it enacted by the authority aforesaid*, That every one so offending as aforesaid shall forfeit and pay, upon legal conviction before any superior court of this State, the sum of one hundred pounds sterling, one half thereof to be paid to him, her or them, who shall sue for and prosecute such offenders to conviction, and the other half into the public treasury of this State, for the use of the same; and if such offender shall not have sufficient effects whereon to levy such fine, then, in every such case, the offender shall suffer corporal punishment, by whipping, not exceeding thirty-nine lashes, on the bare back, to be inflicted by order of the judges of the superior court at which such offenders shall have been convicted; and the justices of the peace, upon complaint made of any such offence, are hereby authorized and required to bind over the offender, by recognizance, with sufficient sureties, for his appearance at the next superior court, to answer such action or information as shall then be brought or exhibited against him pursuant to this act, and, for want of sureties, to commit such offender to the common gaol.

Persons offending to forfeit £100. How to be applied—in default of payment to suffer corporal punishment.

Duty of justices of the peace to take cognizance of such offences, and bind over offenders to the superior court.

IV. *And be it further enacted by the authority aforesaid*, That from and after the passing this act, if any person or persons whatsoever (other than such as duly take out license or licenses from the governor and executive council of the said State, the form of which license is hereunto annexed) shall, directly or indirectly, trade, traffic or barter with any Indian or Indians, (except for the necessary supply of provisions in their passing or repassing to and from the nation) or shall presume to erect or set up any houses or huts on the lands reserved for the Indians as hunting grounds, or for their own use, shall be proceeded against as before directed.

Persons trading without license, or presuming to erect houses, huts, &c. on lands reserved for Indian hunting grounds to be proceeded against.

*The remainder of this act relates to trade with Indians.*

JAMES HABERSHAM, *Speaker.*

Savannah, February 25, 1784.

### *An Act for reviving and enforcing certain laws therein mentioned.*

No 287.

WHEREAS 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*

Preamble.

Enacted.

State



A. D. 1784.  
No. 287.

All laws in force on 14th May, 1776, not contrary to the constitution, laws, and form of government now established, declared to be in full force, until repealed, &c.

And also the common laws and certain statute laws of England.

All fines, &c. made payable by any of the said acts to the king, directed to be paid into the public treasury; and all authorities given to public officers, to be exercised by those appointed under this government.

*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 laws of England, and such of the statute laws as were usually in force in the said province, except as before excepted.*

II. *And be it further enacted by the authority aforesaid, That all fines, penalties and forfeitures inflicted, or made payable by any of theaforementioned 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.*

JAMES HABERSHAM, *President.*

*Savannah, February 25, 1784.*

No. 288.

*An Act for settling and ascertaining the fees to be taken by the several public officers, and persons herein after named.*

February 25.

*See act of 1790, No. 433.*

No. 289.

*An Act for laying out two more counties to the westward, and pointing out the mode of granting the same.*

Preamble.

**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 north-east from the Okunna mountains, thence in the same direction to Tugalo river, from thence on a direct line to the top of Currohee 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.*

Enacted.

Temporary line circumscribing Indian hunting grounds. The same particularly defined.



II. *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*.

A. D. 1784.  
No. 289.  
Two counties  
laid out.

Boundaries of  
Franklin.

III. The second county shall be bounded by a line beginning on 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 aforesaid lines shall be a county, and known by the name of *Washington*.

And of Wash-  
ington county.

IV. *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 apply-  
ing for lands in  
these counties,  
to prove their  
rights before  
the governor,  
or one assistant  
judge and two  
justices in the  
county where  
they reside.  
No person enti-  
tled to more  
than 1000 acres.

Surveyors to  
give preference  
to warrants first  
numbered.

V. *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 an 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 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.

Any citizen of this  
or of other States  
settling in this  
State, entitled to a  
warrant not ex-  
ceeding 1000 acres  
in the said coun-  
ties.

*Provido.*  
If they have not  
already taken up  
head rights.  
Office fees to be  
paid on application  
for warrants.

VI. *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

Persons so apply-  
ing for land to pay  
3s. per acre in gold  
or silver coin: one  
moiety in 2 years,  
and the other in 3  
years from the date  
of the warrant.

\* Exempt from purchase money as far as 1000 acres in Franklin and Washington; and in other counties as far as head rights. See act of 1785, No. 304, sect. 1. 2.



A. D. 1784. No. 257. *Shillings in gold or silver, that is to say in Mexican or Spanish milled dollars at four shillings and eight-pence each, and half Johannes's at thirty-seven shillings and four-pence 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 successor 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.*

*Proviso.*

*Bond and mortgage to be given of lands granted.*

*Person obtaining, &c. lands so granted, here to be exempt from taxation 3 years.*

VII. *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.*

*County surveyor to be appointed for each county, with power to appoint 6 deputies, laying off to each a separate district.*

VIII. *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 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 as are marked by natural boundaries.*

*Lines to be distinctly marked, and 2 stations to be made on each line, unless a natural boundary.*

*Certain petitioners of the State of Virginia.*

IX. *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.*

*Such of them as personally apply in terms of this act, entitled to a warrant of reserve for 15 months, but to settle and cultivate the same in the mean time, or such warrants to become void, &c.*

X.



X. *And be it further enacted by the authority aforesaid,* That all persons who have caveats depending in manner pointed out in the last land act passed at Savannah, the seventeenth of February, in the year of our Lord one thousand seven hundred and eighty-three, or such as may hereafter 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 on such caveats in manner and form as they think most conducive to justice, and from their decision there shall be no appeal.

A. D. 1784.  
No. 289  
Persons having caveats depending under last act of Feb. 1783 allowed to appeal to the governor & council, from whose decision there shall be no appeal.

XI. *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 for ever, on application for that purpose without any restriction or incumbrance (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 the land in any other part of the aforesaid counties.

All the lands between the north and south fork of Oconee up to the line: reserved 12 months for officers, seamen and soldiers, entitled by any resolution of congress, or act or resolution of this State, without restriction or incumbrance, office fees excepted.

Proviso.

XII. *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 advantage of the same, *Be it therefore enacted by the authority aforesaid,* That the county surveyors immediately after the 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, esquires, 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 the passing of this act make return to the trustees herein before mentioned of regular plots of all such tracts as he shall have laid out and surveyed by virtue of this act.

20,000 acres of land first quality, in 5000 acre tracts to be laid out in each county for the endowment of a college.

Vested in certain trustees, and their successors for the use of the same, with power to fill vacancies.

XIII. *And be it further enacted by the authority aforesaid,* That the land granted as aforesaid shall be exempted from taxes.

The land so granted exempt from taxes.

XIV.

\* The governor alone empowered to try appeals on caveats by act of 1789, No. 422.

† See further reserve by act of 1785, No. 304, sect. 10.



A. D. 1784.

No. 289.

Citizens of other States, how to obtain a reserve warrant not above 1000 acres for twelve months.

Proviso.

Officers, &c. entitled to bounties of land for services, to be allowed 15 acres in addition to each hundred in lieu of exemption from taxes.

The governor, or president with 3 or more of the council to open a land court at Augusta, for the purpose of granting out lands.

And to try caveats under this act.

Proviso.

Governor may sign grants for all surveys legally made within the late temporary line, without settlement etc.

XIV. *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 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 a 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.

XV. *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, in full, for and in lieu of any exemption from 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.

XVI. *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 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, and the honorable the president, 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 other the executive powers of government: *Provided nevertheless,* That nothing herein contained shall extend or be construed to excuse both the governor and the 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.

XVII. *And be it further enacted by the authority aforesaid,* That his honor the governor be requested to sign grants for all surveys of land that are or may be legally made



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. A. D. 1784. No. 287.

XVIII. *And be it further 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 restriction or delay whatsoever. Refugees and citizens of this State entitled to bounties:—how to obtain the same in the said counties.

XIX. *And be it 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. So much of former acts as is contrary to this, repealed.

JAMES HABERSHAM, *Speaker*.

Savannah, February 25, 1784.

\* Settlement and cultivation again required. See act of 1785, No. 304, sect. 3.

*An Act to compel persons who have, or hereafter may receive public money or effects, to account for the same.* No. 290.

WHEREAS, in the course of the present contest between the inhabitants of the United States of America and Great Britain, very great and large sums of money have been emitted by order of the legislature of this State, and very large and considerable sums have been advanced by congress for the use and carried to the debit of the same : *And whereas* many of the persons in whose hands such money has been deposited have refused or neglected to exhibit their accounts and vouchers, and to account for the expenditure of the same, notwithstanding the repeated resolves and orders of the legislature for that purpose : *In order therefore*, to compel the defaulters aforesaid, and every of them, and all others to whom the public money or effects of this State may have been advanced, either before or since the revolution, or who may be otherwise possessed thereof, and who ought to account for the same, to appear before the auditor appointed or to be appointed, by or in pursuance of this act, to attend the said auditor, and produce their accounts and vouchers and settle the same, and pay or deliver to the treasurer of this State the balance which may be respectively due to the State from such defaulter ; *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 auditor for the time being is hereby authorized with full power to collect, audit, liquidate, adjust and settle the accounts of such person or persons as have been or hereafter may be intrusted with, or have or may become possessed of the monies, goods or effects of this State, and who may be accountable for the same. To compel persons possessing public money, &c. to account for the same. The auditor is fully empowered to collect and audit all such accounts.

II. *And be it enacted by the authority aforesaid*, That the said auditor of accounts shall, before his entering upon the duties of the said office, take and subscribe in the presence of his honor the governor and executive council, the following oath, and After subscribing an oath in presence of the governor.



A. D. 1784.

No. 290.

The form there-  
of.The auditor to  
open an office,  
and may employ  
one clerk, and  
to give public  
notice of the  
place of holding  
the same.To keep pro-  
per books, dis-  
tinguishing  
therein accounts  
of the State from  
such as belong  
to the United  
States.Empowered to  
call before him  
by subpoena and  
examine on oath  
all necessary  
persons.Penalty on per-  
sons disobeying  
such subpoena.

and his honor the governor and executive council are hereby authorized and required to administer the same: "I, A. B. do swear, that I will truly and faithfully perform, do, and execute, the several duties required of me as auditor of accounts, to the best of my skill and abilities, and herein I will spare no person through fear, favor, or affection, nor grieve any through hatred or ill will."

III. *And be it enacted by the authority aforesaid,* That the said auditor is hereby directed and empowered to open an office for the purpose of regularly receiving, auditing, and settling the said accounts, and may have, or employ one accurate accountant or clerk, to assist him in the business hereby committed to him; and the said auditor shall give public notice of his appointment, and of the place where the said office shall be kept, by advertisement published in the gazette, and by like advertisement to be posted up in the most public places in the several counties of this State, requiring all persons who ought to account before the said auditor to attend at the said office and to produce their accounts and vouchers, and other evidence necessary to support and ascertain the same, within three months after the passing of this act: And that all persons who have received money, goods, or effects, do attend the said auditor, and comply with the directions of this act, under the pains and disabilities herein after provided; and the said auditor is hereby required to give such public notice immediately after the passing of this act.

IV. *And be it enacted by the authority aforesaid,* That the said auditor shall be, and he is hereby authorized to purchase and prepare proper and sufficient books, in which he shall enter all accounts by him settled, therein carefully distinguishing and separating all such accounts and charges as are the proper accounts of this State from such as belong to the account of the United States, or any of them.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said auditor, as often as occasion may require, to call before him by subpoena any person or persons who may be, or have been intrusted, or charged with receiving public money, goods, or effects, or any of them, or such other person or persons as may or can give information on the occasion; and such person or persons to examine on oath, or affirmation, touching the same; which oath or affirmation, he is hereby empowered to administer; and all persons subpoenaed as aforesaid are hereby enjoined to pay due obedience thereto, and every case of such evidence refusing or neglecting to obey such subpoena, he shall be subject to the penalty of one hundred pounds; and any person receiving money, goods, or effects, as aforesaid, and refusing or neglecting to obey such subpoena or summons from the auditor, then such person or persons so refusing or neglecting shall be liable to an action of debt, or other action, at the suit of the State, for the whole of the sum or sums of money, goods, chattels, or effects belonging to the public, which he ought to account for as aforesaid before the said auditor, and shall be forever debarred of setting off any charge or expenditure thereout, and from recovering any satisfaction for services done for the public, and shall be rendered, and is hereby declared incapable of being appointed to, or serving in any public office in this State, which shall be published in the newspaper; and the said auditor is hereby required



required to publish the same in the said gazette until such defaulter shall account for such public money, goods, or effects, and have a certificate thereof from the said auditor, who, after such settlement, is required to publish the same in the said newspaper, for the satisfaction of the public, and the acquittal of the individual, unless the said auditor shall, before the said term of three months be expired, certify in behalf of such person or persons, that it is reasonable that further time be allowed to such person or persons for exhibiting and settling his or their accounts; in which case, upon sufficient security being entered by the party or parties in whose behalf such certificate shall be made, for the whole money, or other property, so unaccounted for by such person or persons, his honor the governor and executive council may, in that case, by an entry on the journals, allow of further time as aforesaid.

VI. *And be it further enacted by the authority aforesaid,* That the auditor shall not receive any account from any person or persons, as above, unless attested before a magistrate, and the auditor is hereby directed and required to charge interest upon every account for money, goods, or effects from such time as the principal became due to the State.

The auditor to charge interest on accounts due the State.

VII. *And be it further enacted by the authority aforesaid,* That the auditor is hereby empowered, and required to demand all papers, books, and accounts, in the hands or possession of any person or persons who may have acted as auditor heretofore by appointment; and in case he or they shall refuse or neglect to deliver up such books, papers, and accounts, as may be in his, or their possession, then, and in that case, it may be lawful for the attorney general to prosecute him or them, and he is hereby directed to commence an action as aforesaid, and on conviction, the offender shall be liable to pay a fine not exceeding two hundred pounds: And the auditor general is empowered and directed to call for all papers that may be necessary or requisite for settling or adjusting any accounts that may come before him.

To obtain the books of persons heretofore acting as auditor.

VIII. *And be it enacted by the authority aforesaid,* That all monies recovered by virtue of this act, shall be paid to the treasurer of this State, he being accountable for the same; and that his honor the governor and executive council, the State's attorney, and the treasurer, and the collector or collectors of duties, or imposts on merchandize, be, and they are hereby required, on the first Tuesday in January, always to deliver into the office of the auditor a full and proper account of all the public monies received or paid by each or either of them, with the necessary vouchers; and the auditor is required to examine the same, and report specially thereon to the legislature; and the aforesaid auditor shall keep an office, and remain therein at least three months in every year, at or near Augusta, for the purpose and conveniency of settling the accounts of the citizens of this State.

Monies recovered to be paid into the treasury.

Public officers to account with the auditor who is to report specially to the legislature.

JAMES HABERSHAM, *Speaker.*

Savannah, February 25, 1784.



A. D. 1784. *An Act for the fixing and establishing court houses and gaols, and the fixing and regulating elections in the different counties of this State.*  
No. 291.

Preamble.

**W**HEREAS no law has as yet been passed for the building and erecting court houses and gaols, 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;

Enacted.

Places for erecting court houses and gaols in the different counties—to be places of holding elections.

In the county of Chatham—Savannah.

In Liberty—Sunbury.

In Effingham—Tuckasee Kings.

In Burke—Waynesborough.

In Richmond—where the road crosses Little Kioka creek.

In Wilkes—the town of Washington.

I. *Be it therefore enacted by 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 court houses and gaols 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 gaol shall be erected, and the elections held in and for the county of Chatham, in the town of Savannah; the court house and gaol shall be erected, and the elections held in and for the county of Liberty, at \*Sunbury; the court house and gaol shall be erected, and the elections held in and for the county of Effingham, at †Tuckasee Kings; the court house and gaol shall be erected, and the elections held in and for the county of Burke, in the town of Waynesborough; the court house and gaol 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 gaol and court house are built, and that elections be held at the place fixed on; the court house and gaol shall be erected, and the elections held in and for the county of Wilkes, in the town of Washington.

II. III. Regulating elections—repealed by act of 1789, No. 417.

No representative to hold an office without vacating his seat previous to his election.

IV. *And be it enacted by the authority aforesaid,* That no person chosen a representative shall, after taking his seat in the legislature, be appointed or authorized to hold any place or office without vacating his seat previous to his election; *Provided,* nothing herein contained shall extend to affect the election of the governor.

No person entitled to a seat until he has accounted for all public monies he may have received.

V. *And be it further enacted by the authority aforesaid,* That no public officer, or any other person whatsoever, shall be entitled to a seat in this house till he has accounted for all public monies he may have received, and such as by any means passed through his hands.

JAMES HABERSHAM, *Speaker.*

*Savannah, February 26, 1784.*

\* Removed to Riceborough by act of 1797, No. 579.

† At Elbertston, near the Indian Bluff. See act of 1787, No. 374.

‡ Under direction of the inferior court. See act of 1796, No. 555.

‡ At Augusta. See act of 1790, No. 441.

No. 292.

*An Act for regulating the trade, laying duties upon all wares, goods, liquors and merchandizes and negroes imported in this State; also an impost on the tonnage of shipping; and for other purposes therein mentioned.*

February 26, 1784.

*Repealed by act of 1787, No. 366.*

*An*



*An Act for revising and amending the several militia laws of this State.*

February 26, 1784.

*Repealed by act of 1792, No. 468.*

A. D. 1784.

No. 293.

By the representatives of the freemen of the State of Georgia in general assembly, and by the authority of the same.

A. D. 1785.

No. 294.

*An Act for the more full and complete establishment of a public seat of learning in this State.*

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. Where 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 with 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 not admissible.

This country, in the times of our common danger and distress, found such security in the principles and abilities which wise regulations had before established in the minds of our countrymen, that our present happiness, joined to 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 by the legislature 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,*



A. D. 1785.  
No. 294.

A board of visitors by whom composed, to have the general superintendence of literature and of the seat of learning.

A board of trustees named and appointed.

The two boards united, or a majority of each to compose the *Senatus Academicus* of the university.

With power to make all statutes, laws, etc. for the government of the same, subject however to the order of the general assembly.

Property vested in the university never to be sold without concurrence of the two boards and act of the legislature; but the management thereof for its support to be by the board of trustees, for which purpose they are constituted a body corporate and politic.

The president of the university to be appointed by the two boards jointly, and removed in like manner.

The *Senatus Academicus* to meet annually; their records to be kept by the secretary of the university.

A board how to be formed in the mean time, if necessary.

1st. 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, esquires, 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.

2d. All statutes, laws, and ordinances, for the government of the university shall be made and enacted by the two 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.

3d. Property vested in the university, shall never be sold without the joint concurrence of the two boards, and by 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 *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.

4th. 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 which 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.

5th. 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.

6th. 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



bers present shall be considered a vote of the whole, and where the members are divided, the president shall have a casting vote. A. D. 1785.

No. 294.

*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. Proviso.

7th. The trustees shall have the power of filling up all vacancies of their own board, and appointing professors, tutors, secretary, treasurers, steward, 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. The trustees have power to fill vacancies of their own board and appoint necessary officers.

8th. 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 expences, and adopt such regulations, not otherwise provided for, which the good of the university may render necessary. Regulate the course of public studies, fix the salaries, &c.

9th. 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 governor or president of council, and all other officers before the president of the university. Officers appointed to be of the Christian religion; and publicly take certain oaths.

10th. 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. The officers, students and servants of the university excused from militia duty, and the lands thereof exempt from taxation.

11th. 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 or their speculative sentiments in religion, or being of a different religious profession. The trustees to make no distinction on account of religious sentiments.

12th. The president of the university, with consent of the trustees, shall have power to give and confer all such 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. The president, with consent of the trustees, to confer the usual honors.

13th. 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 though 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, agreeable 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



A. D. 1785. 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 the public schools to be considered as members of the university.

14th. 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.

The trustees to recommend to the legislature the necessary public measures.

15th. 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 and ordinances contrary to this act, repealed.

16th. 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.

17th. 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, Esquire, speaker of the house of assembly, and sealed with the public seal of this State, and the same, or the enrollment 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.*

No. 295.

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

Preamble.

**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.

Enacted.

Alien friends on enrolling their names in the clerks office empowered to hold and enjoy personal property, and sue for debts &c. arising since 12th July, 1782.

\* This power is vested in congress by the constitution of the United States.



II. *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 said county) the 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.

III. *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 person 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.

IV. *And be it further enacted,* That no persons 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.

V. *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.

JOSEPH HABERSHAM, *Speaker.*

Savannah, February 7, 1785.

A. D. 1785.

No. 295.

Aliens how to become citizens

Oath to be taken by them.

Proviso.

No such person shall be a member of the general assembly, hold any office, or vote for members during the term of seven years, and then only by special act of the legislature. And be subject to payment of alien duties.

No person on any act of confiscation and banishment, or who have borne arms against this or the United States, being a citizen thereof during the war, to avail himself of this act.

Certain exceptions Proviso.

Persons under the age of 16 residing three years or upwards out of the United States, for their education, subject to certain disqualifications.

An



A. D. 1785. *An Act for laying out a district of land, situate on the river Mississippi, and within the limits of this State into a county to be called Bourbon.\**  
No. 296.

Preamble,

Enacted.

A county to be laid out on the eastern side of the Mississippi, named *Bourbon*.

**W**HEREAS it is expedient and necessary for the accommodation of the inhabitants of this State, that a new county be laid out in 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 from and immediately after the passing of this act, all that tract or district of country within the charter boundaries of this State, which lies on the eastern side of the river Mississippi, and is contained and comprehended in the lines, limits and description herein after mentioned, shall be and the same is hereby declared to be formed into a new county to be called, known and distinguished by the name of Bourbon county.

The limits and bounds of the same.

II. *And be it further enacted,* That the following shall be the lines, limits and extent of the said county, that is to say, the same shall begin at the mouth of the river Yazous, where it empties itself into 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, as far as the lands reach, which in that district have been at any time relinquished by the Indians; thence along the line of the said relinquishment to the said river Yazous; thence down the said river to the beginning; and the said county shall comprehend and include all the lands and waters within the said description.

Right of preference to be given to the citizens or certain alien friends who may actually live on and cultivate the said lands.

III. *And whereas,* it will not be proper at present to open a land office, for the purpose of granting out the lands in the said county, *But nevertheless it is hereby enacted and declared,* That whenever that measure shall be determined upon by this or a future legislature, there shall be a right of preference, agreeable to the laws of this State, reserved to any, all, and every honest and friendly possessor and possessors of the said lands, who shall be citizens of either of the United States, or the subjects of any power that was friendly to the United States during the war; *Provided* such persons do actually live on and cultivate the said lands, or a part thereof, and shall apply and present themselves on equal terms with other petitioners.

The price thereof not to exceed one quarter of a dollar per acre when granted.

IV. *And be it further enacted by the authority aforesaid,* That when it shall be determined on, to grant the said lands, the price thereof shall not exceed one quarter of a dollar per acre.

Justices of the peace and register of probates appointed for the same.

V. *And be it further enacted,* That the following persons, to wit, Tacitus Gilliard, Thomas Green, Sutton Banks, Nicholas Long, William Davenport, Nathaniel Christmas, William M'Intosh, junior, Benjamin Farrer, Cato West, Thomas Marston Green, William Anderson, Adam Bingaman, and John Ellis, shall be and they are hereby nominated and appointed justices of the peace, and Abner Green, register of probates, for the said county; and his honor the governor is hereby authorized and required to administer the oaths of allegiance, and of office, to such of the

\* Repealed by act of 1788, No. 386, sect. 2.



the said persons as can personally attend him in council, and to grant a special commission, directed to such as shall qualify before him, to enable them, or any two of them, who shall so attend, to qualify the others in the same manner as they have been qualified, when they shall repair to the said county of Bourbon.

A. D. 1785.  
No. 296.

VI. *And be it further enacted*, That the said justices after being duly qualified as aforesaid shall be, and they or any two of them are hereby authorized and empowered to administer the oath of allegiance to this State, to any person and persons, inhabitants of the said county, who shall not have been proscribed by this or some other of the United States of America, and thereupon such person and persons shall be entitled to vote for and serve as members of assembly, or militia officers; and the said justices shall keep a list or roll of the names of all such persons as they shall administer the oath of allegiance to, and transmit the same to his honor the governor as soon as may be in the course of the present year.

The justices when qualified empowered to administer the oath of allegiance to this State, to the inhabitants who may vote for and serve as members of the legislature or militia officers. Certain exceptions.

JOSEPH HABERSHAM, *Speaker*.

*Savannah, February 7, 1785.*

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

No. 297.

**W**HEREAS John Haupt, Peter De Bosq, Justus Hartman Scheuber, Francis De Block, Willim Blogg, William Finden, James Merrilies, John Wallace, Daniel M'Garvey, Ralph De Pafs, Jacob De Pafs, William Coales, Alexander Bisset, Henry Sowerby, Gabriel Leaver, and Francis Watlington, who have petitioned this house to become citizens of this State, previous to the passing the citizen bill, *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 Bosq, Justus Hartman Scheuber, Francis De Block, Willim Blogg, William Finden, James Merrilies, John Wallace, Daniel M'Garvey, Ralph De Pafs, Jacob De Pafs, William Coales, Alexander Bisset, Henry Sowerby, Gabriel Leaver, and Francis Watlington, are hereby admitted to all the rights of citizenship, any law to the contrary notwithstanding.

Preamble. Certain persons who petitioned before the citizen bill had passed,

Admitted to all the rights of citizenship.

JOSEPH HABERSHAM, *Speaker*.

*Savannah, February 19, 1785.*

*An Act to establish and regulate the inspection of tobacco.*

No. 298.

February 21, 1785.

*Repealed by act of 1791, No. 457.*

*An Act for the regular establishment and support of the public duties of religion.*

No. 299.

February 21, 1785.

*Repugnant to the form of our government.*

Qq

An



A. D. 1785. *An Act for amercing certain persons therein named, and admitting others to the rights of citizenship, and for other purposes therein mentioned.*  
 No. 300.

Preamble.

**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 on persons therein named, and directed that the names of the following persons should be taken from the act of confiscation, and placed on the amercement act, and that such amercement should not exceed twelve *per centum*: *And whereas* the present legislature have agreed to take others in the like situation from off the said 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.

Enacted.

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

And their estates real and personal made subject to amercement, to be paid in 12 months.

II. *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.

The said persons permitted to return and to enjoy the rights of citizenship.

III. *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

Proviso.

Under certain restrictions for fourteen years.



Gibbons shall not plead or practice in the courts of law of this State, for the said term of fourteen years.

A. D. 1785.

No. 300.

IV. *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.

Supplies taken from them for the use of the army not to be brought in charge against this or the United States.

V. *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 estate, real and personal of the said Solomon Kemp, which now remains unfold 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 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.

Certain persons named in the said act of banishment, permitted to remain in this State 7 years.

The estate of Solomon Kemp, remaining unfold vested in his wife and children, subject to payment of debts.

*Proviso.* The auditor to give a certificate to the aforesaid persons for the amount of their property sold.

VI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any citizen of this, 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.

Negroes without the limits of this State, the property of persons on the act of confiscation how to be purchased and held.

VII. *And whereas*, William Welscher, Malcom Ross, James Ferre, Donald M'Leod, William Thompson, John Milne, and David Leion, came 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 the passing this act, the said William Welscher, Malcom Ross, David Leion, James Ferre, 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.

Certain other persons admitted to the right of citizenship.

JOSEPH HABERSHAM, *Speaker.*

Savannah, February 7, 1785.

*An Act for the security of foreigners who may lend money at interest, on real estates.*

No. 301.

**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

Preamble.



A. D. 1785. the recovery of all sums, as well principal as interest, so loaned, *Be it enacted by the*  
 No. 301. *representatives of the freemen of the State of Georgia in general assembly met, and by the*  
 Enacted. *authority of the same, That it shall and may be lawful for every and all persons, being*  
 Foreigners *aliens, to lend money at an annual interest of seven per centum, on freehold or*  
 lending money *leasehold security, by way of mortgage, on any estate within this State, and such*  
 to citizens of *money, whether the kingdom or State of which such money lender is a subject or*  
 this State, how *alien, shall be at peace or in war with the United States, to recover, sue for, by*  
 to be secured by *attornies or otherwise, in the courts of this State, and, where judgment is obtained,*  
 mortgage on *execution shall be awarded for the sale of such mortgaged premises, for payment of*  
 any estate, &c. *the debt and interest due thereon, with costs of suit, as is common with the citi-*  
*zens 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 fore-*  
*closing any equity of redemption, by order of any court whatever) any law or cus-*  
*tom to the contrary notwithstanding.*

Public act.

II. *And be it further enacted, That this act shall be, and it 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.*

JOSEPH HABERSHAM, *Speaker.*

Savannah, February 21, 1785.

No. 302.

*An Act for better regulating the town of Savannah and hamlets, and appointing commis-*  
*sioners for regulating the town of Sunbury.*

*See act incorporating Savannah, 1789, No. 430; and act regulating Sunbury, 1791, No. 450.*

February 21, 1785.

No. 303.

*An Act to impose 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.*

February 21, 1785.

No. 304.

*An Act to amend and alter some parts, and repeal other parts, of the*  
*several land acts in this State.*

Preamble.

Enacted.

**W**HEREAS it hath become necessary to make some alterations in the several  
 land acts of 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, all such lands as remain unsurveyed, or*  
*not taken up by some person or persons, under a lawful warrant for that purpose, in*  
 the



the counties of Washington, and Franklin, shall be, and the same are 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, in the year of our Lord 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 heretofore 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.

II. *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."

III. *And be it further enacted*, That, at 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 re-vested in the State; and that no person or persons 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.

IV. *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 lands, 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.

A. D. 1785.

No. 304.

Lands remaining unsurveyed in Washington and Franklin to be granted out under like regulation as pointed out in land act of February, 1783. Except only that persons obtaining such lands as far as 1000 acres not liable to payment of purchase money *Proviso*.

All the other vacant lands to be granted out in like manner on head rights. *Proviso*.

The persons applying to take an oath.

The form thereof.

Persons acting contrary to the said oath besides the penalties of perjury; to forfeit the land so fraudulently obtained.

No warrants to be issued but to persons applying for themselves and family, who shall in 18 months settle on and cultivate three acres for every 100 acres of land so obtained, or be subject to treble tax.

The justices of Washington and Franklin to form a land court and proceed in like manner as in other counties.

V.



A. D. 1785.

No. 304.

All surveys made and grants for lands without or beyond the lines of a county declared fraudulent and void; persons offending how to be prosecuted.

No grants to be signed till the county surveyor has advertised the survey 3 months after recording it in his office.

Allowed one half for every advertisement.

A surveyor knowingly running across another's lines, or surveying land before surveyed last mentioned survey deemed void, and such surveyor to pay £50; how to be recovered and applied.

In case of two grants for the same tract of land, the eldest survey entitles the party making it to an action of damages, and the land shall be subject to execution in preference to any other claim or incumbrance.

Provido. Such suit to be brought within 5 years after the date of the survey; and any person obtaining a grant, the right of preference being in another, shall forfeit double the value, or relinquish the lands.

All warrants heretofore issued, renewed for six months, bounty excepted, which shall not at any time be out of date.

V. *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 said 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.

VI. *And be it further enacted by the authority aforesaid,* 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 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 said 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.

VII. *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 incumbrance 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 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 said lands, or relinquish the same.

VIII. *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.

IX.

\* Declared never to be out of date, is surveyed within two years, by act of 1786, No. 325.



IX. *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 and persons whatsoever, who conceives himself or 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.

X. 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 and appoint 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 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, 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 reserve.

XI. *And be it further enacted by the authority aforesaid*, That the surveyors of Washington and Franklin counties shall be under the same regulation as the surveyors of the other counties within this State.

XII. *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 to admit Nathaniel Pendleton, Benjamin Porter and Matthew M'Allister to plead and practice in the courts of law in this State.*

February 22, 1785.

*Private.*

*An*

A. D. 1785.

No. 304.

Persons claiming bounties of land, to lay their vouchers before the land court for their determination; allowed one year to put in such claims.

The line between the white people and the Indians.

How to be ascertained and determined.

In case the same should be extended as far as Little River the two forks of Oconee to be deemed a reserve to make good engagements to the continental soldiery, &c.

No survey or grants, except those already made to the said soldiery, within those forks, shall be valid, unless agreeably to this act; one year allowed them after the line shall be run.

Surveyors of Washington and Franklin under the same regulation as other surveyors.

County surveyors to ascertain their respective county lines; the expence to be borne by the adjoining counties.

No. 305.



A. D. 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.*

Preamble.

**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 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.

Enacted.

French subjects empowered to dispose of their estates, and the same shall descend to the heirs and representatives of the deceased according to the laws, &c. of France.

And such subjects shall enjoy within this State all the privileges mentioned in the articles of treaty.

Grants of 20,000 acres of land to Count D'Estaing who is empowered and qualified to receive and hold the same, and is admitted to all the privileges of a free citizen of this State

French subjects becoming inhabitants how to be admitted to the rights of citizenship.

II. *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.

III. *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.

JOSEPH HABERSHAM, *Speaker.*

Savannah, February 22, 1785.

An



\* *An Act to explain the fifty-first article of the constitution, respecting intestate estates; and also concerning marriages.* A. D. 1785.  
No. 307.

I. **B**E 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 true construction and explanation of the fifty-first article of the constitution shall be, and the same is hereby declared to be as hereinafter mentioned, that is to say, when any person whatsoever, holding real and personal estate shall depart this life, intestate, and without will, the said estate real and personal, shall be considered as being 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 legal representatives, that is, their lineal descendants, if any shall stand in their place and stead; in case of their being a widow, and no 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 children; if neither widow 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 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 distributive share of the real and personal estate, in common with the full blood.

The true construction of the 51st article of the constitution. The real and personal estate of persons dying intestate to be considered altogether of the same nature, and upon the same footing. How to be divided. Widow's dower

If neither widow or children, the whole to be distributed among the next of kin in equal degree and their representatives.

The next of kin by what rules to be investigated. The half blood admitted to distributive share in common with the full blood.

II. *And be it enacted by the authority aforesaid,* That the same rules shall obtain in regard to the granting of administration or intestates estates, as are before mentioned, for the distribution thereof.

The same rules to obtain on granting administration on intestates estate.

III. *And be it further enacted by the authority aforesaid,* That should any case arise, which is not expressly provided for by this act, 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 distribution, as being precisely on the same footing.

Cases not particularly provided for, how to be determined.

IV. *And be it further enacted by the authority aforesaid,* That in all cases of inter-marriage hereafter, the real estate belonging to the wife, shall pass to, and become vested in the husband, in the same manner as personal property by the law of the land doth; and in case of the death of the husband, thereafter intestate, and without

In cases of inter-marriage hereafter, the real estate of the wife to become vested in the husband.

R r

will,

\* This act was passed under the constitution of 1777. See act of 1789, No. 429, on the same subject, adapted to the constitution of 1789.



A. D. 1785. will, the said estate shall descend, and become subject to distribution in the same manner as personal property.  
No. 307.

Register of probates to give 30 days notice of applications for letters of administration, and may in the mean time grant temporary letters to collect and take care of the estate

Marriages heretofore contracted before justices, etc. ratified and confirmed; and justices of the peace and ministers empowered after 8 days public notice or by license from the governor or register of probates to join persons in matrimony.

Such persons marrying any couple without public notice or license shall forfeit £500.

V. *And be it further enacted by the authority aforesaid*, That the registers of probates in each county, shall give thirty days notice in the public gazette, and by advertisement at the court house in each county, of all persons who shall or may apply for letters of administration, before they shall obtain the same, on the estate or effects of persons dying intestate: but such register of probates, shall or may nevertheless, as in his discretion shall seem necessary, grant letters to collect, and take care of, but not administer on the estate and effects of the said deceased, during the said thirty days, after taking good and sufficient security from the person or persons to whom he shall grant the said temporary letters.

VI. *And whereas* divers persons have been married by justices of the peace, and ministers, or preachers of the gospel, *Be it therefore enacted*, That such marriages as have been heretofore contracted by any person and persons, before or by such justice, or minister or preacher of the gospel, are hereby ratified, confirmed, and allowed as valid in law, from the time of the solemnization thereof; and all justices of the peace, duly qualified, ministers or preachers of the gospel in this State regularly ordained, shall, and they are hereby empowered and authorized, after public notice of eight days being given, or by license of his honor the governor, or register of probates, to marry any person or persons enabled to enter into marriage contract: And if any such justice, or minister or preacher of the gospel, shall marry any couple without such public notice, or authorized by license from the governor, or register of probates, so to do, he shall on conviction, forfeit five hundred pounds sterling, for the use of this State.

JOSEPH HABERSHAM, *Speaker*.

*Savannah, February 22, 1785.*

No. 308.

*An Ordinance for ascertaining the specie value of Georgia treasury certificates, and bills of credit issued by the State since the commencement of the late war.*

The auditor required to audit all treasury certificates according to the scale of depreciation and to give the owner a certificate for the specie value.

I. **B**E 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 the auditor for the time being, is hereby authorized and required to audit all treasury certificates issued by the authority of this State, according to the scale of depreciation and date of said certificate, and give the holder or owner, a certificate for the specie value thereof, agreeable to such calculation.

To take in all paper bills of credit and to give specie certificates at the rate of 1000/1 paper for 1/1 specie.

II. *And be it further ordained*, That the said auditor shall be, and he is hereby required to take in, and receive all paper bills of credit that have been emitted since the commencement of the late war, and to give the person who may deliver in the same a specie certificate, to be calculated at the rate and depreciation of one thousand for one, that is to say, for every thousand pounds of such bills of credit so emitted



emitted, shall be given and allowed a certificate for one pound specie. *Provided nevertheless,* That all such treasury certificates and bills of credit shall be delivered in to the auditor within six \* months from the date of this ordinance, *And provided also,* that such treasury certificates, or an account thereof have been delivered to the executive, agreeable to a former resolve of the legislature in that case made and provided. And when it shall appear that a treasury certificate hath been negotiated, or transferred from the first holder, then and in that case, the present owner of such certificate, shall by the evidence of one disinterested person, make it appear at what time he or she received such certificate, the depreciation thereon shall be calculated accordingly, and in case he or she cannot make it appear, the said certificate shall be audited in like manner as the bills of credit of this State.

A. D. 1785.  
No. 308.

Six months allowed.  
Proviso.  
Treasury certificates being transferred, the depreciation to be calculated from such transfer; if such time be unknown the same shall be audited as bills of credit.

JOSEPH HABERSHAM, *Speaker.*

*Savannah, February 22, 1785.*

\* Further time allowed by act of 1786, No. 339, sect. 6.

*An Act for establishing courts in Franklin and Washington counties, and to appoint justices of the peace for said counties.*

No. 309.

**W**HEREAS it is expedient that the full administration of justice should be administered in the two new counties of Franklin and Washington, and that a superior court be erected therein, *Be it enacted by the representatives of the free-men of the State of Georgia in general assembly met, and by the authority of the same,* That Benjamin Cleveland be senior, John Gorham, Larkin Cleveland, Jesse Walton, Thomas Payne, Jesse Franklin, Walker Richardson, Nathaniel Martin, John Barton, and Lewis Shelton, Esq's. be justices of the peace for the county of Franklin; the four first to be assistant justices of the same, who in case of absence of the chief justice, are empowered to hold a superior court, at the house of § Warren Philpot, in said county, the next Tuesday after that of Washington; and that his honor the governor be required to empower Thomas Payne, Esq. to qualify said justices, together with the clerk and sheriff, who are legally elected for the aforesaid county.

Preamble.

Enacted.  
Certain persons appointed justices of the peace for the county of Franklin.

The superior court to be held at the house of Warren Philpot

II. *And be it also enacted,* That Thomas Napier be senior, Robert Christmas, Zachary Phillips, William M'Gehee, John Cobb, John Rutherford, John Barkley, Hugh Irvin, Samuel Harper, Thomas Hill, William Daniel, John Watts, James Bowie, John Otrey, and Francis Tennill, Esq's. be justices of the peace for the county of Washington; the four first to be assistant justices of the same, who, in case of the absence of the chief justice, are empowered to hold a superior court at or near the place commonly called the Buffalo † ponds, on the Tuesday three weeks after the time appointed for holding the courts in the county of Camden; and that

Justices appointed for Washington county

Superior court to be held at or near the place called the Buffalo ponds.

§ To be held at Benjamin Acles's. See act of 1787, No. 374.

† To be held at Thomas Jones's, on Williamson's swamp. See act of 1786, No. 354.



A. D. 1785. his honor the governor be required to empower Thomas Napier, Esquire, to qualify  
No. 309. said justices, together with the clerk and sheriff, who are legally elected for the afore-  
said county.

JOSEPH HABERSHAM, *Speaker.*

Savannah, February 22, 1785.

No. 310.

*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.*

Preamble.

**W**HEREAS there are many persons who have just demands against the estates of those who are named in the act of confiscation and attainder, which on principles of justice ought to be paid or some way provided for, *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 auditor for the time being, shall be, and he is hereby authorized and required to receive all demands against the confiscated estates, or either of them, on judgment bonds, or notes, and to calculate the depreciation and interest thereon, and give the persons to whom such monies are due a certificate thereof. And all those who may have claims against either or any of the confiscated estates on open accounts, shall produce and deliver in the same to the auditor within nine months\* with such evidence as would be necessary to establish the same in a court of law, and the said auditor shall then examine and audit all such accounts so authenticated, and give a certificate for the balance due.

Enacted.

The auditor to receive liquidated demands against confiscated estates, and calculating depreciation and interest, give a certificate for the amount due.

Claims on open accounts delivered to him in 9 months and established as in a court of law, to be audited in like manner.

He shall liquidate *bona fide* debts only.

The time mentioned in the releasing act for paying the moiety of purchase money of confiscated property. The time for receiving officers demands as specie. The time limited for funding audited accounts. And likewise the time mentioned in any of the land acts for receiving audited certificates in purchase of unlocated lands; extended one year from passing this act.

Governor and council empowered to order sales of confiscated estates for audited certificates wholly.

II. *And be it further enacted,* That the auditor shall in no case decide on demands against the said confiscated estates, for any trespass or personal wrongs, but shall liquidate *bona fide* debts only.

III. *And be it further enacted by the authority aforesaid,* That the time mentioned and contained in the releasing act, for paying the moiety therein specified of the purchase money of confiscated property; and also the time mentioned and contained in the said act, for receiving officers demands as specie in payment of such property when certified as therein required; and also the time limited in said act for funding audited accounts or certificates, and taking out certificates of a new denomination; and likewise the time mentioned and contained in any of the land acts for receiving audited certificates, in payment of the purchase money of unlocated lands, as well in the old as in the new counties within this State, shall be, and the said times for the said several purposes above mentioned are hereby declared to be extended and prolonged for one year, from and after the passing of this act, under the several restrictions and regulations laid down and contained in the said acts respectively.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for his honor the governor, by and with the advice of the honorable the executive council, and they are hereby required to order and direct the commissioners of confiscated estates, to sell and dispose of any forfeited lands now remaining unfold  
for

\* Further extended by act of 1786, No. 339, sect. 1.



for audited or funded certificates, wholly, so as to redeem as many of such certificates as may be : *Provided* such certificates be brought in within one year after such purchase made, or otherwise the said purchase money to become specie ; *And also provided*, the party purchasing do give good bond and security agreeable to law for the said purchase money.

V. *And be it enacted by the authority aforesaid*, That when it shall so happen that any person is dissatisfied with the determination of the auditor, on his or her demand against any of the said estates, such person or persons so dissatisfied may appeal to the superior court of the county to which he, she, or they belong, such appeal to be carried on solely at the expence of the party appealing, and the auditor shall give a certificate agreeable to the verdict on such appeal.

VI. *And be it further enacted*, That the auditor shall require satisfactory proof on oath, both in respect to debits and credits, in support of any claims that may be made against the confiscated estates, in the same manner as he now doth in support of other claims against the State. *Provided nevertheless, and be it enacted by the authority aforesaid*, That no judgments obtained on bonds or notes given, or any debts by any other way contracted during the British usurpation shall be received or allowed.

VII. *And be it further enacted*, That all persons having demands against the confiscated estates, or either of them to liquidate, shall in the first instance take the following oath before the auditor ; " I *A. B.* do solemnly swear, that the demand I have exhibited to the auditor against *C. D.* is just and true, and to the best of my knowledge, I have not received any part of said demand, nor do I know he has any demands against me for which credit should be given him. So help me God."

VIII. *And be it further enacted*, That the commissioners of confiscated estates shall be and they are hereby required to immediately furnish the auditor with the amount sales of each and every of the confiscated estates ; and the said auditor is hereby instructed and required not to give certificates on the demands against any estate confiscated to a greater amount than the amount of the sale of such estate.

IX. *And be it further enacted by the authority aforesaid*, That his honor the governor and executive council shall have power and authority (upon a previous valuation being had on oath by any three freeholders) to order sales to be made of confiscated property to the amount of fifteen hundred pounds sterling to be paid into the treasury as a contingent fund for the more immediate emergencies of the State.

JOSEPH HABERSHAM, *Speaker.*

Savannah, February 22, 1785.

A. D. 1785.

No. 310.

To be paid within one year otherwise to be paid in specie.

The purchaser giving bond and security agreeably to law.

Persons dissatisfied may appeal from the determination of the auditor to the superior court.

The auditor shall require like proof in support of claims against confiscated estates as in other claims.

No judgments obtained on bonds, etc. or debts contracted during British usurpation shall be allowed.

Persons having demands to liquidate to take an oath before the auditor. Form thereof.

Commissioners of confiscated estates to furnish the auditor with amount of sales of the several estates, who shall not allow claims to a greater amount.

The governor and council may order sales to amount of £1500 for a contingent fund.

An



A. D. 1785. *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.*

No. 311.

Preamble.

**W**HEREAS many deeds of bargain and sale, and other deeds of feoffment 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 impeached or set aside, in any courts of law or equity, for want of form, or livery and seisin, or enrollment, 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 conveyances, or in the manner of the execution of the same as aforesaid.

Enacted.

No deed, &c. of lands or tenements heretofore made shall be set aside for want of form, livery and seisin, or enrollment.

Deeds of conveyance of lands how to be executed and proved in future.

II. 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.

To be recorded in the clerk's office of the county where such lands lie within twelve months from the date of the deed. Clerk's fees for the same.

Proviso.

Renunciation of dower, how made.

III. 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

\* By act of February, 1788, No. 387. The time for recording deeds, &c. for lands and tenements is extended two years from the date of that act, which is revived and the time further extended by act of December, 1790, No. 438, sect. 14, until 1st February, 1793. This act has since been left to operate.



in renounce, give up, and for ever quit claim to her right of dower and thirds of, to, 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, and absolute renunciation of dower and thirds, any law, usage, or custom, to the contrary notwithstanding.

A. D. 1785.  
No. 311.

IV. *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.

Bonds, specialties, or letters of attorney executed in other States, how to be proved in this.

V. *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 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 accounted, 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.

Sales of land by letters of attorney duly proved, declared to be good and effectual in law.

Provided such sales be made prior to due notice of revocation or death of the constituent.

VI. *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 account, 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

Papers lost during the late war, how to be established.

be.



A. D. 1785. 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 a court and jury, within the time limited by the act of limitation.

No. 311.

JAMES HABERSHAM, *Speaker*.

*Savannah, February 22, 1785.*

No. 312.

*An Ordinance for empowering commissioners to fix on a place convenient for a seat of government, and to erect public buildings thereon.*

Commissioners named and appointed to fix on a place for establishing the seat of government, and the university.

Proviso.

And are authorized to appropriate public lands or purchase, not exceeding 1000 acres for that purpose, to be laid out in lots, &c. and named *Louisville*.

After reserving a sufficient number for public uses the remainder of the lots with the government house in Savannah to be sold by them and the money applied in purchasing the land and erecting the public buildings

**B**E 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 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 aforesaid 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 lots in the said town of Louisville so as aforesaid, to be laid out with the appurtenances, and 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.

The said commissioners to give bond and security to the governor, and take an oath. The form thereof.

II. *And be it further ordained*, That the said commissioners shall, before they enter on the business aforesaid, 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 public buildings thereon, do solemnly swear, that I will faithfully discharge the duties required of me by law,

to



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 day.

A. D. 1786.

No. 312.  
And to receive compensation, not exceeding two dollars per day each while on actual service.

III. *And be it ordained by the authority aforesaid,* That the place of the meeting of the legislature, the residence of the governor, the secretary, treasurer, surveyor general, 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.

Augusta to be the seat of government until the state house, etc. shall be erected at Louisville.

WILLIAM GIBBONS, *Speaker.*

*Augusta, January 26, 1786.*

*An Act to regulate the tolls, to be taken at mills.*

No. 313.

**B**E 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 witness, 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.

Toll to be taken at grist mills, not to exceed one eighth part.

Owners to forfeit 50% for misconduct.

WILLIAM GIBBONS, *Speaker.*

*Augusta, January 26, 1786.*

*An Act to indemnify Alexander Semple and Henry Osborne, Esquires, for having acted as justices of the peace in the counties of Glynn and Camden, and the said Henry Osborne, as collector of duties therein, under an appointment of the governor and council.*

No. 314.

January 26, 1786.

*Private.*

*An Ordinance for the pardon and indemnity of Mary Platt.*

No. 315.

January 30, 1786.

*Private.*

S. S.

*An*



A. D. 1786. *An Act to improve the navigation of Brier creek, from Red's old Cowpen to the mouth thereof.*  
No. 316.

January 30, 1786.

*Repealed by act of 1790, No. 443.*

No. 317.

*An Ordinance for the pardon of John Bryce.*

January 30, 1786.

*Private.*

No. 318.

*An Ordinance to vest certain lots in Mrs. Ann Bard.*

January 30, 1786.

*Private.*

No. 319.

*An Act to revise the laws for regulating the ports of Savannah and Sunbury; for clearing the river Savannah, below the town of that name; and for building a light house at the entrance of Saint Catharine's Inlet; and a fort on the island of Cockspur or Tybee.*

Public lots in Savannah vested in commissioners so far as to lease the same until a free school or college shall be erected, and then absolutely vested in such commissioners as may be appointed, and their successors for ever.

XIII. **A**ND *be it further enacted*, That the public lots in the town of Savannah, the government house and lot excepted, shall be and the same are hereby vested in the hands and direction of the commissioners appointed by this act for the purposes mentioned for the port of Savannah as aforesaid, and only so far as relates to the lease thereof, and until a free school, academy or college shall be erected or opened for the said county when the same and every of them shall be, and the same are hereby declared absolutely vested in the hands, direction and power of such commissioners or trustees as may be appointed to carry on and conduct the same, and their successors for ever.

The commissioners of pilotage for the port of Savannah, &c. appointed commissioners to carry this act into execution.

XIV. *And be it further enacted*, That the commissioners of the pilotage for the ports of Savannah and Sunbury, shall be and they are hereby appointed commissioners, or a majority of them for carrying this act into execution in the ports they respectively belong to.

*The rest repealed by act of 1787, No. 366.*

WILLIAM GIBBONS, *Speaker.*

*Augusta, January 31, 1786.*

No. 320.

*An Act for dividing the county of Washington.*

Washington county divided, and Greene county laid out.

**B**E *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, thence up Ogechee to the head



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's; thence down the Oconee to the beginning, including a tract of country which shall be called and known by the name of *Greene county*.

II. *And be it further enacted*, That the court house and gaol 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.

III. *And be it 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 *Greeneborough*, 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.

A. D. 1786.  
No. 320.  
Court house and gaol to be built, and elections held at a town to be laid out on the college land.

Trustees of the university to lay out the town named *Greeneborough*.

*Proviso.*  
The money arising from the sale of lots and lands adjacent, shall be applied to the promotion of learning; and the quantity of land to be laid out not to exceed 1000 acres.

*\*An Act for the encouragement of literature and genius.*

No. 321.

**W**HEREAS the principles of natural equity and justice, require that every author should be secured in 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 day of its first publication in this State: And if any person or persons, within said term of fourteen years, shall presume to print or re-print any such 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.

Preamble.

Enacted.

Authors of books, maps, &c. their heirs and assigns secured in the exclusive right to the same for 14 years.

*Proviso.*  
The name of the proprietor with the title, to be entered of record in the secretary's office.

II.

\* The power of securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries, vested in congress by the federal constitution.



A. D. 1786.  
No. 621.

At the expiration of the said term, the author if then living, his heirs or assigns to be further secured for 14 years.

Proprietors to furnish the public with sufficient editions thereof at a reasonable rate, or on complaint be subject to the order of the superior court therein.

Persons printing any manuscript without the consent of the proprietor, liable to suffer damages by action

II. *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 any 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 re-print, 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.

III. *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 whenever 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 said 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 to such complainant a full and ample licence to re-print and publish such book, pamphlet, map or chart, in such numbers and for such term as said court shall judge just and reasonable; *Provided* said complainant shall give sufficient security before said court to afford said re-printed edition at such reasonable price as said court shall thereto affix.

IV. *And be it further enacted,* That any person or persons 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, in cases not mentioned in this act, or to screen from legal punishment, any person or persons who may be guilty of printing or publishing any book, pamphlet, or paper, that may be prophane, treasonable, defamatory, or injurious to government, morals or religion: *Provided also,* That this



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.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 3, 1786.

*An Act to authorize Zachariah Lamar, Esquire, to lay out a town at the mouth of Broad river, and to establish inspections in the county of Wilkes.* No. 322.

**W**HEREAS it is necessary, and will be greatly conducive to the general convenience of the citizens in 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, *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 land, 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 conveyances; 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.

II. *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: *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.

WILLIAM GIBBONS, *Speaker*

Augusta, February 3, 1786.

*An Act to revise and amend an act for regulating the trade, laying duties upon all wares, goods, liquors, merchandizes, and negroes imported into this State; also an impost on the tonnage of shipping, and for other purposes therein mentioned.* No. 323.

February 13, 1786.

Repealed by act of 1787, No. 386.

An



A. D. 1786. *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 Monro.*  
No. 324.

So much of the said act as relates to the heirs or assigns of John Forbes deceased, repealed and all bonds for property to be given up to the heirs.

II. **A**ND *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.

WILLIAM GIBBONS, *Speaker.*

*Augusta, February 13, 1786.*

No. 325. *An Act to prevent persons from settling or surveying any part of the late cession of lands between the rivers Alatomaha and Saint Mary.*

Preamble.

Enacted.

The lands lately ceded lying between the Alatomaha, St. Mary's, and Oakmulgee rivers, not to be surveyed or settled without permission of the legislature; the person making any survey thereon to forfeit 20s. per acre.

All warrants, surveys and grants for lands within the said limits declared null and void. *Provided.*

Not necessary to register grants in the county surveyor's office -- so much of the late land act repealed.

No warrant out of date if surveyed within 2 years from the date thereof.

**W**HEREAS it is not proper that any of the late cession of land between the Alatomaha and Saint Mary's river should be settled or located at present, *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 lands lying between the Alatomaha and Oakmulgee and Saint 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 preemption or preference whatever.

II. *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.

III. *And be it enacted*, That no warrant shall ever be out of date if surveyed within two years from the date of said warrant.

WILLIAM GIBBONS, *Speaker.*

*Augusta, February 13, 1786.*

\* Additional penalties imposed by act of 1787, No. 381, sect 2.



*An Act to make provision for officers, soldiers, or seamen, who have been disabled in the service of the United States.\** A. D. 1786.  
No. 326.

**W**HEREAS by a resolution of congress of June the seventh, one thousand seven hundred and eighty-five, it is recommended to the several States, to make provision for officers, soldiers, or seamen, who have been disabled in the service of the United States, *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 John Brickell and James Lauder, Esquires, be, and they are hereby appointed inspectors for this State, who shall in the manner herein after pointed out, examine and make a compleat list of all the officers, soldiers, or seamen resident in this State, who served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in such service, so as to be incapable of military duty, or of obtaining a livelihood by labor; in this list shall be expressed the pay, age, and disability of each invalid, also the regiment, corps, or ship, to which he belonged, and a copy of the same shall be transmitted to the office of the secretary at war, by the secretary of the State, within one year from and after the passing of this act; and a like descriptive list of the invalids resident in this State, shall from year to year be annually transmitted to the office of the secretary at war.

II. *And be it further enacted by the authority aforesaid,* That no officer, soldier, or seaman, shall be considered as an invalid, or entitled to pay, unless he can produce a certificate from the commanding officer or surgeon of the regiment, ship, corps, or company in which he served, or from a physician or surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was thus disabled while in the service of the United States.

III. *And be it further enacted,* That all commissioned officers within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military duty, or of obtaining a livelihood by labor, be allowed a yearly pension equal to half of their pay respectively, and all commissioned officers as aforesaid, who shall not have been disabled in so great a degree, be allowed a yearly pension which shall correspond with their degree of disability, compared with that of an officer wholly disabled: That all non-commissioned officers and privates within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military or garrison duty, or of obtaining a livelihood by labor, be allowed a sum not exceeding five dollars per month; and all non-commissioned officers and privates as aforesaid, who shall not have been disabled in so great a degree, be allowed such a sum as shall correspond with the degree of their disability, compared with that of a non-commissioned officer or private wholly disabled.

IV. *And be it further enacted,* That the inspectors appointed by this act, shall examine all claimants, and report whether the person producing a certificate, setting forth that he is an invalid, be such in fact, and, if such, to what pay he is entitled, and report thereof to the governor and council.

\* The military pensions heretofore paid by the respective States, in pursuance of acts of the United States, are provided for by act of congress, passed 29th September, 1789, and by subsequent acts.



A. D. 1786. and thereupon the inspectors shall give to the invalid a certificate, specifying to what  
 No. 326. pay he is entitled, and transmit a copy thereof to the governor and council, who shall receive and record the same.

The governor to draw warrants in favor of such persons except those who have received commutation.

V. *And be it further enacted*, That his honor the governor, do issue his warrant on the treasurer, in favor of such commissioned officers, non-commissioned officers, and privates, for the sum or sums to which they shall be respectively entitled, agreeably to the before mentioned certificates; the said payment to be deducted from the quota of this State, in the requisition of congress for the year on which they shall be made: *Provided*, That no officer who has accepted his commutation for half pay shall be entered on the list of invalids, unless he shall have first returned his commutation.

Invalids capable of garrison duty how to be employed.

VI. *And be it further enacted*, That such invalids, under the aforesaid description, as are citizens of this State, and are capable of garrison duty, may be formed into corps, to be employed in guarding military stores, aiding the police, or otherwise, as his honor the governor may direct; when such invalids shall be formed into corps, there shall be quarterly returns, comprehending the pay, age, disability, regiment, ship, or corps to which they severally belonged, made out and signed by their commanding officer, and transmitted to the governor and council, who shall issue warrants for their pay according to said return.

Oath to be taken by invalids annually.

VII. *And be it further enacted by the authority aforesaid*, That all invalids, as well those formed into corps as those who are not, shall annually apply themselves to a magistrate of the county in which they reside or may be stationed, and take an oath, on which the magistrate shall grant the following certificate, viz. "A. B. came before me, one of the justices for the county of \_\_\_\_\_ in the State of Georgia, and made an oath, that he was examined by \_\_\_\_\_, appointed by the said State for that purpose, obtained a certificate or had his certificate examined and countersigned, setting forth, that he had served in \_\_\_\_\_, that he was disabled by \_\_\_\_\_ and that he now lives in the State of Georgia, and in the county of \_\_\_\_\_." The affidavits, drawn according to the above form, and dated and attested by a magistrate, shall be sent by the said magistrate to the secretary of the State, who shall receive and record the same; and a counterpart of the affidavit shall be preserved by the person taking it, to be exhibited to the governor and council.

Form thereof.

WILLIAM GIBBONS, *Speaker*.

*Augusta, February 13, 1786.*

No. 327. *An Ordinance to appoint some person therein to be named, to digest and arrange all the laws and ordinances past in this State, before or since the revolution.*

February 13, 1786.

*Obsolete.*



*An Act to amend an act for ascertaining the qualifications necessary for the admission of attorneys, solicitors, and proctors in this State.* A. D. 1786. No. 328.

February 13, 1786.

*Repealed by act of 1789, No. 421.*

*An Act to obtain an account of all the white and other inhabitants of every age, sex, and condition within this State.* No. 329.

February 13, 1786.

*Obsolete.*

*An Ordinance for vesting in Christian Yonge, the widow of Henry Yonge, senior, and his two daughters Ann Agnes Yonge, and Elizabeth Yonge, certain property therein mentioned.* No. 330.

February 13, 1786.

*Private.*

*An Act to impose 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.* No. 331.

February 13, 1786.

*An Act to appoint agents\* to defend the rights of the State of Georgia to certain territories, claimed by the State of South Carolina.* No. 332.

WHEREAS the legislature of the State of South Carolina did present a petition, dated the twenty-fourth day of March, one thousand seven hundred and eighty-five, to the United States of America in congress assembled, stating, that they did claim the lands lying between the North Carolina line, and a line to be drawn due west from the mouth of Tugalo river to the Mississippi, because, as they contend the river Savannah loses that name at the confluence of Tugalo and Keowee rivers, consequently that spot is the head of Savannah river: Also the lands lying between a line drawn from the head of Saint Mary's to the head of the Alatamaha rivers, the Mississippi river, and Florida, as being within the limits of its charter, and not annexed to the State of Georgia; and praying that a federal court might be appointed to hear and determine the dispute and difference between the said two States relative to the said territory, agreeable to the articles of confederation and perpetual union between the United States of America: *And whereas*, the said United States in congress assembled, by an act of congress dated at New York, the first day of June, one thousand seven hundred and eighty-four, did notify to the legislature of the State of Georgia, that they had assigned the second Monday in May next for the appearance of the said States

Claims of South Carolina to the lands lying between the North Carolina line, and a west line from the mouth of Tugalo river to the Mississippi, And to the lands lying between a line drawn from the head of St. Mary's to the head of the Alatamaha rivers, the Mississippi, and the Floridas.

T t of

\* Commissioners appointed by act of 1787, No. 370.



A. D. 1786.  
No. 332.

Agents named  
and appointed  
to defend and  
verify the rights  
and jurisdiction  
of this State to  
the said territo-  
ry, agreeably to  
the articles of  
confederation.

of Georgia, and South Carolina, by their lawful agents, to proceed in the premises : Now, that the just rights and jurisdiction of this State to the territories claimed by the State of South Carolina, in their petition above recited, may be properly verified, and such proceedings be had in the premises as the said articles of confederation, and perpetual union direct : *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 honorable William Houstoun, George Walton, and William Few, Esquires, be, and they are hereby appointed agents for this State in the dispute and difference aforesaid on behalf of this State, and they the said William Houstoun, George Walton and William Few, or any two or more of them, are hereby fully authorized and empowered to appear and represent this State before the United States in congress assembled, on the second Monday in May next, and at all such other times and places as they may thereafter direct, and appoint, and, by joint consent, with the agents or commissioners for the State of South Carolina in this behalf appointed, to nominate and agree upon such persons as they may think proper to be commissioners or judges to constitute a federal court finally to determine the dispute and difference aforesaid between the said States ; and if it should so happen that the said agents herein before mentioned, or any one or more of them, and the agents or commissioners on this behalf appointed by the State of South Carolina cannot agree in the choice of persons so to be appointed commissioners or judges to form a federal court as aforesaid, then the said agents herein before appointed, or any one or more of them, shall, and they are declared to have full power to name proper persons for that purpose to be struck and commissioned by the United States in congress assembled, according to the form pointed out by the confederation and perpetual union of the said United States, and to appear before the said court when legally appointed and convened, there to defend and vindicate the rights and jurisdictions of this State, taking all due and lawful ways and means in their power that the final issue of the said dispute and difference may be successful for this State ; for which purpose they are hereby authorized and empowered to employ and engage all such council learned in the law, and all such solicitors, as they may think proper and necessary on the trial, and in prosecution of the claim and right of jurisdiction of this State to the territories in question, hereby confirming and establishing whatever they the said agents, or any one or more of them, shall or may lawfully do, on behalf of this State, in the premises.

Vested with full  
power over the  
necessary re-  
cords.

II. *And be it enacted by the authority aforesaid,* That the said agents herein appointed, or any one or more of them shall, and they are hereby declared to have full power, and are hereby required to examine the records of this State, and take and carry away, so that they may be produced at the trial, all such original papers and records as they may think proper, authenticated under the great seal of this State, or sufficient authenticated copies of the same, exemplified as aforesaid, as they may deem proper to be given in evidence on the said trial ; and the officers keeping such offices are hereby required to furnish the said agents, or any of them, with the same, when called for, without fee or reward.

WILLIAM GIBBONS, *Speaker.*

*Augusta, February 13, 1786.*

*An*



*An Ordinance for appointing agents to reside in the Indian nations.*

A. D. 1786.

February 13, 1786.

No. 333.

*Repealed by act of 1787, No. 381.*

*An Act investing the United States, in Congress assembled, with a power to levy for the use of the United States, certain duties upon goods imported into this State, from any foreign port, island, or plantation.*

No. 334.

February 13, 1786.

*Obsolete.*

*An Act for laying out a road from Sunbury to the seat of government, and from thence to Washington in Wilkes county.*

No. 335.

February 13, 1786.

*It is deemed unnecessary to insert this act as the power of establishing and altering public roads has been vested in the courts of the several counties.*

*\* An Act for improving the navigation of Ogechee river from Fort Argyle to the Big Falls of said river.*

No. 336.

I. **B**E 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 male inhabitants between the ages of sixteen and forty-five, residing within seven miles on either side from Fort Argyle to the Big Falls shall be, and they are hereby declared and made liable to work on Ogechee aforesaid, for the purpose of clearing and making good the navigation thereof, at such time and in such manner as the commissioners herein named, or a majority of them, shall think best and most effectual for carrying the purposes of this act into execution: *Provided always*, That no person residing within the limits aforesaid shall be obliged to work more than twelve days in a year, nor longer than three days in one week.

Inhabitants within 3 miles of the river Ogechee from Fort Argyle to the Big Falls liable to work on the same.

*Provido.*

II. *And be it further enacted*, That any person made liable to work by this act as aforesaid, who shall neglect or refuse to comply therewith after due notice given, shall forfeit and pay a sum not exceeding three shillings specie for each day he shall be absent when required to labor as before mentioned: And in case the master, owner or manager of any slave living within the aforesaid limits, shall neglect to send such slave when lawfully called on, at such time and place as the commissioners, or a majority of them shall appoint, to work on Ogechee river as aforesaid, such master or owner shall forfeit and pay a sum not exceeding three shillings for every day his or her slave shall be absent when called upon as aforesaid, unless an excuse to the satisfaction of a majority of the commissioners be made.

Persons refusing or neglecting to work, liable to fine.

III.

\* So much of this act as respects the river within Effingham county, re-enacted with alterations by act of 1793, No. 481.



A. D. 1786.

No. 336.

Commissioners  
and overseers,  
their powers and  
duty.

III. *And be it further enacted by the authority aforesaid,* That the commissioners appointed by virtue of this act, or a majority of them, in their respective districts, shall have full power and authority to divide the inhabitants within their several districts into companies, and to appoint overseers in said companies, whose duty it shall be to give three days previous notice to the inhabitants when required to work on said river as aforesaid, to see the business compleated, and to make returns to the said commissioners of all defaulters within their respective companies; and in case any person appointed an overseer under this act, after having accepted his appointment, shall neglect or refuse to execute the duties thereby imposed, every such overseer shall forfeit a sum not exceeding forty shillings specie to be recovered and applied as herein after directed; *Provided,* That the said overseer shall not be obliged to continue in office more than twelve months from the acceptance of his appointment.

Fines how to be  
recovered.

IV. *And be it further enacted by the authority aforesaid,* That the commissioners herein named, or a majority of them, in their respective districts, shall have full power and authority to cite any person or persons who shall incur any of the penalties herein inflicted, by their warrant or summons directed to a constable within the district wherein the defaulter shall reside, with notice for such defaulter to appear at such reasonable time and place as they may appoint, and on the day so appointed proceed to hear and determine thereon agreeable to the directions of this act, and upon conviction shall issue execution, directed to any constable as aforesaid, to levy the said fine, together with all lawful costs on the offenders goods and chattels, and after fifteen days public notice, sell and dispose of the same, until the said fine and costs are fully satisfied, any law of this State to the contrary thereof notwithstanding.

To be applied  
in improving  
the navigation  
of the said river.

V. *And be it further enacted,* That the monies arising by fines as aforesaid, shall be paid into the hands of the commissioners within the district where the same is collected, who shall apply the same to the forwarding and compleating the navigation of the said river within the district.

The commi-  
sioners named  
and appointed.

VI. *And be it enacted by the authority aforesaid,* That the persons herein named shall be, and they are hereby declared commissioners\* for the several districts herein after mentioned, viz. from fort Argyle to Belcher's mill creek, Israel Bird, Oliver Bowen, and Thomas M'Call; from the mouth of Belcher's creek to the mouth of Horse creek, Benjamin Lanier, Luke Meazel, and William Cone; from the mouth of Horse creek to Triplet's ferry, Lemuel Lanier, Drury Jones, and John Diens, senior; from Triplet's ferry to the bridge at the Pine Log, Roger Lawson, Patrick Carr, and James Stubbs; and from the bridge at the Pine Log to the Big Falls, Arthur Fort, John Ledbeter, and Zacharias Fenn; and they are hereby fully invested with all the powers intended by this act to be given to them as commissioners aforesaid.

Vacancies how  
to be filled.

VII. *And be it further enacted,* That if by death or resignation, it shall be impossible to form a majority of the commissioners aforesaid, then his honor the governor and executive council shall appoint other fit persons near Ogechee river aforesaid to  
act

\* Other commissioners appointed, empowered to hire laborers, and money advanced. See act of 1790, No. 443.



act as commissioners, who shall on their appointment be vested with all the powers hereby given to the commissioners herein named.

A. D. 1786.

No. 336.

VIII. *And be it further enacted*, That if any person or persons shall fell any tree or trees in the said river, and leave them in such fallen condition, so that the same may tend to obstruct and impede the navigation aforesaid, they shall for every such offence forfeit and pay a sum not exceeding five pounds, to be recovered and applied as the other forfeitures incurred by this act.

Persons falling trees in the said river subject to fine, to be recovered and applied in like manner.

WILLIAM GIBBONS, *Speaker*.

February 13, 1786.

*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.*

No. 337.

**W**HEREAS it is absolutely necessary for the interest and convenience of many of the citizens of this State, that a ferry should be established between the island of Skidaway and the isle of Hope in the county of Chatham,

Preamble.

I. *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 following persons, to wit, William Stephens, John Milledge, Charles Odingfells, James Bullock, and Seth John Cuthbert, be, and they are hereby appointed commissioners to establish a ferry between the said island of Skidaway and the isle of Hope, at such convenient place or places as they may think most conducive to the purposes of this ordinance; and to rent a quantity of land, not exceeding five acres, on each side of Skidaway river; to agree and enter into contract with a fit person or persons for keeping the said ferry, and to establish the rates of ferriage thereat; and further, that, in case the proprietor or proprietors on each side of the said river at such place or places as the commissioners shall deem expedient to establish the said ferry, shall not incline to rent a quantity of the same not exceeding that before mentioned, at any or at a reasonable price, then the said commissioners or a majority of them, shall, and they are hereby authorized and empowered to have the rent of the same valued by three freeholders of the vicinage, which valuation or appraisement shall be paid yearly to the proprietor or proprietors of the same by such person or persons as the said commissioners shall think proper to establish as the keeper or keepers of the said ferry; and lastly, these powers shall be vested in the said commissioners, or a majority of them, for the term of five years from the passing of this ordinance and no longer.

Enacted.

Commissioners appointed to establish a ferry between the island of Skidaway and the isle of Hope.

II. *And be it further ordained by the authority aforesaid*, That a ferry shall be established at M'Gowan's old ferry on Savannah river, about a mile above the Coldwater creek; also a ferry at Seneca old town 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'Gowan's old ferry on Savannah river. At Seneca old town on Keowee river. And at the mouth of Choga creek. Under like restrictions as other ferries on Savannah river.

III.



A. D. 1786.

No. 337.

At Reed's bluff on the Alatomaha under the same regulations. Vested in George Handley and Christopher Hillary, proprietors of the bluff.

III. *And be it further ordained by the authority aforesaid,* That a ferry shall be established at Reed's bluff, on the Alatomaha river, under the same restrictions and regulations 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.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 13, 1786.

No. 338.

\* *An Act for improving the navigation of Savannah river from Rae's creek to the mouth of Tugola, and up that river to Tugola Old Town.*

I. II. III. IV. V. VI. VII. **R**ELATING to a special tax, repealed by act of 1787.  
No. 359.

Donations subscribed in this and the State of South Carolina, vested in commissioners and their successors to be recovered and applied towards opening the Savannah river from Rae's creek to Tugola old town, and 15 miles up Broad river.

VIII. *And whereas,* large donations have been subscribed, as well in this State as by persons of South Carolina, for carrying into effect this very desirable purpose, *Be it enacted,* That any sum or sums of money heretofore, or which may hereafter be subscribed, is and are hereby declared to be vested in the said commissioners and their successors, who are hereby authorized, on default of payment, to sue for and recover the same; which monies so raised by subscription, as also what may be had by assessment, shall be applied to the sole and only purpose of opening the river Savannah from Rae's creek aforesaid to Tugola old town, and Broad river for fifteen miles up the same; and the said commissioners shall hire artificers, or persons skilled in cleaning rivers, to do the same on the best and most reasonable terms that they can, and shall, on the first day of February in every year, make a regular return to the governor and council of their proceedings, and of all monies by them received and expended in the execution of this act.

Annual returns of their proceedings to be made to the governor and council.

Persons employed in the work empowered to fell trees and dig any banks necessary to carry on the same.

IX. *And whereas* in carrying on the said work, there may be frequent occasions to fell and make use of some of the adjacent trees, *Be it enacted,* To prevent all damages which might otherwise arise, that the said commissioners, or those employed by them as aforesaid, may lawfully and without interruption fell any trees, or dig any bank, where necessary to carry on this important work.

X. Respecting assessments of adjacent lands also repealed.

A lock to be placed at the lower falls after the river is so cleared; and of 5s per hoghead to be paid on tobacco of South Carolina, unless made by a subscriber.

XI. *And be it also enacted,* That after the river Savannah shall be so cleared as aforesaid, a lock shall be placed at the lower falls, and a contribution of five shillings per hoghead be exacted for all tobacco brought down the said stream, the growth of South Carolina, unless the said tobacco shall have been made by a subscriber, or his, or her heirs, and who shall have paid the same towards clearing the said river.

The commissioners named and appointed.

XII. *And be it further enacted,* That Benjamin Cleveland, William Moss, Holman Freeman, Leonard Marbury, and Seaborn Jones, Esquires, shall be, and they are hereby appointed commissioners for the purpose of carrying this act into execution.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 13, 1786.

\* Lottery authorized for improving the navigation from Augusta to Lightwood-log creek and Broad river, by act of 1796, No. 558.



*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.* A. D. 1786.  
No. 339.

I. **W**HEREAS the act entitled "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," and the period therein laid down for the liquidating and receiving such claims is expired, and by reason of the great distance of the auditor from certain parts of the State, the claims therein intended to be liquidated have not been presented, and the principles of justice require the time should be prolonged, *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 act shall be, and the same is hereby declared to be in full force so far as relates to the auditor's liquidating debts therein mentioned against the confiscated estates for the term of nine months after the passing this act, and the said auditor shall govern himself in such liquidations as he was used and directed by and under the said forementioned act. Preamble.

II. *And be it further enacted,* That all claims of what nature soever against this State, prior to the eleventh day of July, which was in the year of our Lord one thousand seven hundred and eighty-two, and which will not gain us credit at the continental treasury, shall be brought in to the said auditor for liquidation within nine months after passing this act, or such claimants thereafter in default thereof, to stand for ever barred and precluded therefrom. Enacted.  
The time limited for the auditor's liquidating claims against confiscated estates, prolonged 9 months from the date of this act.

III. *And whereas* it appears that the auditor in settling some of the accounts of the officers of the line of this State, admitted charges which were not allowed by the continental commissioner on the final settlement made by him, and which said charges unless rectified will be a loss to the State, *Be it enacted,* That the auditor be directed to make out a just statement of all accounts wherever charges have been made, and that the said auditor be authorized and required to call on such officers to return the balance that shall appear to have been overpaid, and in case any officer shall neglect or refuse to settle with the said auditor, he is hereby required to return an account of the amount which shall appear to have been overpaid him to the attorney general, who shall sue for and recover the same on behalf of the State, and the account rendered him by the auditor on oath, shall be admitted in evidence: And the said auditor is also directed to furnish the public treasurer with a copy of of the state of every officer's account where an overcharge hath been made, that he may make the necessary stoppages, and that justice may be done to the State. All claims against this State prior to 11th July, 1782, which cannot be credited at the continental treasury to be for ever barred after the said nine months.

IV. *And be it further enacted,* That the governor and council be requested to order all the books and papers of former auditors which are now at Savannah, to be brought forward as soon as possible, and deliver to the auditor, who is hereby required to examine and arrange the same in order for settlement with the commissioner of accounts for this State, and also to compare said books and the accounts therein raised against the officers of this State, who have formerly received monies with the accounts delivered to him by such officers, and his settlement thereon; and if any error

Improper charges allowed by the auditor how to be rectified.

The books and papers of former auditors to be taken in charge and arranged by the auditor for settlement with the commissioner of accounts, and officers who have received monies.



A. D. 1786. error should appear, to report the same to the executive, who are required to take such measures as will most effectually do justice to the State.

No. 339.

The auditor required to make report to the executive of certificates and advances to the officers of the Georgia line.

Six months further allowed to audit treasury loan office certificates under direction of the governor.

The sheriffs vested with all the powers of commissioners of confiscated estates within their respective counties, subject to direction of the executive, and to receive like fees.

No interest allowed on any debt from the 29th Dec. 1778, to 11th July, 1782.

Citizens in copartnership with persons named in the confiscation act, to whom debts were owing, vested with full power to sue for and recover the same.

And to take the real estate into possession.  
Provido.

V. *And be it enacted by the authority aforesaid*, That the said auditor be directed to report to the executive the issues of certificates from his office to officers of the Georgia line, and also what certificates may be in his hands of such officers respectively, pursuant to the liquidation of the commissioner of the army on the part of the United States, and also any sum or sums that have been advanced by the State to any officer or officers to whom certificates have not been issued by him.

VI. *And be it further enacted*, That all treasury loan office certificates of this State that have not been delivered to the auditor for liquidation, pursuant to an act of assembly in that case made and provided, shall be delivered to the governor and council, with evidence sufficient to evince that the holder thereof had not information of said act, or that some unavoidable circumstance prevented their conforming thereto, and if the executive do certify the same to the said auditor, he is hereby required to audit the same agreeable to the aforesaid act; *Provided* only that such loan office certificate or certificates are delivered to the executive within six months from the date of this act.

VII. *And be it enacted by the authority aforesaid*, That each of the sheriffs of the different counties shall be, and they are hereby each of them vested with all the powers of the commissioners of confiscated estates, and have authority to do and perform every act and thing within their respective counties, that the said commissioners might or could do by virtue of the powers heretofore vested in them, subject to the orders and directions of the executive, for which service the said sheriffs shall be entitled to receive the same commissions and fees that the said commissioners were entitled to.

VIII. *And be it enacted*, That no interest shall be demanded or received on any debts whatever from the twenty-ninth day of December, one thousand seven hundred and seventy-eight, until the eleventh day of July, one thousand seven hundred and eighty-two.

IX. *And be it further enacted*, That any citizen or citizens of this State, or any other of the United States, who was or were concerned in trade or copartnership with any persons named or comprehended in the act of confiscation and attainder to whom debts were due and owing, such remaining or surviving copartner or copartners in whose hands or possession the bonds, notes, or books of account may be, shall and they or either of them are hereby vested with full power and authority to act, demand, sue for and recover all debts of every nature and kind whatever that was or may be due or may become due to such concern or copartners or others; also to demand, sue for, and take into possession any lands or other real estate in which the concern was interested, or had a right: *Provided nevertheless, and be it enacted*, That all such surviving or remaining copartners, or others of the aforesaid description, shall deliver to the clerk of the county where he or they may reside, a full and exact account on oath of all the notes, bonds and other debts due, or that may become due to such concern or copartners as aforesaid, and shall give bond and security in double



double the amount thereof, to pay into the treasury at the end of every six months such part as he or they may have at that time received, that was due; the person or persons whose estates were confiscated as aforesaid, for which the said surviving or remaining copartner or copartners shall receive out of the monies so collected, seven and an half per cent.

X. *And be it further enacted*, That all debts due and owing to any person or persons named or comprehended in the said act of confiscation, for the payment of which, or any part thereof, any citizen or citizens of this State, may be jointly bound by any bond, note, covenant or contract, such citizen or citizens shall pay only his, her, or their share or quota of such debt to the treasurer, who shall give a special receipt for the same.

XI. *And whereas* there are a number of persons who have demands against the confiscated estates and this State, which are not yet settled and adjusted, and it is but just and reasonable such persons should have an opportunity of paying in the certificate part of their purchases of confiscated property, *Be it therefore enacted by the authority aforesaid*, That certificates for such demands shall be receiveable at the public treasury, in payment of the certificate part of bonds given for said property, for and during the term of nine months from the date of this act.

WILLIAM GIBBONS, *Speaker*

*Augusta, February 13, 1786.*

*An Act to authorize the delegates of this State in congress, to subscribe and ratify an alteration of the eighth article of the confederation and perpetual union.*

No. 340.

February 13, 1786.

*An Act directing the appointment of delegates to represent this State in the congress of the United States.*

No. 341.

February 13, 1786.

*Obsolete.*

*An Act for the better regulation of the districts for holding courts of conscience.*

No. 342.

February 13, 1786.

*Obsolete.*

*An Act to provide for the payment of the quota of this State on past requisitions of congress, for which no provision has been made by law.*

No. 343.

February 13, 1786.

*Obsolete.*

U u.

*An*

A. D. 1786.

No. 339.

Such remaining copartners shall deliver in to the clerk's office an account of all bonds, notes, etc. due or to become due, and give bond and security to pay into the treasury the proper proportion of all monies recovered.

Citizens jointly bound in any bond etc. due to persons comprehended in the act of confiscation to pay their proportion to the treasurer.

Further time of 9 months allowed for payment of the certificate part of purchases of confiscated property.



A. D. 1786. *An Act to repeal some part of the superior court act, and other purposes therein mentioned.\**

There shall be four assistant justices in each county.  
Their powers

**B**E 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 after the passing of this act, there shall be four assistant justices in each county, whose powers shall be equal in transacting public business, and they or a majority of them, are hereby fully empowered to continue, each sessions of the superior court, in the respective counties to which they belong, for any term not exceeding twenty juridical days.

Writs and other process to be signed and issued by the clerk.

II. *And be it enacted by the authority aforesaid,* That all writs and process returnable to the superior court, of a civil nature, shall be signed and issued by the clerk of the county where subject to be tried, who shall state the nature of the plaintiff's complaint, allegation, or demand, in the summary way pointed out by the superior or circuit court act, to which no exception shall be allowed or taken; and any clerical mistake or omission, not affecting the real merits of the case, may be amended, on motion in court before trial, without any additional costs.

Clerical mistakes not affecting the real merits, to be amended on motion.

Executions may be levied on the property or person of the party cast until the amount is satisfied.  
On entering security for stay of levy costs to be paid.  
The same to be entered within ten days after judgment, which shall bear interest until satisfied.  
The effects of such security subject in like manner as other debtors.

III. *And be it enacted by the authority aforesaid,* That the clerks of the respective courts shall make out, sign and issue executions, under their hands and seals, for all debts or damages recovered in the said courts, which may be levied on the property, or person of the party cast, in any county of this State, until the amount thereof is satisfied; and in all cases where security shall be given, with intent to stay the levy of execution, the costs of suit shall be previously paid; and the acknowledgment of such security shall be entered in the clerk's books within ten days after obtaining judgment aforesaid, which shall bear interest until satisfied; and the security so given, and his, her or their effects, shall be equally subject with the first debtor or debtors to satisfy such judgment, interest, and sheriff's fees.

Minutes of court to be signed by the court before adjournment.

Clerks to give bond and security for £2,000.

IV. *And be it further enacted by the authority aforesaid,* That the clerks of the superior courts shall keep fair and regular dockets of the court business, which shall be signed by the presiding judges on the bench, as far as the same may be gone through, prior to the adjournment: And the clerks of the superior courts shall respectively, previous to their entering on the execution of their offices, give bond and sufficient security, in the sum of two thousand pounds, for the due performance of the trust reposed in them.

No costs of any action in the superior or special court shall before judgment exceed 3s. how to be apportioned.

V. *And be it enacted,* That no costs attending any action in the superior or special court shall before judgment exceed the sum of three pounds, which shall be divided in the following manner, that is to say; fifteen shillings to the chief justice, fifteen shillings to the sheriff, twenty shillings to the clerk, and ten shillings to the attorney.

So much of the superior court act or any other as is contrary to this act, repealed.

VI. *And be it further enacted by the authority aforesaid,* That all and every part of the superior court act, or any other act or law of this State, now in force, which shall or may be contradictory or repugnant to the true intent and meaning of this act, or any part thereof, shall be, and the same is hereby declared to be fully repealed:

*Provided,*

\* Repealed by act of 1789, No. 421.



*Provided*, that nothing herein contained shall be construed to invalidate or extend to the injury of any process or other writ already brought or depending in any of the superior courts of this State.

A. D. 1786.  
No. 344.

VII. *And be it enacted by the authority aforesaid*, That the senior justice in each county shall issue his warrant, annually, to not less than seven of the justices of their respective counties, to meet at the place appointed by law for building the court house and gaol, within thirty days after the adjournment of the March circuit court; and the justices so summoned, or not less than five of them, being met, shall have full power and authority to enquire into the number and circumstances of the poor of the county, bind out orphans, and other children that have not a comfortable subsistence, or ability to procure an English education, to some mechanic trade, or other lawful occupation, and appoint fit and discreet persons as overseers of the poor; and the aforesaid justices shall have power to levy a tax, not exceeding six-pence on every hundred pounds value of all taxable property belonging to the residents, in their respective counties, which shall be collected by the sheriff of the county, in such manner and way as the said board of justices shall direct; and, in case any person or persons shall neglect or refuse to pay the aforesaid tax when thereunto required, it shall and may be lawful, and the sheriffs of the different counties are hereby required to distrain for the same, in like manner as they would do in collecting the general tax, and shall have the like commissions therefor: And the monies arising from the aforesaid tax shall be paid into the hands of the senior justice in each county, to be applied, at the discretion of the board of justices, for the relief of the poor of the county, who are not otherwise provided for by the legislature; and, in case a surplussage should remain in the hands of the senior justices after provision made for the poor, the same shall be laid out by the aforesaid board of justices in building and keeping in repair the court houses, gaols, pillories, and stocks, in their respective counties, and such buildings and repairs shall at all times be let to the lowest bidder.

The senior justice with five others of each county empowered to enquire into the circumstances of the poor, appoint overseers and bind out orphans; and levy a poor tax.

The overplus, if any, to be applied in keeping court houses, gaols, &c. in repair.

VIII. *And be it further enacted by the authority aforesaid*, That if the senior justice shall neglect to issue his warrant as aforesaid, or shall neglect or refuse to meet himself, agreeable to this act, he shall forfeit and pay for every such offence, the sum of five pounds with costs of suit, to be recovered in a summary manner in the court of conscience, which shall be applied to the same purpose as the tax to be levied under and by virtue of this act.

The senior justice neglecting the same to forfeit £5, and costs.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 13, 1786.

*An Act to regulate the inspection of tobacco.*

No. 345.

IV. **B**E it enacted by the authority aforesaid, That \*\*\* warehouses shall be built at the several places hereinafter pointed out, that is to say, in the fork between Broad and Savannah rivers, by Dyonysius Oliver; at the town of Lincoln, by Zachariah Lemar; near Augusta, by Robert Watkins\*; on Ogechee, near Galphin old town by Solomon Pendleton; and in or near Savannah, by Mordecai Sheftall; at the town of Hardwick by ————.

Warehouses to be built. In the fork Savannah & Broad rivers. At town of Lincoln Near Augusta. Near Galphin old town. Near Savannah at Hardwick.

XV.



A. D. 1786.

No. 345.

Inspectors shall not sell other tobacco than the growth of their own plantations and in that case shall produce certificate of two or more inspectors.

Persons offending to be dismissed from acting, and fined not exceeding £50, how to be recovered and applied.

XV. *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 in violation hereof, on conviction before the superior court in which he shall reside, shall be discharged from acting as inspector; and the said court shall proceed to appoint another in his stead, and the persons so offending shall be liable to 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.

*All the rest revised and re-enacted by act of 1791, No. 457.*

WILLIAM GIBBONS, *Speaker.*

*Augusta, February 14, 1786.*

\* This warehouse is known by the name of "Calls," and was originally established by resolution vesting an exclusive right in ——— Brown, for a term of years.

No. 346.

*An Act to vest Congress with certain powers for the protection of commerce.*

August 2, 1786.

*Rendered obsolete by the federal constitution.*

No. 347.

*An Act to admit Thomas Gibbons to plead and practice as an attorney in the superior courts of law, in this State.*

August 2, 1786.

*Private.*

No. 348.

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

Preamble.

WHEREAS William Pengrie, 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, *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 Pengrie, 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.

Enacted.

Persons named admitted to the rights of citizenship.

WILLIAM GIBBONS, *Speaker.*

*Augusta, February 13, 1786.*

*An*



*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.*

A. D. 1786.  
No. 349.

**W**HEREAS the scarcity of gold and silver money renders it necessary to supply the good people of this State with a medium of commerce of a staple 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: *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.

Preamble.

Enacted.

£50,000 in paper bills of credit under direction of the governor & council to be emitted

“ 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.

Form of the same.

II. 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 bills 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 six-pence each—Twenty-five thousand six hundred and forty-two bills of one shilling each—And twenty-five thousand six hundred and forty-one of six-pence each. And the governor and council shall use their best care, attention and diligence, and appoint fit and proper persons to superintend the presses 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 presses, 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.”

The several denominations thereof.

Fit and proper persons to be appointed to superintend the presses, who shall take an oath.

The form thereof.

III. And for perfecting the said bills according to the true intent and meaning of this act, *Be it further enacted by the authority aforesaid,* That the said bills, the denominations

The said bills how to be signed,

\* See act of 1789, No. 410, to redeem the paper medium.



A. D. 1786. minations whereof shall be ten shillings and upwards, shall be signed by any two of  
 No. 349. 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.

Oath to be taken  
 by the signer.

“ 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 re-deliver, or cause to be re-delivered into the public treasury, pursuant to the directions of this act.”

Compensation  
 allowed the  
 signers and su-  
 perintendants.

IV. 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 press, 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.

B sides the guaran-  
 ty of the governor  
 and the faith of the  
 State, the tract of  
 land lately ceded  
 lying between the  
 Alatomaha, Oak-  
 mulgee, and St.  
 Mary's rivers is  
 pledged and de-  
 clared to be a fund  
 to return the said  
 bills of credit with-  
 in four years.

V. *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 Oakmulgee 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 credit 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.

VI. *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 eight pence 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 penny-weights and six grains, and thirty-seven shillings and four-pence of the emission aforesaid, shall be taken and received at the rate of, or equal value to one gold half Johannes of Portugal, weighing nine penny-weights, and in the like proportion for all other gold or silver coin.

Shall be receiv-  
 ed by the trea-  
 surer and all o-  
 ther public offi-  
 cers as gold or  
 silver.

VII. *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.

Any person  
 counterfeiting  
 the same to be  
 adjudged a fe-  
 lon and shall  
 suffer death.

VIII. *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 of credit which shall be

\* Time extended and the money continued to be a tender, by act of 1789, No. 410.

† Ceased to be a tender after the 14th August, 1790. See act of 1789, No. 410.



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, paid, 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 encrease the value of such bills, or shall utter 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 benefit of clergy. *Provided always*, That nothing herein contained shall extend to work a forfeiture of the estate or effects of such offender. A. D. 1786.  
No. 349.

IX. *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 rateable 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 said in what manner the said payment may be made: *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, *It is hereby enacted*, That the debts and dues or parts or 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.

Persons indebted to British subjects or adherents, may pay the same into the treasury, in the said bills of credit.

*Provido.*  
Such payments to be made within 9 months from the date of this act.

WILLIAM GIBBONS, *Speaker*.

Augusta, August 14, 1786.

*An Act for admitting John Storr and others, to return to this State.*

August 14, 1786.

No. 350.

*Private.*

*An*



A. D. 1786.

*An Act for incorporating the Union Society in Savannah.*

No. 351.

Preamble.

**W**HEREAS William Stephens, 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 Waudin, James 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 and 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 stile 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 hereby 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.

Enacted.

That the Union  
Society in Sa-  
vannah be in-  
corporated.

Public act.

II. *And be it further enacted,* That this act shall be deemed and taken as a public act to all intents and purposes whatsoever.

WILLIAM GIBBONS, *Speaker.**Augusta, August 14, 1786.*

No. 352.

*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: *And whereas* it is represented that the said inhabitants are generally desirous that the commons should be leased: *Be it therefore*

Enacted.

*enacted.*



*enacted by the representatives of the freemen of the State of Georgia, 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.*

II. *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 act of assembly, within twelve months from the passing of this, and the express terms of sale.*

III. *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.*

WILLIAM GIBBONS, *Speaker.*

*Augusta, August 14, 1786.*

A. D. 1786.

No. 352.

The trustees of Richmond academy empowered to lease out the common of Augusta in five acre lots for seven years.

To lay out the public land in the lower end of the town into lots and sell the same, as also a row of lots on the common to the south.

Sales of lots heretofore made, of more or less than one acre, confirmed.

The trustees to proceed to sell all lots, the conditions of sale not being complied with in twelve months.

The said board empowered to carry into execution the same regulations in the town of Augusta as the commissioners in Savannah.

## *An Act to regulate taverns, and to suppress vice and immorality.*

No. 353.

I. II. III. **R**ESPECTING the regulation of taverns.\*

IV. *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, \*billiards in his, her or their taverns, 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 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 of the county wherein such taverns shall be kept.*

V. *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 six-pence; and any person convicted in the court of conscience of trading with slaves without a permit, shall be liable to pay ten pounds.*

WILLIAM GIBBONS, *Speaker.*

*Augusta, August 14, 1786.*

X x

An

\* So much of this act as relates to the regulation of taverns, and the playing at billiards repealed by act of 1791, No. 459.



- A. D. 1786. *An Act to repeal an act for appointing places for holding superior courts in the counties of Washington and Franklin, so far as respects the county of Washington; and to appoint a place in the said county of Washington for holding superior courts.*  
No. 354.

So much of the act appointing places for holding courts in Washington and Franklin as respects the county of Washington repealed. The superior courts to be held in future at the house of Thomas Jones in Williamson's swamp.

I. **B**E 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 act for appointing places for holding superior courts in the counties of Washington and Franklin, is hereby repealed, so far as respects the county of Washington; and that the place for holding superior courts in the said county of Washington, shall be at the house of \*Thomas Jones, on Griffen's fork of Williamson's swamp.

WILLIAM GIBBONS, Speaker.

Augusta, August 14, 1786.

\* Sanderfville, the permanent seat of public buildings. See act of 1796 No. 554.

- No. 355. *An Act to emancipate and set free Austin, a mulatto, and Harry, a negro fellow.*  
August 14, 1786.  
Private.

- No. 356. *An Act for the better regulating of vendues within this State.*  
August 15, 1786.  
Repealed by act of 1794, No. 508.

- No. 357. *An Act for regulating the militia of this State, and for repealing laws heretofore made for that purpose.*  
August 15, 1786.  
Repealed by act of 1792, No. 468.

- No. 358. *An Act to vest the superior courts in this State with power to regulate ferries and public roads.\**

The future regulation of ferries, public roads and bridges, under the direction of the superior courts in each county, a state of which to be annually made to the legislature.

**B**E 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 after the passing of this act, the establishment, alteration and future regulations of ferries, public roads, and bridges, shall be under the direction of the superior courts in each county; a State of which shall be annually made from each county to the house of assembly at the

\* The regulation of public roads vested in the inferior courts by act of 1792, No. 478, sect. 1, and they are authorized to establish ferries by act of 1797, No. 597, sect. 7.



the beginning of the year ; and in particular that the superior court of the county of Chatham be empowered to cause the public land and houses at Great Ogechee ferry to be fold for a term not exceeding seven years, upon such terms as may be found best.

WILLIAM GIBBONS, *Speaker*.

*Augusta, August 15, 1786.*

A. D. 1786.  
No. 358.  
The public land and houses at great Ogechee ferry to be fold not exceeding 7 years.

*An Act to repeal some part of an act for clearing the river Savannah from the mouth of Rae's creek to Tugalo old town.*

No. 359.

**W**HEREAS an act of the general assembly passed the thirteenth day of February, one thousand seven hundred and eighty-six, entitled "An act for clearing the river Savannah from the mouth of Rae's creek to Tugalo old town," may become oppressive in its operations, in as much as the tax to be levied for that purpose is to be collected from such persons only as live within a small distance of said river ;

Preamble.  
So much of the act for clearing the river Savannah above Rae's creek,

I. *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 act, so far as respects the raising a tax on the inhabitants and freeholders in the vicinity of said river, be and the same is hereby repealed.

As respects the raising a tax on the inhabitants is repealed.

WILLIAM GIBBONS, *Speaker*.

*Augusta, January 22, 1787.*

*An Ordinance for the constituting of a court for the trial of all charges made or to be made against any public officer of the State under the 49th article of the constitution.*

No. 360.

February 8, 1787.

*Rendered obsolete by the constitutions of 1789 and 1798.*

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

No. 361.

February 10, 1787.

*Private.*

*An Act to vest certain powers in George Abbot Hall, and for other purposes therein mentioned.*

No. 362.

February 10, 1787.

*Private.*

*An*



A. D. 1787. *An Act to regulate the opening of dams across rice grounds, and the making and keeping dams for the reservoirs of water.*  
No. 363.

Preamble.

**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 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.

Enacted.

Dams across rice grounds for reservoirs of water at what time to be opened.

Persons failing shall forfeit £100.

In what manner such dams may be opened by a magistrate and freeholders.

II. *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 freeholders, disinterested persons of the neighbourhood 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 freeholders, 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 freeholders, 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 expences 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 freeholders shall be the judges)

Proviso.

to



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. A.D. 1787.  
No. 363.

III. *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 freeholders 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 chuse a freeholder as aforesaid, then the three freeholders who shall have been summoned by the magistrate shall proceed to determine the matter in dispute, in the same manner as if the defendant had been present and had chosen a freeholder; which said freeholders 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 freeholders shall be given.

IV. *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 freeholders 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 freeholders 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 manner aforesaid.

V. *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

Obstructions to passing off surplus water how to be removed.

Persons stopping up dams opened, or replacing obstructions, between 5th March, and 1st July to forfeit £200, and £250 for hindering the opening of dams, &c.

Insufficient dams to be enlarged under penalty of £100.



- A. D. 1787. 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 purposes 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 freeholders, 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.

Freeholders attending allowed two dollars per day.

Being summoned and not attending, shall forfeit £10 for every day's neglect or refusal.

VI. *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 freeholders 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 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.*

WILLIAM GIBBONS, *Speaker.*

*Augusta, February 10, 1787.*

- No. 364. *An Act to admit John Mathews, and others therein mentioned, to practice and plead in any court of law and equity in this State.*

February 10, 1787.

*Private.*

- No. 365. *An Act for imposing a tax on the inhabitants of the State of Georgia, and others 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, 1787.*

February 10, 1787.

*An*



*An Act for regulating the trade, laying duties on all goods, wares, liquors, merchandize and negroes imported into this State, and also an impost on the tonnage of shipping, and for other purposes therein mentioned.* A. D. 1787.  
No. 366.

I. **B**E it enacted, That from and after the passing of this act the following duties shall be paid and levied upon all goods, wares, liquors, merchandize, and negroes, imported into any part of this State, and the following impost on the tonnage of all vessels arriving within the same, that is to say,\*

Tonnage to be paid on all vessels.

II. On all vessels an impost of one shilling per ton according to carpenters measurement.

1s. per ton according to carpenters measurement.

III. And be it further enacted by the authority aforesaid, That a further sum of three pence per ton shall also be levied on all shipping entering the port of Savannah, and shall be, and hereby is, appropriated and set apart as a fund towards erecting and establishing an hospital for the reception of sick and disabled seamen in the town of Savannah, and the following persons shall be and hereby are appointed commissioners of the same, viz. George Houstoun, Leonard Cecil, James Houstoun, John Wallace, Benjamin Fishborne, William O'Bryen, jun, and Richard Wylly, esquires, who shall and hereby are authorized to draw on the collector from time to time for such sum or sums as shall be received by him for that purpose.

A further sum of 3d per ton to be levied on all vessels entering the port of Savannah for erecting a seamen's hospital. Commissioners of the same named and appointed.

IV. And be it further enacted by the authority aforesaid, That the person appointed health officer and surgeon of the seaman's hospital, shall be under the directions of the said commissioners; and the said health officer and surgeon shall be entitled to receive the sum of three shillings and six pence for every square rigged vessel; and two shillings and four pence for every other vessel; drogers and vessels in distress only excepted.

The health officer and surgeon to be under their direction, and entitled to 3/6 for every square rigged and 2/4 for every other vessel.

V. And whereas it becomes absolutely necessary for the better navigation of the river Savannah below the town, that the wrecks and other obstructions be as speedily as possibly removed, and that a fund be established for that purpose; Be it therefore enacted by the authority aforesaid, That a further sum of three pence per ton shall also be levied on all shipping entering the port of Savannah, and shall be, and hereby is, appropriated and set apart as a fund for clearing the said river of the wrecks &c. And the commissioners of the pilotage for the port of Savannah herein after named, shall be and hereby are empowered to carry the same into effect. The said commissioners shall also be, and hereby are authorized to draw on the collector of said port from time to time, for whatever sums may accrue, and be received by him for that purpose.†

An additional sum of 3d per ton to be levied and set apart as a fund for clearing the said river of the wrecks &c. under direction of the commissioners of pilotage.

XVIII.

\* The remainder of this, and former part of the 2d sect. as well as the other sections omitted, rendered obsolete by the operation of the general government.

† Congress by act of 11th August, 1790, assents to the operation of this act so far as the same relates to the laying an impost on the tonnage of ships and vessels for the purposes therein mentioned until the 10th January next thereafter — And by acts of 10th January, 1791 and 19th March, 1792, further continued the same for the term of 3 years from the last mentioned date, and from thence to the end of the next session of congress.



A. D. 1787.  
No 366.

Commissioners  
of pilotage na-  
med and ap-  
pointed for the  
port of Savan-  
nah; their pow-  
ers.

Governor em-  
powered to  
draw on the  
treasury in their  
favor, not ex-  
ceeding £800.

In favor of the  
commissioners  
of pilotage for  
the port of St.  
Mary's, £50.

For the port of  
Sunbury £100,  
and £50 for the  
port of Brunf-  
wick.

Commissioners  
of pilotage ap-  
pointed for the  
port of Sunbury.

For the port of  
St. Mary's.

And for the port  
of Brunswick.

The collectors  
and harbor mas-  
ters of the re-  
spective ports  
added to the  
commissioners,  
appointed.

†XVIII. *And whereas* it is necessary for the encouragement and security of the trade and navigation of the State, that the pilots of the different ports thereof be made subject to such rules and regulations as may answer the said purposes, *Be it enacted by the authority aforesaid*, That the following persons, viz. George Houstoun, Thomas Cumming, Leonard Cecil, John Wallace and Robert Bolton, jun. esquires, be, and they are hereby appointed a board of commissioners of pilotage for the port of Savannah, and they, or any three of them, shall have, and they are hereby invested with full power and authority to appoint any number of pilots they may think necessary for said port, and prescribe and establish such rules and regulations as they may deem expedient therefor; which rules and regulations shall be binding on all such pilots, and those who act under them, and upon all other persons concerned therein.

XIX. *And be it enacted by the authority aforesaid*, That his honor the governor be directed to draw on the treasurer in favor of the said commissioners, for a sum not exceeding eight hundred pounds, to be by them disbursed in the purchase of proper boats, or in any other way they may judge necessary for the better establishing and conducting the said pilotage; the said commissioners to account for the expenditure of such monies to the executive of the State.

XX. *And be it enacted by the authority aforesaid*, That for the better encouragement of trade in the southern ports of this State, his honor the governor be directed to draw on the treasurer for a sum not exceeding fifty pounds in favor of the commissioners of pilotage for the port of St. Mary's and its dependencies; and a sum not exceeding one hundred pounds be allowed for the port of Sunbury; and a further sum not exceeding fifty pounds for the port of Brunswick, for the purpose of purchasing proper boats, and employing pilots for said ports, and that they shall account for the expenditure of such monies, in like manner as the commissioners of pilotage for the port of Savannah.

XXI. *And be it further enacted by the authority aforesaid*, That John Baker, John Hardy, and Alexander M'Iver, esquires, be, and they are hereby appointed commissioners for the port of Sunbury, invested with the same powers as those mentioned in this law for regulating the pilotage of the port of Savannah.

XXII. *And be it further enacted by the authority aforesaid*, That Jacob Weed, James Seagrove, and James Armstrong, esquires, be and they are hereby appointed commissioners of the port of St. Mary's and its dependencies, invested with the same powers as those mentioned in this law for regulating the pilotage of the ports of Savannah and Sunbury.

XXIII. *And be it further enacted by the authority aforesaid*, That James Spalding, Elisha Hopkins, and John Braddock, esquires, be and they are hereby appointed commissioners of the port of Brunswick, invested with the same powers as those mentioned in this act for regulating the pilotage in the other ports of this State; and that the collectors and harbor masters of the respective ports for the time being shall be, and they are hereby declared to be commissioners of the pilotage in addition to those already

† By act of congress passed August 7, 1789—all pilots are to be regulated by the laws of the respective States until congress makes further provision.



already appointed, in virtue of their offices, for the ports to which they respectively belong. A. D. 1787.  
No. 366.

XXX. *And be it enacted by the authority aforesaid,* That an harbor master be appointed for the port of Savannah, (who shall also execute the duty of tonnage master.) And that no person may plead ignorance of the rules and regulations of the port, it shall be the duty of the harbor master to go on board all vessels immediately on their arrival in port, and inform the masters or commanders of the same: And also furnish all the pilots with printed regulations and instructions, who shall be directed to make them known to the masters of all vessels on their arriving within the bar; and the said harbor master shall receive for such square rigged vessel five shillings, and for all sloops and schooners three shillings and six-pence from the masters of said vessels; and the said harbor master shall be subject to the orders and instructions of the board of commissioners of pilotage for the port of Savannah, and removable by his honor the governor and executive council for neglect or misbehavior.

Harbor master to be appointed for the port of Savannah—his duties.

Shall receive 5/ on all square rigged, and 3/6 on other vessels;

And be subject to the orders and instructions of the board of commissioners of pilotage, removable by the executive for misbehavior.

His fees for the measurement of vessels.

XXXII. *And be it further enacted by the authority aforesaid,* That the harbor master shall measure all vessels subject to the payment of tonnage, the first voyage they may make to the port of Savannah; and shall receive the following fees for the same, viz. on all vessels measuring one hundred tons and upwards, seven shillings; and on all vessels under one hundred tons, four shillings and eight-pence, to be paid by the masters of said vessels so measured. *Provided* a certificate of the measurement be lodged with the collector by the harbor master, previous to the clearance of said vessel.

XXXIV. *And be it further enacted by the authority aforesaid,* That six-pence in addition to the tonnage, levied for the seaman's hospital and clearing the river Savannah of the wrecks below the town, shall be also paid by all masters of vessels entering the ports of Sunbury, Brunswick, and St. Mary's, and shall be appropriated and set apart as a fund for erecting light houses, and establishing and supporting pilots, and shall be under the direction of the commissioners of pilotage for said ports, and to be by them drawn in the same manner as from the collector of the port of Savannah.

Additional tonnage of 6d to be levied also in the ports of Sunbury, Brunswick and St. Mary's, a fund for erecting light houses and supporting pilots, under the direction of commissioners pilotage.

XXXV. *And be it further enacted by the authority aforesaid,* That an harbor and tonnage master be appointed for the port of Sunbury, and one for the port of Brunswick, and also one for the port of St. Mary's and its dependencies, who shall be entitled to the same fees and subject to the same regulations as those of the port of Savannah.

Harbor and tonnage master to be appointed for the ports of Sunbury, Brunswick and St. Mary's.

XL. *And be it further enacted,* That all former acts laying duties on goods, wares, liquors, merchandize and negroes imported into this State, and also imposts on the tonnage of shipping payable to this State be, and the same are hereby repealed.

All acts laying duties on goods and imposts on tonnage repealed.

XLII. *And be it further enacted,* That in case of death or resignation or refusal to act of any of the commissioners herein appointed, that his honor the governor and executive council shall be, and they are hereby authorized to appoint a proper person or persons in the room of such commissioner or commissioners so refusing, dying or resigning.

Vacancies to be filled by the executive.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1787.

Y y

An



A. D. 1787. \* *An Act for better regulating the town of Savannah and the hamlets thereof.*  
No. 367.

Town of Savannah and hamlets divided into seven wards.

Wardens to be elected annually on first Monday in March—in what manner.

To elect a president out of their own body, appoint a clerk and other officers.

Their powers for the good order and government of the town and hamlets.

To raise by assessment all sums of money necessary to carry this act into effect.

Proviso.

The president and wardens to serve without fee or reward.

And rent or lease at public sale all lots of land including the 16 acres called the Spring and the Vendue House.

**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, Darby, Anson, Reynolds, Heathcoat, and Dicker wards, and the hamlets of Ewensburgh and Yamacra shall constitute the seventh, and be known by the name of Oglethorpe's ward.†

II. *And be it further enacted by the authority aforesaid,* That on the first Monday in March annually, and every year, the proprietors of lots or houses within the said wards, who shall be of the age of twenty-one years and upwards, shall meet at the court house of the said town, and under the direction of two or more magistrates proceed to ballot for a warden for each ward, who shall also be a proprietor of a house or lot within the limits of the town or hamlets as aforesaid; and the wardens so chosen or a majority of them shall meet on the Monday next following, and elect by ballot out of their own body, a person to act as president of the board; and they shall also appoint a clerk and such other officers as may be deemed necessary to carry this act into execution.

III. *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.

IV. *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. *Provided,* That no part of 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.

V. *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,

\* See corporation act of 1789, No. 430.

† Limits of the corporation explained, of 1795, No. 529.



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. A. D. 1787.  
No. 367.

VI. *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 offenders 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. Assessments, penalties, and forfeitures, how to be recovered.

VII. *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 the inhabitants of said town and hamlets. An account of expenditures to be published monthly.

VIII. *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 the 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. The boundary of the lots fronting Bay street established in a plan of the town lost during the war.

IX. *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. The president and board of wardens empowered to fix the boundary of the said lots; a plan thereof to be recorded.

X. *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. To regulate the public docks.

XI. *And be it further enacted by the authority aforesaid,* That all former laws heretofore passed for the better regulation of the said town of Savannah and the hamlets thereof, be and the same are hereby repealed. Are vested with all the powers of justices of the peace.

WILLIAM GIBBONS, *Speaker.*

*Augusta, February 19, 1787.*

\* A general plan of the town of Savannah is in secretary of the States' office, annexed to an act of 1770—probably the same alluded to in this act, (supposed to be lost.)

*An Act to confirm and explain certain resolutions of this house, relating to the estate of the late Reverend John Joachim Zubly, deceased.* No. 368.

February 10, 1787.

*Private.*

*An*



A. D. 1787. *An Act to admit Jacob Walburger, James Williams, and Abraham Jackson, Esquires, to the practice of the law in this State.*

No. 369.

February 10, 1787.

*Private.*

No. 370. *An Ordinance to appoint commissioners to ascertain and settle the boundaries of this State with the State of South Carolina.\**

Commissioners named and appointed to settle all differences with the State of South Carolina relative to boundary.

**B**E 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 John Houstoun, John Habersham, and General Lachlan M'Intosh, Esquires, be and they are hereby appointed commissioners, and invested with full and absolute power and authority in behalf of this State, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between this State and the State of South Carolina, relative to boundary; and to establish and permanently fix a boundary between the two States. And this State shall and will at all times hereafter ratify and confirm all and whatsoever the said commissioners or a majority of them shall do in and touching the premises; and the same shall be for ever binding on this State: *Provided always*, That the commissioners appointed by the State of South Carolina shall have as extensive powers vested in them by the said State, as are hereby vested in the commissioners of this State.

Proviso.

WILLIAM GIBBONS, *Speaker.*

*Augusta, February 10, 1787.*

\* Settled by convention at Beaufort. See appendix, page , and act of 1788, No. 392, ratifying the same.

No. 371. *An Act to continue and amend an Act, entitled "An act for the better regulating of vendues within this State."*

February 10, 1787.

*Repealed by act of 1794, No. 508.*

No. 372. *An Act to prevent biting, gouging, maiming, or otherwise destroying or injuring any of the members of the body.*

Preamble.

**W**HEREAS nothing more forcibly marks the barbarity and the 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,

Enacted.

I. *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*



out an eye, slit the nose, bite or cut off the ear, nose or lipp, 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 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 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 goods and chattels.

WILLIAM GIBBONS, *Speaker*

Augusta, February 10, 1787.

A. D. 1787.

No. 372.

Any person maiming another by biting, gouging, etc. shall forfeit for the first offence 100l. and stand in the pillory not exceeding two hours.

If unable to pay such fine to receive 100 lashes.

The second offence felony.

Provido.

*An Act to compel the settlement of public accounts, for inflicting penalties on the officers of this State who may neglect their duty, and for vesting the auditor with certain powers for the more speedy settlement of the accounts of this State with the United States.*

No. 373.

**W**HEREAS in the course of the late contest between the United States of America and Great Britain, very large and great expenditures and advances of public money have been made by the good people of this State in the common cause: *And whereas* many of the persons to whom such advances of money have been made, regardless of the public welfare as well as of their own credit and character, have refused or neglected, and do still refuse or neglect to exhibit their accounts and vouchers, and to settle their accounts, notwithstanding the opportunities which have been given, and the repeated calls which have been made upon such defaulters.

Preamble.

*And whereas* divers of the said defaulters who ought to have attended upon, and accounted with the committee of finance of the general assembly of this State, (though such persons have been frequently called on by the said committee to appear before them, and to exhibit their accounts and vouchers, in order that their several accounts might be adjusted and settled) have refused or neglected to appear before the said committee, or to exhibit their accounts and vouchers, and have their accounts settled as aforesaid.

*And whereas* it is highly necessary, as well for ascertaining and settling the accounts of the expenditures made as aforesaid by this State, before the revolution and since, and in order to satisfy the good people of this State of the true situation of their public finances, and of the necessity of submitting to the heavy taxes which have been laid upon them: In order therefore to compel the defaulters aforesaid, and every of them, and all others to whom the public monies of Georgia may have been advanced or paid, either before the revolution or since, or who may be otherwise possessed of public



A. D. 1787. public money or other property, and who ought to account for the same, to attend the auditor of this State, and produce their accounts and vouchers, and settle their said accounts, and pay over to the treasurer of this State, the balance which may be respectively due to this State from such defaulters.

The auditor empowered to settle the accounts of public officers and all other persons who have been or may be possessed of monies or goods of this State.

I. *Be it 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 the auditor be and he is hereby vested with full power to collect, audit, liquidate, adjust, and settle the accounts of the late and present treasurer or treasurers of this State; the late and present commissioner or commissioners of confiscated estates; the late and present collector or collectors of duties or imposts; the late and present collector or collectors receiver or receivers of public taxes in the respective counties; the late and present attorney general or attorney generals; the late and present sheriff or sheriffs, and clerk or clerks of the respective counties; and the accounts of all such other person or persons who have been or may be intrusted, or have or may become possessed of the monies, goods, or effects of this State; and in any case where it shall appear that a balance of monies shall be due by any such person or persons to this State, the auditor shall direct that payment thereof be made to the treasurer of this State; and the certificate of the said auditor shall be conclusive evidence in an action of debt, at the suit of the State against any person or persons for the sums of money which such person or persons owe or may be indebted to the State, and no set off or deduction from the same shall be admitted.

Authorized to call before him by subpoena, all such persons with the necessary witnesses, and to compel their attendance

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said auditor, as often as there shall be occasion, to call before him by subpoena or summons, and in case of contempt, to issue a writ of attachment in order to compel the appearance of any person or persons who is or may be accountable, before the said auditor, by virtue of this act, or who the said auditor may reasonably suppose is or are capable of giving evidence or information concerning the said accounts or any of them; and the said auditor is hereby authorized to examine, upon oath or affirmation, any person as witness respecting any such account, which oath or affirmation the said auditor is hereby empowered to administer; and in case any person or persons on whom such subpoena or summons shall be served, being accountable before the said auditor, shall refuse to appear as in such writ shall be expressed and directed, or having appeared before the said auditor shall refuse or neglect to exhibit his, her or their account and attend the settlement thereof, or being summoned as a witness shall neglect to appear before the said auditor at the time and place appointed, in and by such subpoena or summons, and shall make default thereupon, or having appeared as aforesaid, shall refuse to make a full disclosure of his, her or their knowledge in the matter depending before the said auditor, the said auditor may award an attachment, and commit such delinquent or delinquents to the nearest common gaol, there to be holden till such person or persons shall submit to the said auditor, and comply with the directions of this act; and all persons who shall be summoned as witnesses by the said auditor, and every sheriff, coroner or other officer to whom he shall direct his writs or precepts as aforesaid, shall be allowed like



like fees for their attendance and services as witnesses summoned to appear in the superior courts of this State, and as sheriffs, coroners and other officers are entitled to in such courts, to be levied on the several delinquents by the said auditor by warrant, in the like manner as debts under ten pounds are recoverable.

A. D. 1787.

No. 373.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons who by virtue of this act, are or shall be accountable before the said auditor for any sum or sums of money, which have been or may be advanced to or received by such person or persons, or for any monies, goods, chattels or effects, which have or may come to the hands or possession of such person or persons, shall for three months after the service of such subpoena or summons as aforesaid, for such person or persons to appear before the said auditor, and exhibit and settle his, her or their accounts as aforesaid, refuse or neglect to obey such subpoena, summons or demand, and comply with the directions of this act, then such person and persons so refusing or neglecting shall be liable to an action of debt or other action at the suit of the State, for the whole of the sum and sums of money, goods, chattels and effects belonging to the public, which he, she or they ought to account for as aforesaid, before the said auditor, and shall be for ever barred of settling off any charge or expenditure thereout, unless the said auditor, before the said term of three months be expired, certify in behalf of such person or persons that it is reasonable that further time be allowed such person or persons for exhibiting and settling his, her or their accounts, in which case upon sufficient security being entered by the party or parties in whose behalf such certificate shall be made for the whole money or other property unaccounted for by such person or persons, his honor the governor in council may, by an entry on their minutes, allow of further time as aforesaid: *Provided,* That nothing herein contained shall prevent the settlement or inspection of any public accounts by the committee of finance appointed annually by the house of assembly.

Persons accountable before the auditor and duly summoned, refusing to comply with this act, how to be proceeded against.

*Provido.* Nothing herein contained shall prevent the settlement or inspection of public accounts by the committee of finance.

IV. *And be it further enacted by the authority aforesaid,* That the auditor be, and he is hereby vested with full power and authority to audit, liquidate, adjust and settle the accounts of this State with the United States, with power to send for such person or persons, paper or papers, record or records, as he may deem necessary in the settlement of the said accounts; and every such person or persons who shall neglect or refuse to obey the subpoena, summons or demands of the said auditor in manner as by this act is pointed out, shall incur and suffer all the pains and penalties inflicted by this act.

The auditor vested with full power to audit and settle the accounts of this State with the United States.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1787.

*An Act for fixing on proper places in the counties of Effingham, Glynn and Camden, for erecting gaols and court houses, and for establishing superior courts in the counties of Franklin and Greene.*

No. 374.

**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



A. D. 1787. legislature that an equal distribution of justice may take place in the said counties, in common with the other counties in this State.

No. 374.

Enacted.

A court house and gaol to be erected, and the elections held in the county of Glynn, at the town of Brunswick.

In Camden, at St. Patrick, a town to be laid out on the south side of Satilla river.

I. *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 after the passing of this act a court house and gaol shall be erected, and the elections held in and for the county of Glynn, at the town of Brunswick: A court house and gaol shall be erected, and the elections held in and for the county of Camden, at a town to be laid out by the commissioners herein after named and appointed for the said county, on the south side of the river Great Satilla, and to be known by the name of †St. Patrick's.

In Greene, at the town of Greensborough.

II. *And whereas* no provision hath hitherto been made by law for building a court house and gaol 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 gaol 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.

In Effingham, at or near the Indian bluff, by the name of Elbertston.

III. *And whereas* the place appointed for erecting a court house and gaol, and holding elections in the county of Effingham hath been found inconvenient to the inhabitants of the said county, *Be it therefore enacted by the authority aforesaid,* That a court house and gaol shall be erected, and the elections held in and for the county of Effingham, at or within three miles of a place called Indian Bluff, on the north side of the river Great Ogechee, and to be known by the name of § Elbertston, and that so much of the act, entitled "An act for the fixing and establishing court houses and gaols, and the fixing and regulating elections in the different counties of this State," passed on the twenty-sixth day of February, one thousand seven hundred and eighty-four, as relates to the erecting a court house and gaol, and holding elections and superior courts in and for the county of Effingham, at Tuckasee King's, be and the same is hereby repealed.

Commissioners named and appointed for erecting a court house and gaol in Glynn.

Camden.

Greene, and

Effingham.

IV. *And be it further enacted by the authority aforesaid,* That John Tomkins, John Parmer; William Stephens, John Burnett, and Alexander Rainey, esquires, be, and they are hereby appointed commissioners for erecting a court house and gaol in and for the county of †Glynn; Jacob Weed, James Seagrove, John Webb, and Nathaniel Ashley, esquires, commissioners in and for the county of †Camden; David Gresham, William Greer, Thomas Harris, William Fitzpatrick, and Robert Greer, esquires, commissioners in and for the county of Greene; and Oliver Bowen, Benjamin Lanier, and Thomas Lane, esquires, commissioners in and for the county of †Effingham.

V. *And whereas* the place appointed for holding elections and superior courts in the county of Franklin is found by experience to be extremely inconvenient to a majority

† So much as relates to holding courts, &c. at St. Patrick's, repealed by act of 1792, No. 464. Commissioners appointed by acts of 1790, No. 443; and 1791, No. 452; and 1792, No. 465, authorized to fix upon another place.

§ Commissioners authorized to fix on another place. See act of 1795, No. 527.

\* Other commissioners appointed for Camden and Effingham. See act of 1790, No. 443.

† Other commissioners appointed by act of 1791, No. 452.



majority of the inhabitants of said county, *Be it therefore enacted by the authority aforesaid,* A. D. 1787. That from and immediately after the passing of this act, the place for holding elections and superior courts in the said county of Franklin shall be at the house of Benjamin Acles, and the time for holding superior courts for the said county shall be the next Tuesday after that of Greene; and that such part of an act of the general assembly, entitled "An act for fixing and establishing court houses and gaols in the counties of Washington and Franklin, and for holding superior courts in the county of Franklin," as relates to the fixing a place for holding elections, and time of holding superior courts, be, and the same is hereby repealed.

No. 374.

The elections and superior courts to be held in Franklin at Benjamin Acles.

VI. *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.

Commissioners of each county at any time to proceed to business.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1787.

*An Act to amend an Act for regulating the inspection of tobacco, and for other purposes therein mentioned.* No. 375.

I. II. III. IV. V. **R**EVISED and re-enacted by an act of 1791, No. 431.

VI. *And whereas* an inspection at the town of Wrightsborough will greatly contribute to the ease and convenience of the inhabitants of the upper parts of this State, and tend greatly to encourage the cultivation and raising of tobacco: *Be it therefore enacted by the authority aforesaid,* That an inspection of tobacco be, and the same is hereby established to be held in the town of Wrightsborough on such lot or place as the commissioners for said town may think proper for that purpose, to be under the same regulations as other inspections of tobacco within this State.

Preamble.

Enacted. An inspection of tobacco established at Wrightsboro'.

VII. *And whereas* there is a number of vacant lots in the said town of Wrightsborough, and no way pointed out for the disposal of the same, *Be it therefore enacted by the authority aforesaid,* That the commissioners for the said town, or their successors in office be, and they are hereby empowered and authorized to sell and make titles to all such vacant lots or lands appertaining or belonging to the town of Wrightsborough, and all monies arising from such sales, to be appropriated to the use of the said town in such manner as the commissioners may think most convenient.

Commissioners of the town empowered to sell and convey the vacant lots of the same, and apply the monies arising to the use of the town.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1787.

*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.* No. 376.

**W**HEREAS the legislature of this State, by an act passed the fourth day of

Preamble.

May, one thousand seven hundred and eighty-two, at Augusta, entitled "An act for confiscating and banishing certain persons therein mentioned," did con-

Z z

fiscate



A. D. 1787. No. 376. confiscate the estate and banish the person of Philip Delegall, junior; also did confiscate of John Mc.Donald, his heirs, devisees and assigns: *And whereas* the present legislature have agreed to take the said Philip Delegall, and the heirs, devisees and assigns of John Mc.Donald, out of the said act of confiscation and banishment, so far as it respects the banishment of said Philip Delegall, and the heirs, devisees and assigns of John Mc.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 Delegall, and the heirs, devisees and assigns of John Mc.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 Delegall, and the heirs, devisees and assigns of John Mc.Donald.

Enacted.  
Certain persons  
released from  
banishment.

Their estate,  
real and personal,  
remaining  
unfold, vested  
in them.

II. *And be it further enacted by the authority aforesaid,* That the property, both real and personal of the said Philip Delegall, and said John Mc.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.

Certain persons  
admitted to all  
the rights of ci-  
tizenship.

III. *And be it further enacted,* That Thomas Gibbons, Patrick Crookshanks, and Alexander J. Spears, of the county of Chatham, Esquires; John Glinn, James Spalding, Thomas Young, Levi 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.

Certain other  
persons released  
from banish-  
ment.

IV. *And be it further enacted by the authority aforesaid,* That the said 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.

Mary Fleming,  
the debts due to  
her husband, and  
his property re-  
maining unfold,  
vested in her  
and her heirs.

V. *And whereas* there are debts due, and property which remains unfold, belonging to the estate of Thomas Flemming, deceased, and application has been made to this house by Mary Flemming, widow of the said Thomas Flemming, 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 remains unfold, be vested in the said Mary Flemming for the use of herself, her heirs and assigns for ever.

WILLIAM GIBBONS, *Speaker.*

Augusta, February 10, 1787.

No. 377. *An Act for vesting the estates, real and personal, unfold, of Henry Sharp and Matthew Moore, in the hands of their respective children.*

February 10, 1787.

*Private.*

*An*



*An Act to prevent felons transports from other States coming into or residing in this.* A. D. 1787.  
No. 378.

I. **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 of this act no person or persons, felons from other countries or States, transported or banished from the same, 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 the 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 gaol 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.

Felons transported from other countries or States, not eligible to any office of profit or trust, or any of the privileges of a freeman in this State.

To be committed to the common gaol, and there to remain until shipped or sent off;

Not to return under pain of death without benefit of clergy  
Provido.

WILLIAM GIBBONS, *Speaker*.

*Augusta, February 10, 1787.*

*An Act to repeal and amend some part of an act for regulating the militia of this State.* No. 379.  
February 10, 1787.  
*Repealed by act of 1792, No. 468.*

*An Act for enabling the United States of America to commence and prosecute actions or suits in any of the courts in this State, for the recovery of their common rights and interests.* No. 380.  
February 10, 1787.  
*Obsolete. See federal constitution.*

*An Act for the appointment of commissioners to run the line designating the Indian hunting grounds.* No. 381.

**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 violation to the law, have presumed to survey and mark lands beyond the temporary line between the



A. D. 1787.  
No. 381.

The temporary boundary line between the white inhabitants and the Creek Indians.

Commissioners named and appointed to trace and mark the same in conjunction with the Creek commissioners.

The said line designated as heretofore established.

The said commissioners in execution of this law are not to regard any lines, surveys, or grants, and to make a return to the executive of all lands surveyed beyond the line which may come to their knowledge.

Persons surveying, or attempting to obtain grants for lands beyond the temporary line, besides the penalties in the land law of 1783 shall be subject to fine and corporal punishment at discretion.

Proviso.  
Not to exceed 500 lashes, or be less than 100 for the first offence, for the second adjudged guilty of felony. All surveys so made, or grants obtained, declared null and void, and persons any way concerned therein, liable to all the pains and forfeitures mentioned in said acts of 1783 and 1784.

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, *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, esquires, 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 Apalaches, 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.

II. *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 a fine and corporal 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.

III. *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 person who from design aforesaid have been guilty

of



of running the said lands, or anywise 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 hundred 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 carrier shall be annexed to each plat.

A. D. 1787.  
No. 381.

The names of the surveyors and chain carriers shall be annexed to all plats of surveys hereafter made within the line.

IV. *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.

The act of 1786 for the appointment of agents to reside in the Indian nation repealed.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 10, 1787.

*An Ordinance for the appointment of deputies from this State for the purpose of revising the Federal Constitution.\**

No. 382.

**B**E 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 William Few, Abraham Baldwin, William Pierce, George Walton, William Houstoun, and Nathaniel Pendleton, esquires, be, and they are hereby appointed commissioners, who, or any two or more of them, are hereby authorized as deputies from this State to meet such deputies as may be appointed and authorized by other States, to assemble in convention at Philadelphia, and to join with them in devising and discussing all such alterations and further provisions as may be necessary to render the federal constitution adequate to the exigencies of the Union, and in reporting such an act for that purpose to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same. In case of the death of any of the said deputies, or of their declining their appointments, the executive are hereby authorized to supply such vacancies.

Commissioners named and appointed as deputies from this State for the purpose of revising the Federal Constitution.

WILLIAM GIBBONS, *Speaker*.

Augusta, February 10, 1787.

\* See the constitution in the appendix.

*An Act for raising supplies.*

No. 383.

October 31, 1787.

Obsolete.

*An Act for suppressing the violences of the Indians.†*

No. 384.

I. **B**E 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 passing of this act the Creek Indians shall be considered as without the protection of this

The Creek Indians declared to be without the protection of the State; lawful to put to death or capture the said Indians.

† See alterations made by act of 1788, No. 390, and act of 1789, No. 432, for discharging the troops raised under these acts, and allowing additional compensation.



A. D. 1787. this State, and it shall be lawful for the government and people of the same to put  
 No. 384. to death or capture the said Indians wherever 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.

1500 men to be  
 enlisted—how  
 officered.

Proviso.  
 Each man to  
 subscribe an  
 oath.  
 The form there-  
 of.

To what rules  
 and regulations  
 subject.

The governor  
 empowered to  
 raise two regi-  
 ments of vo-  
 lunteers of 750  
 men each to be  
 officered in like  
 manner, and  
 subject to the  
 same rules.

The said offi-  
 cers and men,  
 when to embo-  
 dy, parade, &c.  
 Proviso.

The inspector  
 general requir-  
 ed to inspect  
 such troops in  
 like manner as  
 the State troops.  
 Their returns  
 how to be made  
 Entitled to the  
 same bounties of  
 land.

II. *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."

III. *And be it enacted*, That the State troops raised under this act shall be subject to all the rules and regulations herein after contained, except the 25th article, and that the following be substituted in lieu thereof, viz. That no person shall be sentenced to suffer death except for desertion, mutiny, or giving intelligence to the enemy, nor shall receive more than one hundred lashes for one crime, nor imprisonment for more than forty days, and shall be subject to cashiering and degrading.

IV. *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 as aforesaid, which 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. [These are omitted, the articles of war being inserted in the appendix.]

V. And the said officers and men shall at all times embody, parade, and march in ten days notice, as shall be directed and required by his honor the governor or the commanding officer: *Provided* that no person be received into either of the said regiments, unless well armed and accoutred, and otherwise fit for actual service.

VI. *And be it also enacted*, That the inspector general shall be empowered and required to view all such troops in like manner as the State troops; and the officers of the said regiments shall in like manner make returns to the inspector general, at the end of every month, when in actual service: And all officers and men embodied as aforesaid, and serving at all times when required, during the present war, and obtaining a certificate to that end at the establishment of a peace, shall be entitled to the bounties of land in like manner as is herein after pointed out, and allowed



to the State troops: And the inspector general, and one or more general officers shall be a board with authority to examine and give certificates to the officers and men that may embody as aforesaid, at the expiration of the period aforesaid: *Provided always*, That nothing herein contained shall extend, or be construed to extend to preclude the men intended to be embodied by this act from doing militia duty at such time or times as they may not be ordered out by the commanding officer to parade in battalion.

VII. *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 lying 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 warrants, survey or grants 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.

VIII. *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.

IX. *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 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 du camp to the commander in chief be allowed the rank and emoluments of a lieutenant-colonel; aids du camp to major and brigadier generals be allowed the rank and emoluments of a major; that an adjutant-general

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No. 384.

Certificates to the officers and men to be given by the inspector general and a general officer.

Proviso.

All lands without the respective counties declared vacant. The boundaries of a tract of land.

Reserved and at the cessation of hostilities, appropriated for the bounties of the said troops;

No part of the same shall be surveyed or granted in the mean time. And such officers and troops have a preference in laying their bounties within the said reserve.

The said bounties shall not interfere with the towns of friendly Indians; the bounds of which to be determined by the legislature.

Bounties in what proportion to be allotted.

An adjutant general to be appointed with rank and emoluments of a colonel.



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No. 384.

And such allowances and bounties to be made in good faith to the different officers and soldiers.

The governor with the advice of the executive council, empowered to enter into certain engagements with the people in Franklin for suppressing the hostilities of the Indians.

Their bounties to be paid out of the tract of country called the Bent of Tennessee.

Provido.

The number not to exceed 1500.

Provido.

One inspector general with the rank and emoluments of colonel—his duty.

A commissary of issues, with the like rank and emoluments to be also appointed—his duty.

Rations to be issued by him in what proportion.

How composed

No pay to be allowed for retained rations.

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.

X. *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 purposes, the said 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 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.

XI. *And be it further enacted*, That an inspector-general, with the rank and emoluments of a colonel shall be appointed, whose duty it shall be to cause monthly reviews of the different regiments and corps in actual service, to commence the first day of every month ; and also to examine into the arms, ammunition, camp equipage, and all other public stores, noting the state thereof, and see that they are satisfactorily accounted for agreeably to the monthly returns made to him : And a commissary of issues with the rank and emoluments of colonel shall also be appointed whose duty it shall be to keep a clear and correct register of all supplies and provisions delivered into his custody with proper columns distinguishing in each the times, quantity and species by him received ; he shall keep a fair, clear and correct account of all issues in his department, with columns distinguishing the name of the officer commanding each company, with the number of men each day in actual duty, also the name of the colonel of the regiment to which such company do belong, together with the issues that may be made to the officers on actual duty as herein after is pointed out, that is to say : To a major-general, or commanding officer ten rations, to a brigadier-general five rations, a colonel three and one half rations, a lieutenant-colonel three rations, a major two and one half rations, a captain two rations, subaltern officers one and one half rations, non-commissioned officers and privates one ration, general staff officers three rations, deputies in the said departments one and one half rations ; which said rations shall be composed of the following articles, that is to say : Three quarters of a pound of salt beef or pork, or one and one half pound of fresh beef, or one pound of fresh pork, one pound and one quarter of rice, flour, or meal, one gill of spirits, and one gill of salt to every five rations ; and no person whatsoever shall be allowed pay for retained rations, nor drawn back rations for more than three days ; he shall hire boats, waggon and teams at such rates as shall be approved by the executive, and his honor the governor in council shall have power and authority to draw warrants on the treasury for such sum or sums as may be, or shall be required for deputies, laborers, coopers,



coopers, or transportation in favor of the said commissary of issues and during the recess of the legislature, the executive shall at all times have full power and authority to direct and approve of the numbers of boats, teams, and number of persons that shall be requisite in the said department; he shall keep an exact register of all teams, and persons employed in his department, distinguishing by proper columns the place or places they are directed, to proceed to noting the time and condition of payment, that in every pay-roll the name and employment of every person be inserted at full length; and for each team the pay-roll shall be signed by the waggon master, and in like manner to be signed by all other person or persons that may be employed as aforesaid, and thereafter shall be referred to the inspector general to examine and register the same, and after being certified by him shall be a voucher to authorize the governor in council to draw on the treasurer for payment of the same; he shall also procure from the captains or officers commanding each company daily returns of the issues for each company, and shall also on the first day of every month exhibit a clear and perfect statement of the issues that may be made within the same, with columns distinguishing the number and rank of officers, and number of privates, and also columns for the different articles that compose a ration, and on the last day of every month shall present the said statement to the commanding officer, to be compared with his returns, and after being by him certified, the same shall be delivered to the inspector general, who shall examine the same; he shall keep a fair and correct register of every other official transactions, to the end that such supplies may be fully known and accounted for.

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No. 384.

XII. *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 his 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 lieutenant-colonel, and each shall make monthly returns of all official transactions in his department to the inspector general.

A director general to be appointed, with the pay and emoluments of a colonel—his powers and duty

His assistants to have the pay and emoluments of lieutenant colonel.

XIII. *And be it enacted*, That the command of a brigadier-general shall consist of not less than one thousand men, a colonel three hundred and fifty, a lieutenant-colonel of two hundred and fifty, a major one hundred and fifty, a captain seventy-five, and a subaltern twenty-five.

The command of the respective officers of what number of men to consist.

XIV. *And be it enacted by the authority aforesaid*, That the commanding officer shall at all times give full protection to all traders within the towns or tribes of the Creek Indians, who shall produce satisfactory proof of his friendship to this State, and all such person or persons as shall have traded within the same, since the conclusion of the late war, except such person or persons as shall be found in arms against the same.

Friendly traders to be protected.



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No. 384.

The executive to make such arrangements of the forces to be raised as to admit of corps of cavalry.

No State soldier entitled to his bounty, who does not rendezvous at the place appointed by the executive, completely armed, etc. Provifo.

Deserters not entitled to any bounty mentioned in this act.

Continuation. So far as the same respects bounties shall be binding and perpetual.

XV. *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.

XVI. *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 accoutred, 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.

WILLIAM GIBBONS, *Speaker*.

*Augusta, October 31, 1787.*

No. 385.

*An Act to regulate the militia of this State, and for other purposes therein mentioned.*  
October 31, 1787.

*Repealed by act of 1792, No. 468.*

A. D. 1788.

No. 386.

*An Act to empower the delegates of this State in Congress assembled, to sign, seal and deliver a deed of cession to the United States, of certain western territory belonging to this State.\**

Application of Congress for a liberal cession of territory.

The delegates of this State empowered to sell and convey to the United States the title of this State as well to the soil as jurisdiction of certain territory

The boundaries thereof.

**W**HEREAS the United States in congress assembled, did on the twentieth day of October, one thousand seven hundred and eighty-seven, represent to the States of North Carolina and Georgia, the advantages that would result to the union from a liberal cession of territory. *And whereas* this State is desirous of adopting every measure which can tend to promote the interest of the United States, *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 be lawful for the delegates of this State, or any two or more of them, and they are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instruments in writing under their hands and seals, to convey, transfer, assign and make over unto the United States, for the use and benefit of the said United States, Georgia inclusive, all right, title and claim, as well of soil as jurisdiction, which this State hath to that territory or tract of country within the limits of the State of Georgia, situate, lying and comprehended within the boundaries herein after described, that is to say, beginning at the middle of the river Chatahouchee or Appalachecola, where it is intersected by the thirty-first degree north latitude; and from thence due north one hundred

\* See resolution of congress rejecting the proposed cession, appendix page , and declaratory part of act of 1795, No. 530.



dred and forty British statute miles, thence due west to the middle of the river Mississippi, thence down the middle of the said river to where it intersects the thirty-first degree of north latitude, and thence along said degree to the beginning: *Provided*, that the United States in congress assembled, shall guarantee to the citizens of the said territory, a republican form of government, subject only to such change as may take place in the federal constitution of the United States: *And provided also*, That the navigation of all the waters included in the said cession shall be equally free to all the citizens of the United States, nor shall any tonnage on vessels or any duties whatever be laid on any goods, wares or merchandize that may pass up or down either of the said waters, unless for the use and benefit of the United States: *Provided also*, That the sum of one hundred and seventy-one thousand four hundred and twenty-eight dollars, and forty-five ninetieths of a dollars, which has been expended in quieting the minds of the Indians, and resisting their hostilities, shall be allowed as a charge against the United States, and be admitted in payment of the specie requisitions of this State's quota, that have been or may be required by the United States. *And also*, That in all cases when this State may require defence, the expences arising thereon shall be allowed as a charge against the United States, agreeable to the articles of the confederation. *And provided*, That congress shall guarantee and secure all the remaining territorial rights of this State, as pointed out and expressed by the definitive treaty of peace between the United States and Great Britain; the convention between this State and the State of South Carolina, entered into the twenty-eighth day of April, one thousand seven hundred and eighty-seven; and the clause of an act of this State, describing the boundaries thereof, passed the seventeenth day of February, one thousand seven hundred and eighty-three.

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No. 386.

Provifo.

Provifo.

Provifo.  
Terms of sale.

Provifo.

II. *And be it further enacted by the authority aforesaid*, That the act, entitled "An act for laying out a district of land situate on the river Mississippi, and within the limits of this State into a county to be called Bourbon," passed the seventh of February, one thousand seven hundred and eighty-five, be and the same is hereby repealed.

The act laying out the county of Bourbon repealed.

NATHAN BROWNSON, *Speaker*.

*Augusta, February 1, 1788.*

*An Act to extend the limitations of actions, and for other purposes therein mentioned.\** No. 387.

**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:

Preamble.

I. *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

Enacted.  
Limitation of actions extended.

\* Revised and continued by act of 1790, No. 438, sect. 14.



A. D. 1788.

No. 387.

The period of time between the 12th July, 1782, and 1st January, 1787, to be taken out of the computation of time, so as not to affect the right of actions of those entitled on the said 12th July.

The time limited for recording deeds and other conveyances of land heretofore made extended two years from the passing of this act.

entitled to the same, at or upon the twelfth day of July, in the year of 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 actions of those who may have been entitled to the same on the twelfth day of July, in the year first aforesaid.

II. *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 their 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.

NATHAN BROWNSON, *Speaker*.

*Augusta, February 1, 1788.*

† The space of time further extended. See act of 1790, No. 438, sect. 14.

No. 388.

*An Act to establish an academy in the county of Chatbam, and for vesting certain property in Selina, Countess Dowager of Huntingdon.\**

Preamble.

**W**HEREAS the education of youth has been found in all ages to be of the most essential consequence, and been known to be highly beneficial to mankind, and ought to be one of the first objects of public attention. *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 an academy or seminary of learning be erected in the said county, at such place as a majority of the trustees herein after appointed, shall think fit, and that the said trustees or a majority of them shall proceed to transact the business of the said academy.

Enacted.

An academy to be erected in the county of Chatbam under the direction of trustees.

II. *And whereas* the estate† called Zuberbuhler's, lately the property of the Reverend Bartholomew Zuberbuhler deceased, was devised by the said Bartholomew for benevolent purposes, and the same not having been carried into full execution, and

appearing

\* See act of 1793, No. 453, explaining this act.

† So much of this act as relates to Zuberbuhler's estate repealed by act of 1789, No. 405.



appearing to be impracticable: *Be it therefore enacted by the authority aforesaid,* That the said estate known and distinguished by the name of Zuberbuhler's estate, in the said county of Chatham, be immediately from and after the passing of this act taken by the sheriff of the said county of Chatham, and put into the possession of the trustees hereby appointed for the said academy, and it shall be lawful for the said trustees or a majority of them, to apply the nett annual proceeds of the said estate towards erecting the said academy and carrying the intention of this act into full effect; and if there is any other property belonging to the said estate except the plantation settled near Newington village, adjoining lands of David Rees, the same shall be sold for specie, twenty days notice being first given of the sale thereof, and the monies arising therefrom shall be applied towards erecting and supporting the said academy: *Provided nevertheless,* That nothing herein contained shall bar the claim of any person who is legally the heir of the said Zuberbuhler.

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No. 388.

Zuberbuhler's estate vested in the trustees for the use of the same.

Proviso.  
Not to bar the legal claim of the heir.

III. *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 Reverend 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 Selina, countess of Huntingdon.

IV. *And whereas* the said estate of Bartholomew Zuberbuhler has for many years past been in the hands of agents or executors, to whom as well as to other creditors, the said estate may be indebted, or from whom sums of money may be due to the said estate, *Be it enacted,* That as soon as the said estate is vested in the aforesaid trustees, they are hereby authorized and required to call upon such executors, agents, or creditors for a full and just statement of their accounts, and upon a liquidation of them immediately to discharge the debts that may be due, or make such settlements as shall be mutually agreeable to the said trustees, and such executors, agents or creditors; and if the executors, agents, or other persons should be indebted to the said estate, the said trustees are empowered and directed to prosecute to effect any action or actions either for debt or on account, as the case may require, according to the forms of law against such debtor or debtors.

The trustees authorized to settle the accounts of the said Zuberbuhler's estate.

V. *And whereas,* the late Bartholomew Zuberbuhler, did by his last will and testament appoint certain persons as executors to carry the same into effect, *Be it enacted,* That the trustees aforesaid be authorized upon a final settlement with the said executors to discharge them from all the inconveniences of the said trust, if they have acted conformably to the said will.

His executors relieved from their trust.

VI. *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 lands in the said county reserved for the use of the academy.

Proviso.  
Not exceeding 5000 acres.

VII.

† Since her death vested in trustees for a college by act of 1791, No. 453.



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No. 388.

1000l. worth of  
confiscated property  
to be also put  
into the hands of  
the trustees.

The trustees  
named and ap-  
pointed.

Vacancies how  
to be filled.

All acts making  
appropriations for  
the said academy,  
repealed.

VII. *And be it further enacted*, 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.

VIII. *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, senior, William Stephens, Richard Wylly, James Houstoun, Samuel Elbert, Seth John Cuthbert, and Joseph Clay, junior, esquires.

IX. *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, viz. 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.

X. *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.

NATHAN BROWNSON, *Speaker*.

*Augusta, February 1, 1788.*

No. 000.

*An Act to vest certain property in Anne Stuart.*

February 1, 1788.

*Private.*

No. 389.

*An Act for the better regulating of taverns ; and for establishing a fund for building and keeping in repair the court houses and gaols in the counties of this State.*

I. II. **R**ELATING to taverns—repealed by act of 1791, No. 459.

Commissioners  
of court houses  
and gaols to be  
appointed by the  
superior court.

The monies a-  
rising from li-  
censes, fines, &c.  
to be applied in  
building and re-  
pairing the same

The said com-  
missioners to ac-  
count every  
term with the  
court.

III. *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 gaol 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 gaol, 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.

IV.

\* Court houses and gaols now under the direction of the inferior courts except in Chatham. See act of 1796, No. 555. Query as to Richmond—see act of 1795, No. 529.



IV. *And be it further enacted*, That the said commissioners shall give bond with security to his honor the governor for the time being in the sum of two hundred pounds for the faithful performance of the duties required of them by this act, which bond shall be taken in the presence of the court and lodged in the clerk's office.

NATHAN BROWNSON, *Speaker*.

Augusta, February 1, 1788.

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No. 389.

To give bond and security to the governor.

*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.*

No 390.

**W**HEREAS the aforesaid recited act ordered and directed that the number of fifteen hundred men be enlisted on the terms and conditions therein mentioned, which said terms have been found inadequate, and are not sufficient for the purposes intended, *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 for the further encouragement of the raising and enlisting the troops of this State, an additional allowance be made for the first seven hundred and fifty men, (including the regular troops of this State now raised) who shall enlist, besides the bounties given in the aforesaid act, that is to say, each foldier shall receive one compleat suit of clothes, consisting of one hat, one cloth coat, one waistcoat, two pair of overalls, one pair of shoes, one blanket, two shirts, and one black stock.

Preamble.

Enacted, For the further encouragement of raising the State troops—certain clothing allowed them.

II. *And be it further enacted*, That the time for enlisting 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.

The time for enlisting prolonged.

III. *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 enlist 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 accoutred 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 foldiers received as substitutes in the volunteer regiments, be annexed to the State troops.

Persons furnishing substitutes exempt from militia duty.

Such recruits allowed a bounty of land in like manner as the State troops and to become a part thereof.

IV. *And be it also enacted by the authority aforesaid*, That the commanding officers of regiments shall have a right to nominate their officers; and that any man bringing in his respective quota, that is to say, for a captain, thirty-five men; for a first lieutenant, twenty-five men; a second lieutenant, fifteen men; on completion and review of the same, commissions shall be signed by his honor the governor, giving a preference

Captains and subalterns how to be appointed and commissioned.



A. D. 1788. No. 390. ence to the man parading his quota first: And where it shall so happen that two or more companies shall be reviewed at the same time, then the rank of such officers shall be determined by lot by the executive, confining such rank to their respective lines.

The governor empowered to draw out of the treasury not exceeding £3000 for the purpose of clothing the troops.

V. *And be it further enacted by the authority aforesaid*, That his honor the governor in council be empowered to draw on the treasury for a sum not exceeding three thousand pounds, for the purpose of clothing the troops to be raised by virtue of this act.

NATHAN BROWNSON, *Speaker*.

*Augusta, February 1, 1788.*

No. 391. *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, 1764.*

Preamble.

Enacted.  
Persons deemed  
vagabonds.

I. **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 strole 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 listed, 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 sufficient, or who 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 leave 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.

How to be  
treated.

II. *And be it further enacted by the authority aforesaid*, That if any such vagabond 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



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 behavior, 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 gaol 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 whipping post, 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 enlisting, 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.

III. *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 in the union, and after being apprehended and found guilty of the charge, so far as to be committed to gaol, or to have been bound in a recognizance to appear before any court of record for further trial, and have since either broke gaol or from the custody of 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 gaol 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 gaol, or from the custody of the officer, or have forfeited their recognizance, and have 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 gaol 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.

Criminals fleeing from other States adjudged vagrants, subject to the pains and penalties of this law, and to be confined in gaol until applied for, or sent to the State where the crime was committed.

NATHAN BROWNSON, *Speaker*.

Augusta, February 1, 1788.

B b b

AN



- A. D. 1788. *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.*  
No. 392.

Certain agreements with the State of South Carolina relative to boundary made and done in convention at Beaufort Ratified and confirmed.

**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 purposes 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.

NATHAN BROWNSON, *Speaker.*

*Augusta, February 1, 1788.*

No. 393.

*An Act for laying a tax for the year 1788.*

February 1, 1788.

No. 394.

*An Act to admit George Walker and others, to practice in the courts of law and equity, within this State.*

February 1, 1788.

*Private.*

No. 395.

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

Preamble.

Enacted.

The act of confiscation and banishment so far as respects Nathaniel Polhill, repealed.

**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 property of Nathaniel Polhill, his heirs, devisees and assigns, and the property of Paul McCormick, 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 and banishment respects Nathaniel Polhill, his heirs, devisees and assigns, be, and is hereby repealed.



II. *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 said Nathaniel Polhill, and her heirs.

A. D. 1788.

No. 395.

Half of his estate remaining unfold vested in Elizabeth Nowland and her heirs.

III. *And be it enacted*, That the property of the said John Thomas, which remains unfold, be, and it is hereby vested in Elizabeth Sharp wife of John Sharp, junior, and the property of Paul Mc.Cormick, which remains unfold, be, and it is hereby vested in Frances Mc.Cormack and her heirs.

Certain property vested in Elizabeth Sharp and Frances Mc.Cormick.

IV. *And be it further enacted*, That as for the aforesaid act of confiscation and banishment, respecting the banishment of the said Peter Edwards and James Butler, James Jackson, John Douglas, William Corker, James Ingraham, Thomas Waters, and John Johnston, be, and is hereby repealed.

The said act so far as respects certain other persons repealed.

NATHAN BROWNSON, *Speaker*.

*Augusta, February 1, 1788.*

*An Act to extend the time for receiving supplies, under an act passed the 31<sup>st</sup> day of October 1787, and for other purposes therein mentioned.*

No. 396.

February 1, 1788.

*Obsolete.*

*An Act to admit Alexander Stephens, and others, to the rights of citizenship.*

No. 397.

**W**HEREAS Alexander Stephens 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 Stephens be, and he is hereby admitted to all the rights and privileges of citizenship exercised within this State.

Certain persons admitted to the rights of citizenship.

II. *And be it further 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.

III. *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 last war.

NATHAN BROWNSON, *Speaker*.

*Augusta, February 1, 1788.*

*An*



A. D. 1788. *An Act to amend and repeal certain parts and clauses of "An act for regulating the trade, laying duties on all goods, wares, liquors, merchandize and negroes, imported into this State; and also an impost on the tonnage of shipping, and for other purposes therein mentioned."*

No. 398.

Fees of pilotage. III. **B**E it further enacted, That every master or owner of any vessel, entering or clearing in any port in this State, shall pay the several fees of pilotage agreeable to law, if a pilot is offered, (except the constant coasting vessels to and from Charleston) and they shall pay half pilotage if they take no pilot, and whole pilotage if they take one; and the said fees shall be paid at the time of clearance, any former law, custom, or usage, to the contrary notwithstanding.

*So much of this act as relates to trade and duties on imports, now under the regulation of Congress. The remainder, respecting health officer and quarantine, see act of 1789, No. 430, and act of 1793, No. 485.*

NATHAN BROWNSON, *Speaker.*

*Augusta, February 1, 1788.*

No. 399. *An Act for establishing an academy or seminary of learning at Sunbury in the county of Liberty.*

Preamble.

**W**HEREAS the legislature in compliance with the constitution, and from the 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 unfold 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 delivered 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 Abiel Holmes, James Dunwoody, John Elliott, Gideon Douse and Peter Wynn, be, and they 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.

Enacted.  
Commissioners  
named and ap-  
pointed for the  
academy of Li-  
berty county,  
with power to  
sell confiscated  
property to the  
amount of 1000/  
for the use of the  
same.

To give bond  
and security to  
the governor.

II. *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.

NATHAN BROWNSON, *Speaker.*

*Augusta, February 1, 1788.*

*An*



*An Act to appoint commissioners for the town of Brunswick, in the county of Glynn.* A. D. 1788.  
No. 400.

I. **B**E it 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 Henry Osborne, George Handley, Christopher Hillary, John Braddock, William Stephens, John Houstoun, General Lachlan Mc.Intosh, and James Seagrove, be, and they are hereby appointed commissioners\* for the town of Brunswick, who, or a majority of them shall have power after giving three months notice in the gazette to re-survey or cause to be re-surveyed, the said town of Brunswick, as near as possible to the original plan or survey, and which survey when so made shall be recorded in the office of the surveyor general, and also in the office of the surveyor of the county of Glynn.

Commissioners named and appointed for the town of Brunswick—a survey of the same to be recorded.

II. *And be it further enacted*, That the said commissioners, or a majority of them, shall have power to sell at public vendue, at such times and places as they shall think proper, all or any of the vacant lots in the said town (except such as were originally reserved for the public use) first giving four weeks public notice of such sale or sales, and the monies arising therefrom shall be applied under the directions of the said commissioners, to the building and support of an academy in the said town, and to no other purpose whatever.

Empowered to sell vacant lots, (except those originally reserved for public uses) for the use of an academy in the said town.

III. *And be it further enacted by the authority aforesaid*, That in case of the death, or refusal to act of any of the commissioners aforesaid, his honor the governor, by and with the consent of the executive council shall appoint some other person or persons in his or their room and stead; and the commissioners aforesaid, or any of them, shall not take or receive any fee or reward for their services whatsoever.

Vacancies, how to be filled.

IV. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall affect the right or title of any person or persons claiming or holding a lot or lots within the said town, as laid down in any former legal plan thereof.

Not to affect claims to lots under any former legal plan.

NATHAN BROWNSON, *Speaker*.

*Augusta, February 1, 1788.*

\* Other commissioners appointed by act of 1796, No. 559.

*An Act to erect a court house and gaol in the county of Franklin.*

No. 401.

**W**HEREAS there is no court house and gaol in the county of Franklin, and the same is necessary,

Preamble.

I. *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 a court house and gaol be erected in the said county of Franklin, at such place as a majority of the commissioners herein appointed shall direct, and that the sum of two hundred and fifty pounds be allowed for building the said court house and gaol, and that his honor the governor do draw a warrant on the treasurer in favor of the said commissioners,

Enacted.

Court house and gaol to be built in the county of Franklin: £250 allowed out of the treasury for the same.



A. D. 1788. sioners, for the sum of two hundred and fifty pounds as aforesaid, to be paid out of  
No. 401. any monies now in the treasury.

Commissioners II. *And be it further enacted*, That \*Larkin Cleveland, Thomas Payne, John Ar-  
named and ap- rington, John Payne and Samuel Gardner, be the commissioners to carry this act  
pointed. into effect, and that a majority of the said commissioners be at all times authorized  
to proceed to business:

Provido. *Provided*, That the said commissioners do give bond and security to his honor the  
To give bond governor, for the faithful performance of the trust reposed in them.  
and security to the governor.

NATHAN BROWNSON, *Speaker*.

*Augusta, February 1, 1788.*

\* Other commissioners appointed by act of 1791, No. 452.

No. 402. *An Act to secure to Isaac Briggs and William Longstreet, for the term of fourteen years  
the sole and exclusive privilege of using a newly constructed steam engine, invented by  
them.*

February 1, 1788.

*Private.*

A. D. 1789.

No. 403. *An Act for appointing the time, manner and places for holding elections for representatives  
in congress.*

January 23, 1789.

*Obsolete.*

No. 404. *An Act to admit Richard Dickinson, Thomas Edward Dorsey, and others therein men-  
tioned, to practice law in any of the courts of law and equity within this State.*

February 1, 1789.

*Private.*

No. 405. *An Act to alter, amend and repeal certain parts of an act, entitled  
"An act for establishing an academy in the county of Chatham, and  
for vesting certain property in Selina, Countess Dowager of Hun-  
tingdon."*

Preamble.

**W**HEREAS the trustees of the academy for the county of Chatham have re-  
presented, that the estate called Zuberbuhler's estate, hath not been put  
into their hands agreeably to the directions of the above recited act, but is in the  
possession of Bartholomew and Jacob Walburger, who claim the same as heirs at law  
of the reverend Bartholomew Zuberbuhler, deceased: *And whereas* it is provided in  
the said act, that nothing therein contained shall bar the claim of any person who is  
legally the heir of the said Zuberbuhler.



I. *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 so much of the said act, entitled, "An act for establishing an academy in the county of Chatham, and for vesting certain property in Selina, countess dowager of Huntingdon," passed the first day of February, one thousand seven hundred and eighty-eight, as directs and authorizes the sheriff of the said county of Chatham to take the estate called Zuberbuhler's estate, lying and being in the said county of Chatham, and to put it into the hands of the trustees therein named; and also so much of the said act as at present directs the said trustees to apply the net annual proceeds of the said estate towards erecting the said academy, be, and they are hereby severally repealed.

II. *And be it also enacted,* That the trustees of the academy for the said county of Chatham be directed without delay and they are hereby empowered as trustees to institute a suit of ejectment against the said Bartholomew and Jacob Walburger, by which their or either of their right to the said \*estate, as heir at law of the said Zuberbuhler may be determined.

III. *And be it further enacted,* That the said Bartholomew and Jacob Walburger, or one of them shall within thirty days after a demand for that purpose, give bond with sufficient security in the sum of four thousand pounds, payable unto the said trustees and their successors in office, conditioned fairly to account for and pay unto the said trustees, immediately after the final determination of the action herein directed to be commenced, the amount of the net annual proceeds of the said estate, and for every waste committed thereon, from the time of their entry into the same: *Provided,* their claim to the said estate as heir or heirs shall be found invalid or in words to that effect.

JOHN POWELL, *Speaker.*

*Augusta, February 3, 1789.*

\* This estate is vested in the heirs of Jacob Waldburger, deceased, by act of 1791, No. 442.

*An Act to prevent frauds in the making of lumber.*

February 3, 1789.

*Repealed by act of 1790, No. 445.*

No. 406.

*An Act to amend and repeal certain clauses of "An act for regulating the trade, laying duties on all goods, wares, liquors, merchandize and negroes imported into this State, and also an impost on the tonnage of shipping, and for other purposes therein mentioned."*

No. 497.

**W**HEREAS it is found from experience that the duties laid on goods, wares, liquors, merchandize and negroes, and also the impost on the tonnage of shipping arriving within this State is insufficient and inadequate to the purposes intended by the said act, for remedy whereof, *Be it enacted by the representatives of the freemen,*



A. D. 1789. *freemen of the State of Georgia in general assembly met, and by the authority of the same,*  
 No. 407. Tonnage to be paid on all vessels.

2s. per ton according to carpenters' measure. The further sum of 1s. per ton to be appropriated as directed by act of 1787, No. 366.

That from and after the passing of this act, the following duties shall be paid and levied for the use of this State upon all goods, wares, liquors, merchandize and negroes imported into any part of this State, and the following impost on the tonnage of all vessels arriving within the same, that is to say. (The rates of duties omitted the same being under the regulation of congress.)

On vessels an impost of two shillings per ton according to carpenters measure.

II. For the erecting, establishing and the support of a seamans hospital in Savannah, and for the clearing of Savannah river of its wrecks, and also for the erecting light-houses and establishing pilots within this State, *Be it enacted*, That the further sum of one shilling per ton on all shipping entering any of the ports within this State shall be paid, and applied as by the afore recited act is directed.

Act to be in force until congress shall direct otherwise.

III. *And be it further enacted*, That this act shall be in force and virtue immediately from the passing of the same until the United States in congress assembled shall by their act order otherwise, and no longer.

JOHN POWELL, *Speaker.*

Augusta, February 1, 1789.

No. 408.

*An Act to prevent the clipping and mutilating the current coin of this State.*

Preamble.

WHEREAS the most mischievous consequences are daily experienced by 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.

Enacted.

Gold and silver coin of full weight, to pass by tale.

Persons cutting or mutilating the coin current in this State, to forfeit for the first offence £100, and for the second to suffer death as felons.

II. *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 before any court of judicature having cognizance thereof, he, she, or they shall, and are hereby declared guilty of felony, and shall suffer death without benefit of clergy.

JOHN POWELL, *Speaker.*

Augusta, February 3, 1789.

No. 409.

*An Act for granting pardons to Budd Bailey and Nicholas Green, now under sentence of death, in the common gaols of the counties of Chatham and Richmond upon certain conditions therein mentioned.*

February 3, 1789.

Private.

An



*An Act to redeem the paper medium of this State.*

A. D. 1789.  
No. 410.

**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.

*And whereas* five thousand pounds of the said paper medium appropriated in the treasury towards a sinking fund agreeable to a resolution of the twenty-second instant, 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.

£5000 of the paper medium burnt agreeably to a resolution.

I. *Be it therefore enacted by the representatives of the freeman 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 appropriated in like manner as aforesaid, and annually burnt, under the regulations herein before pointed out.

The further sum of 5000l. of the tax of the current year, and four successive years thereafter to be appropriated in like manner and annually burnt.

II. *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 and 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 or duties as aforesaid be, and the same is hereby repealed.

So much of the act for emitting the same, as relates to imposts or duties, when to be repealed.

III. *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 imposts and direct taxes as aforesaid, any law to the contrary notwithstanding.

The time for taking up the said medium extended until 15th January, 1794. Continuation of the tender.

JOHN POWELL, *Speaker.*

*Augusta, February 1, 1789.*

\* Tender discontinued by act of the same year, No. 426.

*An Act for the relief of John Ferrie, and other persons therein mentioned.*

No. 411.

February 3, 1789.

*Private.*

*An Act to repeal some parts, and to amend other parts of "An act to regulate the inspection of tobacco."*

No. 412.

I. II. III. IV. V. **R**E-ENACTED with alterations by act of 1791, No. 457.  
VI. *And whereas* several petitions have been presented to the present general assembly, praying the establishment of other inspections within this State, *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.

Ware houses established under like regulations as those in or near Augusta.



A. D. 1789.

No. 412.

In the town of Louisville.

In the town of Washington.

At New Savannah.

At Galphinton.

Near the falls of Ogechee.

And at Reid's bluff.

established in or near the town of Augusta: On John Shelman's lot of ground in Louisville; on some public lot in the town of Washington, or 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 John Twiggs, at new Savannah, near the mouth of Butler's creek, and on lands of Henry Arrington at the same place; on the lands of Robert Forsyth in the town of Galphinton; on the lands of Arthur Fort, near the falls of Ogechee; and on the lands of George Handley and Christopher Hillary, at Reid's bluff.

JOHN POWELL, *Speaker*.*Augusta, February 4, 1789.*

No. 413.

*An Act for imposing a tax for the year 1789.*

February 4, 1789.

No. 414.

*An Act for the better regulation of bridges, roads and ferries.*

I. **B**E 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 \*superior courts of this State shall, in their respective counties, have full power and authority to order roads, ferries, or bridges, at any place or places where the same shall in their judgment be found necessary for the use of the public.

*The remainder of this and the other sections omitted, relate only to roads and bridges, repealed by act of 1792, No. 478.*

JOHN POWELL, *Speaker*.*Augusta, February 4, 1789.*

\* The superior courts are authorized to establish ferries by act of 1797, No. 597.

No. 415.

*An Act for annexing certain islands to the county of Glynn.*

Certain islands annexed to the county of Glynn

I. **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 Alatamaha to the river Little Satilla and St. Andrew's Sound, together with Great and Little St. Simon's, 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*



*An Act to vest certain property in Rachael Johnston and her children.*

December 8, 1789.

*Private.*

A. D. 1789.

No. 416.

*An Act to regulate the form and manner of holding elections for members to represent the inhabitants of this State in general assembly.* No. 417.

*THIS act was amended by act of 1790, No. 434, and both are re-enacted with alterations by act of 1796, No. 572.*

VIII. *And be it further enacted, That all laws heretofore passed for regulating elections shall be and the same are hereby repealed.* All former laws regulating elections, repealed.

SEABORN JONES, *Speaker of the House of Representatives.*

N. BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 8, 1789.

*An Act for disposing of certain vacant lands or territory within this State.\** No. 418.

**W**HEREAS divers persons from the State of Virginia, North Carolina, and South Carolina, have made application for the purchase of certain tracts and parcels of land, lying and bordering on the Tennessee, Tom or Don Bigby, Yazoo and Mississippi rivers, within this State, and have offered to engage to settle the same, a part of which territory has been already settled on behalf of some of the applicants, under and by virtue of an act of the general assembly of this State, bearing date the seventh day of February, one thousand seven hundred and eighty-five, at Savannah, entitled "An act for laying out a district of land situated on the river Mississippi, within the limits of this State, into a county to be called Bourbon:"

*Now therefore, be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That all that tract or part of territory of this State, within the following limits, to wit, Beginning at the mouth of Cole's creek, on the Mississippi, continuing to the head spring or source thereof, from thence a due east course to the Tom or Don Bigby river, thence continuing along the middle of the said river up to the latitude thirty-three, thence down along the latitude thirty-three bounding on the territory of the Virginia Yazoo Company, a due west course to the middle of the Mississippi, thence down the middle of the Mississippi to the mouth of Cole's creek aforesaid, and containing about five millions of acres, shall be reserved as a pre-emption for the South Carolina Yazoo Company for two years from and after the passing of this act; and if the said South Carolina Yazoo Company shall, within the said term of two years, pay into the public treasury of this State, the*

Preamble.

Enacted.

The boundaries of a tract of territory within this State.

Reserved as pre-emption for the South Carolina Yazoo company for two years from the passing of this act, containing about 5,000,000 of acres; On payment of 66,964 dollars into the treasury within that term, the governor to issue a grant of the said territory to the persons named and their associates.

amount

\* A dispute having arisen between the purchasers and the State about the mode of payment, the pre-emption expired without payment having actually been made, and no grants were passed.



A. D. 1789. amount of sixty six thousand nine hundred and sixty-four dollars, then it shall be lawful for the governor at the time being, and he is hereby empowered and directed to sign and deliver a grant in the usual form, to Alexander Moultrie, Isaac Huger, William Clay Snipes, and Thomas Washington, Esquires, and the rest of their associates, and to their heirs and assigns for ever, in fee simple, as tenants in common, all the tract of land included in the aforesaid boundaries.

Boundaries of the territory reserved in like manner for the Virginia Yazoo company, containing seven million of acres

Amount to be paid, 93,741 dollars.

II. *And be it further enacted*, That all that tract or part of territory of this State, included within the following limits, that is to say, Beginning at the mouth of Bear creek, on the south side of the Tennessee river, running thence up the said creek to head or source, thence a due west course to the Tom or Don Bigby, or Twenty Mile creek, thence down the same to the latitude thirty-three, thence along the said latitude, bounding on the South Carolina Yazoo Company's line, a due west course to the middle of the Mississippi, thence up the said river, in the middle thereof, to the northern boundary of this State, thence along the said boundary line a due east course to the Tennessee river, thence up the middle of the said river to the beginning thereof, and containing seven millions of acres, shall be reserved as a pre-emption for the Virginia Yazoo Company, for the term of two years from and after the passing of this act; and if the said company shall cause to be paid into the public treasury of this State, within the said term of two years, the amount of ninety-three thousand seven hundred and forty-one dollars, then it shall be lawful for the governor at the time being, and he is hereby empowered and required to sign and deliver, in the usual form, a grant of the aforesaid tract of land to Patrick Henry, David Ross, William Cowan, Abraham B. Venable, John B. Scott, William Cock Ellis, Francis Watkins, and John Watts, Esquires, and the rest of their associates, and to their heirs and assigns for ever, in fee simple, as tenants in common of all the tract of land included in the aforesaid boundaries.

Boundaries of a tract of territory reserved in like manner for the Tennessee Company, containing three and a half million of acres.

Amount to be paid 46,875 dollars.

III. *And be it further enacted*, That all that tract or part of the territory of this State, included within the limits following, to wit: Beginning at the mouth of Bear creek, on the south side of the Tennessee river, in the latitude of thirty-four degrees forty-three minutes, running thence up Bear creek to the head or source, thence a due west course to the Tom Bigby or Twenty Mile creek, thence down the said Bigby or Twenty Mile creek to the latitude thirty-four degrees, thence a due east course one hundred and twenty miles, thence a due north course to the northern boundary line of this State, thence a due west course along the northern boundary line to the Great Tennessee river, thence up the middle of the said river Tennessee to the place of beginning, and containing three millions and a half acres, shall be reserved as a pre-emption for the Tennessee company, for the term of two years from and after the passing of this act; and if the said company shall cause to be paid into the public treasury of this State, within the said term of two years, the amount of forty-six thousand eight hundred and seventy-five dollars, then it shall be lawful for the governor for the time being, and he is hereby empowered and required to sign and deliver, in the usual form, a grant of the aforesaid tract of land, to Zachariah Cox, Thomas Gilbert, and John Strother, Esquires, and to the rest of their associates, and



and to their heirs and assigns for ever, as tenants in common of all the tract of land included in the aforesaid boundaries: *Provided*, That the said grantees of each separate grant, shall forbear all hostile attacks on any of the Indian hordes which may be found on or near the said territory, if any such there be, and keep this State free from all charge and expences which may attend the preserving of peace between the said Indians and grantees, and extinguishing the claims of the said Indians, under the authority of this State: *And provided further, and it is hereby expressly conditioned*, That this State and the government thereof shall, at no time hereafter, be subject to any suit at law, or in equity or claim, or pretension whatever, for or on account of any deduction in the quantity of the said territory, by any recovery which may or shall be had on any former claim or claims.

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No. 418.

IV. And for the better direction of the governor, *Be it enacted*, That the treasurer of this State shall, on application of any agent of either of the said companies, within the said term of two years, receive the sum or sums of money, which they are hereby respectively directed to advance, a certificate or certificates of which payments, under the hand of the treasurer, shall be a sufficient voucher for the governor to issue the grants to the respective companies aforesaid.

The treasurer to receive all payments within the said term and give certificates thereof.

V. *And be it further enacted*, That all the remaining vacant territory belonging to this State, shall be disposed of as this or a future general assembly shall direct, and in no other manner whatever.

The remaining vacant territory to be disposed of as the legislature shall direct; and in no other manner whatsoever.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 21, 1789.

*An Act to point out the mode of electing inferior officers.*

No. 419.

December 22, 1789.

Repealed by act of 1792, No. 475.

*An Act to ascertain the salaries and fees of the public officers of this State; granting compensation to the members of the general assembly and their officers; appropriating money, and for establishing a contingent fund.*

No. 420.

December 23, 1789.

Obsolete.

*\* An Act for regulating the judiciary departments of this State.*

No. 421.

I. **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, two fit and proper persons, duly qualified, shall be elected judges of the superior court,

Two judges of the superior court to be appointed.

\* See act of 1790, No. 438, "to amend explain and continue" this act—of 1791, No. 456, "to revise and amend the judiciary system"—and of 1792, No. 475, repealing this, together with the intermediate acts.



A. D. 1789.

No. 421.

Their oath.

To hold a court  
in each county  
twice in every  
year.

The times for  
holding the  
same.

Writs and other  
processes in civil  
action, when re-  
turnable and  
how to be issued  
and served.

Appearances to be  
entered and plea  
filed in ten days af-  
ter the return.

Judges to meet  
from time to time  
to hear motions,  
etc. where a jury  
is not necessary.

In capital cases  
shall respite exe-  
cution thirty days  
after sentence.

Bail in civil cases  
in what manner to  
be taken.

Bail bond subject  
to the order of  
court to be assign-  
ed to the plaintiff,  
unless special bail  
be entered or de-  
fendant surren-  
dered.

court, which judges shall have precedence according to the time of their election; and shall, before they enter on the duties of their respective offices, take the following oath or affirmation, 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 court of this State, according to the best of my abilities and understanding, and agreeable to the constitution and laws of this State, and the United States. *So help me God.*"

II. *And be it further enacted*, That the judges of the said superior court, or any one of them, shall hold the said courts in each county, twice in every year, at the respective times, and in manner following, that is to say, Commencing in Camden and Washington, on the first Monday in January next; the Monday after in Glynn and Greene; the Monday after in Liberty and Franklin; the Monday after in Chatham and Wilkes; the second Monday after in Effingham and Richmond; and the Monday after in the county of Burke; and that the counties from Burke to Camden, inclusive, be the eastern district, and the remaining counties the western district; and the second term shall commence on the first Monday in July next thereafter in Camden and Washington, and be continued throughout each district in the same rotation as directed in respect to the first circuit. And all writs and processes in civil actions, issuing out of the said court, shall be made returnable in twenty days exclusive of the day of service, and before the meeting of the court, which shall be called the return day; and all such writs and processes shall issue from, and be signed by the clerk of the court where subject to be tried, and be directed to all and singular the sheriffs of the said State, and shall contain the plaintiff's charge, complaint, allegation or demand, plainly, fully and distinctly set forth, and be signed by the party or his attorney; and a true copy thereof shall be served, or left at the defendant's usual and notorious place of abode, or where he may be found, on or before the return of such writ or process, by the sheriff or his deputy for the county; which defendant shall, within ten days after the return of such process and writ, enter an appearance, and affile, with the clerk of the court, his plea of defence to the said action; and the said judges, or either of them, shall, from time to time, meet for hearing motions, and for transacting all other ordinary business, where a jury is not required as has hitherto been the practice and usage of courts of law. And in all capital criminal cases the judge, or judges, before whom a prisoner is tried and convicted, shall respite execution until thirty days after sentence, and shall make report thereof to the governor or commander in chief for the time being; and where bail is required in any civil action, an affidavit shall be made of the debt and damages before any judge or justice of the peace which the party believes to be due, or has sustained, and shall be affixed to or indorsed on the petition or process; in which case the sheriff shall take a bail bond in double the value of the debt or damages so sworn to be due; but either of the judges, on extraordinary occasions, probable cause of action being shewn, or sworn to, shall order bail, according to the circumstances of the case, sufficient to compel the appearance of the defendant or defendants, which bail bond shall



shall be subject to the order of the court, to be assigned to the plaintiff, unless sufficient special bail be entered, or the defendant surrendered in discharge of his bail, on or before the first meeting of the court. A. D. 1789. No. 421.

III. *And be it further enacted by the authority aforesaid,* That the said superior court shall have full power and authority to exercise jurisdiction in and 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 usage and custom of courts of law and equity, (except such as are hereby referred to inferior jurisdictions) on the days and times herein before mentioned; and shall consist of at least one or more judge or judges; and that it shall and may be lawful for the said judge or judges, to proceed with a jury on petition or bill, 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 ten pounds; but the plaintiff or his attorney shall not be at liberty to sign judgment within four days after verdict; and in no civil case shall execution issue until the expiration of sixty days after the end of the court in each county: But all the property of the defendant shall, nevertheless, be bound from the day of signing judgment, 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 the said space of four days, 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; but if, on hearing such appeal and new trial, it shall appear to the judge or judges, and he or they shall certify that the appeal was frivolous, or intended for delay only, then such judge or judges shall direct the jury trying the appeal cause, to assess damages to the party aggrieved for such delay; and such jury may assess damages, and the defendant, if appellant, shall give good and sufficient security for double the amount of the verdict, for the use of the plaintiff before the appeal shall be received, or entered as a stay of judgment or execution. And in case of a jury's committing a contempt, or breaking up before giving in their verdict, in civil cases, the judge may declare the same to be a mis-trial; 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 party 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 such special jury, whose verdict shall be final, and execution thereupon may be issued. And no cause instituted in the said court, shall be suffered to lay over, or be depending more than three 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 four terms.

IV. *And be it further enacted,* That all special jurors shall be taken from the grand jury of the county, and struck in the presence of the court, as follows: The clerk shall produce a list of the grand jurors present and there impanelled, from whom the payrt plaintiff, or defendant, or their attorney, shall each strike out one, until there shall be but twelve jurors left, who shall forthwith be impanelled and sworn as special

Jurisdiction of said court.

Judgment not to be signed within four days after verdict.

Execution shall issue in no case under 60 days after the end of the court Defendant's property bound from the day of signing judgment, which shall bear interest until paid.

Appeal may be entered, to be tried by a special jury.

Infrivolous appeals the court may direct the jury to assess damages for the delay.

Defendant, if appellant, to give security for double the amount before the appeal shall be entered.

A jury committing contempt, etc. the court may declare a mis-trial.

The judges may, in certain cases, exercise all the powers of a court of equity, competent to compel the defendant to discover on oath, etc. To be submitted to a special jury whose verdict shall be final.

No cause to lay over more than 3 terms without special cause, and shall not exceed 4.

Special jurors to be taken from the grand jury; in what manner to be struck.



A. D. 1789. No. 421. *cial jurors, to try the cause; and in case of refusal of either party to strike such special jurors, after due notice given for the purpose, and proof thereof, the judge, before whom notice is given for such special jury to be impannelled, shall, on behalf of the party, or his attorney attending, proceed in the same way and manner as if the party absent or refusing had been present and done the same.*

*V. And be it further enacted by the authority aforesaid, That the special jurors, summoned to try issues in the said superior court, shall, before they enter upon their duty as such, severally take the following oath or affirmation, to wit: "I do solemnly swear or affirm (as the case may be) that I will well and truly try the issue joined and now to be tried, between A. B. plaintiff, and C. D. defendant, and a true verdict give according to law and equity, and the evidence produced to me, to the best of my skill and knowledge, without favor or affection to either party. So help me God."*

The judges to establish necessary rules, &c. and to punish all contempts by usual fine or imprisonment.

*VI. And be it enacted by the authority aforesaid, That the judges of the said superior courts shall be, and they are hereby vested with full power to regulate the proceedings in the said courts; and to make and establish all necessary rules for the orderly conducting business therein, according to law, and the usage of courts, and shall have power to impose and administer all necessary oaths or affirmations, and to punish, by usual fine or imprisonment, at the discretion of the judge or judges presiding, all contempts of authority in any cause or hearing before the said court.*

Oath to be taken by the clerks.

*VII. And be it further enacted by the authority aforesaid, That the clerks of the several courts shall, before they enter upon the execution of their office, take the following oath or affirmation, before one of the judges, to wit: "I do solemnly swear or affirm, that I will truly and faithfully enter and record all the orders, 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 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 superior courts shall keep fair and regular minutes and dockets of the 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; and shall give bond, with two sufficient securities, to the governor or commander in chief, and to his successors in office, in two thousand pounds, for his good conduct while in office; which bond shall be deposited in the public treasury.*

Who are to keep fair and regular minutes of the proceedings, which shall be signed by the court before adjournment, and respectively give bond and security to the governor.

Sheriffs—their power and duty.

*VIII. And be it further enacted by the authority aforesaid, That the sheriffs of the several counties shall attend the superior and inferior courts when sitting in the respective counties, and by themselves, or deputies, to execute throughout the county all writs, warrants, precepts, and processes directed to them, and issued under the authority of any judge of the said superior court, or clerk of the court, and the said sheriffs, or their deputies, shall have power to command all necessary assistance in the execution of their office, and to appoint, as there shall be occasion, one or more deputies, who shall be removable from office by any one or more of the judges of*



of the said court; and before the said sheriffs enter on the duties of their office, each of them shall become bound for the faithful execution and performance of the same, by himself and by his deputies, before any one of the said judges, to the governor of this State for the time being, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of the county, to be approved by one or more of the judges, in the sum of five thousand pounds; and the said bond shall remain in the clerk's office of the county for which such sheriffs are appointed, and may be sued for by order of the said court for the satisfaction of the public, and all private persons aggrieved by the misconduct of the said sheriffs or their deputies. And the said sheriffs respectively, shall take, before either judge or justice of the county, and the same shall be recorded in the office of the clerk of the superior court, before they enter on the duties of their office, the following oath, to wit: "I do solemnly swear  
" or affirm, that I will faithfully execute all writs, warrants, precepts and processes  
" directed to me, as the 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 the county 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, in like manner, by each of the deputies of the said sheriff.

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To give bond and security.

Their oath.

IX. *And be it further enacted*, That in all causes wherein the sheriff of either of the said counties, or his deputy, shall be a party, or interested therein, 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 sheriff's, his 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 be appointed and sworn, and the defaults and misfeasances in office of such deputy or deputies in the mean time, as well before as after, shall be adjudged a breach of the condition of the bond given as before directed, by the sheriff who appointed them; and the executor or administrator of the deceased sheriff shall have the like remedy for the defaults and misfeasances in office of such deputy or deputies, during such intervals, as they would be entitled to if the sheriff had continued in life and in the exercise of his said office until his successor was appointed and sworn.

When interested—process &c. to be executed by the coroner.

In case of death, their deputies how to act.

X. *And for the ease of the sheriffs, Be it enacted by the authority aforesaid*, That the sheriff for each county shall, at the expiration of his office, 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 refuse or neglect 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 such neglect or refusal; and the said sheriff shall also deliver up to his successor the custody of the gaol, and the bodies of such persons who shall be confined therein, and the cause of their detention.

At the expiration of their office to turn over all writs, &c. to their successors; and deliver up the custody of the gaols with the prisoners.



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Want of form, clerical mistakes &c. not affecting the real merits of the case; how to be remedied.

Cause to be managed by council, or the parties.

Execution in what manner to be issued.

May be levied on the estate or person of the party cast in any county, and may be continued until satisfied

Attorney and solicitor general—one to attend in the eastern and the other in the western district.

Their duty.

Sheriff, gaolers, constables, etc. to have like authorities and subject to such fines, etc. as heretofore used under the laws in force in this State.

No clerk, sheriff or sheriff's officer to act as an attorney in any court.

The said courts have power to issue writs of *scire facias*, *habeas corpus*, and all other necessary writs.

XI. *And be it further enacted*, That no writ, return, process, judgment, or other proceedings in civil causes, shall be abated, arrested, quashed or reversed, for any defect or want of form, or any clerical mistake, or omission, not affecting the real merits of the case; 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 such judge, without regarding any imperfections, defects, want of form, or clerical mistake or omission, in such writ, return, process, judgment, or cause of proceeding whatsoever; and all causes in the said court shall be managed by council, or the party themselves, under such orders as the court shall establish.

XII. *And be it enacted by the authority aforesaid*, That the clerks of the respective courts shall make out, sign and issue executions, under their hands and seals, bearing test in the name of one of the judges before whom the cause was tried, and directed to all and singular the sheriffs, for all debt or damages and costs recovered in the said courts, which may be levied on the estate and property, or issued against the person of the party cast, in any county of this State; and the same may be continued until the amount thereof is satisfied.

XIII. *And be it further enacted*, That the office of attorney general shall be, and is hereby declared to be placed in commission, and the duties thereof shall be performed by two persons, to be styled the attorney and solicitor general, one to attend the eastern, and the other the western district; who shall exercise the functions of their office jointly or severally, and shall be sworn or affirmed to the faithful execution of their office; and it shall be their duty, or one of them, to prosecute all delinquents for crimes and offences cognizable under the authority of the said court, and all civil actions in which this State shall be concerned; and to give his or their advice and opinion, in writing if required, on questions of law to the governor, or other officer, touching any matters that may concern their department.

XIV. *And be it further enacted by the authority aforesaid*, That the sheriffs of the several counties in this State, shall have the like powers and authorities, and they and their under sheriffs and gaolers, constables and other officers belonging to the court, be subject and liable to all actions, suits, fines, forfeitures, penalties, and disabilities whatsoever, which they or either of them may incur, for or in respect of the escape of prisoners, or for, or in respect of any other matter or thing whatsoever, relating to, or concerning their several or respective offices, in the same manner as they have hitherto been liable by the laws of force in this State; and no clerk of the court, sheriff, under sheriff, sheriff's clerk, or other sheriff's officers, shall act as an attorney in his own name, or in the name of any other person, or be allowed to plead or practice in any of the courts of this State during the time he is in any such office.

XV. *And be it further enacted*, That the said superior courts shall have power to issue writs of *scire facias*, *habeas corpus*, *mandamus*, 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.

XVI.



XVI. *And be it further enacted*, That in all cases where mutual debts are plead as off-sets, and the jury shall find a balance due from the plaintiff to the defendant, they shall find such balance for the defendant; and the said defendant may, by himself or his attorney, enter up judgment and proceed to execution in the same manner as plaintiffs recovering may proceed.

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In cases of set-offs, the jury may find for the defendant.

XVII. *And be it further enacted*, That the said courts shall have power in the trial of all causes, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceedings in equity; and if a plaintiff shall fail to comply with such order to produce books or writings, it shall be lawful for the said courts, on motion, to give the like judgment for the defendant as in cases of non-suit; and if a 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.

Parties, how to be compelled to produce necessary books and papers in the trial of causes.

XVIII. *And be it enacted*, That where any suit shall be depending, and either of the parties shall die before final judgment, the executor or administrator of such deceased party, who was plaintiff, petitioner or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action until final judgment; and the defendant or defendants are hereby obliged to answer thereunto accordingly. And the court before whom such cause may be depending, is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, having been duly served with a *scire facias* from the office of the clerk of the court where such suit is depending twenty days before hand, and shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit. And the executor or administrator, who shall become a party as aforesaid, shall upon motion to the court where the suit is depending, be entitled to a continuance of the same, until the next term of the said court, and if there be two or more plaintiffs or defendants, and one or more of them shall die if the cause of action survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

Causes not to abate on account of the death of a party where the cause of action survives; how to be conducted in such cases.

[From this to the 32<sup>d</sup> section, relates only to the form and manner of drawing and summoning jurors.]

XXXII. *And be it further enacted*, That in cases of unavoidable accidents, 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 that the clerk of the said court shall and may adjourn the said courts from day to day, not exceeding four days, until the said court shall meet; and in case the said court shall not meet and sit in that time, the said clerk of the court, as aforesaid, shall adjourn the same to the next court, to which time all causes then depending shall be continued over.

The clerks may in certain cases adjourn the court.

XXXIII.



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The said several courts shall be courts of record.

In the absence of the attorney or solicitor general, the court may appoint a fit person to act for the State.

Suits now depending to be heard and determined as if instituted under this act.

In cases of error, &c. the judges may stay proceedings.

Inferior county courts established, and to be held quarterly by the first five justices in each county, or any three of them.

When to commence, and how long held in the respective counties.

XXXIII. *And be it further enacted*, That the said several courts shall be courts of record, and all persons necessarily going to, attending or returning from the same, shall be free from arrest in any civil action.

XXXIV. *And whereas* it may happen that the attorney or solicitor general for the State cannot attend at some of the said courts, to prepare and prosecute indictments for criminal offences: *Be it therefore enacted*, That in case the attorney or solicitor general, or one of them, shall not attend any of the said courts, then any barrister or attorney at law, or other fit person, may prepare and prosecute indictments or civil actions, in which the State is a party, by leave and appointment of the judge or judges of the said court, and be allowed the same fees for his trouble therein as the attorney or solicitor general would be entitled to.

XXXV. *And whereas* divers suits have been instituted under the late constitution, and are now depending and undetermined, *Be it therefore enacted*, That all such suits shall be heard and determined, or other order taken thereon, as if the same were instituted in the superior courts established under this act; and no demurrer or exception shall be sustained on any question on the legality of such suits, returnable to any court, term, or time previous to the passing of this act, and without additional costs; and appeals now pending shall be tried as appeals to be entered under this act are directed to be tried. And in case of error and other good and sufficient cause shewn to the judges of the superior court, or any of them, he or they may cause the proceedings in any case now depending, or that may hereafter be depending, to be stayed; and the judges, or any one of them, shall in such case at or before the next term cause to be done, as to justice shall appertain.

XXXVI. *And whereas* the constitution of this State authorizes the establishment of courts of an inferior jurisdiction, *Be it further enacted*, That in every county within this State a court shall be held once in every three months, by the justices appointed in the manner therein after mentioned, to preside in and hold the same at the several places assigned by law; and on the several days herein after limited for each county respectively, and at no other time or place: Which courts shall be called the inferior county courts, and shall be held and administered by the first five justices mentioned in the commission of the peace, or any three of them, who shall have full power and jurisdiction to hold the said county courts, and to hear and determine all causes and other matters, and controversies, properly appertaining and referred by law to their jurisdiction.

XXXVII. *And be it further enacted*, That the said inferior county courts shall be held once in every three\* months throughout the year; and shall commence the first Monday in February in Camden and Washington, the second Monday in Glynn and Greene, the third Monday in Liberty and Franklin, the Monday after in Chatham and Wilkes, the Monday two weeks thereafter in Effingham and Richmond, and the Monday week thereafter in Burke county. *Provided nevertheless*, If the business of the said court cannot be determined on the court day, the justices may sit from day to day, until all causes, not postponed by consent, or for sufficient reason, are tried

\* Held half yearly—See act of 1791, No. 456, sect. 20.



tried and determined, Sundays excepted. And all causes and controversies then laid before them, which cannot be heard and determined within that time, shall be adjourned over until the next inferior county court.

XXXVIII. *Be it further enacted by the authority aforesaid*, That the said justices, or any three of them shall have full power and jurisdiction to hear and determine causes at common law, within their respective counties: *Provided always*, That where the damages in the writ is laid, or sworn to be, or exceed fifty pounds sterling, then the said cause may by the defendant be removed to the superior court, to be there tried in the first instance by a common jury, and by a special jury afterwards if either party fees fit. And where any cause tried and determined in the inferior court, shall be above five pounds, then an appeal shall be admitted into the superior court, there to be tried, heard and concluded. *And provided also*, That no cause touching the right or title of lands or tenements, shall be cognizable in the inferior courts.

XXXIX. *\* And be it further enacted*, That it shall be lawful for any justice aforesaid, upon complaint made to him upon oath by any person that his debtor is removing out of the State privately, or absconds and conceals himself 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 value sufficient to satisfy the debt and costs of such plaintiff, which attachment shall be returnable to the next inferior court of the county where the same was issued, and shall be directed to and served by the sheriff of the county, or his deputy; and it shall be lawful for such sheriff or deputy to serve and levy the same upon the estate both real and personal of the party absconding, wheresoever the same may be found, or in the hands of any person or persons indebted to, or having any effects of the person absconding, and to summon such person or persons to appear at the next court to be held for the said county, there to answer upon oath what he or she is indebted to such party, and what effects of such party he or she hath in his or her hands, or had at the time of serving such attachment, which being returned executed, the court may thereupon compel by order, such person or persons to appear and answer as aforesaid: *Provided always*, That every justice of the peace, before granting such attachment, shall take bond and security of the party for whom the said attachment shall be issued, in double the sum to be attached, payable to the defendant, for satisfying and paying all costs that shall be awarded to the defendant, in case the plaintiff suing out the attachment therein mentioned shall discontinue, or be cast in his suit; and also all damages which shall be recovered against the said plaintiff, for his suing out such attachment, which bond the justices shall return to the court to which the attachment is returnable, on or before the return day, and the party entitled to such costs and damages, may bring suit thereon and recover, 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 and publicly advertised at the court house of the said county, at least thirty days before the setting of the next court; and if any attachment

A. D. 1789.  
No. 421.

To have jurisdiction of all causes at common law.

Proviso.

Causes above 50l. may be removed to the superior court, and appeals may be entered on judgments above five pounds.

Proviso.

No cause touching the title of lands shall be cognizable in the inferior courts.

Attachments how to be issued and conducted.

\* Repealed by act of 1792, No. 475.



A. D. 1789. attachment shall be sued out within thirty days of the next court, the said attachment shall be made returnable to the next court to be held after the expiration of the said thirty days, and not otherwise; and all attachments issued and returned in any other manner, than that herein before directed, shall be, and the same are hereby declared null and void. And all goods, lands and effects, subject to such attachments, shall be repleviable by appearance, and putting in special bail, or by the defendant's giving bond, with good security, to the sheriff, or other officer serving the same, which bond the sheriff or other officer is hereby empowered and required to take, compelling the defendant to appear at the court to which such attachment shall be recoverable, and to abide by and perform the order and judgment of such court.

Attached effects replevied—the proceedings therein.

Any justice of the peace may issue and try attachments not exceeding £5.

XL. *And be it further enacted*, That upon the defendant or defendants replevying any attached effects, by giving bond and security to the sheriff, or other officer as aforesaid, the sheriff shall return the name or names of the security by him so taken, and if such security, upon motion, shall be judged insufficient by the court, and if the defendant shall fail to appear, and give special bail if thereunto ruled by the court, such sheriff or security shall be subject to the same judgment and recovery, and have the same liberty of defence and relief, as if such defendant was legally present in court. And upon complaint made to a justice of the peace, that any person indebted to the complainant, in a sum not exceeding five pounds, where a single justice by this act has jurisdiction, is about to remove, or is removing out of the county privately, or so absconds or conceals himself so that a warrant of summons cannot be served upon him, it shall be lawful for such justice, taking bond and security in the manner herein before directed in other cases, to grant an attachment against the estate of such debtors, or so much thereof as shall be of value sufficient to satisfy the debt and cost of the plaintiff, directed to some constable of his county, and returnable before himself or some other justice of the peace thereof, who shall and may proceed and determine thereupon as to justice shall appertain.

Goods or effects attached not replevied.

Attachments served in the hands of third persons, how to be proceeded in.

XLI. *And be it further enacted by the authority aforesaid*, That if any attachment returnable to the county court, or before a justice of the peace, shall be returned executed, and the goods or effects attached shall not be replevied as aforesaid, the subsequent proceedings thereupon shall be the same as an original process against the body of the defendant where there is default of appearance; and all goods and effects attached, and not replevied as aforesaid, shall, by order of the said court, be sold and disposed of for and towards satisfaction of the plaintiff's judgment, in the same manner as if the same had been taken under execution; and where any attachment shall be returned served in the hands of any third person, it shall be lawful upon his or her appearance and examination, in the manner by this act before directed, to enter up judgment as against the original debtor, and award execution against every such third person for such monies as may be due from him to the absconding debtor, such effects as may be in the hands or keeping of the said third person belonging to such debtor, or so much thereof as will be of value sufficient to satisfy the judgments and costs of the plaintiff's attachment.

Writs and other process of the county courts how to be issued.

XLII. *And be it further enacted by the authority aforesaid*, That all original process by writ, petition and summons, or any other kind whatsoever, and all subsequent process



process thereupon, to bring any person or persons to answer in any action commencing or to be commenced in any county court, and all attachments awarded by the said courts at the common law, shall be issued and bear test by the clerk of every county court respectively, and be dated on the day whereon the same shall be issued, returnable to the next succeeding county court, and shall be executed twenty days at least before the sitting of the court, which shall be called the return day thereof; and if any process shall be delivered to the sheriff or other officer serving the same, so late that he cannot execute such process twenty days exclusive of the sitting of the court, such process shall notwithstanding be executed and returned on the return day of the next succeeding court; and all process issued or returned in any other manner than that herein before directed, shall be, and the same are hereby declared to be null and void.

A. D. 1789.

No. 421.

XLIII. *And be it further enacted by the authority aforesaid,* That all manner of civil process issued by the clerks of the county courts as aforesaid, wherein the sheriff, who ought to execute the same, shall be any way interested, shall be directed to and served by the coroner of each county respectively. And when any process shall be executed wherein common bail shall be requirable, the sheriff shall return the name or names of the bail by him taken, and if he shall not return bail, or if the bail returned shall be adjudged insufficient by the court, or if the defendant shall fail to appear, or to give special bail when ruled thereto by the court, such sheriff or bail shall be subject to the same judgment and recovery, and shall have the same liberty of defence and relief as the defendant himself should have were he personally present in court; and in cases where the plaintiff shall move for special bail upon the defendant's appearance, the court may, if they think proper, rule him to bail accordingly, or commit him on failure to the custody of the sheriff, until bail shall be given, and the persons becoming special bail shall be liable to the judgment and recovery of the plaintiff, unless the body of the defendant shall be rendered in execution or in discharge of such bail: *Provided,* That no special bail shall be requirable in any suit brought upon a penal law, unless by such law bail shall expressly be directed to be taken.

The coroner to serve the same when the sheriff is any way interested.

Common and special bail in what manner to be taken.

XLIV. *And be it further enacted,* That where any writ shall issue from any inferior court within this State, and the defendant shall give bail for his or her appearance, and shall make default and not enter special bail as aforesaid, the suit shall be prosecuted to judgment and execution against such defendant, before any proceedings shall be had against the common bail; and if the sheriff shall return upon the execution that the defendant is not to be found, or hath no effects whereon to levy the debt and cost, then the plaintiff may sue forth a *scire facias* against such bail, to shew cause why the execution for the judgment and costs should not issue against him or them; and on such *scire facias* being returned executed judgment shall be entered up against such bail, and execution go forth as against the original defendant; and if the sheriff shall return in the said writ of *scire facias*, that the defendant or defendants are not to be found in his county, or that he resides in some other county, then the plaintiff shall have judgment and execution against the estate and effects of such bail.

The proceedings therein.



A. D. 1789. as if he had been personally served with such writ: *Provided nevertheless*, That nothing herein contained shall be construed to deprive the common bail in such action from appearing and entering himself special bail, at any time before judgment in such action shall be signed.

No. 410.

Rules and regulations to be observed in conducting suits in the said courts.

XLV. And for the regular determination of suits, entering up judgments, and preservation of the records, *Be it further enacted*, That the following rules and regulations shall be observed, to wit: That the plaintiff in any suit shall file his declaration before or at the first calling of the cause in court, which shall plainly and substantially set forth the cause of action; that if the plaintiff fails to file his declaration, or to appear and prosecute his suit, upon motion of the defendant, he shall be non-suited; that upon every non-suit, the defendant shall recover five shillings sterling, and costs of suit: That every defendant, upon the return of the process against him, shall appear by himself or his attorney, and shall put in his plea in writing which may contain as many several matters as he may think necessary for his defence; but no demurrer shall be received, unless in the opinion of the court the declaration shall not plainly and substantially set forth the cause of action, or that the matter thereof is not actionable; and where the pleas pleaded shall appear to the court to be evasive or defective, inasmuch that legal justice cannot be done, upon the motion of the plaintiff or his attorney the defendant shall be ruled to plead a good and sufficient plea, and upon failure, judgment shall be awarded as in the case of *nihil dicit*. That any defendant pleading in abatement, (except upon matter appearing upon record) shall be obliged to make affidavit of the truth thereof, before the same shall be admitted. That upon the last day of the court wherein the declaration shall be filed, the defendant by himself, or by his attorney, shall put in his plea, which shall be founded on the merits of the cause, and all frivolous and dilatory pleas shall be suppressed by the court upon motion at the time such plea shall be tendered, and the defendant ruled to plead substantially, instant, and the plaintiff or his attorney shall on the same day join issue on the said plea, which issue shall be tried at the next succeeding court by a jury, in like manner as issues are tried in the superior court, on which verdict shall be given and judgment entered up immediately, unless where either of the parties shall make oath in open court, that he, she or they, have done every thing in their power to enforce the attendance of witnesses essentially necessary in such trial, and without whose attendance justice cannot be done; in which case the court may at their discretion, continue the cause over and refer the issue for trial to the next court. *Provided*, That in all cases where the act of God or the non-attendance of witnesses shall, (upon the motion of either of the parties alledging and making the same appear to the court at the first calling of the cause, after the same shall be at issue as aforesaid) render a continuance to the next court necessary, such continuance shall be at the costs of the party praying the same, as also all extraordinary costs which such continuance may occasion to the adverse party. That the clerk of the inferior court do carefully preserve the declarations, pleas, evidences, and all other necessary papers relating to any cause in court, and that they be all filed together in his office.

XLVI.



XLVI. That for preventing errors in entering the orders and judgments of the courts, the justices, before any adjournment from day to day, shall cause the minutes of their proceedings to be publicly read by the clerk, and corrected where necessary, and then the same shall be subscribed by the justices then present, which minutes so taken in a book, to be kept for that purpose, and subscribed as aforesaid, shall be carefully preserved among the records, and no proceedings or judgments of any court shall be of force or valid until the same be so read and signed.

XLVII. And for the more speedy recovery of small debts, *Be it enacted*, That the justices of the several counties, or any one or more of them, shall have authority and jurisdiction to hear and determine all suits, for any debt or liquidated demand due by judgment, specialty, or account, for any sum or sums of money not exceeding five pounds sterling, by petition in a summary without the solemnity of a jury. And the said justice or justices is, and are hereby authorized to give judgment, and ten days after giving such judgment, award execution thereon, and not before; *Provided* security be given for debt and costs; *And provided always*, That if any person or persons, thinking him, her, or themselves aggrieved by the judgment of such justice or justices, it shall be lawful for every such person or persons to appeal to the next inferior court, so as that such appeal be made and entered within four days, and security given to prosecute the same to effect: And the said justice or justices, shall transmit the proceedings had before him or them, to the next county court as aforesaid, for final hearing and determination by jury.

XLVIII. *And be it further enacted by the authority aforesaid*, That no process depending in any county court, shall be discontinued for or by reason of the justices failing to hold the court upon the days appointed by law; but in such case, all suits, process, matters and things depending, shall be continued over to the next succeeding inferior court in the same manner as if such succeeding court had been the same court to which such process stood continued, or such returns or appearances should have been made; and all bonds and obligations for appearances, and all returns shall be of the same force and validity for the appearance of any person or persons at the next succeeding court, and all summonses for witnesses as effectual as if the succeeding court had been expressly mentioned therein; and all causes depending on the docket, and undetermined at any adjournment to the next court, shall stand continued in the same order to such court, as fully as if such causes were called over, and continued by order of court.

XLIX. And for the better discovering the truth in controversies depending in the inferior county courts: *Be it further enacted*, That the clerk of every inferior county court shall, upon the request of either party, issue one or more subpoena or subpoenas for any person or persons to attend as witnesses in any case depending in the county court; expressing in every subpoena the time and place when the witnesses are to appear, the names of the parties to the suit or cause wherein they are to give evidence, and at whose request they are summoned; and if any witness shall be an inhabitant of another county, the clerk shall issue a subpoena directed to the sheriff of such county where such witnesses usually reside, which shall be by such officer executed and returned to the office whence the same issued. And if any person or persons summoned as aforesaid

A. D. 1789.

No. 421.

The minutes to be publicly read before adjournment from day to day and signed by the court.

For the recovery of small debts the justices have jurisdiction not exceeding £5: how to proceed therein.

Appeals to the county courts to be allowed.

Causes, &c. depending in the inferior courts, not to be affected by the justices failing to hold the same.

Subpoenas in what manner to be issued.



A. D. 1789. No. 421. Witnesses failing to attend may be fined for contempt, and liable to action of the party injured.

Shall be free from arrest except for criminal offences.

Refusing to give evidence how to be treated.

said shall fail to attend accordingly, or being present shall refuse to give evidence, he or she so failing shall be fined by the court for a contempt, and shall be liable to the action of such party, at common law, for all damages sustained for want of such witness's testimony. But if the person so failing to attend shall, at the court to which the summons is returnable, or at the next succeeding court, shew cause satisfactory to the court of his or her disability to attend at the time he or she ought to have appeared, then no fine or forfeiture shall be incurred by such failure, except to the party aggrieved. That every witness, during the time of his or her coming to and returning from court, as well as during his or her attendance, allowing twenty five miles per day for the travelling of such witnesses, shall be privileged and free from all arrests or imprisonment, except for criminal offences; and all civil process whatsoever, served or executed on such witness, coming to attending or returning from such court shall be void and of none effect. That if any person whatsoever summoned as witness, upon his or her appearance before the court or before commissioners appointed to take his or her examination and deposition, shall refuse to give evidence, on oath or affirmation, to the best of his or her knowledge, every person so refusing shall be committed to the common gaol, there to remain without bail or mainprize, until he or she shall give such evidence. That in any bill of costs there shall not be allowed the charge of more than three witnesses to the proof of any one particular matter or fact.

Appeals to be allowed to the superior court.

L. And to the intent that erroneous proceedings and judgments of the said county courts of this State may be corrected and amended: *Be it further enacted by the authority aforesaid*, That where any persons or bodies politic or corporate, shall at any time be aggrieved by the judgment or sentence of any county court of this State, in any action or suit whatsoever, where the judgment shall exceed the sum of five pounds lawful money, it shall be lawful for such party or parties to enter an appeal from such judgment or sentence to the superior court of the said county; and if, upon the hearing in the superior court, such judgment or sentence shall appear to be just, according to the right of the case, the same shall be affirmed notwithstanding any mispleading in matter of form. That where the defendant appeals from the judgment or sentence of the county court, he shall previous to obtaining such appeal, pay into open court all legal costs which shall and may have accrued in the county court on such judgment, and shall also give bond, with good security, to be approved of by the court, for prosecuting the appeal with effect, and to pay all legal costs and damages awarded to the appellee, if the judgment of the county court shall be affirmed. And where the plaintiff shall appeal, then the special bail given by the defendant in the county court, shall stand bound to answer the judgment of the superior court, or render in execution the body of his principal; and such appellant shall also give bond with sufficient security to prosecute the appeal with effect; which bond shall be made payable to the appellee, conditioned as aforesaid; and upon failing to appear and prosecute such appeal according to the condition, such bond shall be forfeited and enure to the appellee. And if upon trial of any appeal the judgment or sentence of any county court



court shall be reversed, the superior court shall enter such judgment thereupon, as should have been entered or made in the court below. A. D. 1789.  
No. 421.

LI. *And be it further enacted by the authority aforesaid,* That the clerks of the several county courts shall provide, and keep at their own expence, all necessary record books for the proceedings of the county courts, and shall make a fair record of such proceedings, together with all such other papers appointed by law to be by them recorded. And the justices presiding in the several county courts, shall annually appoint two fit persons of their number, to inspect the clerk's office of their county, and report to the next court the condition in which they find the papers and records.

The clerks to keep necessary record books at their own expence—Their offices to be inspected.

LII. *And be it further enacted,* That in all sales of lands and tenements to be sold under execution from the superior or inferior county courts, not less than twenty-five days notice shall be given; and in all cases of sales of personal property, fifteen days notice shall be given by the sheriff or his deputy in the public papers, or three or more of the most public places in his county; and all sales shall be at the court houses or places appointed for holding courts in the said counties, between the hours of ten and one o'clock on each day. *Provided always,* That it shall be at the option of the defendant or defendants to point out to the sheriff, and he is hereby obliged to levy on the property such defendant chooses to be levied on, if the same be sufficient. *Provided always,* That nothing herein contained shall prevent the sheriff or his deputy, from levying on any property of the defendant; but he shall in all cases first sell that which the defendant may point out.

Lands and other property under execution how to be sold.

*Proviso.*  
Defendant may point out the property which shall be first sold.  
*Proviso.*

LIII. *And be it further enacted by the authority aforesaid,* That where any judgment shall be obtained in any county court for any debt or damages, and the person against whom such judgment shall be obtained, shall remove with his or her effects out of the county, it shall be lawful for the clerk of the court where such judgment was given, at the request of the person or persons obtaining such judgment, to issue execution, directed to the sheriff of any county within the State wherein the defendant or debtor, or his lands, tenements or goods and chattels shall be found, which said sheriff, or his lawful officer, is hereby empowered to serve and execute the same, and shall make return thereof to the court where the judgment was given, in the same manner as the executions served and returnable in the county are directed.

Executions may be directed to and served by the sheriff of any county.

LIV. And for the relief of the citizens of this State against causeless and vexatious suits, and for the better enabling them to recover their just rights, *Be it further enacted by the authority aforesaid,* That in all actions of assault, battery, or slander, commenced and prosecuted in the county court, if the jury find under two pounds lawful money, the plaintiff shall not recover but pay costs. And in all actions of trespass, by force and arms, unless the court be of opinion, and shall order such opinion to be entered on record, that such trespass was wilfully committed, if the jury find under forty shillings, the plaintiff shall not recover more costs than damages; and where several persons shall be made defendants in any action of trespass by force and arms, assault and battery, slander or false imprisonment, and upon trial thereof one or more shall be acquitted by verdict, every defendant so acquitted shall have and recover his or their costs of suit, in like manner as if a verdict had been given against

In actions of assault, battery, or slander, if the jury find under £2, the plaintiff to pay costs. Costs in actions of trespass, &c.



A. D. 1789. against the plaintiff or plaintiffs generally in favor of all the defendants, unless the court at the time of trying such action shall be of opinion there was reasonable cause for making such person or persons defendant or defendants thereto, and shall so order; and in all cases where judgment shall be given for the defendant, he shall recover his costs against the plaintiff, and have execution for the same.

Suits in the county courts shall not abate on account of the death of a party—proceedings in such cases.

LV. *And be it further enacted by the authority aforesaid,* That all actions brought in the county courts where the plaintiff shall die after an interlocutory judgment, and before final judgment obtained therein, such action shall not abate if the same might be originally prosecuted or maintained by the executor or administrator of such plaintiff: And if the defendant shall die after such interlocutory, and before final judgment, such action shall not abate, if the same were originally maintainable against the executors or administrators of such defendant, but the plaintiff (or if he be dead after such interlocutory judgment) his executors or administrators shall and may have a *scire facias* against the defendant, if living, after such interlocutory judgment, (or if he died after, against his executors or administrators) to shew cause why damages in such action should not be assessed and recovered by the plaintiff or plaintiffs; and if such defendant or his executors or administrators shall appear at the return of such writ, and not shew or alledge a sufficient cause to arrest the final judgment, or being returned executed, or upon two writs of *scire facias* be returned that the defendant or his executors or administrators had nothing whereby to be summoned, or could not be found in the county or shall make a default, a writ of enquiry of damages shall be thereupon awarded, which being executed, judgment final shall be given for the said plaintiff, his executors or administrators, and if there be two or more plaintiffs or defendants, and one or more of them should die, if the cause of action should survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the action shall proceed, and in all actions in any of the county courts in this State, if either party shall die between verdict and judgment, there shall be no abatement of such action, but the same shall proceed as if both parties were living.

Security for costs to be given in suits of persons residing out of the State.

LVI. *And be it further enacted,* That when any process shall be sued forth and prosecuted in any county court, or before any justice of the peace, by virtue of any letter or warrant of attorney, or letter of substitution from any person or persons residing out of this State, against any person or persons residing within this State, the person suing forth such process, or prosecuting such suit, at the first calling thereof in court or any time thereafter when required, shall, upon motion, be ruled to give sufficient security to the defendant, for all costs accruing in any such action or other suit before the clerk or one of the justices of the court, and if such person or his attorney shall fail to give such security, being thereunto required, the suit shall be dismissed, and the defendant shall have judgment against the attorney for costs.

Actions of debt may be brought on all liquidated demands signed by the debtor.

LVII. *And be it further enacted by the authority aforesaid,* That all judgments, bonds, bills, promissory notes or other writings, with or without seal, where the debt or demand is liquidated, and signed with the hand of the debtor, such writing shall constitute specialty for such debt; and all suits to be commenced thereon in the county courts, may be by action of debt, any law, usage or custom, to the contrary notwithstanding.

LVIII.



LVIII. *And be it enacted*, That the drawing, summoning, and impannelling jurors, and the fines, forfeitures and penalties be the same as herein before pointed out for the government of the superior courts. And all writs which may be issued in the county courts shall be after such form and rule as practised in the superior courts of this State.

A. D. 1789.  
No. 421.

Juries to be drawn, &c. in like manner, and the fines and penalties to be the same as in the superior court.

LIX. *And whereas* it is necessary to vest the said county courts with a jurisdiction over taverns: *Be it further enacted by the authority aforesaid*, That the justices of the said county courts respectively, on the first court which shall be held in each succeeding year, shall hear in open court all applications for licenses to keep taverns or public houses within their respective counties, or shall reject such applications or grant such licenses for one year, as to them shall seem meet, on paying the sum or sums pointed out by law, to and for the uses therein mentioned: And every person who shall obtain a license to keep tavern, shall give bond, with two sufficient securities, in the sum of fifty pounds sterling, payable to the justices of the court where such licenses shall be obtained, for the use of the county, that such persons shall keep good and wholesome meat and drink, and lodging for travellers, and the usual provender for horses. And if any person shall presume to keep a tavern, without having obtained such licenses, such person shall forfeit and pay a sum not exceeding fifty pounds sterling, to be recovered by information upon motion in any court of record having jurisdiction thereof, one moiety to the use of the county, and the other to the person who shall inform and prosecute the same.

Tavern licenses to be granted annually by the inferior courts.

Persons keeping taverns without licence to be fined not exceeding £50.

LX. *And be it further enacted by the authority aforesaid*, That the several justices at the courts wherein such licenses shall be granted, shall cause a fair rate of meat, drink and lodging, and provender for horses to be made and ascertained, allowing tavern keepers a just and reasonable profit, attested copies thereof shall be made out by the clerk of the court, and each licensed tavern keeper shall have one, and shall affix the same in the most conspicuous part of his most public room, convenient for the inspection of all persons calling at such tavern, and shall charge no more than is allowed in such rates. And if any tavern keeper shall charge or demand more than in the said rates, he, she or they is, or are allowed and authorized to charge, he, she or they, shall forfeit and pay three times the amount of such charge, to be recovered by warrant or information, before any justice of the peace, or court having jurisdiction thereof, one half to the person who shall inform, and sue for the same, and the other for the use of the county where the same shall be recovered.

Tavern rates.

Persons exceeding them to forfeit three times the amount.

LXI. *And be it enacted*, That in all causes heard before the judges, justices or justice of the peace, having cognizance of causes, shall in all such cases receive the best evidence the nature of the case will admit.

The best evidence to be required in all cases.

LXII. *And be it enacted*, That the justices of the said inferior courts shall have power to enquire into the circumstances of the poor, bind out orphans, and appoint guardians where necessary, in the manner pointed out by law, and other children that have not a comfortable subsistence or abilities to procure common education, to some mechanic trade or lawful occupation, and appoint overseers of the poor. And the said justices and overseers of the poor shall have power to levy annually, a tax, rate and

Justices of the inferior courts, their powers respecting the poor and orphans, &c.



**A. D. 1789.** and assesse all taxable property belonging to residents in their respective counties, not exceeding one fifteenth part of the general tax of such county annually, which shall be collected in such manner as the justices shall direct. And in case any person or persons shall refuse or neglect to pay such tax, it shall and may be lawful for such collectors to distrain for the same in like manner as is directed in collecting the general tax, and shall have the like commission therefor. And the money arising from the said tax shall be paid into the hands of the said overseers of the poor, for the relief of the poor.

And in cases of  
bastardy.

**LXIII.** *And be it further enacted,* That the said justices shall have and exercise all the powers and authority heretofore had and exercised by the justices in and out of session, in cases of bastardy.\*

To appoint con-  
stables annually.

**LXIV.** *And be it enacted,* That the justices of the inferior courts shall yearly and every year on the first court after the first day of January next, appoint constables in like manner, under such rules, and subject to such penalties as is pointed out by law.

Attornies how  
to be admitted;  
may be suspend-  
ed and tried for  
mal-practice in  
their profession.

**LXV.** *And be it enacted,* That no person shall be allowed to practice or plead in any of the superior or inferior courts, until examined in open court, and admitted by one or more of the judges of the superior court: *Provided,* That the persons heretofore admitted shall not be deprived by this act from practicing in either court; but the justices may suspend, and the judges or either of them may try an attorney for malpractice in his profession. And all fines, forfeitures and penalties imposed by this or any other act, shall be recovered in the most usual or summary way.

Acts repealed:

An act for opening  
and regulating  
the superior courts  
etc. passed 1st  
March, 1778.

An act to repeal  
some part of the  
superior court act,  
passed 13th Febru-  
ary, 1786.

An act for the  
more speedy reco-  
very of small debts,  
etc. passed 24th  
April, 1760.

An act to explain  
and amend the said  
act, passed 4th  
March, 1762.

An act for opening  
the courts of justice  
etc. passed 5th  
August, 1782.

An act for ascer-  
taining the quali-  
fications necessary  
for the admission  
of attornies, etc.  
passed 20th Janu-  
ary, 1784.

An act to amend  
the said act, passed  
13th Feb. 1786.

**LXVI.** *And be it enacted,* That the act, entitled "An act for opening and regulating the superior courts in the several counties of this State, and for the more convenient administration of justice in the same, agreeable to the constitution thereof," passed the first day of March, one thousand seven hundred and seventy-eight; the act, entitled "An act to repeal some parts of the superior court act, and for other purposes therein mentioned," passed the thirteenth day of February, one thousand seven hundred and eighty-six; the act, entitled "An act for the more speedy recovery of small debts and damages," passed on the twenty-fourth day of April, one thousand seven hundred and sixty; the act, entitled "An act to explain and amend an act, entitled An act for the more easy and speedy recovery of small debts and damages," passed the fourth day of March, one thousand seven hundred and sixty-two; the act, entitled "An act for opening the courts of justice under certain restrictions therein mentioned," passed the fifth day of August, one thousand seven hundred and eighty-two; the act, entitled "An act for ascertaining the qualifications necessary for the admission of attornies, solicitors and proctors, in this State," passed the twentieth day of January, one thousand seven hundred and eighty-four; and the act, entitled "An act to amend an act for ascertaining the qualifications necessary for the admission of attornies, solicitors and proctors, in this State," passed the thirteenth day of February, one thousand seven hundred and eighty-six; except so much of the last recited act as relates to the persons therein named, be, and the same are hereby repealed.

**LXVII**

\* See act of 1793, No. 488, on this subject.



LXVII. *And be it enacted*, That the clerks of the superior courts may be clerks of the inferior courts.

A. D. 1789.  
No. 421.

Clerks of the superior may be clerks of inferior courts. Causes undetermined in the courts of conscience how to be tried.

LXVIII. *And whereas* there are now depending in the courts of conscience, causes on which no determination have been had: *Be it therefore enacted*, That where such causes are cognizable, the same to be transferred to the inferior court, and those not, to the determination of a justice as is heretofore pointed out in the said act, without obliging or compelling the party to commence new proceedings thereon.

LXIX. *And be it further enacted*, That the places for holding the superior and inferior courts for the counties of Glynn and Camden, shall be left to the inhabitants of the said counties to point out. *Provided*, The same be done on or before the first day of March next, any law to the contrary notwithstanding.

The inhabitants in Glynn and Camden to point out the places for holding courts within the same.

LXX. *And be it enacted*, That this act shall be and continue in force until the first Monday in November, one thousand seven hundred and ninety, and from thence to the end of the next session of assembly and no longer.

Continuation of this act.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1789.

### *A supplement to the several land laws of this State.*

No. 422.

I. **B**E 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 lands through the secretary of State's office, any law, custom or usage to the contrary notwithstanding.

The governor empowered to direct the form and manner of passing grants.

II. *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.

To sign the same and to hear and determine on caveats.

III. *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 the 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.

Any 3 or more justices shall use and exercise all the powers given to 4 and an assistant justice, by land act of 1st August, 1783.

Provido. Each of them to sign all warrants granted.

IV. *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

The beginning corner shall be clearly set forth in all plats.

\* The form and manner of passing grants prescribed, page 408.

† See order of the executive, page 409.



## DIGEST OF THE

A. D. 1789. proved security, in the sum of two thousand pounds, payable to the governor for the time being and his successors in office, for the faithful discharge of the duties required of such county surveyor.

No. 422.  
No county surveyor shall proceed without giving bond and good security in 2006l.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1789.

STATE HOUSE, Augusta, *Thursday, January 14, 1790.*

A SUPPLEMENT to the several land laws of this State, passed at Augusta the twenty-third day of December, one thousand seven hundred and eighty-nine, being taken up, the following proceedings are thereon directed

Form of grants.

That the form of a grant be in the words following :

STATE OF GEORGIA.

By his excellency ———, captain general, governor, and commander in chief in and over the said State, and of the militia thereof.

*To all to whom these presents shall come, GREETING:*

**Know ye,** That, in pursuance of the act for opening the LAND OFFICE, and by virtue of the powers in me vested, I HAVE given and granted, and by these presents, in the name and behalf of the said State, do give and grant unto heirs and assigns for ever, ~~ALL~~ that tract or parcel of land, containing \_\_\_\_\_ acres, situate, lying and being in the county of \_\_\_\_\_ in the said State, and butting and bounding having such shape, form, and marks, as appear by a plat of the same hereunto annexed; together with all and singular the rights, members, and appurtenances thereof, whatsoever, to the said tract or parcel of land belonging, or in any wise appertaining; and also all the estate, right, title, interest, claim and demand of the State aforesaid, of, in, to, or out of the same; To HAVE AND TO HOLD the said tract or parcel of land, and all and singular the premises aforesaid, with their and every of their rights, members, and appurtenances, unto the said heirs and assigns, to \_\_\_\_\_ and their own proper use and behoof for ever, in fee simple.

GIVEN under my hand, and the great seal of the said State, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our LORD \_\_\_\_\_, and in the \_\_\_\_\_ year of American independence.

*Attest,*

JAMES MERIWETHER, S. E. D.

*Ordered,*

Signed by his excellency the governor, the \_\_\_\_\_ day of \_\_\_\_\_, 179—.



**ORDERED,** That the surveyor general, and the several county surveyors do not after the date of the before recited supplement, pass any plat of any survey of land that does not clearly set forth the beginning corner of such survey. And that the surveyor general transmit to each of the said surveyor's plans of town commons, and of any other lands reserved for public use.

Surveyor general and county surveyors not to pass any plat of land which does not clearly set forth the beginning corner.

Surveyor general to transmit to the respective surveyors plans of town commons and other lands reserved for public use.

*Attest,*

JAMES MERIWETHER, S. E. D.

*An Act for imposing a tax for the year 1790.*

No. 423.

December 23, 1789.

*An Act for incorporating the Anabaptist Church on the Kioka, in the county of Richmond.*

No. 424.

**W**HEREAS a religious society has for many years past been established on 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.

Preamble.

Enacted.

The anabaptist church on the Kioka incorporated, and trustees named and appointed.

**II** *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.

**III.** *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,

To hold their office three years afterwards appointed by the members of the church.

F. f f

and



A. D. 1789. and there, between the hours of ten and four, elect from among the supporters of  
 No. 424. 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.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1789.

No. 425.

*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.

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 that they 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 Stephens, 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, donations, gifts, grants, hereditaments, privileges and immunities whatever, which may belong to the said church; and all monies that have been granted for re-building the said church, or for building a new church; or which may hereafter be given, granted, conveyed or transferred for re-building 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

Enacted.

The episcopal church in Savannah incorporated. Church wardens and vestry men named.

Their powers.



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. A. D. 1789.  
No. 425.

II. *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 and 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. To be appointed annually by the members of the church.

III. *And be it further enacted by the authority aforesaid*, That Samuel Saltus, Gideon Dowse, John Elliott, 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 Saltus, Gideon Dowse, John Elliott, William Quarterman 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 other 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 monies 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. The congregational church at Midway incorporated: Select men named—  
Their powers.

IV. *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 and 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. To be annually elected by the members of the church.

V.



A. D. 1789.

No. 425.

The governor  
empowered to  
grant charters  
of incorporation

V. *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 politic or corporate, 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 church 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 23, 1789.

No. 426.

*An Act for repealing certain parts of acts therein mentioned.*

The paper bills  
of credit emitted  
under act of  
1786 to be no  
longer a legal  
tender.

**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.

So much of the  
act to redeem  
the paper medi-  
um of this State  
as extends the  
tender thereof,  
repealed.

II. *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.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1789.



*An Act for prescribing the regulations and restrictions under which the governor shall appoint militia officers and secretaries.* A. D. 1789.  
No. 427.

I. II. **A**LTERED by act of 1792, No. 468, sect. 5.

III. *And be it further enacted*, That the secretaries of the governor, (not exceeding two) shall be citizens and residents of this State; and shall have attained to the age of twenty-one years. Governor's secretaries—their qualification.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1789.

*An Act for regulating the appointment of justices of the peace in the several counties of this State, and for empowering the governor to fill up all vacancies that may happen in office during the recess of the general assembly.\** No. 428.

I. **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 a commission of the peace for each county shall be issued by the governor, under the great seal, directed to the persons who shall be appointed justices of the peace by the general assembly. That the justices so appointed and commissioned shall before they respectively enter on the duties of their office, take and subscribe before the clerk of the county in open court, the following oath or affirmation, viz. "I A. B. 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 justice of the peace for the county of ———, agreeably to the constitution and laws of the State, and according to the best of my abilities and understanding. So help me God." And shall also take and subscribe the oath required by the constitution of the United States. Justices of the peace to be qualified in open court by commission from the governor.

Oath to be taken by them.

IV. *And be it further enacted*, That it shall be a part of the duty of the attorney or solicitor general, or one of them, to prepare the form of all commissions when required, and to present the same to the governor for his concurrence before they shall be acted on by the secretary of the State, and that the said attorney or solicitor general shall give, from time to time, when required by the governor, opinions in writing on any matter or thing, relative to, or pending before the executive department. Attorney, or solicitor general to prepare the form of commissions when required. And to give opinions in writing to the governor.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1789.

*An*

\* So much of this act as relates to the appointment of justices of the peace and empowering the governor to fill vacancies, rendered obsolete by the constitution of 1798.



A. D. 1789. *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.*

No. 429.

The true construction of the 6th section of the 4th article of the constitution.

The real and personal estate of persons dying intestate, to be considered altogether of the same nature, and upon the same footing; how to be divided.

Widow's dower.

If neither widow or children, the whole to be distributed among the next of kin in equal degree, and their representatives.

The next of kin; by what rules to be investigated. The half blood admitted to a distributive share in common with the full blood.

The same rules to obtain on granting administration on intestate estates.

Cases not particularly provided for, how to be determined.

In cases of intermarriage since 22d February, 1785, the real estate of the wife to become vested in the husband.

I. **B**E 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 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 there 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 the 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 distributive share of the real and personal estate in common with the full blood.

II. *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.

III.

\* See act of 1797, No. 582, sect. 8, pointing out the mode of compelling distribution.



III. *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.

IV. *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 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.

V. *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.

VI. *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.

A. D. 1789.

No. 429.

Register of probates his powers and duties respecting letters of administration and testamentary, and the proving of wills.

The superior court to hear and determine all controversies respecting the proving of wills, granting letters, etc.

In all cases of caveats to prevent the proving of wills, etc. the register how to proceed in laying the same before the superior court for final determination.

In applications of the register for letters the same may be granted by the clerk of the county *Provided.*

Register of probates under what restrictions to grant marriage licenses.

Or such persons may be joined in matrimony after publishing the banns of marriage.

Any person marrying them otherwise to forfeit 100l. for the use of the academy.

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1789.

An



A. D. 1789. *An Act for regulating the town of Augusta; and to amend an act, No. 430. entitled "An act for regulating the town of Savannah, and hamlets thereof."*

[THE sections omitted relate to the incorporation of Augusta.—Repealed by act of 1795, No. 529.]

The town of Savannah to be hereafter styled the city of Savannah.

The mayor and aldermen how to be elected.

Empowered to carry into execution the powers intended by an act of 1787 for the better regulation of the said town, and to be a body politic and corporate, etc.

So much of the said act as is repugnant to this, repealed.

A health officer to be appointed for the port of Savannah—His duty and emoluments.

X. *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 said citizens generally, who shall, on the Monday following after the election of such aldermen, choose from their own body a mayor; and that 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 or be impleaded, and may acquire, have, hold and enjoy, real or personal property, for the use and benefit of the said city and hamlets.

XI. *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.

XII. 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.

*The rest respecting the performance of quarantine repealed by act of 1793, No. 485.*

SEABORN JONES, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1789.

*An*

§ See alterations respecting the election of aldermen by act of 1797, No. 599.

† Additional number of aldermen. See act of 1795, No. 529.

‡ Their jurisdiction extended to the trial of civil causes. See act of 1796, No. 548.



*An Act to repeal some part and amend some other parts of an act to regulate the inspection of tobacco.* A. D. 1789.  
No. 431.

December 23, 1789.

*Repealed by act of 1791, No. 457.*

*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.* No. 432.

I. **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 pay of the officers and foldiers 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 them; which said certificates shall be received at the treasury as other audited certificates are.

The officers and foldiers entitled to the same pay as the militia when in actual service.

The auditor to liquidate their claims, and to give certificates.

II. 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 private 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 receive pay, nor any person who has served as a substitute.

A general muster of the troops appointed. Officers and foldiers failing to attend without sufficient excuse, shall not be entitled to pay.

*Provido.* No deserter or substitute to be entitled to pay.

III. *And be it further enacted*, That on the day of general muster as aforesaid, the troops shall deposit their arms in the public store house, 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:

The troops to deposit their arms in the public store house.

No private to receive pay previous to the date of captain's commission.

The commanding officers of companies to make returns 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 foldiers in my company with the dates of  
" their enlistments, in which I have distinguished between those who have been re-  
" ceived 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."

Form of the oath.

G g g

Which

\* Further time allowed by act of 1792, No. 471.



A. D. 1789.

No. 432.

To be administered by the auditor.

Non-commissioned officers and soldiers to be also sworn.

Provido.

Substitutes not to be barred from receiving the bounty in land engaged to them.

The said troops shall be allowed the bounty of land pointed out in an act for suppressing the violences of the Indians.

The legal representatives of deceased soldiers entitled to their pay and emoluments.

The governor empowered to discharge the said troops, &amp;c.

Which said oath the auditor is hereby empowered and required to administer to the captains or commanding officers of the said companies respectively; and before 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.

IV. *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 entrusted 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.

V. *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.

VI. *And 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 forthcoming; 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.

No. 433.

*An Act for ascertaining the fees of public officers of this State.*

December 6, 1790.

*See act of 1792, No. 474.*



*An Act to amend an act, entitled "An act to regulate the form and manner of holding elections for members to represent this State in general assembly."* A. D. 1790.  
No. 434.

December 6, 1790.

*Re-enacted with alterations, by act of 1796, No. 572.*

*An Act to pardon Patrick Carr, now under sentence of death in the common gaol of the county of Burke.* No. 435.

December 6, 1790.

*Private.*

*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.* No. 436.

**W**HEREAS in and by 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, the public ferry is vested in the commissioners or trustees of the said town, and by them applied to the endowments of the seminary established by the said act: *And whereas*, the said trustees have represented to the general assembly, that Wade Hampton, Esq. hath contracted with them to erect a bridge over the river Savannah, at or near the said ferry, and to pay an equivalent to the profits arising from the ferry, on condition that the property of the bridge on the Georgia side, and the public ferry aforesaid, be vested in him, his heirs and assigns forever, with the right of tollage agreeable to the present legal ferry rates, and a prosecution against the establishment of another bridge or ferry between Wallicon's and Cambleton ferry; and have earnestly recommended that the legislature will sanction a measure so replete with general convenience and utility, as well as the immediate aggrandizement of the town; without which sanction it cannot be executed. Preamble.

I. *Be it therefore ordained by the senate and house of representatives of the State of Georgia in general assembly met*, That the exclusive privilege of erecting a bridge on the Georgia side over Savannah river, opposite the town of Augusta, at or near the present ferry landing, is hereby fully and absolutely vested in the said Wade Hampton, Esq. his heirs and assigns for ever, with the right of building the same either with wood or stone, on the following terms and conditions: That the said Wade Hampton, his heirs and assigns, shall be bound to erect the said bridge in a complete and substantial manner, and of at least sixteen feet in width, opposite the town of Augusta, capable of sustaining and passing all carriages in common use, on or before the seventeenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and rebuild when necessary, or keep the said bridge in good and sufficient repair forever:

Enacted.  
The exclusive privilege of erecting a bridge over Savannah river opposite Augusta, vested in Wade Hampton and his heirs. The terms and conditions thereof.



A. D. 1790.

No. 43<sup>5</sup>.

Shall pay the trustees of Augusta for the first 12 years 20l. a year; and 50l. a year for ever thereafter in quarterly payments.

The property mortgaged for the payment.

The masters and students of the academy to pass and repass toll free.

The said privilege liable to be forfeited.

Rates of toll established.

No other bridge or ferry shall be established between Wallicon's and Rae's ferry.

ever: That every year during the first twelve years, commencing on the said seventeenth day of February, one thousand seven hundred and ninety one, the said Wade Hampton, his heirs or assigns, shall pay unto George Walton, William Glascock, Abraham Baldwin, Robert Forfyth, Edward Telfair, Seaborn Jones, and John Milton, Esquires, trustees of the said town of Augusta, or their successors in office, the sum of twenty pounds sterling money in specie, and the sum of fifty pounds like money, for every year for ever thereafter, both in quarterly payments, and shall moreover when thereunto required, mortgage unto the said trustees, and their successors in office, the said bridge, together with one acre of land in South Carolina on which the same shall lodge and butt, for the faithful performance of the conditions herein after contained: That the masters and professors, and all scholars and students, for the time being, belonging to the aforesaid seminary of learning, shall be permitted to pass and repass over the said bridge and ferry toll and ferry free for ever.

II. *And be it further ordained, and specially provided*, That in case the said bridge shall not be erected within the time herein before mentioned, or being so erected and compleated shall not be kept up in good and sufficient repair, (allowing a reasonable time not exceeding twelve months at any one time for repairing and re-building) the privilege or right of the said Wade Hampton, his heirs and assigns, on failure of either of the foregoing provisos and conditions, shall cease and be wholly void, and the said ferry and property as aforesaid on the Georgia side shall revert to the trustees aforesaid and to their successors in office.

III. *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 therefore ordained*, That the said Wade Hampton, his heirs and assigns, shall and may legally demand and receive during the continuation of the said bridge, (except from the masters, professors and others belonging to the seminary of learning aforesaid) a toll to correspond, and be equal to the established rates of ferriage at the said ferry, that is to say, for every loaded waggon and other four wheeled carriage four shillings and eight pence, for every empty waggon, two shillings and four pence for every loaded cart or other two wheeled carriage, two shillings and four pence, for every empty cart or dray, one shilling and two pence, for a man and horse six pence, for a foot passenger three pence, for all black cattle per head three pence, for hogs sheep and goats two pence, for every rolling hoghead with two horses and drawn, one shilling and two pence; for every rolling hoghead with one horse and drawn one shilling, and no more, and shall and may at all such times as the said bridge may be impassable from accident or decay, have the free and quiet use and enjoyment of the ferry on the Georgia side, on the same conditions as that of the bridge.

IV. *And be it also ordained*, That no other bridge or ferry between Wallicon's ferry opposite fort Moore and Rae's ferry, opposite Cambleton, shall be established or permitted on any pretext whatsoever, during the continuance of the right of the said Wade Hampton, his heirs and assigns, to the privileges hereby vested in, and confirmed to him and them.



V. *And whereas* the situation of the ferry at Great Ogechee, in the county of Chatham, demands that encouragement be likewise given to some person or 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 compleat 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 compleated on or before the last day of December, in the year of our Lord one thousand seven hundred and ninety-two, and re-build 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.

A. D. 1790.  
No. 436.

The said Wade Hampton and James Gunn empowered to erect a bridge across Great Ogechee, at the ferry in Chatham.

Conditions.

VI. *And be it further ordained*, 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.

One acre of public land on each side vested in them and tenants in common.

VII. *And be it further ordained*, That the said Wade Hampton and James Gunn, their heirs, executors, administrators and 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.

And rates of toll

VIII. *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, within three miles either above or below the said bridge, which is hereby exclusively vested 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 the 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.

No other bridge or ferry to be established within three miles above and below the said bridge. Exclusively vested in them and their heirs and assigns. *Provided*. To be a draw-bridge, and not to obstruct the navigation.

IX. *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.

The person holding the lease to enjoy the same until the expiration thereof.

X. *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



A. D. 1790. *An Act prescribing the time, manner and places of holding elections for persons to represent this State in the congress of the United States.*  
No. 437.

December 8, 1790.

*See act of 1792, No. 461.*

No. 438.

\* *An Act to amend, explain and continue the "Act for regulating the judiciary departments of this State."*

Writs of *habeas corpus* may be issued by the justices of the inferior courts.

I. **W**HEREAS the act above mentioned is not found in all cases adequate to the intention 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, from and after the passing of this act, the justices of the inferior court, 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 the same regulations, as a judge of the superior court is empowered to do: And in all cases, not capital, such justice may discharge, admit to bail, or remand to gaol, a prisoner, at his discretion, according to law and justice; but, in all cases of a capital nature, it shall be necessary that two other justices of the said county court do associate with the justice granting such writ of *habeas corpus*, at the return thereof, and that two of the three do concur in opinion before any prisoner shall be discharged or admitted to bail.

The superior court how to proceed in discovering transactions between copartners compelling distribution of intestates

II. *And be it further enacted,* That the superior court shall, in all cases respecting the discovering transactions between co-partners or co-executors, compelling distribution of intestate estates or payment of legacies, or in any other case whatsoever, which by usage did or doth appertain to a court of equity, be competent to sustain a suit by bill, and proceeding therein, until the fitting 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, as directed by the before mentioned law, 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, and on argument by both parties, the superior court before the same is had, may either grant or refuse a re-hearing before another special jury, as they shall think proper; but if a re-hearing be granted and had, the same shall be final and conclusive.

Claims against the State how to be sued.

III. *And be it enacted,* That any person having a claim or demand against the State, where (in like cases) one citizen might sue and maintain an action against another, such person shall be at liberty to file a bill or petition in the superior court of the county in which the seat of government may be, making the governor for the time being defendant thereto, a copy whereof shall be served on the auditor, whose duty

\* See act of 1791, No. 456, "to revise and amend the judiciary system," which, together with this, is repealed by act of 1792, No. 475.



duty it shall be to make a special report to the court and attend the trial, if thought necessary; the original shall be filed and docketted in court; the attorney or solicitor general shall appear to and defend the same; and on the trial, the same rules, with respect to the admission of evidence, shall prevail as in common cases, except that the burden of the proof shall lie on the claimant: Should either party (that is to say, the attorney for the claimant or the State) be dissatisfied with the determination, an appeal shall be entered and tried before a special jury; and the final decision of the jury, if in favor of the plaintiff, shall be transmitted to the succeeding legislature, who may provide, as they may think proper, for payment of such judgment or judgments.

IV. *And whereas* the State is divided into districts, *Be it further enacted*, That either the attorney or solicitor general shall attend the circuits in each district, and one or other of them shall give his personal attendance whenever the business of the State shall make it necessary; and the proceedings had in the said districts respectively, shall, in all motions and arguments concerning the same, be confined to their proper districts.

V. *And be it further enacted*, That each county shall be understood to be divided into districts, according to the division made for forming militia companies in the same; and the justices of each county shall only exercise the powers given them by the said judiciary act for recovering of debts under five pounds, in their several and respective districts; and all such suits, before the said justices, shall be brought in the district in which the defendant resides.

VI. *And be it enacted*, That the last Thursday in every month shall be the time of holding courts by any justice, and at no other time, (unless by consent of parties) and on giving security there shall be a stay of levy forty days from the time of giving such judgment: *Provided always*, That no justice of the inferior court shall be allowed to hold any such justice court; and upon good cause shewn, any suit so depending shall be postponed until next court day; and no justice shall hold court but at the place mentioned in the warrant or summons; which summons or warrant shall be served four days before the day of trial; and any warrant or summons, which does not express such place of holding court, shall be considered as void, and may be reversed by the inferior court of the county; and where there is no justice residing within a district, in such case the defendant may have his trial before the next nearest justice in some other district.

VII. *And be it further enacted*, That in future it shall not be necessary to affile a declaration in the inferior court, but the petition and process, issued in like manner as heretofore, shall be sufficient for the parties to proceed upon; and no execution shall be stayed in the superior or inferior court, but where the party cast shall give good security within four days (Sundays not included) after the verdict is received and entered.

VIII. *And be it enacted by the authority aforesaid*, That the method of foreclosing mortgages in this State, shall be as follows: The person or persons entitled to foreclose a 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

A. D. 1790.

No. 438.

The attorney or solicitor general to defend the same; the rules of proceeding therein.

One or the other of those officers to attend personally when necessary, in each district.

The respective counties how to be divided into districts.

Justices not to proceed in cases of small debts out of their respective.

To hold their courts on the last Thursday in every month. Stay of levy forty days, to be allowed on giving security.

Proviso. No justice of the inferior court shall hold any such court.

The justices how to proceed.

If there should be no justice in a district, defendant to have his trial before the next nearest.

Declarations, not necessary to be filed in the inferior court; petition and processes heretofore used shall be sufficient.

Execution shall not be stayed in either court but on giving security in 4 days.

Mortgages, how to be foreclosed.



A. D. 1790.  
No. 438.

The superior courts may order sales of the real estate of persons deceased for the benefit of their heirs and creditors; how to proceed therein.

Grant injunctions in behalf of executors and administrators to stay proceedings not exceeding 12 months.

All suits of a civil nature not referred to a single justice, shall be instituted in the inferior courts, from whence an appeal may be had to the superior court.

Bonds and other liquidated demands dated six months after the act, whether for money or specific articles shall be of equal dignity, and negotiable by endorsement.

The inferior courts to grant tavern licenses and appoint constables.

Certain causes instituted in the courts of conscience and removed to the inferior court.

May be continued without cost.

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: The 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 is directed to be paid, and unless the principal, interest and costs be so paid, the equity of redemption shall, from thenceforth be 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 the liberty of an appeal thereon, or the submission of any other matter respecting the same to a special jury, who shall be taken from the grand inquest, as in other appeals whose decision shall be final. And it shall and may be lawful for the superior courts in the several counties of this State, to order a sale, which shall be at public auction, first giving forty days notice thereof in one of the gazettes, of such part or the whole of the real estate of any 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. And such court shall also be, and they are hereby empowered to grant an injunction to stay proceedings at law in behalf of, and on the application of any executor or administrator, who shall appear in equity and justice to be entitled to the same, such injunction not to direct a stay of above twelve months in any one instance.

IX. *And be it enacted by the authority aforesaid,* That all suits of a civil nature, not referred to the decision of a single justice, shall be instituted and tried in the inferior county courts, from whence an appeal may be had and prosecuted to the superior court, as directed by the judiciary act; and all bonds and other specialties, and all promissory notes and other liquidated demands bearing date at any time after the expiration of six months from the passing of this act, whether for money or specific articles, shall be of equal dignity, and be hereafter negotiable by indorsement; and may be sued by the indorsee 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 any words inserted therein expressive of such agreement.

X. *And be it further enacted,* That the several inferior courts be, and they are hereby authorized to grant licenses to such persons as may apply for the same, to keep taverns, and also to appoint constables at any of their sessions within the year, any law to the contrary notwithstanding.

XI. *And whereas* whilst the paper medium of this State remained a tender, many suits were instituted in the courts of conscience, for specific articles, where the specie value of such demand is under five pounds: *And whereas* by the judiciary act, passed the twenty-third day of December, one thousand seven hundred and eighty-nine, such causes were with others, directed to be returned to and tried in the inferior courts; to remedy which, *Be it enacted,* That on the application of the plaintiff, such suits shall be discontinued without costs, and the party thereupon be at liberty to proceed, before a justice, in the recovery of such demand.

XII.



XII. *And be it further enacted by the authority aforesaid,* That all the officers, now in office, shall continue in the exercise of the same, until the time herein after mentioned, that is to say, all sheriffs, register of probates, county surveyors, clerks of the counties, and coroners, until the first Thursday in January, one thousand seven hundred and ninety-two, and all other officers until the end of the session of the general assembly, commencing the first Monday in November next; and on the said first Thursday in January, one thousand seven hundred and ninety-two, and on the same day annually thereafter, the justices of the several counties, or a majority of them, shall meet at the usual place for holding courts in the respective counties, and there elect by ballot, a sheriff, register of probates, county surveyor, clerks of the county, and coroner, to serve for one year; and all the other officers shall continue to be elected as heretofore, by the legislature, that is to say, all, (except those appointed for a time limited by the constitution) for one year from their appointment, and no longer; and no member of the general assembly shall be appointed to any office of profit, (except the governor) during the time for which he shall have been elected.

XIII. *And be it also enacted,* That the place for holding courts in the county of Richmond, be at the court house on the Kioka, any law to the contrary notwithstanding. *Provided,* That nothing herein contained shall be construed to extend to prejudice the building of a gaol for the county of Richmond in the town of Augusta.

XIV. *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.

XV. *And be it further enacted,* That all parts of the "Act for regulating the judiciary departments of this State," which shall be incompatible with the present act, shall be, and the same are hereby repealed; and all the other parts of the said act shall remain in full force, and the same, together with this act, be and continue so in force, until repealed by law.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 9, 1790.

*An Act making appropriations of money for the year 1791.*

December 10, 1790.

*An Act to authorize and empower George Baillie, administrator of the goods and chattels, rights and credits, which were of his father Robert Baillie, deceased, to sell and dispose of any lands or other real estate of the deceased.*

December 10, 1790.

*Private.*

H h h

An

A. D. 1790.

No. 438.

Persons now in office, how long to exercise the same.

The sheriffs, registers of probates; county surveyors, clerks, etc. of the several counties, when to be appointed by the justices.

No member of the general assembly shall be appointed to any office of profit, except the governor.

Courts for the county of Richmond to be held at the court house on the Kioka. *Provided.*

The gaol to be built in Augusta.

The act of February, 1788, to extend the limitation of actions, etc. revived and continued until 1st February 1793.

So much of the act for regulating the judiciary departments, as is incompatible with this, repealed.

All other parts of the said act, together with this, shall continue in force until repealed.

No. 439.

No 440.



A. D. 1790.

No. 441.

Richmond  
county to be di-  
vided.

The upper part  
to be Columbia.

Commissioners  
appointed for  
erecting a court  
house and gaol  
in Columbia.

The lower part  
to retain the  
name of Rich-  
mond.

Commissioners  
of the court  
house and gaol  
appointed.

One-fifth of the  
general tax to be  
levied until  
£500 be raised  
in each county.

To be applied in  
building the said  
court houses and  
gaols.

The commissioners  
to account with  
the superior court.

Suits already com-  
menced in Rich-  
mond to be deter-  
mined there.

The county sur-  
veyor to run the  
line.

## *An Act to divide the county of Richmond.*

I. **B**E 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.

II. *Be it further enacted*, That Charles Crawford, Lewis Gardner, and Rhese Howard, Esquires, or any two of them, be, and they are hereby appointed commissioners to fix on the most convenient place for holding a superior court, and for erecting a court house\* and gaol in the said county of Columbia.

III. *Be it further enacted*, That all that part of Richmond county, lying below or south-eastwardly of the aforesaid line, shall compose one other county, and retain the name of Richmond; and that George Handley, John Meals, and Robert Forsyth, Esquires, or any two of them, be, and they are hereby appointed commissioners† to fix on a place to build a court house and gaol for said county of Richmond, in the town of Augusta.

IV. *Be it further enacted*, That the collectors of tax in the counties aforesaid, shall annually collect on each person liable to pay tax in their respective counties, a sum in specie which shall be equal to one fifth part of such persons general tax, until the sum of five hundred pounds for the county of Richmond, and the like sum of five hundred pounds shall be collected for the county of Columbia, and the collectors aforesaid, shall collect said tax agreeably to the rules and regulations for collecting the general tax for the time being, and after deducting two and a half *per centum*, shall pay the same unto the aforesaid commissioners of their respective counties.

V. *Be it further enacted*, That the before mentioned commissioners shall apply all such monies as they may receive from the aforesaid collectors of tax, towards building a court house and gaol in their respective counties; and shall from time to time, specially report their disbursements of such monies to the superior court respectively, and on refusal or neglect so to do, they shall be subject to a fine at the discretion of the court.

VI. *Be it further enacted*, That all writs issued in the county of Richmond, previous to the passing of this act, shall be brought to issue, and finally determined in said county.

VII. *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.

VIII.

\* Additional commissioners appointed by act of 1791, No. 452.

† Mayor and aldermen commissioners. See act of 1791, No. 452.



VIII. *And be it further enacted*, That the superior court for the county of Columbia, shall commence on the fourth Monday in March and October, and the inferior court of said county shall commence on the second Monday of March, June, September and December.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 10, 1790.

A. D. 1790.  
No. 441.  
Commence-  
ment of the  
courts in Co-  
lumbia.

*An Act for the support of government, from the first Monday in November, 1790, to the first Monday in November, 1791, by raising a tax on persons and property.*

December 10, 1790.

No. 442.

*An Act for appointing \*commissioners for superintending the clearing and improving the navigation of Great Ogechee and Brier creek, and for other purposes therein mentioned.*

No. 443.

I. **B**E it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That Andrew Burns, Benjamin Jenkins, and Samuel Whittaker, be, and they are hereby appointed commissioners for the purpose of superintending the clearing and improving the navigation of Great Ogechee, from the Big Shoals to Hardwick, vested with full power to employ, at the lowest rates, any number of laborers they may deem necessary for carrying the intentions of this act into effect; and that Alexander Carter, Amos Whitehead, and Francis Paris, be, and they are hereby appointed commissioners for the purpose of superintending the clearing and improving the navigation of Brier creek, from Walker's bridge to the mouth thereof, and also vested with the like powers.

Commissioners  
named and ap-  
pointed for im-  
proving the na-  
vigation of  
Great Ogechee.  
Their powers.

Others appoint-  
ed for Brier  
creek with like  
powers.

II. *And be it further enacted*, That his excellency the governor for the time being, be, and he is hereby authorized and required, to draw on the treasury in favor of the commissioners, or a majority of them, of Great Ogechee, for the sum of two hundred and fifty pounds; also in favor of the commissioners, or a majority of them, of Brier creek, for the sum of one hundred pounds, which sums are hereby appropriated for the particular purposes herein before recited.

The governor em-  
powered to draw  
on the treasury in  
favor of the com-  
missioners of Oge-  
chee for 250l.

In favor of those of  
Brier creek for  
100l.

III. *And be it further enacted*, That the commissioners, before they enter upon the duties of their appointment, shall give bond with good and sufficient security, in the sum of five hundred pounds each, to his excellency the governor and his successors in office, for the faithful discharge of the trust reposed in them.

The commissi-  
oners to give  
bond and secu-  
rity.

IV. *And be it further enacted*, That Thomas Lane, John M'Call, and John London, be, and they are hereby appointed commissioners for the purpose of erecting a court

Commissioners ap-  
pointed for erect-  
ing a court house  
and gaol in Ef-  
ingham.

\* See alterations and other commissioners appointed for a certain part of the river by act of 1793, No. 481.



A. D. 1790.

No. 443.

And for the like purpose in Camden shall give bond and security.

All laws relating to the clearing of Brier creek, repealed.

court house and goal in the county of †Effingham; and that Jacob Weed, Henry Wright, and Thomas Stafford, be appointed commissioners for the county of †Camden, for the like purpose; which commissioners shall give bond, as is herein before directed, for the faithful performance of the duties required of them.

V. *And be it further enacted by the authority aforesaid,* That all laws heretofore made, so far as relate to the clearing of Brier creek, be, and the same is hereby repealed.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 10, 1790.

† Other commissioners appointed. See act of 1791, No. 432.

No. 444.

*An Act to prevent the pernicious practice of hunting deer in the night time by fire light.*

Persons hunting deer in the night by fire light to forfeit £5.

How to be applied.

How recovered

Offenders unable to pay, shall receive 39 lashes.

I. **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, every such person or persons being thereof 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 clerks office of the inferior court, and to be applied to the use of the poor of the county where such offence shall be committed.

II. *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.

III. *And be it also enacted,* That this shall be deemed a public act, and given in evidence.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 10, 1790.



*An Act to repeal all laws of this State respecting the admeasurement of lumber.* A. D. 1790.  
No. 445.

I. **B**E it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That all laws of this State heretofore passed, so far as they relate to the inspection or admeasurement of lumber, be, and the same are hereby repealed. All laws so far as they relate to the inspection, &c. of lumber repealed.

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.* No. 446.

I. **B**E 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 side of Broad river, shall retain the name of Wilkes ; and the court house and gaol thereof shall be and continue at the town of Washington, the place formerly appointed by law for holding courts in said county. Wilkes county divided : That part on the north side of Broad river to be called Elbert, the rest to retain the name of Wilkes. The court house and gaol to continue at the town of Washington.

II. *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 gaol in the said county of Elbert, and until such court house and gaol shall be compleated, the superior and inferior courts of said county shall be held at some place to be agreed on by the said justices. The justices of the inferior court to fix on the place for holding courts in Elbert.

III. *And be it further enacted,* That the justices of the inferior court of the aforesaid county of Elbert, are hereby authorized and empowered to contract with some person or persons to undertake, carry on and completely finish the aforesaid public buildings on such plan, and in such manner and form as the said justices or any three of them shall direct ; and when such public buildings shall be compleated, to raise by tax on said county to be by them assessed, such sum or sums of money as shall be sufficient for the above purposes, provided the same does not exceed two hundred and fifty pounds. To contract for building the court house and gaol, and to raise by county tax not exceeding £250.

IV. *And be it also further enacted,* That the aforesaid county of Elbert shall be entitled to elect one \*member to represent them in the house of representatives out of the number allowed by the constitution to the county of Wilkes. Entitled to one member in the house of representatives.

V.

\* Representation to be according to enumeration. See constitution of 1798.



A. D. 1790.

No. 446.

The time for  
holding the  
courts in Elbert.

V. *And be it enacted*, That the time for holding the superior and inferior courts in the county of Elbert, be on the Thursday in the week for holding the superior and inferior courts in the county of Franklin.

JOSEPH HABERSHAM, *Speaker of the House of Representatives.*

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 10, 1790.

No. 447.

*An Act to punish persons convicted of stealing horses, asses, or mules, with death.*

December 2, 1791.

*Repealed by act of 1792, No. 462.*

No. 448.

*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, Absalom Wells, Corday Sharp, Benjamin Fox, William Powell, and John Johnston.*

December 8, 1791.

No. 449.

*An Act to quiet the heirs and representatives of the late Reverend Bartholomew Zuberbuhler, in and to a certain estate lying and being in the counties of Chatham and Glynn.*

Preamble.

WHEREAS the aforefaid 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 persons 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 eighty-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.

Enacted.

The estate real and personal of Bartholomew Zuberbuhler vested in the heirs of Jacob Waldburger, dec'd.

I. *Be it therefore enacted*, That the real estate of the said Bartholomew Zuberbuhler, and of which he died possessed of, 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



Bartholomew Zuberbuhler, to hold to him the said Bartholomew Waldburger, his heirs and assigns for ever : 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 Hoskins, 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 for ever, 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.\*

A. D. 1791.  
No. 449.

Subject to payment of the debts and £100 annually for four years to the trustees of Chatham academy.

II. *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.

All further claims to the same by the trustees, hereby barred.

WILLIAM GIBBONS, *Speaker of the House of Representatives.*  
NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 8, 1791.

### *An Act for the better regulating of the town of Sunbury.*

No. 450.

**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 the 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 of the town of Sunbury to be appointed annually—in what manner.

To appoint a clerk and other officers.

II. *And be it further enacted*, That the commissioners so chosen shall have full power and authority to make such by-laws and regulations, and inflict or impose such pains, penalties and forfeitures, as shall be conducive to the good order and government of the

The powers of the said commissioners.



A. D. 1791. the said town. *Provided*, such by-laws and regulations be not repugnant to the laws and constitution of the State, or extending to life or member.

Respecting assessments.

III. *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 sale of the offender's goods, under the hands and seals of the said commissioners or a majority of them, or under the hand and seal of any justice of the peace for the county of Liberty.

Appointed commissioners of pilotage for the port of Sunbury; and to act as justices of the peace.

IV. *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 with the power and authority of justices, so far as to keep the peace, and preserve good order in the said town.

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

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 8, 1791.

No. 452.

*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.*

The light house on Tybee island, with five acres of land to be ceded to the United States.

I. **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 the light house on Tybee island, of the property and jurisdiction 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 for ever. *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 three pence 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 proper repair and supplied with lights.

Proviso.  
The tonnage of 3d be continued until the wrecks, etc. be completely removed.

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

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 15, 1791.

An



*An Act to grant monies for the purpose of building and repairing court houses and gaols.*

A. D. 1791.  
No. 452.

**W**HEREAS it is but reasonable that government shall render its support and aid towards building and repairing court houses and gaols in the different counties in addition to the private tax of each county herein directed to be levied; *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 commissioners of the court houses and gaols for the several counties which have not heretofore received such sum of money from the government subsequent to the resolution for the purpose of building court houses and gaols, shall be and they are hereby entitled to receive from the public treasury, for and to the use of said several court houses and gaols, the sum of one hundred pounds sterling, the said several commissioners giving security for the faithful application of such monies to the uses intended by this act.

Preamble.

Enacted.

The commissioners of the court houses and gaols in the respective counties which have not heretofore received such sums, may receive 100*l.* out of the public treasury for the use of the same.

II. *And be it further enacted,* That the mayor and aldermen of the city of Savannah, for the time being, and their successors in office shall be, and they are hereby appointed commissioners of the court house and gaol in Chatham county.

The mayor and aldermen of the city of Savannah to be commissioners of the court house and gaol of Chatham.

III. *And be it further enacted,* That the mayor and aldermen to be appointed for the corporation of the town of Augusta and their successors in office be, and they are hereby vested with powers of regulating a court house\* and gaol for the county of Richmond.

Those of Augusta to be commissioners of the court house and gaol in Richmond.

IV. *And be it further enacted,* That Larkin Cleveland, Thomas Arington, John Conner, senior, Burwell Pope, and William Harden be, and they are hereby appointed commissioners† for building the court house and gaol for Franklin county.

Commissioners appointed for the court house and gaol in Franklin.

V. *And be it further enacted,* That John Michael, John Moore, and John M'Call, be, and they are hereby appointed commissioners for building a court house and gaol in Effingham‡ county: And James Dunwoody, James Powell, and Francis Codrington be, and they are hereby appointed commissioners for building a court house and gaol in Liberty‡ county: And that Hugh Brown, Abner Williams and Alexander Young be, and they are hereby appointed commissioners for building a court house and gaol in Camden‡ county: And that John Braddock, Samuel Wright, and John Burnett be, and they are hereby appointed commissioners for building the court house and gaol in Glynn|| county.

For the county of Effingham.

Liberty.

Camden.

Glynn.

VI. *And be it further enacted,* That the commissioners already established, together with John Walton, Solomon Ellis, James Sims, and Benjamin Catchings, shall be commissioners for the court house§ and gaol in the county of Columbia, and in case the place whereon the present court house and gaol now is, shall not be found on examination to be in a central situation, that then the said commissioners, or a majority of them, shall have power to sell and dispose of the same, and with the

Additional commissioners appointed for the court house and gaol in Columbia—certain powers vested in them.

I i i

monies

\* Corporation act repealed; and other commissioners appointed. See act of 1795, No. 529.

† Additional commissioners appointed by act of 1792, No. 464.

‡ By act of 1796, No. 555, court house and gaol under direction of inferior court.

§ Other commissioners appointed by act of 1797, No. 606.

§ Under direction of the inferior court. See act of 1796, No. 555.



A. D. 1791. monies arising from such sale, and the sum allowed by this law, it shall be the duty  
 No. 452. of the said commissioners to contract for another court house and gaol, to be erected  
 or to remove the old court house to such spot, as a majority of the said commissioners  
 may determine to be proper as aforesaid, at their option. *Provided*, That the  
 Provifo. superior and inferior courts for the county of Columbia shall be held at the court  
 house now erected, until another court house shall be built, or the commissioners  
 therein appointed shall find it necessary to sell or remove the same; *And provided*,  
 Provifo. That this act shall not extend to exclude the county of Richmond from receiving  
 The county of such hundred pound, that county being divided since the receipt of such monies for  
 Richmond shall not be excluded from receiving such £100. the uses of the court house and gaol; and the said building being erected in that  
 part of the county now known as Columbia. *And provided always*, That if the mo-  
 nies arising from the sale of such court house shall not be sufficient to build and com-  
 plete the new one, the balance shall not be raised by any county tax or allowance  
 from the public funds, but by subscription only.

County tax for  
 the use of court  
 houses and gaols

VII. ‡ *And be it further enacted*, That the justices of the inferior courts of each  
 county in this 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, and not exceeding the sum of three hundred pounds for each county to be col-  
 lected by the tax collector in their respective counties, and by said collectors paid  
 into the hands of such commissioners after deducting two and an half *per centum*.  
*Provided*, That nothing in this act shall extend to the collection of a tax for the  
 counties of Columbia and Elbert.

WILLIAM GIBBONS, *Speaker of the House of Representatives*.  
 N. BROWNSON, *President of the Senate*.

EDWARD TELFAIR, GOVERNOR.

December 15, 1791.

\* This act is repealed by act of 1792, No. 478.

No. 453. *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."*

Preamble.

**W**HEREAS, there is in this State a considerable property, known and distin-  
 guished by the appellation of Bethesda college, or orphan house estate,  
 originally intended for an academy, and devised in trust by the late Reverend George  
 Whitefield, for literary and benevolent purposes, to Selina countess dowager of Hun-  
 tingdon; and the same was, in and by an act, entitled "An act to establish an aca-  
 demy 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 the  
 said act, departed this life, whereby the said trust is concluded, and the heirs of the  
 said



faid 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.

II. *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 direction 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 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.

III. *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.

IV. *And be it further enacted*, That George Houstoun, William Stephens, William Gibbons, senior, Joseph Habersham, Joseph Clay, junior, William Gibbons, junior, John Morell, Josiah Tatnall, junior, John Milledge, James Whitefield, junior, 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.

V. *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.

A. D. 1791.

No. 453.

*Enacted.*

The orphan house estate vested in Selina, countess dowager of Huntingdon, now deceased declared to be no longer vested than her natural life.

The property, real and personal called Bethesda college, or orphan house estate vested in 13 trustees and their successors for ever.

Their powers for the regulation and governance of the said college.

To be a body corporate.

Proviso.

The trustees named and appointed.

Vacancies how to be filled.

To account annually with the governor.

An



A. D. 1791.  
No. 454.

*An Act concerning estrays, and for improving the breed of horses.*

Estrays, in what manner to be taken up and appraised.

I. **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 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 their 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 is hereby required to take down in writing a particular description of the marks, natural and artificial, brands, 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 caused 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.

The valuation, descriptions &c. to be transmitted to the clerk of the superior court.

Estrays to be viewed by freeholders, &c.

II. *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, brands, 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.

The justices how to proceed.

III. *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 certificate transmitted by him to the clerk of the court, in a book to be by him kept for that purpose.

The duty of the clerk therein.

IV. *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.



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.

A. D. 1791.

No. 434.

V. *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, etc. not claimed in 12 months to be sold, and the money applied for county purposes.

VI. *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.

VII. *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 claimant of such property.

Persons establishing their right in twelve months after sale to receive the amount deducting charges

VIII. *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 estray or estrays shall be brought before him, or a description and valuation thereof presented to him as above, the sum of three shillings and six pence for each horse, mare, colt or filly, ass or mule, and the sum of three pence half-penny for each head of neat cattle, sheep, goats, or hogs.

Justices fees in such cases.

IX. *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 put estrays to labor, or receive reasonable compensation.

Proviso.

X. *And be it further enacted*, That upon the delivery of any such estray 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 eight pence 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 seven pence for each head of neat cattle, sheep, goats or hogs, in addition to the sums above mentioned, for the keeping and maintenance of the same.

His fees.

XI.



A. D. 1791.

No. 454.

The clerk's fees

XI. *And be it further enacted*, That the clerk of the said court 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 four pence, 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.

The proceedings respecting estrays to be under the examination and direction of the superior court.

XII. *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 clerk 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.

Persons neglecting to comply with this act, liable to forfeiture.

XIII. *And be it further enacted*, That any person taking up any estray as aforesaid, and failing or neglecting to comply with and fulfil the true intent and meaning of this act, and being thereof duly convicted before three magistrates, shall for every such offence, forfeit and pay a sum equal to double the value of such estray 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.

Justices & clerks neglecting their duty to be fined and pay double costs.

XIV. *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.

For the improvement of the breed of horses: Stud horses running at large may be gelded.

XV. 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 neighbourhood, 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 are acquainted with such horse, who shall act upon oath, to be recovered in any court having cognizance of the same.

Proviso.

XVI.



XVI. *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.

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

N. BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 20, 1791.

A. D. 1791.

No. 454.

All former laws so far as respects taking up estrays repealed.

*An Act to raise a tax for the support of government, for the year one thousand seven hundred and ninety-two.*

No. 455.

XXIII. **B**E it further enacted, That the receivers to be appointed under this act to take in the returns of the taxable property for 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 1789, 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 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.

Thereceivers of returns for Chatham vested with certain powers respecting the returns not made in the districts of Great Ogechee and Cherokee Hill, agreeably to the tax act of 1789.

*Proviso.*  
No person in arrears for taxes of that year shall be compelled to pay in specie more than the real value of the paper medium, at that time four for one.

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

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 22, 1791.

*\* An Act to revise and amend the judiciary system of this State.*

No. 456.

I. **B**E 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, that the judges of the superior courts, or any one of them, shall hold the said courts in each county

Two terms of the superior court to be held in each county.

\* Repealed by act of 1792, No. 475.



A. D. 1791.

No. 456.

The times appointed for holding the same.

county twice in every year, at the respective times and manner following, that is to say, commencing in Camden and Washington on the first Tuesday in January next; the Tuesday two weeks after in Glynn and Greene; the Tuesday two weeks after in Liberty and Franklin; the Tuesday two weeks after in Chatham and Elbert; the Tuesday two weeks after in Effingham and Wilkes; the Tuesday two weeks after in Columbia; the Tuesday two weeks after in Richmond; and the Tuesday two weeks after in Burke. And the second term shall commence on the first Tuesday in July next thereafter, in the counties of Camden and Washington, and be continued in the same rotation as directed with respect to the first circuit.

All writs and other process how to be issued, executed, and returned.

II. *And be it further enacted*, That all writs and process, of what nature or kind they may be, issuing out of the 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, returnable to the first day of 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 or notorious place of abode, at least twenty days before the day therein mentioned for the return thereof, and be directed to the sheriff of the county where they are to be executed, except in cases of execution, which may be issued in the manner now established by law.

The superior courts to have exclusive original jurisdiction in all criminal and concurrent with the inferior courts in civil cases.

III. *And be it further enacted*, That the said superior courts shall have exclusive original jurisdiction in all criminal cases arising under the laws of this State, and concurrent jurisdiction with the inferior courts hereby established and confirmed, in all civil cases whatever.

The trial of all cases shall be by jury in the customary mode, Grand and petit juries how composed.

IV. *And be it further enacted*, That the trial of all cases of what nature or kind they may be, shall be by jury in the customary and established mode, which jury shall be composed as follows, that is to say, the names of the whole number of the citizens of each county, from the age of twenty-one to the age of sixty years, and who have paid taxes, to be taken from the tax office, (justices of the peace excepted, who shall be considered liable to serve on the grand jury only) shall, every third year be placed in a box, and one third of the same shall be drawn therefrom, who, together with the justices as before mentioned, shall compose the grand jury list, and the remaining two thirds shall compose the petit jury list of each county; when the division as aforesaid shall have taken place, the names of the grand jury and the names of the petit jury shall be placed in two boxes, one to be denominated the grand jury box, and the other the petit jury box, each of which shall be divided into the partitions, numbers one and two: The names of each respective jury shall, in the first instance, be placed in the partition number one, and as they are drawn for service, be placed in the partition number two, and those so drawn therefrom, shall not be liable to further service until the whole number are so drawn from the number one, when they shall be shaken up and again be placed in the partition number one, and be again drawn as aforesaid. *Provided always*, That no judge of the inferior court, ministers of the gospel in orders, practitioners of law or physic, apothecaries, millers, or schoolmasters shall be eligible to serve on any grand or petit jury.

Proviso. Judges of the inferior court, &c. shall not be compellable to serve on juries.

V. Relates only to juries.

VI.



VI. *And be it further enacted*, That in all cases where bail shall be required, the amount of debt or damages shall appear by the oath of the plaintiff or plaintiffs, or his or their agent or agents, before any justice of the peace, which shall be lodged in the clerk's office, and be filed of record, and a copy thereof shall be affixed to the original and 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 the said 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, it shall be the duty of the sheriff, on application therefor, to indorse or make an assignment of the bail bond to the plaintiff or plaintiffs, who may recover the amount of the debt sworn to, with legal interest, by action of debt founded on the same against the principal and bail: *Provided*, That the said bail, on paying costs, shall be at liberty to enter special bail at any time before trial, but no imparlance, 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 action on the bail bond stood on the docket of the court, and the proceedings against the special bail, shall be in the form now used in the course and practice of the said courts respectively.

VII. *And be it further enacted*, That no justice of the peace shall hold any justice court, or pass any judgment (except by consent of parties) at any other or more times than one day in each month within his district, which day shall be in the option of the said justice to appoint on any day (Sundays excepted) and that that part of an act, entitled "An act to amend and explain an act for regulating the judiciary departments of this State," so far as directs the justices to hold their respective courts on the last Thursday of each month only, be and the same is hereby repealed.

VIII. *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 twenty days notice at least of the same shall be given.

IX. *And be it further enacted*, That the causes now depending in the respective inferior courts may be removed on the application of either party, and in case of removal, the clerks of each court shall divide the fee; for removing the same, *Provided*, That where the same shall be removed, all costs as far as the action shall have proceeded, shall be first discharged by the party removing the same.

X. *And be it further enacted by the authority aforesaid*, That no cause shall be dismissed before the last day of the term unless when called in regular order, or then, unless the plaintiff shall refuse to try the same or shew good cause, on oath, why he cannot at that time proceed to trial.

XI. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, in all cases where there has been a trial of appeal by special jury, (which the constitution declares to be final) all business of injunctions and other proceedings had thereafter, by the judges at chambers, shall be stopped, cease, and determine in its present stage, and the judgment had on the verdict of the said special jury, stand confirmed.

A. D. 1791.

No. 456.

Bail how to be taken, &amp;c.

Proviso.

Such bail may enter special bail at any time on paying costs—proceedings therein.

No justice to hold a court more than one day in each month—which he may appoint.

Sheriff's sales to be on 1st Tuesday in every month—what notice necessary

Causes now depending in the inferior courts may be removed to the superior court. Proviso.

Causes when to be dismissed.

Trial of appeals by special jury, declared to be final; all injunctions and other proceedings thereafter to cease.



A. D. 1791.

No. 456.

Injunctions issued upon judgments upon the first trial dismissed, and such cause, to be tried before a special jury.

No injunction shall be issued in future.

Illegality of executions and claims of property executed, how to be tried.

The governor empowered to qualify justices, sheriffs & clerks by dedimus &c.

Appeal to be had before the grand jury as heretofore. *Provido.*

All costs incurred to be previously paid, and security given for the condemnation money; executors and administrators not liable to give such security.

Rules of court to be made by the judges, and attorney or solicitor general.

*Provido.* Such rules shall not extend to alter the mode of proceeding by petition and process.

Declarations and pleas not necessary.

No proceedings to be had against estates of deceased persons within 12 months of their death.

Notice of set-offs, when to be given.

XII. *And be it further enacted*, That in such cases the bill of injunction shall be dismissed in its present stage, and the defendant be and is hereby allowed to enter an appeal to a special jury at the first term held for the county where the defendant resides, after the passing of this act; and in future no injunction shall issue on any judgment to be obtained in any superior or inferior court; but in all cases where execution shall issue illegally, or the sheriff shall execute property claimed by any person other than him against whom such execution issued upon oath, by the party or other proof, either by himself or his attorney, it shall be and is hereby declared to be, the duty of such sheriff to postpone the sale of such property, and to stay further proceedings on the execution until the next court, and report specially thereon to the court, whose duty it shall be to decide thereon, at the term to which such report is made, as to the legality of the execution, and cause the right of property to be decided on by a jury, under such regulations as they may establish.

XIII. *And be it further enacted*, That his excellency the governor be, and is hereby vested with the power of qualifying justices, sheriffs, and clerks, by a dedimus, or in such other manner as he thinks proper.

XIV. *And be it further enacted*, That all appeals shall be had before the grand jury of the county, in the same manner as is directed for appeals by the judiciary law now in force; *Provided*, That any person or persons so appealing shall, previous to obtaining such appeal, pay all costs that may have arisen thereon, and give security for the eventual condemnation money; and that no executor or administrator, as such, shall be liable to give such security.

XV. And, for the more speedy determination, and orderly conducting of all causes in the superior court, *Be it enacted*, That the judges together with the attorney or solicitor general, shall at their first meeting frame, and agree upon a set of rules of proceedings and practice for all parties, practitioners and others in the said courts, shall be the same in all the said counties, and which shall in no case be altered, but at a meeting of the said judges, attorney or solicitor general as aforesaid; *Provided nevertheless*, That the said rules shall not extend to alter the present mode of suit by petition and process, which shall continue as heretofore used in this State, and wherein it shall be sufficient to set forth the plaintiffs charges plainly and substantially.

XVI. *And be it further enacted*, That it shall not be necessary to affile a declaration or plea in the superior or inferior courts, but the petition and process issued in like manner as heretofore shall be sufficient for the parties to proceed upon.

XVII. *And be it further enacted*, That no suit shall be instituted, nor execution issue, against an executor or administrator for any debt or demand due or owing from a testator or intestate, until the expiration of twelve months from the death of such testator or intestate, and where suits have been brought against such testator or intestate, and depending in any of the courts of law within this State at the time of his or her death, the same shall remain undetermined until the time limited as aforesaid shall expire.

XVIII. *And be it further enacted*, That in cases of mutual debts and set-offs, where the jury shall find a balance for the defendant, the defendant shall be at liberty to enter



enter up judgment, and to take out execution thereupon. *Provided*, Notice of such off-set is given to the plaintiff or his attorney, ~~and~~ before the second day of the first term.

A. D. 1791.  
No. 456.  
*Provido.*

XIX. *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 has injured the same either by false returns, taking insufficient bail or by neglecting to arrest the defendant, or to levy on his property.

Sheriffs liable to action, on the case or attachment for contempt, &c.

XX. *And be it also enacted*, That the inferior courts shall continue as now established and held (except as to the jurisdiction and the times of meeting) the said courts shall have concurrent jurisdiction with the superior court in all civil cases above the sum of five pounds, and shall be vested with all the powers heretofore used by the superior courts, respecting high roads, bridges, taverns and billiard tables, (except within the jurisdiction of the corporation of Savannah) and the time of sitting or holding the said courts, shall be in the counties of Camden and Washington on the first Tuesday in March and September, annually; the Tuesday two weeks after in Glynn and Greene; the Tuesday two weeks after in Liberty and Franklin; the Tuesday two weeks after in Chatham and Elbert; the Tuesday two weeks after in Effingham and Wilkes; the Tuesday two weeks after in Columbia; the Tuesday two weeks after in Richmond; and the Tuesday two weeks after in Burke.

Jurisdiction of the inferior courts.

Vested with the powers heretofore used by the superior court respecting high roads, bridges, taverns, and billiard tables. The time for holding the said courts in the several counties.

XXI. *And be it further enacted by the authority aforesaid*, That where it may be necessary to commence a suit, in any justices' court for the recovery of any sum or sums of money due, by the justice of any district, the party complainant may, and he is hereby authorized to commence and prosecute the same to judgment before the next nearest justice of the peace.

The justice of any district may be sued before the nearest justices' court.

XXII. *And be it further enacted by the authority aforesaid*, That no more than one attorney shall plead in behalf of any plaintiff or defendant, in any cause to be instituted in the inferior courts of this State; but this clause is not to extend to causes already commenced; and where any witness resides out of the State or out of any county wherein his testimony is required in a cause in the county wherein such witness does not reside, 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, to obtain a commission from the clerk of either 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 see fit.

No more than one attorney allowed the plaintiff or defendant, in any cause to be commenced in the inferior court. Witnesses residing out of the State, or the county wherein their testimony is required, may be examined by commission.

XXIII. *And be it further enacted*, That where causes are removed from the inferior court to the superior, after the first trial had in the inferior court, the second trial in the superior court shall be before the special jury as pointed out by law.

Causes removed to the superior court after the first trial, shall be tried before a special jury.

XXIV. *And be it further enacted*, That so much of the former judiciary as militates with this law, shall be and the same is hereby repealed.

So much of the former judiciary act as militates with this act, repealed.

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

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1791.

An-



A. D. 1791.

No. 457.

Preamble.

Enacted.

No tobacco shall be exported without inspection at some established warehouse.

The collector of customs to administer an oath to masters of vessels lading with tobacco.

Any master of a vessel causing an improper person to take such oath to forfeit £500, and £20 for every hoghead put on board contrary to this act.

Commanders of vessels laden with tobacco, to deliver manifests thereof to the collector, to be transmitted by him to the treasurer.

## *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: *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.

II. *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 nett 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 nett weight of each respective hoghead, as the same was taken down by the person or persons appointed by him

to



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.

III. *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 name of Call's, Richmond, and Augusta; at Henry Arrington's, on Savannah river, at New-Savannah, on the land of John Twiggs; at \*Yamacraw, on the lot of Mordecai Shetfall; at Hardwick's, at the mouth of Ogechee; at Louisville, on the land of John Shelman; at Galphintown, on the land of Robert Forsyth; at Georgetown, on the land of Arthur Fort; at Lexington, on the land of Charles Statum; at the Rocklanding, on the land of John M'Kenzie; at Montpellier, on the land of Charles M'Donald; in the town of Greensborough, on the land of John Armour; at the town of Washington, on the lot of ; at the mouth of Broad River, on the land of John Oliver; on the land of White, Robison and 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 two pence; *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 six pence 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.

IV. *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.

V. *And be it further enacted,* That all tobacco brought to any of the public warehouses shall be received, 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 public warehouses for the inspection of tobacco.

Storage of each hoghead 1s. 2d.

Provido.

And 6d. for every month after lying one year, to be paid to the inspectors, who shall be accountable to the proprietors.

Proprietors to provide scales and weights.

The judges of the inferior courts to appoint 2 inspectors for each warehouse to be commissioned by the governor—the manner thereof.

A third inspector or to act in certain cases.

\* So much as relates to this inspection repealed by act of 1798, No. 627.

† The manner of appointing inspectors altered by act of 1798, No. 627.



**A. D. 1791.** of the said inspectors the third shall be called in to decide on such hogthead or hogf-  
**No. 457.** heads of tobacco: And the said judges shall have power on complaint in writing, be-  
 The said judges may dismiss them from office, and fill vacancies. ing 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 their said courts to continue to the end of the then inspection.

In cases of death or removal of any inspector the third shall act.

The inferior courts failing to nominate, the governor to make such appointments.

Inspectors how to be appointed in the county of Richmond.

Bond and security to be given.

Inspectors when to attend the warehouses.

How liable for neglect.

Their duty.

**VI. 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 empowered 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.

**VII. 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 holydays observed at christmas, 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 election 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,



inspection, as the same shall be brought in, and shall view and inspect the same in due turn as it shall be entered in such book, without favor or partiality, and uncase and break every hoghead 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 hoghead 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 hoghead or cask, and quantity of nett tobacco therein contained; and the inspector at such warehouse shall issue a receipt for each hoghead 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:

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<i>River</i>		<i>warehouse, the</i>		<i>day of</i>		<i>179 .</i>	
<i>Sweet scented, leaf.</i>		<i>Stemmed.</i>				<i>Oronoke, leaf.</i>	
Mark.	No.	Gross.	Tare.	Nett.	Gross.	Tare.	Nett.

Received of \_\_\_\_\_ hoghead of crop tobacco, marks, number, weights, and species as per above, to be delivered by us to the said \_\_\_\_\_ for exportation when demanded. Witness our hands, the \_\_\_\_\_ day of \_\_\_\_\_ 179 .

VIII. *And be it further enacted*, That the size of the hoghead 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 nett at least.

Size of hoghead.

IX. *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 hoghead 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 self, 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.

The receipts to be printed, £20 to be forfeited for issuing them otherwise.

In cases of disagreement in passing tobacco how to proceed.

Hands to be kept by inspectors for taking care of, and stowing tobacco

Maybe employed in the yard. No inspector to be concerned in picking refuse tobacco, except his own, under penalty of being disqualified for ever thereafter.

X.



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No. 457.

Refuse tobacco  
how to be pick-  
ed.

Shall be burnt,  
under penalty  
of £50.

Receipts for  
transfer tobacco

Inspectors not  
to deliver out  
tobacco without  
orders from the  
owner, under  
penalty of dis-  
qualification  
and fine.

Shall receive no  
additional fee or  
reward, under  
penalty of £100

Persons making  
fires near a  
warehouse lia-  
ble to fine, &c.

Forging, coun-  
terfeiting, or  
altering the  
stamp or receipt  
&c. of any in-  
spector.

X. *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 so to do, within one month of such refusal, the inspectors shall employ one of the pickers attending 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.

XI. *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 weighed 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, Oronoke leaf, or stemmed, which receipts shall be in the form following, to wit :

“                      river,                      warehouse, the                      day of  
“ Received of                      pounds of transfer tobacco, to  
“ be delivered on demand, to him or his order.”

XII. *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.

XIII. *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.

XIV. *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.

XV. *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,



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 hoghead of tobacco, stamped with a 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 cause to be put or packed, into any hoghead 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 hoghead 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.

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How to be punished.

XVI. *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 hoghead 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 where 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.

Inspectors issuing receipts for tobacco not actually received, &c. shall be adjudged felons, and suffer death.

XVII. *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 when 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.

Lost receipts, how established.

XVIII. *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 to the inspectors by the merchants or other persons to whom the

The inspection of each hhd. 2s. except at Calls, Richmond and Augusta warehouses.

By whom to be paid.



A. D. 1791. same shall be delivered: And every such inspector, before entering on the duties of his office, shall take the following oath, to wit:

Inspectors oath. "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 tobacco, when to be prized into crop hogheads.

And in what manner to be delivered out or sold.

XIX. *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 nett, or upwards each, within two months after the date of the receipt past 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, cask, prizing and cooperage.

Tobacco hnds. how to be hooped.

The weights to be annually regulated by the standard, under direction of the inferior court.

Proprietors of warehouses to keep them in proper repair, or be answerable for all damages.

XX. *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 two pence 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 on the first Mondays in October and January in each year, and regulate the same agreeably to the standard of this State.

XXI. *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



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.

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To be annually examined by the justices of the inferior courts.

Proprietors neglecting to make necessary repairs—the justices may let the same to the lowest bidder, and pay the amount out of the storage.

XXII. *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 nett, 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 hundred and fifty pounds nett 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.

Hhds. of tobacco weighing less than 950 lbs. may be marked in the transfer book as light tobacco. How to be managed thereafter

XXIII. And wherever, from the situation and condition of any hoghead of tobacco, the inspectors find it necessary they shall have the same re-packed; 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.

Pickers—how much allowed for hhds. re-packed.

XXIV. *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, viz.

Pickers & coopers to be appointed by the court, and approved by the inspectors.

" 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 nett proceeds thereof, without any waste or embezzlement to my knowledge. *So help me God.*"

Pickers oath.

And



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Who shall be under the direction of the inspectors.

Provido.

Planters may pick and cooper their own tobacco,

Hhds. to be well coopered and hooped when shipped, and be branded with the word *Georgia*.

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 coopering his own tobacco, and the planters shall at all times have the free use of the prizes for that purpose.

XXV. *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.

Coopers fees.

XXVI. *And be it further enacted*, That from and after the first day of October next, the coopers of 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 six pence, 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.

Inspectors to receive no emolument for coopering, under penalty of being removed.  
Allowance to pickers.

XXVII. *And be it further enacted*, That no inspector or inspectors of tobacco shall receive any emolument for coopering 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.

Salary allowed the inspectors of Calls', Richmond & Augusta inspections.

XXVIII. *And be it further enacted*, That from and after the first day of October next, the two acting inspectors at Calls', Richmond and Augusta inspections, shall have and receive an annual salary for their services, that is to say, to the inspectors at Calls' the sum of eighty pounds each; to the inspectors at Richmond the sum of eighty pounds each; to the inspectors at Augusta the sum of eighty pounds each; which shall be paid them by the treasurer on the settlement of their respective accounts:

The amount for inspection at 1s. 9d. per hhd. to be paid by the inspectors into the treasury.

And there shall be paid by the owner or proprietor of each hoghead of tobacco inspected at either of the above warehouses, before the same shall be delivered, by the person shipping the same, into the hands of the said inspectors, the sum of one shilling and nine pence per hoghead: And the several inspectors at each of the said warehouses at Calls', Richmond and Augusta, shall, on or before the first day of September in each year, pay the same into the treasury, and shall render every three months a just and true account, upon oath, to the treasurer, of the number of hogheads by them inspected, including those prized with transfer and marked as crop tobacco, distinguishing in their accounts those shipped, and by whom, together with those then remaining in the warehouse; every inspector failing or neglecting to make such return, or making a false return, shall forfeit and pay for every such offence,

Penalty on failing to render true account thereof.

the



the sum of one hundred pounds; one half to the State, and the other half to any person giving information and suing for the same, and on conviction thereof shall be for ever rendered incapable of serving as an inspector in this State. A. D. 1791.  
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XXIX. *And be it further enacted by the authority aforesaid,* That the treasurer shall, and he is hereby required to keep, an exact account of all such inspectors returns. The treasurer to keep an exact account of such returns.

XXX. *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. All acts or parts of acts respecting the inspection of tobacco repealed.

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

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 23, 1791.

*An Act appropriating money for the year 1792.*

No. 458.

December 24, 1791.

*An Act for regulating taverns, and reducing the rates of tavern license.* No. 459.

**B**E 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 accommodation 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.

II. *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, lodgings, provender, stabling and pasturage: And every tavern keeper shall, within one month after the rates so established, obtain of the clerk of said court a fair 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

Tavern licenses, how to be granted: persons obtaining them to give bond and security.

Tavern rates to be fixed by the inferior courts; penalty for exceeding.



A. D. 1791. again so obtained and kept from time to time, under a penalty of ten pounds on every No. 459. 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.

Forfeiture for  
retailing with-  
out license.

Proviso.

III. *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, arbor, 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 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, nor 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,  
£2—license for  
billiard table,  
£5.

IV. *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 re-  
pealed.

Taverns &c. at  
Savannah and  
Augusta, under  
the direction of  
the corporati-  
ons.

V. *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 corporations 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.

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

NATHAN BROWNSON, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 24, 1791.

No. 460. *An Act to compensate the evidences attending on the trial of the honorable Henry Osborne.*  
December 24, 1791.

No. 461. *An Act prescribing the times, places and manner of holding elections for members to represent this State in the congress of the United States.*

December 24, 1791.

See act of 1794, No. 514.

An



*An Act to punish persons convicted of stealing horses, asses or mules, with death.*  
December 3, 1792.

A. D. 1792.  
No. 462.

*Re-enacted with amendments by act of 1793, No. 499.*

*An Act for the pardon of a certain negro man slave, named Peter.*  
December 3, 1792.

No. 463.

*Private.*

*An Act to establish a town on St. Mary's river, in the county of Camden; for altering the place of holding the courts and elections within the said county; and for appointing commissioners to erect a court house and gaol in the county of Franklin.*

No. 464.

I. **B**E 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 plat 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 appointed.

II. *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.

Vacancies how to be filled.

III. *And be it further enacted*, That James Seagrove, William Maulrey, William Johnston, John King, Thomas King and Abner Hammond, be, and they are hereby appointed commissioners of the court house\* and gaol for the said county of Camden, in addition to those already appointed, whose duty it shall be within six months after the passing this act to convene at some place to be by them or a majority of them agreed on for that purpose, and then, and there, by such majority to decide on the most eligible place for erecting the same; at which place, after the said determination, the courts and elections for the said county shall be thereafter held.

Commissioners of court house & gaol appointed for Camden county.

IV. *And be it further enacted*, That James Little, Benjamin Echols, George Henning, James Whitney, Roderick Esley, Esquires, be, and they are hereby appointed commissioners to fix upon the most convenient place for a court house and gaol in Franklin county, and for erecting the same, in addition to those appointed by an act, entitled "An act to grant money for the purpose of building and repairing court houses and gaols," passed the fifteenth December, one thousand seven hundred and ninety-one.

Others appointed for Franklin county.

V.

\* Under direction of the inferior court. See act of 1796, No. 555.



A. D. 1792.

No. 464.

Repealing clause.

V. *And be it further enacted*, That from and after the time of fixing and agreeing on the place for holding the said courts and elections, that so much of an act, entitled “An act for fixing on proper places in the counties of Effingham, Glynn and Camden; for erecting gaols and court houses; and for establishing superior courts in the counties of Franklin and Greene,” passed at Augusta the tenth day of February, in the year of our Lord one thousand seven hundred and eighty-seven, as respects the erecting a gaol and court house, and holding elections for the county of Camden at the town of St. Patrick’s, on the Great Satilla river, be and the same is hereby repealed.

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

BENJAMIN TALIAFERRO, *President of the Senate*

EDWARD TELFAIR, GOVERNOR.

December 5, 1792.

No. 465.

*An Act to revise and amend \* “An act for recording marks and brands in this State.”*

Marks & brands  
to be recorded.

I. **B**E 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 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 or brands, the property 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.

In case of like-  
ness between  
them, the oldest  
record evidence  
of right.

II. *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 them.

III. *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

\* The act here referred to cannot be found.



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 8, 1792.

*An Act for the relief of the heirs and representatives of Alexander Inglis deceased.* No. 466.  
*Private.*

*An Act to protect religious societies in the exercise of their religious duties.* No. 467.

I. **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 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 of 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 gaol of the county, or to the nearest gaol 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.

Persons interrupting divine service, how to be treated.

II. *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 congregation or company of negroes shall, under pretence of divine worship, assemble themselves contrary to the act of regulating patrols.

Fines—for the use of the poor.

Negroes not to assemble contrary to the patrol act.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 13, 1792.



A. D. 1792. *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."*  
No. 468.

In conformity to act of congress, the militia laid off into divisions, &c.

Brigades and divisions defined.

A major general to command each division.

A brigadier general, each brigade.

Adjutant general, rank of lieutenant colonel.

Brigades to be subdivided in regiments, battalions and companies.  
Proviso.

I. **B**E 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 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.

II. *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.

III. *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.

IV. *And be it further enacted*, That within two months after the passing of this act the said several brigades shall be sub-divided into regiments, battalions and companies, as nearly 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 sub-division, unless alterations in such counties should hereafter by law take place.

V.

\* Effingham, McIntosh, and Bryan, added.

† Montgomery, Scriven, Bullock, and Jefferson, added.

‡ Warren and Lincoln, added.

§ Oglethorpe and Jackson, added.

} See acts of 1795, No. 534, and 1796, No. 562.



V. *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 of such company; the election so held, and the names of 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 or 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.

A. D. 1792.

No. 468.

Company officers,  
how appointed.

VI. *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 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.

Lieut. col.s and  
majors to be ap-  
pointed by the  
company officers.

Provido.

VII. *And be it also enacted*, That where a country will not permit its being formed into two battalions, the same shall compose a regiment to be commanded by a lieutenant colonel commandant.†

Counties not con-  
taining two bat-  
talions, how to be  
commanded.

VIII.

\* See act of 1793, No. 494, sect. 8, pointing out the manner of certifying and returning such elections.

† To be commanded by a major if a county has not more than 4 companies. See act of 1795, No. 534.



A. D. 1792.

No. 463.  
Officers, how to  
take rank.

VIII. *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.

Enrolments, how  
to be made,  
Persons liable to  
duty.

IX. *And be it enacted*, That the commanding officer of each company of militia shall enroll 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 noticed 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.

X. *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 musters 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, the sum not exceeding six dollars if a battalion muster, and four dollars if a company muster.

Fines of privates  
for deficiencies  
and non-attend-  
ance.Field and com-  
pany officers  
uniform, subject  
to fine for defi-  
ciencies & non-  
attendance.

XI. *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 complete 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 a 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

† See act of 1793, No. 494, sect. 6, respecting the rank of lieutenant-colonels.



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.

A. D. 1792.  
No. 468.

XII. *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 or regimental musters.

XIII. *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 o'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.

XIV. *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 unsoldierlike 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 unsoldierlike behavior 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.

Officers and privates to be fined or cashiered by court martial, for misbehavior or disobedience of orders.

XV. *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 gaol, for a space of time not exceeding five days for every such offence.

Persons interrupting military exercise may be committed to gaol.

XVI. *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 costs and charge furnish and provide every

Masters of indented servants to equip them, &c. and subject to fine for neglect.



A. D. 1792. every such indented man servant during his servitude, with the arms, ammunition 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 bondsman; 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 and forfeitures, how to be imposed by courts martial.

XVII. *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 orders; 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 therefor, how to be drawn & served

XVIII. *And be it further enacted*, That all warrants for fines, penalties or forfeitures inflicted by this act shall, if 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 gaol of the county, or the nearest gaol thereto, if there shall be no such county gaol, for the space of one day for each dollar contained in such



such fine or forfeiture; and it is hereby made the duty of the keeper of such gaol 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 gaoler 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 gaol in the first instance, no return or renewal of such warrant shall be necessary.

A. D. 1792.  
No. 408.

XIX. *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 have two partitions, to be known by the numbers one and two, and the names in the first instance shall be put in the petition number one, and within one month after the respective companies shall be organized, it shall be the duty of the commissioned officers thereof to assemble and draw from the said partition number one, the names of eight persons which shall be thrown into the partition number two, 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 number one; 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 four first 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 to and among such non-commissioned officers; but if any non-commissioned officer after accepting 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.

Non-commissioned officers, in what manner to be appointed—to act twelve months

Subject to fine in case of refusal to act.

Provide.

XX. *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

The patrol law how to be enforced by the militia.



A. D. 1792. 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 subject to a fine not exceeding fifty dollars or be cashiered, at the option of a court martial.

Returns, to whom  
and when to be  
made.

Orders how to  
be distributed  
by the officers.

Subject to fine  
or may be cash-  
iered, at discre-  
tion of court  
martial.

Courts martial  
for the trial of  
officers, how  
constituted.

Their sentence  
subject to the  
pleasure of the  
commander in  
chief.

XXI. *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 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 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 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.

XXII. *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 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 sen-

tences

\* See act of 1793, No. 494, sect. 3, prescribing the manner of appointing courts martial.



tences merely pecuniary, the officer ordering the court may approve, disapprove or mitigate the same. A. D. 1792.  
No. 468.

XXIII. *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 by this act. Vacancies, how  
to be filled.

XXIV. *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 shall 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 clause contained shall prevent part of such company from being detached, or piquet or otherwise under any officer. The governor  
may embody  
the militia.

XXV. *And be it further enacted*, That where volunteer corps of artillery, horse or infantry shall be formed in pursuance of the aforementioned 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 so intends to remove. Members of vol-  
unteer corps of  
artillery, horse &  
infantry, not to  
leave the same  
without notice  
and certificate.

XXVI. *And be it further enacted*, That any officer acting in an infamous or scandalous 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 a 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. Militia men not  
to remove out  
of any district  
without notice  
and like certifi-  
cate.

XXVII. *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 All improper  
conduct of offi-  
cers, disorders  
and neglect of  
duty, to be no-  
ticed by courts  
martial.

N n n

procuring

\* See act of 1793, No. 494, sect. 2, respecting other fines. Fines and for-  
feitures, how  
applied.



A. D. 1792. No. 468. procuring regimental and company colours : 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 colours 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.

Commanding officers of regiments have the sole appointment of the regimental staff.

The militia laws to be publicly read to companies, regiments or battalions.

Major generals, brigadiers and adjutant general, how appointed.

Vacancies by removal.

XXVIII. *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 aforesaid 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 further empowered and required 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.

XXIX. *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 for 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 for 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 for the second brigade of the said last mentioned division ; one other person for the brigadier general for the first brigade of the third division ; and one other person as a brigadier general for the second brigade for the third and last division ; and shall also concur in the nomination of one other fit and proper person as adjutant general ; and a list of the names of such 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.

XXX. *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.

XXXI.



XXXI. *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.

A. D. 1792.  
No. 468.  
Quakers exempt  
from militia duty,  
on payment of ad-  
ditional tax,  
Proviso.

XXXII. \**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 treasurers, the surveyor general and county surveyors, the secretary of the State, invalids, post riders, madmen and ideots,† shall be and they are exempted from any of the duties required by this act, in addition to those exempted therefrom by the act of the United States.

Certain other  
exemptions in-  
addition to those  
mentioned in  
the act of the  
United States.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 14, 1792.

\* So much of this sect. as exempts the "several officers" named, and all militia laws prior to this act, repealed by act of 1793, No. 494. sect. 15.

† See other exemptions by acts of 1794, No. 522, and 1795, No. 534.

### *An Act for the more effectually preventing and punishing forgery.*

No. 469.

I. **B**E 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, 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, 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, governors, presidents, speakers 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,

To forge audited  
certificates,  
governors, pre-  
sidents or speak-  
ers warrants,  
&c. &c.

Or to utter or  
publish the same  
as true.



A. D. 1792. exchange, promissory note, or order for money or goods or acquittance, or receipt  
 No. 469. 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.

Declared to be  
 felony without the  
 benefit of clergy.

Persons forging  
 and passing base  
 metals, to suffer  
 death without  
 the benefit of  
 clergy.

II. *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 with-  
 out the benefit of clergy.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 14, 1792.

No. 470. *An Act for laying off a town, to be called Williamsburg, upon the  
 Little St. Savilla Bluff, on the river Alatamaha, and for other  
 purposes therein mentioned.*

Commissioners to  
 lay out a town, to  
 be called Williams-  
 burg.

I. **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 William Williams,  
 Farr Williams, John William Lambert, William Cooke, and Roswell King, be,  
 and they are hereby appointed commissioners to admeasure and lay out a town, to be  
 called Williamsburg, upon the Little St. Savilla Bluff, on the river Alatamaha, in  
 the county of Glynn, upon the lands of William and Farr Williams, under the re-  
 strictions herein after mentioned.

Lots, how to be  
 laid off.

II. *And be it further enacted*, That the quantity of land thus to be laid out for the  
 said town of Williamsburg, 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 sur-  
 veyed 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 trans-  
 mit a copy of the plan of the same to the surveyor general, to be recorded in his  
 office.

The plan to be  
 recorded in the  
 surveyor gene-  
 ral's office.

The governor to  
 fill up vacancies.

III. *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.

Further time al-  
 lowed Wade Hamp-  
 ton and Jas. Gunn  
 to erect a bridge  
 over Great Oge-  
 chee river.

IV. *And whereas*, in and by an ordinance, entitled " An ordinance securing upon  
 certain conditions to Wade Hampton, Esquire, his heirs or assigns, the exclusive  
 right to erect a bridge over the river Sayannah at Augusta, and for other purposes  
 therein



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, Esquires, 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.

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

EDWARD TELFAIR, GOVERNOR.

December 17, 1792.

*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.* No. 471.

**W**HEREAS the purpose and intention of the legislature, expressed in an act, entitled "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," have not been answered or carried generally into effect, by means of the short time allowed the officers and soldiers to repair to the general muster at the town of Washington; 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 from and immediately after the passing this act, it shall and may be lawful for any officer or soldier of the late State troops, to make application to the auditor, who is hereby authorized and required to audit and liquidate the claims of all such officers and soldiers of the late State troops as have not received a compensation for the services, in like manner as such claims were audited and liquidated in pursuance of the above recited act, and under the restrictions herein after mentioned.

II. *And be it further enacted*, That where any officer or soldier shall make application to the auditor to have his claim liquidated and signed as aforesaid, the said officer or soldier so making application, shall make affidavit and subscribe the same in the presence of the auditor, who is hereby authorized to administer such oath, that he hath well and faithfully served his time agreeably to his enlistment, that he did not serve as a substitute, and that he hath received no compensation for his service therefor, which affidavit, together with another to the like effect, made by the captain of the applicant or other officer of the line, shall be received by the auditor, and filed in his office.

III. *And be it further enacted*, That the auditor shall, previous to issuing his certificate to any non-commissioned officer or soldier as aforesaid, demand and receive from them

Preamble.

Further time allowed to audit the claims of the late State troops.

Under certain restrictions.

What vouchers necessary.



A. D. 1792. them two certificates, the one from the colonel of the regiment, stating that such  
No. 471. non-commissioned officer or soldier hath faithfully served his time agreeably to the terms of his enlistment, and one other from the keeper of the magazine or officer commanding the company in which such non-commissioned officer or soldier served, that such officer or soldier had given up or restored the public arms; on which vouchers the auditor is requested to issue his certificate as under the former act, any law to the contrary in any wise notwithstanding.

In cases of death  
their heirs or re-  
presentatives  
entitled.

IV. *Provided always, and be it further enacted*, That in all cases where any officer or soldier has departed this life, who would have been entitled to receive a certificate under this act, that such certificate shall be given to the heirs or legal representatives of such deceased officer or soldier.

Col. Armstrong  
allowed his pay  
—the auditor to  
liquidate his ac-  
counts.

V. *And be it further enacted*, That James Armstrong, Esq. be allowed his pay as a colonel in the first regiment of State troops for the time he served in the same; and that the auditor be, and he is hereby authorized and required to audit his accounts on the necessary vouchers being produced, and give a certificate for the amount thereof.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 17, 1792.

No. 472.

*An Act to appoint commissioners for the towns of Frederica and Brunswick, in the county of Glynn.*

Commissioners  
appointed for  
the towns of  
Frederica and  
Brunswick; the  
same to be re-  
surveyed.

I. **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 James Spalding, John Braddock, Raymond Demere, John Palmer, John Burnett, John Piles, Moses Burnett, Samuel Wright, and William Williams, be and they are hereby appointed commissioners\* for the towns and commons of Frederica and Brunswick, who, or a majority of them, shall have powers after giving three months notice in the gazette, to survey or cause to be surveyed, the said towns of Frederica and Brunswick as near as possible to the original plan of survey; which survey, when so made, shall be recorded in the surveyor general's office, and also in the office of the surveyor of the county of Glynn.

The plans to be  
recorded.

Empowered to  
sell the vacant  
lots.

II. *And be it further enacted*, That the said commissioners or a majority of them, shall have power to sell at public vendue, at such times and places as they shall think proper, all or any of the vacant lots in the said towns; (except such as were originally reserved for the public use) first giving four weeks public notice of such sale or sales; and the monies arising therefrom shall be applied under the direction of the said commissioners to the building and support of an academy in the county of Glynn, and to no other purpose whatever, except so much as may be necessary for defraying the expence of surveying and laying out the said towns.

The monies a-  
rising to be ap-  
propriated to  
the academy of  
Glynn county.

III.

\* So much of this act as relates to the appointment of commissioners, repealed, and others appointed by act of 1796, No. 559.



III. *And be it further enacted*, That nothing herein contained shall affect the right or title of any person or persons claiming or holding a lot or lots within the said towns, as laid down in any former legal plan thereof.

A. D. 1792.  
No. 472.  
This act not to affect legal claims under any former plan.

IV. *And be it further enacted*, That all and every act or parts of acts which respects the surveying or laying out the town of Frederica, and also the act, entitled "An act to appoint commissioners for the town of Brunswick in the county of Glynn," passed at Augusta, the first day of February, one thousand seven hundred and eighty-eight, be and the same is hereby repealed.

Certain acts respecting Frederica and Brunswick repealed.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 17, 1792.

*An Act for vesting certain powers in the commissioners of the court house and gaol in the county of Chatham, and for other purposes therein mentioned.*

No. 473.

I. **B**E it enacted by the senate and house of representatives, in general assembly met, That it shall and may be lawful to and for the commissioners of the court house and gaol of the said county, or a majority of them, together with the justices of the inferior court of the said county, or a majority of them, to issue bills of credit to be redeemed by fines and forfeitures of recognizances, ordered and taken to the superior and inferior courts of the said county, and the tax to be levied on the inhabitants and property in the county as aforesaid.

Commissioners of the court house and gaol of Chatham empowered to issue bills of credit.

How to be redeemed.

II. *And be it further enacted*, That the commissioners of the court house and gaol of the said county, or a majority of them, together with the justices of the inferior court of the said county, or a majority of them, shall be, and they are hereby authorized to levy a tax\* on all persons and property within the said county liable to pay tax, not exceeding the one eighth part of their general tax for each year, while and until they shall be enabled fully to repair the said court house, build a new gaol, poor house and hospital as aforesaid.

Authorized to levy a county tax and to build a poor house.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 18, 1792.

\* So much as relates to county tax repealed by act of 1796, No. 555. *See que.*

*An Act to revise and amend an act for ascertaining the fees of public officers of this State.*

No. 474.

I. **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 fees of the different

Fees of the public officers.



A. D. 1792. different public officers herein after mentioned, may be by them respectively received,  
No. 474. as follows :

## GOVERNOR'S FEES.

Governor's fees. For signing a grant for five hundred acres or under, four shillings and eight pence.  
For signing a grant above five hundred acres, and not exceeding a thousand acres, nine shillings and four pence.  
On all grants above one thousand acres, at and after the rate of nine shillings and four pence for every thousand acres therein contained.  
Ordering the great seal of the State to any paper of a private nature, four shillings and eight pence.  
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 eight pence; if above five hundred acres, nine shillings and four pence.  
For registering a grant, two shillings and four pence.  
For a bond, two shillings and four pence.  
For a testimonial with the great seal, seven shillings.  
For every search, seven pence.  
For every militia commission, to be paid for by the public, two shillings and four pence.  
Preparing and countersigning a *dedimus potestatem*, two shillings and four pence.  
Entering satisfaction on every mortgage, one shilling and two pence.  
Drawing and engrossing a proclamation, four shillings and eight pence.  
Fixing the great seal of the State to any other paper, four shillings and eight pence.  
For a certified copy of a grant or other paper, *per* copy sheet, three pence half-penny.

## SURVEYOR GENERAL'S FEES.

Surveyor general. For examining a plat, two shillings and four pence.  
For recording a plat, not exceeding five hundred acres, three shillings and six pence; 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 eight pence.  
Transmitting a caveat to the governor, and attending thereon, four shillings and eight pence.  
A certified copy of an original record, three shillings and six pence.  
A certified copy of an original warrant, two shillings and four pence.  
A search, seven pence.  
Recording and issuing a certificate of a town lot, two shillings and four pence.

## COUNTY SURVEYOR'S FEES.

County surveyor. Surveying a town lot and returning a certificate thereof to the surveyor general's office, four shillings and eight pence.

Surveying



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473

## LAWS OF GEORGIA.

Surveying a tract of land of or under one hundred acres, twelve shillings and six pence. A. D. 1792.  
No. 474.

Each hundred acres after the first, two shillings and six pence.

Making a plat, recording, advertising and transmitting the same to the surveyor-general's office, four shillings and eight pence.

Entering a caveat, advertising and giving a certified copy thereof, seven shillings; attending trial of the same, three shillings and six pence; each postponement, two shillings and four pence, to be paid by the person postponing the same.

Recording judgment, and giving a certified copy thereof, two shillings and four pence.

Entering an appeal, and giving a certified copy thereof, four shillings and eight pence.

For a re-survey of land by order of court, of or under one hundred acres, twelve shillings and six pence, for the first one hundred acres; for every hundred acres after the first, two shillings and six pence.

For making and certifying a plat thereof, and transmitting the same, four shillings and eight pence.

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 four pence. Sheriff—in civil cases.

Levying execution on the body or property, seven shillings.

Summoning each witness, two shillings and four pence.

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 eight pence: *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 eight pence.

Summoning a jury to try a caveat, and attendance, four shillings and eight pence.

Summoning a special jury, and all other services, attending trial of an appeal, four shillings and eight pence.

For a bail bond, four shillings and eight pence.

Making out, and executing titles to land, fourteen shillings, (if wrote by the purchaser, four shillings and eight pence.)

### SHERIFF'S FEES, *in criminal cases.*

For re-committing of any person, when a *habeas corpus* is brought to his relief, four shillings and eight pence. Sheriff—in criminal cases.

O o o

Summoning



A. D. 1792. Summoning a jury, four shillings and eight pence.

No. 474. On every copy of a *mittimus*, one shilling and two pence.

For every mile a prisoner shall be removed on a *habeas corpus*, one shilling and two pence.

For removing a prisoner by *habeas corpus*, when no mileage is paid, per day, four shillings and eight pence.

Executing a criminal, thirty-seven shillings and four pence.

Attending a person, taken by a warrant, to the judges' chambers, three shillings and six pence.

Conducting a prisoner before a judge or court to and from gaol, four shillings and eight pence.

Executing a warrant of escape, three shillings and six pence.

Each mile to serve the same, two pence.

Executing and returning a bench warrant, four shillings and eight pence.

Each mile to serve the same, two pence.

Putting a person in the stocks, two shillings and four pence.

For whipping, cropping or branding a criminal, four shillings and eight pence.

Apprehending a person suspected, if committed or held to bail, four shillings and eight pence.

For each person, not exceeding two, who may be employed to guard a prisoner to gaol, per day, four shillings and eight pence.

#### GAOLER'S FEES.

Gaoler. Receiving a prisoner or debtor, two shillings and four pence.

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 four pence.

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 nine pence.

Turning the key on commitment of any person, two shillings and four pence.

Dieting negroes, allowing one quart of rice or corn meal per day, seven pence.

#### NOTARY PUBLIC'S FEES.

Notary public. For every protest and oath included, not exceeding sixteen copy sheets of ninety words, nine shillings and four pence.

Administering an oath in any other case, one shilling and two pence.

For each attendance on any person, to prove any matter or thing as notary public and certifying the same, two shillings and four pence.

Every other certificate, one shilling and two pence.

Noting a protest, four shillings and eight pence.

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 eight pence. For



For providing a coffin, and burial expences, fourteen shillings.  
In all other cases, the same as the sheriff.

A. D. 1792.  
No. 474.

## REGISTER OF PROBATE'S FEES.

Receiving application and granting citation, four shillings and eight pence.  
Signing a warrant of appraisement, two shillings and four pence.  
Signing the probate of a will, four shillings and eight pence.  
Recording a will or other paper, *per copy sheet*, three pence half-penny.  
A certified copy of a will or other paper, *per copy sheet*, three pence half-penny.  
Receiving an appraisement and recording the same, if under one hundred dollars, two shillings and four pence; if above one hundred dollars, four shillings and eight pence.  
Receiving an application and granting letters dismissory, four shillings and eight pence.  
Granting citation, to shew cause why administration should not be repealed or set aside, nine shillings and four pence.  
For granting letters of administration, or letters testamentary, nine shillings and four pence.  
For entering a caveat against administration being granted, or will proven, four shillings and eight pence.  
For every marriage license, four shillings and eight pence.  
Attending judges for determining a caveat, *per day*, four shillings and eight pence.

Register of probates.

## FEES OF THE GOVERNOR'S SECRETARIES.

A copy of any paper, not exceeding two copy sheets, one shilling and two pence.  
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 eight pence.  
Certifying a copy or extract, one shilling and two pence.  
For entering a testimonial, one shilling and two pence.

Governor's secretaries.

## 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 two pence.  
Drawing a *capias* against a defaulting juror, two shillings and four pence.  
Drawing an indictment against a person presented by the grand jury, and bound over, four shillings and eight pence.  
Entering a *noli prosequi*, seven pence.  
Attending at judges chambers, to take the affidavit of any person, in criminal cases, four shillings and eight pence.  
Drawing an affidavit, or any other instrument of writing, *per copy sheet*, three pence half-penny.  
For a *subpoena* in criminal cases, one shilling and two pence.  
Retaining fee against persons indicted, fourteen shillings.

Attorney general.

TREASURER'S



A. D. 1792.

## TREASURER'S FEES.

No. 468.

Treasurer.

For every search, seven pence.

An extract, two shillings and four pence.

## ATTORNEY'S FEES.

Attorney.

On each cause commenced and tried in the superior or inferior courts, eighteen shillings and eight pence.

On each appeal prosecuted to judgment, except appeals from a justice's court, eighteen shillings and eight pence.

Where the defendant prevails, to receive the fee in lieu of the plaintiff's attorney.

JURORS AND WITNESSES' FEES, *in civil cases.*

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 cost, four shillings and eight pence.

Special jury for each appeal tried, to be paid by the appellant, and taxed in the bill of cost, four shillings and eight pence.

To each witness *per day*, for his or her attendance, and 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 six pence; the witnesses to have the same allowance in criminal cases, where the person prosecuted is found guilty.CLERK'S FEES, *in criminal cases.*

Clerk's fees in criminal cases.

Every writ and seal, one shilling and two pence.

Every pannel of a jury, one shilling and two pence.

Order for fine on a juror, (unless excuse made) and entering the same, one shilling and two pence.

Ordering a fine peremptory, entering and reading, one shilling and two pence.

Copying the same for the attorney-general, one shilling and two pence.

Fee on a writ of *capias* and seal, one shilling and two pence.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 six pence.Taking an examination, information or affidavit, *per copy sheet*, one sixteenth part of a dollar.

Drawing a warrant, one shilling and two pence.

A commitment or liberate, one shilling and two pence.

Taking an acknowledgment of bail before the judge, or in court, and drawing recognizance thereof, two shillings and four pence.

Every subpoena ticket, seven pence.

Every indictment, if the criminal be found guilty, two shillings and four pence.

Every arraignment, or charging a defendant with indictment, if found guilty, one shilling and two pence.

Entering a plea, seven pence.

Calling a jury, seven pence.

Clerk's



Clerk's attendance on every cause tried, one shilling and two pence.  
 Every sentence or judgment, and entering the same, one shilling and two pence.  
 Copy of every indictment or other paper, four pence.  
 Copy of judgment to the sheriff, and order thereon, one shilling and two pence.  
 Calling a traverse or discharging a recognizance, one shilling and two pence.  
 Recording the proceedings of a cause, *per* copy sheet, one sixteenth part of a dollar.  
 Every person acquitted by proclamation, one shilling and two pence.  
 Every search, seven pence.  
 A writ of *dedimus potestatem*, four shillings and eight pence.  
 Renewal of *capias*, one shilling and two pence.

A. D. 1792.  
 No. 474.

FEES OF THE CLERK, *in the superior court, in civil cases.*

Every suit commenced therein, if settled before judgment, and each non-suit, seven shillings. Clerks of the superior courts, in civil cases.  
 For each copy of a writ, where there are more than one defendant, after the first copy, two shillings and four pence.  
 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 eight pence.  
 For each appeal prosecuted to judgment, including every service to entering up satisfaction, nine shillings and four pence.  
 For every writ of *subpoena* and ticket, seven pence.  
 For a writ of partition of land, fourteen shillings.  
 For issuing a commission to examine witnesses, four shillings and eight pence.  
 For making out letters of guardianship and taking security, four shillings and eight pence.  
 For every order for the sale of land, and copy thereof, two shillings and four pence.  
 Recording any instrument of writing, *per* copy sheet, one sixteenth part of a dollar.  
 Each search, seven pence.  
 A certified copy of any record, *per* copy sheet, three pence half-penny.  
 For every foreclosure of mortgage and recording proceedings, four shillings and eight pence.  
 Every enquiry of title respecting property levied on by the sheriff and claimed by a third person, four shillings and eight pence.  
 For every tavern license, including every service therein, four shillings and eight pence.

CLERK OF THE INFERIOR COURT.

For each cause settled before judgment, and each appeal to the superior court, seven shillings. Clerk of the inferior court.  
 For each copy of a writ where there are more than one defendant, after the first copy, two shillings and four pence.  
 Each cause commenced therein and prosecuted to judgment, not appealed from, including every service to entering satisfaction, fourteen shillings.

For



A. D. 1792. 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.

No. 474.

Each appeal prosecuted to judgment from a justices' court, four shillings and eight pence, if settled by the parties, two shillings and four pence, including every service to entering satisfaction.

#### FEES TO THE CLERK OF THE HOUSE OF REPRESENTATIVES, AND SECRETARY OF THE SENATE.

Clerk of the house of representatives, and secretary of the senate.

For every extract of a private nature, three pence half-penny *per copy sheet*.

For certifying an extract of a private nature, one shilling and two pence.

For an act, passed for the benefit of an individual, or to incorporate a private society, nine shillings and four pence.

#### FEES OF A CONSTABLE.

Constable.

Serving a warrant, summons or attachment in civil cases, one shilling and two pence.

Returning the same, and attending the justices' court, one shilling and two pence.

Summoning every witness, one shilling and two pence.

Levying an execution and advertising the sale, one shilling and two pence.

For selling, to satisfy an execution from a justice, five *per centum* on the amount of the debt.

For attending grand jury, for each bill found, to be paid by the delinquent, one shilling and two pence.

Serving a warrant in criminal cases, four shillings and eight pence.

For carrying a prisoner to gaol, two pence per mile.

For keeping and maintaining a prisoner, before examination, not exceeding twenty-four hours, one shilling and nine pence.

#### FEES OF THE POWDER RECEIVER.

Powder receiver's fees.

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 nine pence; and in proportion for any other quantity.

The public not accountable for fees in cases of inability, except in certain cases of gaolers, coroners, & sheriffs.

II. *And be it further enacted*, That none of the fees herein before set down or expressed, shall in any case (gaoler'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 bound to give statements of their fees.

III. *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



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.

A. D. 1792.

No. 474.  
Penalty for neglect or refusal.  
Provido.

Suit to be brought within 12 months.

IV. *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.

V. *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 abbreviations, 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 four pence for each day's neglect of fixing up the same.

Tables of fees to be set up in public offices.

Penalty for neglect.

VI. *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 sued may recover double costs.

VII. *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.

Fines & forfeitures how to be recovered and applied.

VIII. *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.

Persons overcharging may be dismissed from office.

IX. *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 the executive may be paid in paper medium.

X. *And be it further enacted*, That the clerks of the courts respectively shall make a return on oath, of the fees collected on behalf 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 how to settle for State fees heretofore collected.



A. D. 1792.

No. 474.  
Public officers  
charging for ser-  
vices not done  
to forfeit four fold  
and be dismissed.

No costs allowed  
witnesses before  
justices of the  
peace.

XI. *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.

XII. *And be it further enacted*, That no justice or justices of the peace shall tax any costs for the attendance of witnesses in any case tried before him or them.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 18, 1792.

No. 475.

*An Act to revise, amend and consolidate the several judiciary acts of this State.\**

Two judges of  
the superior  
court to be elec-  
ted.

Their oath.

I. **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 immediately after the passing of this act, two fit and proper persons duly qualified shall be elected judges of the superior courts, which judges shall, before they enter on the duties of their respective offices, take the following oath or affirmation, 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.*”

To hold court  
twice a year in  
each county.

The times for  
holding the  
same in the re-  
spective coun-  
ties.

II. *And be it further enacted*, That the judges of the superior court, or one of them, shall hold the said courts in each county twice in every year, at the respective times and in the manner following, to wit, on the first Tuesday in January, in Camden; the Tuesday after in Glynn; the Tuesday after in Liberty; the Tuesday two weeks after in Chatham; the Tuesday two weeks after in Effingham; and the Tuesday after in Burk; the aforesaid counties shall be the Eastern district. And the said courts shall be held on the first Tuesday in January in Washington; the Tuesday after in Greene; the Tuesday two weeks after in Franklin; the Tuesday after in Elbert; the Tuesday after in Wilkes; the Tuesday two weeks after in Columbia; and the Tuesday after in Richmond; the aforesaid last counties shall be the western district.

In case of indis-  
position of ei-  
ther judges the  
governor may  
appoint a fit per-  
son to hold the  
courts.

And when from indisposition of either of the judges of the superior courts the same cannot be held in manner as aforesaid, it shall and may be lawful for the governor for the time being, to issue a commission to some fit and proper person, being a barrister of the said court, authorizing and requiring such person to hold the same during the indisposition

\* Revised and amended by act of 1793, No. 500; and both repealed by act of 1796, No. 574.



indisposition of the judge who may be sick, or until the end of the circuit for which he shall be appointed; and the person so appointed shall receive for his services four dollars per day, which person, before he enters on the duties of such appointment, shall take the oath prescribed to the judges of the superior courts, and shall have the same power and authority.

III. *And be it further enacted*, That the mode of proceeding in all civil causes in the superior and inferior courts shall be by petition and process, and no plea, demurrer or rejoinder shall be admitted or allowed of in either of the said courts: And in all cases wherein demurrers are now filed, or issues in law made up, the same shall be submitted to a jury on the merits of the cause, without respect to the pleadings heretofore had; and if either of the parties are not prepared to proceed to trial on the merits of the cause, the court shall, upon sufficient cause being shewn upon oath, grant a continuance thereon until the next term; and the said petition and process shall be sufficient to carry the merits of the cause before a jury; which petition shall contain the plaintiff's charge, complaint, allegation or demand, plainly, fully and distinctly set forth, and be signed by the party or his attorney: 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 case; but the judge presiding shall cause the same to be amended on motion in court without any additional cost, 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.

IV. *And be it further enacted by the authority aforesaid*, That the said superior court 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 custom of courts of law and equity (except such as are hereby referred to inferior jurisdiction) on the days and times before mentioned, and shall consist of at least one or more judges: And that it shall and may be lawful for the said judge or judges to proceed with a jury on petition or bill 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 five pounds; but 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 signing judgment, 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 the space of 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 ap-

P p p

pealing

A. D. 1792.

No. 475.

How much to be allowed for the same.

To be sworn in like manner as the judges, and shall have the same powers.

The mode of proceeding in civil cases in the superior and inferior courts, shall be by petition and process; no plea, demurrer etc. shall be admitted.

Cases now depending shall be submitted to a jury on the merits, without respect to the pleadings.

Cases, how to be continued.

The petition and process sufficient to carry the merits of the cause before a jury; what to contain; to be signed by the party or his attorney.

Want of form, clerical mistakes, etc. not to affect the proceedings in any civil case.

The judge presiding shall cause the same to be amended on motion without additional costs and proceed to give judgment.

All causes shall be managed by counsel, or the parties under such rules as the courts shall establish.

The superior court shall hear and determine by a jury, pleas, civil and criminal, etc. according to the usages and custom of courts of law, and equity.

May proceed with a jury on petition, or bill in all disputes of a civil nature above 5l.

Judgment shall not be signed within 4 days after verdict; within which time security may be entered and execution stayed 60 days.

The property of the defendant shall be bound from the day of signing judgment, which shall bear interest until paid.

Appeals may be entered in the clerk's office within 4 days after adjournment.

Proviso.



A. D. 1792.

No. 475.

All costs incurred,  
to be first paid and  
security given.

No executor or ad-  
ministrator, liable  
to give such secu-  
rity.

In frivolous ap-  
peals, the jury may  
assess damages for  
the delay.

Mis-trial; in what  
cases.

The court may in  
certain cases exer-  
cise all the powers  
of a court of equity,  
for the discovery of  
requisite points etc.

To be submitted to  
a special jury,  
whose verdict shall  
be final.

Confession of  
judgments shall  
not be entered  
without procla-  
mation.

Causes, when to  
be dismissed—  
shall not be de-  
pending more  
than four terms.

Special jurors to  
be taken from  
the grand jury  
list—in what  
manner to be  
struck.

Special jurors  
oath.

pealing shall, previous to obtaining such appeal, pay all cost that may have arisen on the first trial, and give security for the eventual condemnation money; 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 to the judge or judges, and he or they shall certify that the appeal was frivolous or intended for delay only, then such judge or judges, shall direct the jury trying the appeal, cause to assess damages to the party aggrieved for such delay. And in case of a jury committing contempt, or breaking up before giving in their verdict in civil cases, the judge may declare the same to be a mis-trial; 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 party 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 such special jury, whose verdict shall be final, and execution thereupon may be issued.

V. *And be it further enacted*, That no confession of judgment shall be hereafter entered up, unless the said confession be made under proclamation, in open court, and where the justice of the same shall appear to the satisfaction of the judge or justices of the said court.

VI. *And be it further enacted*, That no cause instituted in the superior courts shall be dismissed before the last day of the term, or then, unless the plaintiff shall refuse to try the same; neither shall any cause, instituted as aforesaid, be suffered to lay over, or be depending more than three 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 four terms.

VII. *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 impanelled, from whom the party, plaintiff or defendant, or their attorney, shall strike out one until there shall be but twelve jurors left, who shall forthwith be impanelled and sworn as special jurors, to try the cause; and in all cases the appellant shall strike first; and in case of refusal in either to strike such special jurors, after due notice given for the purpose and proof thereof, the judge before whom such notice is given for such special jury to be impanelled, 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 do the same.

VIII. *And be it further enacted*, That the special jurors summoned to try causes in the superior court shall, before they enter upon their duty as such, severally take the following oath or affirmation, as the case may be:

“ That I will well and truly try the cause now pending between *A. B.* plaintiff,  
“ and *C. D.* defendant, and a true verdict give according to *equity* and the evidence  
“ produced to me, to the best of my skill and knowledge, without favor or affection  
“ to either party. *So help me God.*”



IX. *And be it further enacted*, That the judges of the said superior courts shall be, and they are hereby vested with full power to regulate the proceedings in the said courts, and make and establish all necessary rules for the orderly conducting of business therein according to law, and 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.

A. D. 1792.

No. 475.

Rules of court to be made by the judges, who shall have power to administer all necessary oaths, and punish contempts by usual fine, and imprisonment.

X. *And be it further enacted*, That the clerks of the several courts shall, before they enter upon the execution of their office, take the following oath or affirmation before one of the judges or the justices of the said court, to wit:

Oath to be taken by the clerks.

" 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 or inferior  
" courts for the county of \_\_\_\_\_ and all other matters and things which may be  
" brought to me as by law ought to be recorded, and that I will, faithfully and im-  
" partially, 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 superior and inferior courts shall keep 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 two thousand pounds, for his good conduct while in office,  
which bond shall be deposited in the public treasury.—That all writs and process, of  
what nature or kind they may be, issuing out of the 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, 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 or notorious place of abode, at least twenty days before the  
day therein mentioned for the return thereof, and be directed to the sheriff of the  
county where they are to be executed, except in cases of execution which shall be  
directed to all and singular the sheriffs of the State, signed by the clerk, bear test as  
aforesaid, and may be levied on the estate both real and personal, or issued against the  
person of the party cast, in any county of this State, and the same may be continued  
until the amount thereof is satisfied.

The minutes to be signed by the court before adjournment, from day to day.

The clerks shall give bond and security to the governor, in 2000l. each.

Writs and other process—how to be issued, executed and returned.

Executions to be directed to all & singular the sheriffs, &c.

*The remainder of this and the sections omitted, relate only to juries.*

XVII. *And be it further enacted*, That the sheriffs of the several counties shall attend the superior and inferior courts when sitting in the respective counties, 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 of the said superior court, or clerk of the court; and the said sheriff or his deputies shall have power to command all necessary assistance in the executions of their office, and to appoint, as there shall be occasion, one or more deputies; and before the said sheriffs enter on the duties of their office, each of them shall be bound, for the faithful execution and performance of the same, by himself and his deputies, before any one of the

Sheriffs—their powers & duty.

Severally to give bond and security in £5000.



A. D. 1792. the said judges, to the governor of the said State for the time being, and to his successors  
 No. 475. in office, jointly and severally, with two good and sufficient securities, inhabitants and freeholders of the county, to be approved of by one or more of the judges of the superior court, or the justices of the inferior court, in the sum of five thousand pounds: And the said bond shall remain in the clerk's office of the county for which sheriffs are appointed, and may be sued for by order of the said court, for the satisfaction of the public, and all private persons aggrieved by the misconduct of the said sheriffs or their deputies: And the said sheriffs respectively, shall take the following oath before either the judge or justices of the court, and the same shall be recorded in the office of the said court before they enter on the duties of their office, to wit: " I do solemnly swear, or  
 Oath to be taken by them. " affirm, that I will faithfully execute all writs, warrants, precepts, and processes " directed to me, as the 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 the county 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 in like manner by each of the deputies of the said sheriff.

In cases wherein the sheriff or his deputy is interested, the writs etc. to be directed to the coroner, and served by him. The deputy—how to act in case of sheriff's death.

XVIII. *And be it further enacted*, That in all causes wherein the sheriff of either of the said counties or his deputy shall be a party, or interested therein, 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, his 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 be appointed and sworn, 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 them ; and the executor or administrator of the deceased sheriff shall have the like remedy for the defaults and misfeasance in office of such deputy or deputies, during such intervals, as they would be entitled to if the sheriff had continued in life, and in the exercise of his said office until his successor was appointed and sworn.

Sheriffs failing, to turn over to their successors, all process &c. unexecuted; how liable—shall also deliver up the custody of the gaol and bodies of prisoners.

XIX. *And be it enacted by the authority aforesaid*, That the sheriff for each county shall, at the expiration of his office, 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 refuse or neglect 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 such neglect or refusal ; and the said sheriff shall also deliver up to his successor the custody of the gaol, and the bodies of such persons who shall be confined therein, and the cause of their detention.

The officers of court to have like powers and subject to suit &c. in like manner as heretofore.

XX. *And be it further enacted by the authority aforesaid*, That the sheriffs of the several counties in this State, shall have the like powers and authorities, and they and their under sheriffs and gaolers, constables and other officers belonging to the court, be subject and liable to all actions, suits, fines, penalties and disabilities whatsoever, which



which they or either of them may incur, for or in respect to the escape of prisoners, or for or in respect of any other matter or thing whatsoever, relating to, or concerning their several or respective offices, in the same manner as they have been hitherto liable by the laws of force in this State : And no clerk of the court, sheriff, under sheriff, sheriff's clerk, or other sheriff's officer shall act as an attorney in his own name, or in the name of any other person, or be allowed to plead or practice in any of the courts of this State during the time he is in such office.

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Shall not act as attorney, or plead in court.

XXI. *And be it further enacted,* That no injunction on any judgment obtained in the superior or inferior courts shall be issued or allowed of ; but in all cases where execution shall issue illegally, on matter 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, which ever may first happen ; and such court shall itself determine on the illegality 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 adjournment court.

No injunction on any judgment shall be issued. Illegality of execution & claims to property executed; how to be tried.

XXII. *And be it further enacted by the authority aforesaid,* 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, 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.

Sheriffs, when liable to action, or attachment for contempt.

XXIII. *And be it further enacted,* That no suit shall be instituted, nor execution issued against any executor or administrator, for any debt or demand due or owing from a testator or intestate, until the expiration of twelve months from and after the death of such testator or intestate ; and where suits have been brought against such testator or intestate, and depending within any of the courts of law in this State at the time of his or her death, the same shall remain undetermined until the time limited as aforesaid shall expire.

Stay of proceedings 12 months, against the estates of deceased persons.

XXIV. *And be it further enacted,* That in case of mutual debts and sets off, where the jury shall find a balance for the defendant, the defendant shall be at liberty to enter up judgment, and take out execution thereupon : *Provided,* Notice of such set off, be served on the plaintiff or his attorney on or before the last day of the first term.

Sets-off.

XXV. *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 it shall be the duty of the sheriffs of the different counties in this State, to give thirty days notice in one of the public gazettes of all sales of lands by him executed, and 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 description of the property to be sold, making known the name of the defendant, and the person who may be in the possession of the property, except horses, hogs and neat cattle, which may be sold at any time by the

Sheriffs sales to be on first Tuesday in every month; in what manner to be advertised.

Horses, cattle etc. may be sold at any time by defendants consent.



A. D. 1792. the consent of the defendant, and in which case it shall be his duty to give the plaintiff five days notice thereof.  
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Writs of habeas corpus may be granted by justices of the inferior court.

XXVI. *And be it enacted by the authority aforesaid,* That from and immediately after the passing of this act, the justices of the inferior court, 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 the same regulations as a judge of the superior court is empowered to do: And in all causes not capital, such justices may discharge, admit to bail, or remand to gaol 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 the said justices do concur in opinion.

County officers guilty of extortion &c. how to be prosecuted.

XXVII. *And be it further enacted,* That if any sheriff, clerk or other county officer shall be guilty of extortion, or other mal-practice in the execution of his office, upon complaint made upon 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, if for extortion, shall be fined and removed from office, and suffer such other punishment as the law directs.

Superior courts empowered to issue all necessary writs for the exercise of their jurisdiction, agreeably to the principles and usages of law and equity. Witnesses, in what cases may be examined on interrogatories by commission.

XXVIII. *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. And where any witness resides out of the State, or out of any county wherein his testimony is required in a cause in the county wherein such witness does not reside, 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, to obtain a commission from the clerk of either 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 see fit.

Parties, how to be compelled to produce books and other necessary papers.

XXIX. *And be it further enacted,* That the said courts shall have power in the trial of all causes, on motion and due notice thereof being given, to require the parties to produce books or writings, in their possession or power, which contain evidence pertinent to the cause 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 books or writings, it shall be lawful for the said courts, on motion, to give like judgment for the defendant, as in cases of non-suit; 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 clerks may in certain cases, adjourn the superior or inferior courts.

XXX. *And be it further enacted,* That in cases 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



said courts respectively shall and may adjourn the said superior or inferior 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 clerk of the court as aforesaid, shall adjourn the same to the next court, to which time all causes then depending shall be continued over.

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XXXI. *And be it further enacted*, That the said several courts shall be courts of record, and all witnesses necessarily going to, attending on, and returning from the same, shall be free from all arrests in any civil action.

The said courts shall be courts of record. Witnesses to be free from arrest.

XXXII. *And be it further enacted*, That the office of attorney-general shall be, and is hereby declared to be in commission, and the duties thereof shall be performed by two persons, to be styled the attorney and solicitor-general, one to attend the eastern and the other the western district, who shall execute the functions of their office jointly or severally, and shall be sworn or affirmed to the faithful execution of their office; and it shall be their duty, or one of them, to prosecute all delinquents for crimes and offences cognizable under the authority of the said courts, and all civil actions in which this State shall be concerned; and to give his or their advice and opinion, in writing, to his excellency the governor, on questions of law in which the State may be interested.

Attorney & solicitor general: their duty.

XXXIII. *And whereas*, it may happen that the attorney or solicitor-general for the State cannot attend at some of the said courts to prepare and prosecute indictments for criminal offences, *Be it therefore enacted*, That in case the attorney or solicitor-general, or one of them, shall not attend any of the said courts, then, any barrister or attorney at law, or other fit person, may prepare and prosecute indictments, or civil actions in which the State is a party, by leave and appointment of the judges of the said court, and be allowed the same fees for his trouble therein as the attorney or solicitor-general would be entitled to.

In cases of their non-attendance, the court may appoint some fit person to act.

XXXIV. *And be it further enacted*, That in all cases where bail shall be required, the amount of debt or damages shall appear, by the oath of the plaintiff or plaintiffs, or his or their agent or agents, before any justice of the peace, which shall be lodged in the clerk's office and be filed of record, and a copy thereof shall be affixed to the original and 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, it shall be the duty of the sheriff, on application therefor, to indorse or make an assignment of the bail bond to the plaintiff or plaintiffs, who may recover the amount of the debt sworn to, with legal interest, by action of debt, founded on the same, against the principal and bail: *Provided*, That the said bail, on paying cost, shall be at liberty to enter special bail, at any time before trial, but no imparlance, 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 action on the

Bail—how to be taken.

Assignment of bail bond.

Proviso. Such bail may, on payment of costs, enter special bail—proceedings thereon in.

bail in.



A. D. 1792. bail bond stood on the docket of the court, and the proceedings against the special  
No. 475. bail shall be in the form now used in the course and practice of the said courts respectively.

Rules of court,  
how to be made.

XXXV. And for the more speedy determination and orderly conducting of all causes in the superior courts, *Be it enacted*, That the judges, together with the attorney or solicitor-general, 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 said counties, and which shall in no case be altered, but at a meeting of the said judges, attorney or solicitor-general as aforesaid.

The superior courts—in what manner to proceed in discovering transactions between copartners, compelling distribution of intestates' estates etc. All matters respecting the same, to be submitted to a special jury. Appeal may be entered and tried before another special jury, which shall be final.

XXXVI. *And be it further enacted*, That the superior courts shall, in all cases respecting the discovering 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 the cause for hearing: Such superior courts 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 held before another special jury, and such trial shall be final and conclusive.

Mortgages—in what manner to be foreclosed.

XXXVII. *And be it further enacted by the authority aforesaid*, That the method of foreclosing mortgages in this State shall be as follows: The person or persons 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 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 be paid into court within twelve months thereafter; the 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 is directed to be paid; and unless the principal, interest and cost be so paid, the equity of redemption shall be from thenceforth 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 the liberty of an appeal thereon, or the submission of any other matter respecting the same to a special jury, who shall be taken from the grand inquest as in other appeals, whose decisions shall be final.

Bonds, notes, and other liquidated demands, for money or specific articles, to be of equal dignity, and negotiable by indorsement.

XXXVIII. *And be it further enacted*, That all bonds and other specialties, and all promissory notes and other liquidated demands, bearing date at any time after the passing of this act, whether for money or specific articles, shall be of equal dignity, and be hereafter negotiable by indorsement, and may be sued by the indorsee or assignee, on his, her or their names, any law to the contrary notwithstanding.

Proviso.

The negotiability, how to be restrained

*Provided*, That nothing herein contained shall prevent the party giving any bond, note, or other writing, from restraining the negotiability thereof by any words inserted



inserted therein expressive of such intention. \*And no verdict shall be received on any unliquidated demand, wherein the jury have increased their verdict on account of interest, nor shall interest be given on any open account in nature of damages.

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XXXIX. *And whereas*, the constitution authorizes the establishment of courts of an inferior jurisdiction; *Be it further enacted*, That in every county within this State a court shall be held once in every six months, which courts shall be called the inferior county courts, and shall be held and administered by the first five justices mentioned in the commission of the peace, or any three of them, who shall have full power and jurisdiction to hold the said county courts, and to hear and determine all causes and other matters and controversies properly appertaining and referred by law to their jurisdiction.

Inferior or county courts, to be held twice a year in each county, by the first five justices or any three of them.

XL. *And be it further enacted*, That if the business of the said court cannot be determined on the court days, the justices may sit from day to day, until all the causes not postponed by consent or for sufficient reason, are tried and determined; (Sundays excepted) and all causes and controversies then laid before them, which cannot be heard and determined within that time, shall be adjourned over until the next inferior county court. *Provided*, That the justices shall have power to make such adjournment as they think proper to go through the necessary business of the court; and that the said justices or any three of them shall have full and concurrent jurisdiction with the superior courts in all civil cases whatsoever; and where any cause tried and determined in the inferior courts of the respective counties shall be above five pounds, then an appeal shall be admitted to the superior court, and therein tried at the next succeeding term, unless special cause is shewn to induce the judge or judges to postpone the same to the second term, after such appeal may be depending therein: And the time of holding such courts shall be in the counties of Camden and Washington on the second Tuesday in March and September annually; the Tuesday after in Glynn and Greene; the Tuesday after in Liberty and Franklin; the Tuesday after in Elbert; the Tuesday after in Wilkes and Chatham; the Tuesday two weeks after in Effingham and Columbia; the Tuesday after in Burke; and the Tuesday after in Richmond.

May besides the court days, sit from day to day 'til the business thereof be finished.

Proviso:  
The justices may make such adjournments as they think proper. Their jurisdiction. Appeals shall be allowed to the superior court.

The time for holding the inferior courts in the respective counties.

XLI. *And be it further enacted*, That the several justices of the respective counties in all cases cognizable before them, shall have the same power to hold to bail, as by this act is given in cases commenced in the superior or inferior courts.

May hold to bail in like manner as the superior court.

XLII. *† And be it further enacted*, That it shall and may be lawful for any judge or justice of the peace, upon complaint made to him upon oath by any person, that his

Attachments, in what manner to be issued.

Q q q

debtor

\* Here, we believe, commenced the doctrine of open accounts or unliquidated demands, bearing no interest in this State. On the contrary it appears that interest has always been claimed on such contracts and uniformly allowed in our courts until this period. How far this act can constitutionally be suffered to "impair the obligation of contracts," by a retrospective operation, belongs to another department to determine: And it is to be regretted that decisions in the State courts, on this point, have varied.

According to the uniform decision of the federal courts, the citizens of this State are bound to pay interest to citizens of other States and to foreigners, on all such contracts; and, this practice appears to be sanctioned as well by the common law as an express statute of our own. See act of 1759, No. 46. It might therefore be asked upon what principle can the citizens of this State be denied the right of recovering like interest, of each other, on any contract entered into prior to the date of this act?

† Repealed by act of 1796, No. 574.



**A. D. 1792.** debtor is removing out of the State privately, 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 value sufficient to satisfy the debt and costs of such plaintiff, which attachment shall be returnable, if the sum sworn to by the plaintiff be under the sum of five pounds, to any justice of the peace; and if above that sum, to either the superior or inferior court of the county where the same was issued, and shall be directed to, and served by the sheriff of the county or his deputy, or to any constable legally appointed, and it shall be lawful for such sheriff, his deputy or a constable, to serve and levy the same upon the estate both real and personal of the party absconding, wheresoever the same shall be found, either in the hands of any person or persons indebted to, or having effects of the person absconding, 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 is returnable, there to answer upon oath, what he, she or they are indebted to such party, and what effects of such party, he, she or they, hath or have, in his, her or their hands, or had at the time of serving such attachment, which being returned executed, the court may thereupon compel, by order, such person or persons, to appear and answer as aforesaid: *Provided*, That every judge or justice of the peace, before granting such attachment, shall take bond and security of the party for whom the said attachment shall be issued, in double the sum to be attached, payable to the defendant, for satisfying and paying all costs that shall accrue to the defendant in case the plaintiff suing out such attachment therein mentioned, shall discontinue or be cast in his suit; and also all damages, which shall be recovered against the said plaintiff, for suing out such attachment; which bond, the judge or justice shall return to the court, to which the attachment is returnable, on or before the last day of the term, and the party entitled to such cost and damages, may bring suit and recover; 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 cost. *Provided always*, That every attachment, which may be issued as aforesaid, shall be attested and publicly advertised at the court house of the said county, at least thirty days before the sitting of the next court, to which such attachment is made returnable, and if any attachment shall be sued out within thirty days of the next court, the said attachment shall be made returnable to the next court to be held after the expiration of the said thirty days, and not otherwise; and all attachments issued and returned in any other manner than that herein before directed, shall be and the same are hereby declared 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 security to the sheriff or other officer serving the same, which bond the sheriff or other officer is hereby empowered and required to take, compelling the defendant 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

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Proceedings  
thereon.

Goods, chattels,  
lands &c. at-  
tached; how re-  
pleviable.

*Provido.*



where it shall appear to the court that the same are of a perishable nature, on motion of the plaintiff or his attorney, the court may, and they are hereby authorized and required to order a sale of such perishable property; and that the monies arising from such sale, shall by the sheriff or other officer selling the same, be deposited in the clerk's office, to answer the demands of the plaintiff if the same shall be established, and the balance, if any there be, after satisfying the plaintiff's demand and all cost, shall by order of the said court be returned to the defendant or his attorney.

XLIII. *And be it further enacted*, That if any attachment returnable to the superior or inferior courts of any county, or before a justice of the peace, shall be returned executed, and the goods and effects 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 default of appearance; and all goods and chattels, lands and tenements, attached and not replevied after the plaintiff shall have established his demand, shall by order of the court, be sold and disposed of, for, and towards the satisfaction of the plaintiff's judgment, in the same manner as if the same had been taken under execution; and when any attachment shall be returned served, in the hands of any third person, it shall be lawful upon his or her appearance and examination in the manner by this act before directed, to enter up judgment as against the original debtor, and award execution against every such third person for such monies as may be due from him to the absconding debtor, such effects as may be in the hands or keeping of the said third person, belonging to such debtor or so much thereof as will be of value sufficient to satisfy the judgment and cost of the plaintiff's attachment.

XLIV. And for the more speedy recovery of small debts, *Be it enacted*, That the justices of the several counties or any one or more of them, shall have authority and jurisdiction to hear and determine all suits for any debt or liquidated demands due by judgment, specialty, or account for any sum or sums of money, not exceeding five pounds sterling, by summons or warrant, without the solemnity of a jury. *Provided*, no justice being a judge of the inferior court, or clerk of courts, or attorney, being a justice, shall try any warrant, or give judgment thereon in any civil case whatever. And the said justice or justices is, and are hereby authorized to give judgment and award execution thereupon: *Provided nevertheless*, That the party cast, may stay the levy of an execution for forty days, or obtain an appeal to the next inferior court by payment of cost, and giving security, within four days after judgment. That no justice of the peace shall hold any justice's court, or pass any judgment (except by consent of parties) at any other or more times than one day in each month, within his district, which day shall be in the option of the said justice to appoint; and no justice shall hold court, but at the place mentioned in the warrant or summons; which summons or warrant shall be served four days before the day of trial: And all warrants or summons' which doth not express such place of holding court, shall be considered as void, and may be reversed by the inferior court of the county; and where there is no justice residing within a district, in such case the defendant may have his trial before the next nearest justice in some other district.

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Goods of a perishable nature, may be sold by order of court.

Goods &c. attached, and not replevied—the proceedings thereon.

When attached in the hands of third persons—what proceedings to be had.

Justices jurisdiction, not to exceed £5 sterling.

Proviso.

Proviso.  
Execution may be stayed 40 days, or appeal be entered to the inferior court, on payment of costs and giving security.  
No justice shall hold court more than 1 day in each month, which he may appoint.  
The place to be mentioned in the warrant etc. Warrants to be served 4 days before trial.

Where there is no justice in a district, trials where to be had.

XLV.



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In distress for  
rent—replevins,  
how to be grant-  
ed.  
Proviso.

XLV. *And be it further enacted*, That in all cases where distress for rent, or rent arrear shall take place, no replevin shall be granted without oath is made by the person or persons applying for the same, that he, she or they are not indebted to the person so making distress. *Provided*, That nothing in this clause contained, shall debar the person or persons so applying for a writ of replevin, to bring suit against the person levying the distress, in any court of this State; for or on account of illegality therein.

Sales under ex-  
ecutions of jus-  
tices' courts—  
how to be made.  
The money to  
be paid into the  
parties hands.

XLVI. *And be it further enacted by the authority aforesaid*, That where property shall be executed by any constable under the authority of an execution issued by any justice of the peace, such constable shall give public notice, by advertisement at the usual place of holding courts in such justices' district, at least ten days before such sale, and all monies arising from such sale shall be paid into the hands of the said justice by the constable, in five days thereafter, under the penalty of ten pounds: And it shall be the duty of the said justice to pay the amount of the judgment to the party obtaining such execution; and if any overplus shall remain from such sale after satisfying such judgment, the same shall be returned to the party defendant in the action: And where any dispute may arise touching property executed as aforesaid, it shall be the duty of said justice to issue his summons to three freeholders of the vicinage, whose duty it shall be to attend, and after being sworn, well and faithfully to try the issue in dispute, to decide thereon.

Disputes respect-  
ing property  
executed—how  
to be tried.

Sheriffs, clerks etc.  
now in office; how  
long to continue;  
in what manner to  
be elected thereafter.

XLVII. *And be it further enacted*, That the sheriffs, clerks of the courts, coroners, county surveyors, and registers of probates now in office, shall continue in their respective offices until the first Monday in October next, at which time the electors of each county shall, at the time of their balloting for members to represent them in the State legislature, vote for a sheriff, clerks of the courts, coroner, county surveyor, and register of probates.\* The sheriffs to hold their office for the term of two years, if they shall so long well behave themselves, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of four years: And the said clerks, coroners, county-surveyors, and registers of probates so elected, shall hold their respective offices during the term of two years. *Provided*, That in case of death, resignation, or removal out of the county of either of the aforesaid officers, his excellency the governor shall fill up such vacancy until the next general election for the county, when another shall be elected instead of the person so deceased, resigned, or removed out of the county as aforesaid. And all acts, clauses, or parts of acts heretofore made respecting the appointment of the said officers, shall be, and the same are hereby declared to be repealed.

When elected,  
how long to  
hold their re-  
spective offices.

Proviso.  
Vacancies to be  
filled by the gover-  
nor until the next  
general election.

All acts heretofore  
made, so far as re-  
spect the appoint-  
ment of the said of-  
ficers, repealed.

Repealing clause.

XLVIII. *And be it further enacted*, That all former acts for regulating the judiciary departments of this State, be, and they are hereby repealed.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 18, 1792.

\* See act of 1796. No. 572, Respecting the election of these officers.



*An Act to protect the estates of orphans, and to make permanent provision for the poor.* A. D. 1792.  
No. 470.

**W**HEREAS 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 duties of executors and administrators prescribed, whereby orphans and others are insured in their just rights; for remedy whereof, Preamble.

I. *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 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 probate's office, in the county wherein the said probate of will or letters of administration have been obtained, a just and true account upon oath, of the receipts and expenditures of such estate for the time that 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 complaint; 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. Enacted. Executors and administrators to account annually, on 1st day of January, with the register of probates. Or lose their commissions, & be liable to suit. The superior court may, on complaint, compel executors to give security.

II. *And be it further enacted by the authority aforesaid,* That when any will shall be proved, or application is made for administration of any person dying intestate, the register shall direct the executors or administrators to make out an exact inventory of the Estates—when to be inventoried & appraised. the



**A. D. 1792.** 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.

Shall not be conclusive evidence of the value.

Letters of administration with the will annexed—in what cases to be granted &c.

**III. 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.

Persons detaining a will, liable to fine and imprisonment.

**IV. 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.

Oath to be taken by executors and administrators, with the will annexed.

**V. 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.*”

Such administrator to give bond and security. Form of the condition.

**VI. 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 or 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 actings 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,



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.

VII. 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.*"

VIII. 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.* administrator of 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 actings and doings therein 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 remaining 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 to 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.

IX. 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

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No. 476.  
To be made payable to the register and his successors, and recorded in the clerk's office.

Administrators' oath.

Shall also give bond and security.  
The condition thereof.

To be made payable and recorded in like manner.

Register failing to take bond and sufficient security, liable to all damages.

Securities for administrators—how to be relieved.



A. D. 1792. 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.  
No. 476.

Letters of administration granted to a widow, may be revoked by the superior court on her marrying, or the next of kin be joined with her.  
Debts of deceased persons—in what order to be paid.

X. 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.

XI. 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 a 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.

Executors and administrators, what notice to give to the creditors.  
How long allowed to ascertain the debts etc. due to the deceased.

XII. 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, untill twelve months after such testator or intestate's death.

Not liable to suit for debts of the deceased within 12 months of the death.

Executors or administrators in their own wrong—how chargeable for waste &c.

XIII. 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.

The inferior courts may, on application, order sales of real estates of deceased persons.  
What notice thereof to be given.

XIV. *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 said 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.*  
Notice of such application to be published 9 months in the gazette before final order.



XV. *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 entrusted 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.

XVI. 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. 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 nett 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 collector's 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. 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.

XVII. *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 of the same. *Be it enacted*, That all monies raised by any such assessment shall be accounted for within six months after the passing of this act, and the tax collector shall bring a

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The act of 29 Feb. 1764, to direct executors and administrators, etc. and the act to carry into effect the 6th section of the 4th art. of the constitution passed 23d Decem. 1789, declared to be in force, where they apply; but no clauses therein shall operate against this act.

The justices of the inferior courts empowered to provide for the poor, bind out orphans, appoint guardians, overseers, etc.

Proviso.

May with the overseers levy an annual poor tax, not exceeding one fourteenth of the general tax in their respective counties.

The collectors allowed 5 per cent. on the amount. When to account with the justices.

Persons refusing to pay such tax—in what manner to be compelled.

The money arising to be paid into the hands of the overseers, who shall account annually with the said justices.

Monies heretofore raised for the poor by assessments how to be accounted for

\* Repealed by act of 1796, No. 555, which authorizes a larger tax to be levied for county purposes generally.



**A. D. 1792.** 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 costs.

No. 476.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 18, 1792.

No. 477.

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

**T**HE sections omitted, not being carried into effect, are re-enacted with alterations, by act of 1793, No. 502.

Resolution respecting payments for confiscated property, explained.

No transfer of payments from principal to interest bonds shall be admitted, where the purchasers had made sale of the property.

VIII. *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 therein 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.

Citizens indebted to persons named in the act of confiscation and banishment: in what manner permitted to pay the amount into the public treasury. The treasurer to receive the same on oath, and grant full acquittances therefor. When and by whom attachments may be issued against persons named in the confiscation act

X. *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



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 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.

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No. 477.

*Proviso.*  
Real estate shall not be attached.  
*Proviso.*  
20 per cent. on the amount shall be paid into the treasury.  
*Proviso.*  
Not to affect property disposed of by the public.

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

EDWARD TELFAIR, GOVERNOR.

December 20, 1792.

*An Act for the better regulation of high roads and bridges.\**

No. 478.

I. **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 several county courts within this State have, and they are hereby vested with full power to direct, from time to time, the alteration of all public roads already made, or hereafter to be made, and also the making or opening such new roads and in such places as to them shall seem convenient and necessary; and that all such roads or high ways now made or hereafter to be made, shall at all times be kept well cleared from logs, trees, bushes and other obstructions, thirty feet wide, and the roots well-grubbed up, at least sixteen feet in width.

Public roads under the direction of the inferior courts.

II. *And be it further enacted by the authority aforesaid*, That any person deadening any tree or trees within sixty feet of any high road or roads, and the said deadened tree or trees should fall in or across any high road, then it shall be the duty of such person to have the said tree or trees removed within two days, under the penalty of four shillings and eight pence for every such offence.

Obstructions to be removed.

III. *And be it further enacted by the authority aforesaid*, That when an application is made to the county court to have a new road opened, or any former old road altered, such court shall and they are hereby directed to appoint three or more fit and proper persons to view and examine the lands whereon such road or roads are proposed to be cleared or altered; which persons so appointed as aforesaid, shall take an oath before some justice of the peace faithfully and impartially, to perform such service, and shall report to the next county court their opinions of the conveniencies or inconveniencies of such intended new road or alteration as the case may be.

The opening or alteration of roads—how to be made.

IV.

\* By act of 1793, No. 482, the counties of Chatham, Liberty, Glynn, and Camden, are excepted as to the operation of this act; and so much of that act as relates to fines and laying out new roads, was in force in all the counties until 1796, the act of 1793 was then repealed, except as to the above named counties. This act has since been in force in all the other counties. (Bryan and McIntosh also excepted.)



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No. 478.  
The inferior  
courts to ap-  
point overseers  
or surveyors.  
Persons liable to  
work on roads.

Proviso.

Fines for neg-  
lect or refusal.

Proviso.

No person to be  
compelled to  
work more than  
12 days in a  
year.

Certain fines.

Bridges how to  
be built & kept  
in repair.

To be done by  
county tax in  
certain cases.

Roads over mill  
dams, &c.

IV. *And be it further enacted by the authority aforesaid,* That the several county courts of this State shall, as soon as they conveniently can, divide the public roads within their county into such number of districts as they shall think convenient, and shall annually, at their first term, appoint an overseer or surveyor of each district; and all male laboring persons between the age of sixteen and fifty years shall be, and they are hereby declared liable to work on any road within the district to which he or they belong; *Provided,* That no person shall be liable to work on any other than the most adjacent road; (persons situate on islands only excepted) and any free male laboring persons as aforesaid, who shall fail to attend or send some person in his room with proper tools when required by such surveyor, or who shall refuse or neglect to work, shall for every such refusal or neglect, forfeit and pay a sum not exceeding two shillings and four pence; and any owner or master of any male laboring slave or slaves between the age aforesaid, who shall fail to send such slave or slaves, or so many thereof as shall be required by the overseer or surveyor, at any time so to do: *Provided,* That no person liable to work on the roads agreeable to this law, shall be compelled to work more than twelve days in a year, or six days at one time, or who shall not furnish such slave with sufficient tools, shall forfeit and pay a sum not exceeding two shillings and four pence for each slave not sent and furnished as aforesaid; and any overseer or surveyor of a road appointed under this act, who shall refuse to work his own slaves on the road, shall forfeit and pay a sum not exceeding two shillings and four pence for each male slave between the ages aforesaid, or who shall fail or neglect to do his duty as surveyor as by this act required, shall forfeit and pay the sum of four pounds for every such failure or neglect.

V. *And be it further enacted by the authority aforesaid,* That where a bridge or bridges shall be found necessary, every surveyor or overseer of the highways with all the hands liable to work on roads within his district, shall be and they are hereby required to build the same; which bridge or bridges shall be at least fifteen feet broad, and shall be worked on and kept in good repair; and wherever a bridge or bridges shall be necessary over any swamp or water course, where the surveyor with the hands liable to work on roads within his district, cannot build and complete the same by working thereon three days, the court of the county wherein such swamp or water course may lie, are hereby authorized and required to contract and agree with some person or persons for the building and repairing thereof, and to tax the sum contracted for in their next county\* tax. And where bridges or causeways are or shall be necessary over any swamp or water course, dividing one county from another, the courts of both such counties shall provide for building and keeping the same in repair, and the charges thereof shall be defrayed by both counties in proportion to the number of male persons liable to work on roads and bridges as aforesaid.

VI. *And be it further enacted by the authority aforesaid,* That if any mill dam over which any public road shall lead, or the bridge or passage over the pier head, flood gates or waste, shall be less than twelve feet in breadth at top for the whole length of the dam, bridge or passage, the owner or owners, occupier or occupiers of such mill, shall forfeit and pay four pounds for every such offence; and every owner or occupier

\* See act of 1796, No. 555, respecting county tax.



occupier of a mill, shall cause strong rails to be set up and kept in repair on each side of such bridge or passage, flood gate, or waste, under the like penalty: *Provided always*, That if any mill dam, or the flood gates, or pier head, shall happen to be destroyed or carried away by tempest or other accident, the owner or occupier thereof shall not be liable to any of the said penalties until one month after such mill dam shall be completely repaired for grinding, and where any bridge over the pier head, flood gates or waste of any mill is already ten feet wide with strong rails to the same, such bridge shall be deemed sufficient so long as it shall be in good repair.

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No. 478.

VII. *And be it further enacted by the authority aforesaid*, That where two or more cross roads or highways meet, the surveyor thereof shall cause to be erected and kept in repair, from time to time, in the most convenient place where such roads join, a stone or post with plain inscriptions thereon, in large letters, directing to the most noted place to which each of the said roads lead, with the distance thereto; and it shall be lawful for the said surveyor to take any trees from any adjacent lands for setting up such posts; and if any surveyor shall neglect or refuse to cause such stone or posts to be set up, or shall not cause them and the inscription thereon to be repaired or renewed from time to time, as shall be necessary, he shall forfeit and pay ten shillings for every month such stone or post shall be wanting, to be recovered and applied in the same manner as the penalty for not keeping the roads or highways in repair: And if any person shall presume to cut, pull up, destroy or deface any such stone or post, or the inscription thereon, and be thereof convicted by confession, or the oath of one or more creditable witnesses, before a justice of the peace of the county where any such offence shall be committed, he or she shall forfeit and pay forty shillings for every such offence to the informer, recoverable with costs before the same justice of the peace; but where the informer shall be a witness sworn upon trial in that cause, the penalty shall be to the use of the county towards lessening their county tax.

Sign posts or stones to be set up at certain places.

Penalty for destroying or defacing them.

VIII. *And be it further enacted by the authority aforesaid*, That the justices of the inferior courts of the counties of Liberty, Glynn and Camden, shall, at their first court after the passing of this act, appoint one fit and discreet person a commissioner, which commissioner so appointed shall meet within ninety days after such appointment, at that part of Liberty county where the road from the court house of the county of Greene to Liberty county hath been laid out, and from thence to mark and lay out to the town of St. Mary's, a road which, to the majority of said commissioners, shall appear most convenient.

Road through Liberty, Glynn and Camden to the town of St. Mary's—how laid out.

IX. *And be it further enacted*, That no clause or part of a clause in this act, shall authorize or empower the commissioners of the roads, or the justices of the inferior courts in the county of Chatham or Liberty, to lay out or work upon any new roads, other than such as has been established and worked upon prior to the year one thousand seven hundred and eighty-nine, unless such new road shall be deemed necessary by the grand jury of such counties.

No new road to be laid out in Chatham or Liberty, unless deemed necessary by the grand jury.

X. *And be it further enacted by the authority aforesaid*, That all fines and penalties imposed by virtue of this act, shall be recovered by warrant, under the hand and seal

Fines and forfeitures how to be recovered and applied.



A. D. 1792. seal of a justice of the peace of the district where the same are incurred, which when recovered, shall go and be subject to the order of the courts, for the purpose of keeping in repair the roads and bridges therein. *Provided nevertheless*, That the commissioners of the counties of Camden, Glynn, Washington, Greene, and Franklin, shall not be bound by this act to open the roads or bridges in their respective counties more than twelve feet.

No. 478.

*Proviso.*  
The roads in Camden, Glynn, Washington, Greene and Franklin may not exceed 12 feet in width.

Inferior courts, empowered to levy county tax for the use of bridges, court houses and gaols.

Former acts repealed.

XI. \**And be it further enacted*, That the inferior courts in the several counties shall have power to levy a county tax on all the taxable returns, not exceeding one eighth part of the general tax for the purpose of erecting and repairing bridges, and repairing the court house and gaol in the respective counties.

XII. *And be it further enacted by the authority aforesaid*, That all and every other act and acts, clause and clauses heretofore made, for or concerning any thing within the purview of this act, shall be and they are hereby repealed.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 20, 1792.

\* This section repealed by act of 1796. No. 555.

No. 479.

*An Act to impose a tax on the inhabitants of this State for the support of government for the year 1793.*

Value of lands, how estimated.

II. **A**ND *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.

Notice of sales, necessary.

IV. *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 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.*  
Sales, not to affect claims of the State.

Purchases made in aid of existing claims—evidence of fraud.

VII. *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 a *bona fide* creditor, lineal



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. A. D. 1792.  
No. 479.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 20, 1792.

*An Act for appropriating money for the year one thousand seven hundred and ninety-three.* No. 480.

IX. **A**ND *be it further enacted*, That the commissioners of the court houses and gaols of the counties of Chatham, Liberty, Camden, Glynn, Effingham, Franklin, Elbert, Greene and Washington, or their agents, be and they are hereby severally authorized and empowered to purchase to the amount of one hundred and fifty pounds at the sales of confiscated property, to be made by virtue of the act for pointing out the mode by which property reverting to the State shall be again disposed of, any thing in the said act to the contrary thereof notwithstanding. The commissioners of the court houses and gaols of certain counties empowered to purchase confiscated property.

XI. *And be it further enacted*, That the sum of two hundred and forty-five pounds remaining in the hands of the collector of Columbia, after the payment of the sum of two hundred and fifty-five pounds to William Stevens, out of the sum of five hundred pounds, to be collected from the said county as declared by the act, entitled "An act to divide the county of Richmond," passed the tenth day of December, in the year one thousand seven hundred and ninety, be paid into the hands of the present commissioners of the said county for the purpose of completing and defraying the expence accruing from the building of the court house and gaol thereof, any law to the contrary notwithstanding. Columbia court house and gaol.

*All the rest obsolete.*

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

BENJAMIN TALIAFERRO, *President of the Senate.*

EDWARD TELFAIR, GOVERNOR.

December 20, 1792.

*An Act for opening and keeping clear the navigation of Ogechee river.\** A. D. 1793.  
No. 481.

I. **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 all male inhabitants between the ages of sixteen and forty years, residing within seven miles on either side of said river, from the lower line of Effingham, to the mouth of Horse creek, shall be, and they are hereby declared and made liable to work on Ogechee. Persons liable to work on the river.

\* Other commissioners appointed for improving the navigation as far as Louisville and tax levied on adjacent lands by act of 1796, No. 554. Lottery authorized, also for that purpose, by act of the same year, No. 569.



A. D. 1793. Ogechee aforesaid, for the purpose of opening and making good the navigation thereof, at such times and in such manner as the commissioners herein named, or a majority of them, shall think best and most effectual for carrying the purposes of this act into execution. *Provided always*, That no person residing within the limits aforesaid shall be obliged to work more than eight days in a year, or more than four days at one time.

Penalty for not working.

II. *And be it further enacted*, That any person made liable to work by this act as aforesaid, who shall neglect or refuse to comply therewith after due notice given, shall forfeit and pay half a dollar for each day he shall be absent when required to labor as before mentioned, or if present and shall refuse to labor or work as by this act is required; and in case the master, owner, or manager of any slave or slaves, when lawfully called on at such time and place as the commissioners, or a majority of them shall appoint, to work on Ogechee river as aforesaid, such master, owner or manager shall forfeit and pay half a dollar per day for each of his or her slave or slaves who shall be absent when called upon as aforesaid, unless an excuse to the satisfaction of the commissioners be made.

Commissioners —their powers and duty.

III. *And be it further enacted by the authority aforesaid*, That the commissioners appointed by virtue of this act, or a majority of them, in their respective districts, shall have full power and authority to divide the inhabitants within their several districts into companies, and appoint overseers in said companies, whose duty it shall be to give five days previous notice to the inhabitants when required to work on said river as aforesaid, to see the business completed, and to make returns, on oath to the said commissioners of all defaulters within their respective companies; and in case any person appointed as overseer under this act, after having accepted his appointment, shall neglect or refuse the duties thereby imposed, every such overseer, shall forfeit ten dollars, unless a reasonable excuse be made for such neglect, of which the commissioners shall judge, to be recovered and applied as herein after directed. *Provided*, The said overseer shall not be obliged to continue in office more than twelve months from the acceptance of his appointment.

How to enforce the payment of fines, &c.

IV. *And be it further enacted by the authority aforesaid*, That the commissioners herein named, or a majority of them in their respective districts, shall have full power and authority to cite any person or persons who shall incur any of the penalties herein inflicted, by their warrant or summons, directed to any constable of the district wherein the defaulter shall reside, with notice for such defaulter to appear at such time and place as they may appoint, and on the day so appointed proceed to hear and determine thereon, agreeably to the directions of this act, and upon conviction shall issue execution, directed to any constable as aforesaid, to levy the said fine (together with half a dollar cost to the constable, for levying, selling and making return of the monies received in satisfaction of such execution to the commissioners who issued the same) on the offenders goods and chattels, and after ten days public notice, sell and dispose of the same until the said fine and costs are fully satisfied, any law of this State to the contrary notwithstanding.

V.



V. *And be it further enacted*, That the monies arising by fines as aforesaid, shall be paid into the hands of the commissioners within the district where the same is collected, who shall apply the same to the forwarding and completing the navigation of the said river within the district. A. D. 1793.  
No. 481.  
Fines—how appropriated.

VI. *And be it further enacted by the authority aforesaid*, That the persons herein named shall be, and they are hereby declared commissioners for the several districts herein after mentioned, viz. from the lower line of Effingham county to John Lanier's ferry, James Kirk, Jesse M'Call and John Lanier; from John Lanier's ferry to the mouth of Little Ogechee, James Hines, Stephen Dunmark, and John Rolls; and from the mouth of Little Ogechee to the mouth of Horse Creek, Luke Prigen, Luke Mezell, and Joseph Plummer, be, and they are fully invested with all the powers intended by this act to be given to them as commissioners aforesaid: That if by death or resignation or otherwise, it shall be impossible to form a majority of the commissioners aforesaid, in either of the districts aforesaid, that then his excellency the governor shall appoint one or more fit persons near Ogechee river aforesaid, to act as commissioner or commissioners, who shall on their appointment, be vested with all the powers hereby given to the commissioners herein named. Commissioners, named.  
  
Vacancies, how to be filled.

VII. *And be it further enacted*, That if any person or persons shall fell any tree or trees in the said river, and leave them in such fallen condition, so that the same may tend to obstruct and impede the navigation aforesaid, they shall for every such offence, forfeit and pay five dollars, to be recovered and applied as other forfeitures incurred by this act. Penalty for falling trees therein

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

November 29, 1793.

*An Act for regulating and keeping in repair the public roads and bridges in the several counties in this State.\** No. 482.

**W**HEREAS several laws have heretofore been passed for the regulation of public roads and bridges in the several counties within this State, which laws, by experience have been found to be defective and ineffectual in many parts. Preamble.

I. *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 the commissioners or surveyors of the several districts or divisions which may be laid under, and by virtue of this act, are hereby empowered and required to continue to work upon, clear, amend, repair, erect and improve the several roads, bridges, fords, causeways, and water passages, in this State, as are already laid out, opened, erected and cleared, and to lay out, open, erect and clear, any others that may hereafter be found necessary; and to establish such ferries as they shall think proper for the more direct communication and better convenience of the inhabitants thereof, according to the several regulations and restrictions of this act. Enacted.  
Commissioners or surveyors of roads—their powers & duty.  
  
May lay out new roads and erect such bridges as they may deem necessary.

S s s

II.

\* Repealed as to certain counties by act of 1796, No. 566



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Persons liable to  
work on the  
same.

Certain exemp-  
tions therefrom.

Proviso.

Vacancies, how  
filled.

The manner of  
summoning per-  
sons to work.

II. *And be it further enacted*, That all male white inhabitants, (except those of the city of Savannah and town of Sunbury) free negroes and mulattoes, and all negroes and other male slaves from the age of sixteen to fifty years, in the several counties in this State, shall be, and they are hereby declared to be obliged to appear and work upon the several roads, creeks, caufeways, water passages and bridges within the several districts or divisions to which such male white inhabitants, free negroes and mulattoes, and negroes and other male slaves shall be allotted (according to their places of residence) pursuant to the mode herein after pointed out, or such white male inhabitants, free negroes and mulattoes, and owners, managers or employers of such negroes and other male slaves, shall be liable to the fines and penalties in this act defined and expressed. *Provided nevertheless*, That nothing herein contained shall extend, or be construed to extend, to subject the governor or the judges of the superior courts, to personal working or attendance on the roads, caufeways, bridges or water passages within the several districts or divisions wherein such persons shall or may reside. *Provided*, That this clause of exemption shall not extend to exempt such persons from doing their duty as commissioners or surveyors of the roads, if he or they be appointed to, and except of the said office.

III. *And be it further enacted*, That if any commissioner or surveyor, who may be appointed under and in obedience to this act, shall die, depart the State, or decline to accept the said office, or after accepting shall refuse to act therein, the commissioners or surveyors of the district or division for which such commissioner or surveyor was appointed, shall, as soon as may be, after the death, departure, or refusal to act of such commissioner or surveyor, proceed to appoint another commissioner or surveyor in the room of him so dying, departing, or refusing to act as aforesaid, unless by such deaths, departure or refusals to act, it shall so happen at any one time, that a majority of the commissioners or surveyors of any one district or division, have become vacant, in which case, on information of the remaining commissioner or commissioners or otherwise, the inferior court of the county wherein such vacancies may happen, shall, at their next term proceed to appoint others in the room of those departing the State, declining neglecting or refusing to act as aforesaid.

IV. *And be it further enacted*, That the commissioners or surveyors appointed under this act, or the majority of them, shall, and they hereby have full power and authority to appoint one or more person or persons within their several districts or divisions, to summon all such persons as are obliged to work within the said districts or divisions, at such times of the year, and for as many days as they may think convenient and necessary, (not to exceed six days at one time; or twelve days in one year) to repair, erect, open, clear and work upon the several roads, bridges, caufeways, water courses and water passages within the same, and the several owners, managers or employers of male slaves within the several divisions or districts, shall, when summoned as aforesaid, deliver to the person summoning him, her or them, a list of all such male slaves as by this act are liable to work, in writing, signed by such owner, manager or employer, under a penalty of three pounds for a neglect thereof, which list  
the



the person summoning shall deliver to the surveyors or commissioners of such districts or divisions, and the said commissioners or surveyors are empowered and required, to swear any owner manager or employer, giving and signing such list, to the truth thereof; and the person or persons summoning as aforesaid, shall be exempted from his or their personal labor in such district or division; and in case any person or persons appointed to summon as aforesaid, shall neglect or refuse so to do, such person or persons shall severally forfeit six dollars for every such offence.

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V. *And whereas*, it may not be convenient or practicable for the several persons subject to work by this act, to erect bridges over the several creeks or rivers within their several districts or divisions: *Be it further enacted*, That the commissioners or surveyors of such districts or divisions, by consent of the justices of the inferior court of the county, shall, and they are hereby empowered to contract and agree with any person or persons willing to undertake the same for the erecting or building such bridge or bridges, not less than sixteen feet broad, over rivers or creeks not exceeding eighty feet in width, and to defray the expence thereof by an equal assessment on all persons and property within the said district or division. *Provided nevertheless*, That where it may appear necessary to erect such bridge over any creek or river being between two divisions, the labor and charge of erecting the same shall be defrayed or done by an equal assessment upon both divisions, and that such bridge shall afterwards be kept in repair by the joint labors of such districts or divisions; and if any person or persons shall refuse or neglect to pay his, her or their assessment, the same may and shall be levied upon his, her or their goods and chattels in the manner hereafter mentioned.

Bridges—how  
to be built and  
kept in repair.

VI. *And be it further enacted*, That every male white inhabitant (except as before excepted) free negro or mulatto, who being duly summoned to work within the respective districts or divisions, wherein by this act such male white inhabitant, free negro or mulatto is obliged to work, shall neglect or refuse to obey such summons, he shall for each day he or they shall refuse or neglect to appear or work as aforesaid, forfeit a sum not exceeding half a dollar; and for every day the owner, manager or employer of any male slaves liable to work as aforesaid, shall neglect or refuse to send such slaves to perform such work, he, she or they shall forfeit a sum not exceeding half a dollar for each slave; cases of sickness in the slave always excepted.

Fines for not  
working.

VII. *And be it further enacted*, That every male white inhabitant liable to work and appear as aforesaid, shall, when summoned and appearing as aforesaid, in his division or district, carry with him one good and sufficient gun or pair of pistols, and at least nine cartridges to fit the same, or twelve loads of powder and ball, or buck shot, under the penalty of one dollar for every day he shall neglect so to do.

Male white per-  
sons—liable to  
work on roads,  
to carry fire  
arms &c.

VIII. *And be it further enacted*, That no civil officer or any person whatsoever shall on any pretence, execute any warrant or process, unless for felony, treason or breach of the peace, on any person or persons during the time any such person or persons shall be working upon the said roads, or in going or returning from working or appearing as aforesaid, on the same, or within twenty-four hours after such person or persons shall be discharged from working upon such road, under the penalty of

No civil process  
to be served on  
them, except for  
fines &c. under  
this act.

ten



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Arms, accoutre-  
ments &c. not  
liable to be seiz-  
ed.

Commissioners  
to appoint over-  
seers.

Their powers  
and duty.

Persons obstruc-  
ting or damag-  
ing roads &c.—  
how to be pu-  
nished.

The width of  
roads.

ten dollars, and the service of such warrant or summons on any such person or persons, is hereby declared to be null and void to all intents and purposes; and during the time aforesaid, not any implement of labor shall be liable to be seized, distrained or taken in execution, for any cause, matter or thing whatsoever, except it be for any payment or assessment mentioned in or for any fine or forfeiture incurred by this act; but arms and accoutrements shall not be liable to be seized or taken under any pretence whatsoever; and in case any person shall seize, distrain or levy upon any such implements of labor, arms or accoutrements, (excepted as aforesaid) every such person shall forfeit the sum of ten dollars.

IX. *And be it further enacted*, That the commissioners or surveyors aforesaid, or any one of them, shall have power and authority to nominate and appoint one or more overseer or overseers in their respective districts or divisions, to attend, view, manage and direct all persons working within the same; and such overseer or overseers hereby have full power to correct any slave or slaves neglecting the work by them to be done, or otherwise offending, by whipping them with a cow skin, switch or whip, not exceeding twenty lashes; and in case any white person, free negro or mulatto shall neglect to work or perform the duty required of him or them, the commissioners or surveyors, or a majority of them, upon report thereof by the overseer or overseers, shall fine every person so offending in a sum not exceeding half a dollar for each day he shall so refuse or neglect; and if any person or persons chosen overseer as aforesaid, shall refuse to act as such, or after accepting the same, shall neglect or refuse to do and perform the duty thereof, such person or persons shall, at the discretion of the said commissioners or surveyors, or a majority of them, be fined in a sum not exceeding six dollars for every such offence.

X. *And be it further enacted*, That if any person or persons shall at any time stop up, alter or in any wise damage, by stopping of water or by any means whatever, any of the roads, bridges, causeways or passages already laid out, or that may be hereafter laid out, cleared and erected by virtue of this or any former act or acts of the general assembly of this State, every such person or persons so offending, shall be summoned by the commissioners or surveyors of the districts or divisions wherein any such offence shall be committed, or a majority of them, forthwith to amend, clear or repair the same; and in case of the refusal or neglect of such person or persons so to do, such person or persons so offending shall be fined in a sum not exceeding thirty dollars; and the said commissioners or surveyors, or a majority of them, are hereby empowered and required to hire and employ such a number of hands as may be necessary to attend, repair and clear the same, and the expence of such amendment, repairing, and clearing shall be defrayed and paid by the person or persons so offending, neglecting or refusing as aforesaid; which fine and expence shall, on refusal of payment, be levied on the goods and chattels of such offenders, as in this act hereafter directed.

XI. *And be it enacted*, That the several roads already laid out, or to be laid out, within the several districts or divisions, shall be at least twenty-four feet, and not exceeding thirty-six feet wide.

XII.



XII. *And be it enacted*, That if any person or persons shall by themselves, their slaves or servants (for whom their respective masters, owners, managers or employers shall be answerable) by any means whatever, obstruct or stop the passage of any of the roads, bridges, rivers or creeks in any division or district within this State, or hinder or forbid any traveller from going through or upon the same, or obstruct or oppose the commissioners or surveyors of such division or district, the overseers, white persons, free negroes, and mulattoes or slaves working in and upon or clearing the same, in so doing or making use of any trees or timber, wood, earth, sand or stones, in or near the same, for making, mending, or repairing the said roads or bridges, or any causeways whatever, within the same, such person or persons shall forfeit a sum not exceeding forty dollars.

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Penalty for obstructing roads &c. and impeding the repairing of the same.

XIII. *And for the better and more effectually carrying this act into execution, Be it enacted*, That the several commissioners or surveyors to be nominated and appointed by virtue of this act, shall meet yearly, and at such time or times as the commissioners or surveyors in the several divisions may appoint at the most convenient place within the respective counties, or at the choice of such commissioners or surveyors; and then and there determine all matters relating to the several roads, bridges, rivers, creeks, causeways or water passages already laid out, erected, cleared or made, or which may be erected, cleared or made, and assign any particular part of the duty to be performed by any particular person or persons, commissioner or surveyor, and to appoint the time or times of working within their respective divisions or districts, and also to appoint other commissioners or surveyors in the room of any dying, departing the State, declining, refusing or neglecting to act, as shall be agreed upon and determined by a majority of the commissioners then present.

The commissioners or surveyors to meet annually, in the respective counties.

XIV. *And be it enacted*, That whenever the commissioners or surveyors of any district or division shall appoint ferries over the rivers or creeks within the same, the said commissioners or surveyors shall agree with a proper person to attend the same, who shall provide a sufficient boat or flat for such ferry, and shall settle the rates to be taken for the same, which shall be paid until altered by the general assembly: and that in the agreement for attending such ferry, the preference shall always be given to the proprietor of the land whereon the ferry shall be established; but in case such person shall refuse accepting the charge of the said ferry, the commissioners or surveyors may, and they are hereby empowered to lay out a piece of ground, not exceeding two acres, for the use of the person or persons who may accept the same, upon such person or persons paying the owner or owners of such land a reasonable yearly rent to be ascertained by three neighboring freeholders, to be chosen by the said commissioners or surveyors, and the owner or owners; except such ferries as are already established by law, any thing herein contained to the contrary notwithstanding.

They may settle the rates of the ferries established by them.

XV. *And be it further enacted*, That the commissioners or surveyors within their respective districts, upon application being made to them by any person concerned, shall and they hereby have power to lay out any private path for the conveyance of any particular settlement, to the nearest public road or landing place; which roads are to be cleared, opened and kept in repair solely by the joint proportion

Empowered to lay out private paths.

How to be opened and kept in repair.



A. D. 1793. No. 482. tional labor and expence of those who may apply for, and use the same in common, of which proportional labor and expence the said commissioners or surveyors are declared to be sole judges: and any person or persons so liable to keep in repair the said private paths, who shall refuse or neglect to keep the said roads in repair as aforesaid, shall be liable to such penalties and forfeitures as are inflicted on persons who refuse or neglect to work upon the public roads.

Fines and assessments—how to be recovered & applied.

XVI. *And be it enacted*, That all fines, assessments and forfeitures directed and inflicted by this act, shall upon refusal or neglect of any person or persons assessed or fined by virtue of the same, be levied by warrant of distress and sale of the offenders' goods and chattels, under the hands and seals of a majority of the commissioners or surveyors of the district in which the same shall be assessed or be incurred, and directed to any constable within the county wherein such offender shall reside, and shall be paid into the hands of the said commissioners or surveyors, or any one of them, who shall apply the same towards the repairs of the several roads, bridges and causeways within such division, and be severally answerable for the sums by them received, to the inferior court of the several counties, and shall make a return of the sum or sums of money by them received as aforesaid, and of the particular bridges, causeways or roads, about which they have expended and laid out the same or any part thereof, on the first term of the said courts in each year.

Commissioners or surveyors—liable to fine for non-attendance.

XVII. *And be it enacted*, That any surveyor or commissioner to be appointed by virtue of this act, shall not daily and every day attend upon the roads within their respective divisions or districts, during the term of working upon the same, or whenever thereunto required by a majority of the commissioners or surveyors of such division or district, or if any of the commissioners or surveyors so appointed, shall, after accepting such appointment, refuse or neglect to do and perform the duties required of them by this act, such commissioner shall (at the discretion of the other commissioners or surveyors of his district or division) forfeit and pay a sum not exceeding twenty-five dollars; this clause not to extend to fine any commissioner or surveyor who after serving as such by virtue of this act the space of two years, shall chuse to decline the said office.

Surveys of the roads to be made and mile posts or stones to be set up.

Copy of such surveys to be lodged in the clerk's office.

XVIII. And to prevent doubts and difficulties that might arise, *Be it enacted*, That the several commissioners appointed under and by virtue of this act, and their successors in office, shall cause an accurate survey of the public roads within their respective districts or divisions, to be made, and a plan thereof delineated, with the distance and courses of the same laid down, and mile and direction stones or posts to be erected; which said plan shall be kept in the hands of the said commissioners and their successors, and a copy thereof shall be lodged in the clerk's office of the inferior court; and the expence of surveying and delineating the same, and erecting such stones or posts, shall be defrayed by the said commissioners out of the monies arising from fines and penalties incurred by this act, any thing herein contained to the contrary notwithstanding.

The inferior courts of certain counties, to appoint commissioners, lay off districts etc.

XIX. *And be it enacted*, That the justices of the inferior court shall, at their first session or term, in the year one thousand seven hundred and ninety four, in the counties



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counties of Chatham, Liberty, Glynn, and Camden; and such others as may be laid out of any part of the same, proceed to appoint the commissioners to each district or division within their respective counties, and they are likewise authorized and required to prescribe and point out as many and such districts or divisions as to them shall seem meet and proper, having due regard to proportioning the said district so as to divide the labor and expence of the roads, bridges, causeways and water passages equally among the citizens of the respective counties; and in case there should be no inferior court held in the time of the spring sessions, or should the commissioners not be appointed at that time, the justices of the inferior court or a majority of them shall, as soon as may be, meet and appoint the same.

XX. *And be it enacted*, That if at any time after the passing of this act, any number of persons shall wish or desire a new road to be laid out, opened and cleared, they shall advertise at least twenty days previous to the meeting of the superior court, in two or more public places in the captain's district or districts through which such road is intended to run, an accurate and full description of the road they wish laid out, with the places from whence, and whither they wish it to lead, and a notice, that they intend to apply to the grand jury at the next superior court for a recommendation of the said road, which recommendation being obtained and certified by an extract from the minutes of the said superior court, under the hand of the clerk thereof, shall be laid before the inferior court of the county wherein such road is prayed or desired, who are hereby empowered and required to order such new road to be laid out, and to determine and prescribe the district or districts of such road or roads, and forthwith to appoint three commissioners to each division, who will accordingly proceed to lay out and cause to be opened, cleared and kept in repair, such road or roads; *Provided*, That if the said new road shall not be of sufficient length or difficulty to form, or require a separate district, the said inferior court may at their discretion, allot the same to such other district or districts as may appear to them most equal and fair.

New roads to be recommended by the grand jury--how to be laid out and opened.

XXI. *And be it further enacted*, That the regulations herein before mentioned shall not extend to, or be in force in any of the counties of this State, except the now counties of Chatham, Liberty, Glynn and Camden;\* except as to the fines to be imposed, and the manner of collecting the same, and the mode and manner in which for the future, any new road may be established and laid out: And that an act, passed at Augusta, the twentieth day of December, in the year one thousand seven hundred and ninety-two, entitled "An act for the better regulating high roads and bridges," shall be and the same is hereby declared to be in full force, except in the counties of Chatham, Liberty, Glynn and Camden, and as before excepted. *Provided*, That the inhabitants of Effingham county, liable to work on Ogeechee river, shall not be obliged to work more than four days in the year, on the roads within the respective districts to which they belong.

This act to operate only in Chatham, Liberty, Glynn and Camden. Except as to fines and the manner of laying out new roads. Road act of 1792, in force in the rest of the counties.

Effingham--certain exemptions on account of working on Ogeechee.

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

GEORGE MATHEWS, GOVERNOR.

December 9, 1793.

\* Also in force in Bryan and McIntosh. See act of 1797, No. 597.

*An.*



A. D. 1793. *An Act to dispose of the common of the town of Washington, in the county of Wilkes.*  
No. 483.

Preamble.

**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 the said act particularly directed:

*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 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:

Enacted.

Commissioners of Wilkes academy—empowered to dispose of town common of Washington.

I. *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 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 the said academy.

Proviso.

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

GEORGE MATHEWS, GOVERNOR.

December 14, 1793.

No. 484. *An Act to lay out a county out of part of the counties of Burke and Effingham.*

New county to be laid out of Burke and Effingham.

I. **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 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 Savan-

nah



nah 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 Buck-head 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, senior, 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 gaol 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.

A. D. 1793.  
No. 484.

Named *Scriven*.  
Commissioners  
of court house  
and gaol ap-  
pointed.

Elections & courts  
to be held in the  
mean time at Ben-  
jamin Lanier's.

II. *And be it further enacted by the authority aforesaid*, That the justices of the inferior court for the aforesaid county of Scriven, to be hereafter appointed, shall be, and they are hereby authorized and empowered to lay a tax on the inhabitants of the aforesaid county of Scriven, which shall not exceed two hundred and fifty pounds, for the purpose of erecting a court house and gaol for the county aforesaid.

Inferior court to  
lay a county tax  
to build court  
house and gaol.

III. *And be it further enacted by the authority aforesaid*, That the surveyor to be appointed for the said county, shall run the lines aforesaid, in order that the boundaries thereof may be ascertained; and that the charges thereof shall be paid by the inferior court of the said county, to be levied as in this act directed.

County surveyor  
to run the lines.

IV. *And be it further enacted by the authority aforesaid*, That the electors in the county of Scriven shall be entitled to send one† representative to the general assembly, which shall be apportioned from, and taken out of the present representation, allowed by the constitution to the county of Burke.

Scriven entitled  
to one represent-  
ative.

V. *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 brought—  
how to be con-  
ducted.

Justices already  
appointed—to  
continue to act.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 14, 1793.

T t t

An

\* Other commissioners appointed by act of 1797, No. 587, with power to fix on the seat of public buildings.

† Representation to be according to the enumeration. See constitution of 1798.



A. D. 1793. *An Act to oblige vessels and persons coming from places infected with epidemical distempers to perform quarantine, and to prevent the bringing into, and spreading malignant and contagious disorders in this State.*  
No. 485.

Preamble.

**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.

Enacted.

Quarantine—  
when & in what  
manner to be  
performed.

I. *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 county 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 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 persons 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.

Commanders or  
masters of vessels  
or other persons  
not complying  
with the same,  
subject to fine—  
in what manner  
to be otherwise  
treated.

II. *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



on board 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 witnesses 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 gaols of this State, for any time not exceeding twelve months, nor less than six months.

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No. 485.

III. *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, 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 the fine or imprisonment 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.

Persons coming on board such vessels—subject to like fine &c.

IV. *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.

The superintendants of quarantine—their powers.

V. *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 any 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.

After due performance—how to be relieved.



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No. 485.

Goods brought  
in such vessels,  
to be aired.

How to prevent  
the spreading of  
contagious dis-  
eases.

VI. *Provided nevertheless, and it is hereby enacted*, That the goods imported in such ships, or vessels, or boats, shall after such quarantine performed, be opened and aired in such places and for such time as shall be directed concerning the same.

VII. *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 distemper being brought into this State, or from any part 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 centinels to put the same in due execution; and the persons appointed and every of them, shall have the same power to compel any person attempting to pass through or within such bounds, limits or lines, to return 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 persons quitting any ship, vessel or boat, performing quarantine, and to be disposed of as in that case provided.

The duty of pi-  
lots—to make  
strict enquiry as  
to health of all  
persons coming  
into port.

VIII. *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, before 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, small pox, 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 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, small pox, 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 foremast man belonging thereto, shall refuse to answer, or give any untrue answer to any pilot or pilots, relating to the healthiness of all persons on board the said ship or vessel, or shall refuse to be sworn or affirm to, or to 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 foremast man, shall forfeit and pay the sum of one hundred pounds sterling, to be recovered and applied as herein before mentioned.

Penalty for re-  
fusing to answer  
truly.

The corporation of  
Savannah to regu-  
late the duration  
and places of per-  
forming quaran-  
tine in Tybee and  
Wassaw inlets.

IX. *And 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



in Tybee and Waffaw 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 centinels, guard-boats and to use all and every means in their power to enforce this law for the purposes intended.

A. D. 1793.  
No. 485.  
How to be regulated in other rivers & inlets.

X. *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 or 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 being advised of such regulations is to enforce the same by proclamation.

XI. *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 bilander, two dollars; for every schooner, sloop, perriauger 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.

XII. *And be it further enacted*, That from and after the passing 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 such ship or vessel be permitted, upon any pretence whatever to enter, be obliged to land and 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 or usage, to the contrary notwithstanding.

Negroes imported: in what manner to be landed.

XIII. *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 a pest house.

To be forfeited if otherwise landed or sold.

XIV. *And it is hereby declared 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

Necessary expenditures, how to be paid.



A. D. 1793.  
No. 485.  
Repealing clause.

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.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 17, 1793.

No. 486.

*An Act to incorporate the Savannah association of mechanics.*

Preamble.

WHEREAS William Lewden, president; David Moses Vollaton, vice-president; John Peter Lang, secretary; Balthaser Shaffer, Thomas Palmer, John 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 Gugel, Daniel Gugel, John Trever, James Shaw, Nathaniel Lewis, Michael Asper, Joseph Dunlap, Gabriel Leaver, Elisha Elon, John Cole, John Miller, James Clarke, and Benjamin Bennet, have by their petition represented, 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.

Enacted.

Savannah association of mechanics incorporated.

I. *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 incorporate, 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 by-laws as may be agreed on by the members of the same. *Provided,* such by-laws be not repugnant to the laws or the 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.

Proviso.

Their powers defined.

II. *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



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.

A. D. 1793.  
No. 486.

III. *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 to secure to William Thompson and Thomas M'Call, 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.*

No. 487.

December 16, 1793.

*This act not having been carried into effect—repealed by act of 1796, No. 571.*

*An Act respecting bastardy and other immoralities.*

No. 488.

I. **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 any justice of the peace in any county within this State, who of his own knowledge, or on information to him on oath made, of any free white woman having a bastard child, or being pregnant with one, which it is probable will become chargeable to the county, he may thereupon cause a warrant under his hand and seal, directed to the sheriff or any constable of the said county where the case may arise, and oblige the offender to be brought before him to give security to the inferior court of the county, in the sum of one hundred and fifty pounds for the support and education of such child or children till the age of fourteen years, or to discover, on oath, the father of such bastard child; which being done, the said justice shall issue his warrant in like manner, to bring before him the person sworn to be the father of such child or children, so born or to be born, who, on refusing to give security for the maintenance and education of such child or children, until they arrive to the age of fourteen years, and also the expence of lying-in with such child or children, boarding, nursing, and maintenance, while the mother of such child is confined by reason thereof; that then it may and shall be lawful for the said justice to bind over such delinquent in a sufficient recognizance, to be and appear before the next superior court which may

The white women having bastards or being pregnant & liable to become chargeable to the county—in what manner to be treated.

The father when discovered, how to be treated.

be



A. D. 1793. be held in the said county : And it shall be the duty of the attorney or solicitor-general to prefer a bill of indictment, to be laid before the grand jury, to answer to such complaint as may be then and there alledged against him, touching the premises.

No. 488.

Such women refusing to comply with the terms of this act, may be committed.

II. *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; and 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.

Adultery & fornication—how to be punished.

III. *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 the 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 stand committed to gaol, until all and every of the several sums imposed as aforesaid shall be paid, or continue therein not exceeding twelve months.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 16, 1793.

No. 489. *An Act to divorce and separate Andrew Maybank and Mary his wife, and for protecting each of them in their respective estates.*

December 16, 1793.

*Private.*

No. 490. *An Act for preventing controversies concerning the bounds of lands, and for processioning the same.*

December 17, 1793.

*Repealed by act of 1798, No. 615.*

*An*



*An Act to vest certain powers therein mentioned with the commissioners of the port and pilotage of the river Savannah.*

A. D. 1793.  
No. 491.

**W**HEREAS it is thought expedient, from a late survey of the river Savannah, that a greater body of water should be thrown into the main channel.

Preamble.

I. *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 law, the commissioners of the port and pilotage of the river Savannah, are hereby authorized and empowered to turn and alter any water course or courses, to make cut-offs from river to river, and from creek to creek, so that the same be confined within the upper point of the south end of Argyle island, on the main stream of the said river, and to the mouth thereof; any law to the contrary notwithstanding.

Enacted.

The commissioners of the port and pilotage of Savannah river, vested with certain powers to improve the channel of the same.

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 the part of the counties of Washington and Greene.*

No. 492.

I. **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 a new county shall be laid off out of part of the counties of Washington and Greene, in the following manner: A line shall be 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 the 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, Mathew 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 gaol 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's.

New county laid off out of Washington & Greene

Boundary.

Named *Hancock*.

Commissioners of court house and gaol.

Proviso.

Courts and elections to be held in the mean time at John Whatley's. Inferior court to levy a county tax.

II. *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

U u u

tax



A. D. 1793. No. 492. tax\* on the inhabitants and taxable property within the same, for the purpose of erecting a court house and gaol as aforesaid, which shall be done in such a manner as in the judgment of the court shall be least burthensome to the inhabitants.

The county line—how to be run and paid for.

III. *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.

Civil & military officers to hold their appointments.

IV. *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.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 17, 1793.

\* See act of 1796, No. 555, authorizing inferior courts to levy county tax.

No. 493.

*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 George Baillie, of Chatham county, merchant, a person therein named.*

John Fox and William Jones, restored to citizenship.

II. **A**ND *be it further enacted by the authority aforesaid,* That all disqualifications laid on the persons of John Fox and William Jones, by the act of confiscation and banishment, passed at Augusta, the fourth day of May, one thousand seven hundred and eighty-two, be, and the same are fully taken off, and they are hereby restored to all the rights and privileges of citizenship; except that nothing herein contained shall extend to authorize a recovery of property sold or appropriated by the public, belonging to the said John Fox and William Jones, under the act aforesaid.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 17, 1793.

No. 494.

*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 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."*

The governor may order out mounted infantry or rifle men, in defence of the frontiers.

I. **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 also*, That no such companies of mounted infantry or riflemen shall be continued in service more than thirty days at one time.

A. D. 1793.  
No. 494.  
Provide.  
Not exceeding 30  
days at one time.

II. *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 aforefaid 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 and 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 perform their tour of duty—how to be proceeded against.

III. *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 aforefaid.

Fines—how to be applied.

IV. *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.

Courts martial for the trial of persons under arrest—how to be appointed.

V. *And be it further enacted*, That the officers composing courts martial, convened agreeably to law, shall take the following oath, viz:

A cashiered officer incapable to hold a commission for 3 years.  
Oath to be taken by courts martial.

" 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 law 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.*"

VI. *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 cols.—how to take rank.

VII. *And be it further enacted*, That all aliens shall be liable to do, and perform the duties herein, and by the aforefaid 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 such alien or aliens shall belong, such service shall be immediately suspended; and the said alien or aliens shall be entitled to all the benefits in such cases arising under the law of nations.

Aliens liable to militia duty.

Provide.

Except in case of war with their nations.



A. D. 1793.

No. 494.

Elections of company officers: in what manner to be returned to the executive.

No person to hold more than one militia commission.

Quakers exempt from militia duty.

Proviso.

Brigadier generals entitled to aid de camp.

Substitutes in militia duty—how to be approved.

Certain requisites in commissioning officers of volunteer companies.

Certain persons exempt from duty for 12 months

Proviso.

So much of the act of 1792 as exempts certain officers, and all former militia laws, repealed.

VIII. *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.

IX. *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.

X. *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.

XI. *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.

XII. *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.

XIII. *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.

XIV. *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.

XV. *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.*

GEORGE MATHEWS, GOVERNOR.

December 17, 1793.

An



*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 gaol for the said county, and for building the same.* A. D. 1793.  
No. 495.

I. **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 John Wereat, Robert Holmes, James M'Gilivray, 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.

Commissioners of Hardwick.

The plat of re-survey, where to be recorded.

II. 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 gaol; and if a balance should remain, it shall be applied towards building an academy in the said town, the said commissioners to make a 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.

Their powers & duty respecting the sale of lots &c.

III. 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 gaol in the county of 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.

Washington commissioners of court house and gaol.

Inferior court to levy a county tax.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 16, 1793.

\*-See act of 1796, No. 555, empowering inferior courts to levy county tax.

*An Act for laying out the several counties herein after named.*

No. 495.

I. **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 two new counties shall

Two new counties laid out from Wilkes & other counties.



A. D. 1793. shall be, and they are hereby laid out from the counties of Wilkes and several other  
 No. 496. counties contiguous, or adjoining thereto, in the following manner and form, to wit:  
 Boundary of the first. The first to begin at M'Gechee'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 Watson's mill; from thence to a path known by the name of the old line path at Hodgins's; from thence a straight line to 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

Named *Warren*. *Warren*.

Of the other,

II. The other county shall begin at the mouth of Long creek; thence up the said creek to the Dry fork thereof; thence up said fork to Joseph Staton's; thence a direct line to William Hammett's; thence to Armour's 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 beginning; which said county shall be called and known by the name of \**Oglethorpe*.

Named *Oglethorpe*

The dividing lines—how to be run.

III. *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 lines shall be run, and marked as aforesaid, within two months after the passing 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.

Justices of the peace therein continued for a time.

IV. *And be it further enacted by the authority aforesaid*, That all justices of the peace, which shall or may fall within either of the aforesaid counties of Warren and Oglethorpe, may legally continue to exercise the several duties of such office, until the adjournment of the next general assembly.

Commissioners of the court house and gaol, appointed for Warren. And for Oglethorpe.

V. *And be it further enacted*, That James M'Cormick, Robert Abercrombie, Peter Holo, Zachariah Fann and Arthur Fort, be, and they are hereby appointed commissioners† for fixing on a proper place to erect a court house and gaol for the county of Warren; which shall be as nearly central as convenient: And Samuel Thornton, Thomas Gilmore, Benjamin Knox, John Lucky and John Steward, are appointed commissioners for fixing on a proper place for the court house and gaol of the county of Oglethorpe: And until such public buildings are completed in the respective counties,

The courts where to be holden in the mean time.

\* Part of Greene added to this county. See act of 1794, No. 517.

† Other commissioners appointed by act of 1795, No. 526.



counties, the courts for the county of Warren, shall be held at James M'Cormick's; and the courts of the county of Oglethorpe, shall be held at Charles Lane's. A. D. 1793. No. 496.

VI. *And be it further enacted*, That the justices of the inferior courts of 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 gaol 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 gaol, and may raise, by tax on their county, a sum not exceeding two hundred and fifty pounds, to be applied as aforesaid. The inferior courts of those counties may contract for the public buildings and raise a tax for the same.

VII. *† And be it further enacted by the authority aforesaid*, That the county of Oglethorpe, shall be allowed one member, to represent it in the house of representatives, out of the number allowed by the constitution, to the county of Wilkes. Oglethorpe entitled to one representative.

VIII. *And be it further enacted by the authority aforesaid*, That suits commenced and now depending, against any person within the limits of either of the aforesaid counties, of Warren and Oglethorpe, shall still continue, and be proceeded on as usual, in the county where they were originally commenced; until the courts of such new counties are organized; after which, they shall be removed by the plaintiff, to the county where the defendant resides, without any additional costs for such removal. Causes depending against persons therein—how to be disposed of.

IX. *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 Alatomaha; thence down that branch of the Alatomaha, 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'Intosh. A new county laid off from Liberty. Its boundary. Named M'Intosh.

X. *And be it further enacted by the authority aforesaid*, That Ferdinand O'Neal, James Gignilliat, jun. and William M'Intosh, jun. are hereby appointed commissioners, for fixing on a place for a gaol and court house, for the county of M'Intosh, which shall be as nearly central as convenient, at which place the courts shall be held. Commissioners of court house and gaol.

XI. *And be it further enacted by the authority aforesaid*, That the justices of the inferior court of the county of M'Intosh, to be hereafter appointed, are hereby authorized and empowered to contract with proper persons, to undertake and completely finish, a court house and gaol 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 building the same and raise a tax.

XII.

\* See act of 1796, No. 555, empowering inferior courts to levy county tax.

† Representation to be apportioned according to enumeration. See constitution of 1798.

‡ Boundary of this county defined by act of 1794, No. 509.

§ See act of 1796, No. 555, respecting county tax.



A. D. 1793.

No. 496.

M'Intosh allowed  
one representativeSuits against  
persons therein  
how to be dis-  
posed of.Courts—where  
to be held in the  
mean time.A new county  
laid out of Cha-  
tham—its bound-  
ary.Called *Bryan*.Commissioners  
of the court  
house and gaol.Inferior courts  
to contract for  
building the  
same, and to  
raise a tax.Bryan entitled  
to one represen-  
tative.Suits against  
persons therein,  
how to be dis-  
posed of.

XII. *And be it further enacted by the authority aforesaid,* That the county of M'Intosh shall be allowed one \*member to represent it in the house of representatives, out of the number allowed by the constitution to the county of Liberty.

XIII. *And be it further enacted by the authority aforesaid,* That all suits commenced and now depending, against any person in the aforesaid county of M'Intosh, shall still continue, and be proceeded on as usual, in the county where they were originally commenced, until the courts of such county of M'Intosh are organized; after which they may be removed by the plaintiff, to the county wherein the defendant resides, without any additional costs for such removal.

XIV. *And be it further enacted by the authority aforesaid,* That the courts shall be held for the county of M'Intosh, at the plantation of John M'Intosh, jun. until the court house and gaol for the county aforesaid shall be completed.

XV. *And be it further enacted by the authority aforesaid,* That one new county shall be laid off from the county of Chatham, in the 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. Philips's from St. John's, until it strikes the river Canouchie; from thence up the main stream of said river until it strikes the Washing on line; from thence in a direct line across to the mouth of Black creek, on Ogechee river; thence down the said river Ogechee 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*.†

XVI. *And be it further enacted by the authority aforesaid,* That William Maxwell, Robert Holmes, and Joseph Stiles, are hereby appointed commissioners‡ for fixing on a proper place for a gaol and court house for the county of Bryan, at which place the said courts shall be held.

XVII. *And be it further enacted,* That the justices of the inferior court of 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 gaol 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.

XVIII. *And be it further enacted,* That the county of Bryan shall be allowed one ||member to represent it in the house of representatives, out of the number allowed by the constitution to the county of Chatham.

XIX. *And be it further enacted,* That all suits commenced and now depending, against any person in the aforesaid county of Bryan, shall still continue and be proceeded on as usual, in the county where they were originally commenced, until the courts for such county of Bryan are properly organized; after which they shall be removed by the plaintiff, to the county wherein the defendant resides, without any additional cost for such removal.

XX.

\* Representation to be apportioned by enumeration. See const. of 1798.

† Part of Effingham added this county by act of 1794, No. 309.

‡ Other commissioners added. See act of 1795, No. 526.

§ See act of 1796, No. 555, respecting county tax.

|| Representation to be apportioned according to enumeration. See const. of 1798.



XX. *And be it further enacted*, That the county courts for the county of Bryan, shall be held at Hardwick, until the court house and gaol shall be completed.

A. D. 1793.  
No. 496.  
Courts, where to be held for the present  
A new county laid out of Washington—its boundary.

XXI. *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 the said path crosses Williamson's swamp; thence in a direct line to the Ogechee river; thence down the said river to the Effingham line; thence along said line to where it strikes the line of Liberty county; thence along said line to the Alatomaha 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*.

Called *Montgomery*.

XXII. *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 direct line, from the place where the Uchee path crosses Williamson's swamp to the Ogechee river.

The dividing line how to be run.

XXIII. *And be it further enacted by the authority aforesaid*, That all justices of the peace, who shall or may fall within the said county of Montgomery, may legally continue to exercise the several duties of their office until the adjournment of the next general assembly.

The justices of the peace continued.

XXIV. *And be it further enacted by the authority aforesaid*, That all suits now depending against any person residing within the aforesaid county of Montgomery, shall still continue and be proceeded on as usual, in the county where they were originally commenced, until the courts for such county of Montgomery are organized; after which they may be removed by the plaintiff, to the county where the defendant resides, without any additional costs for such removal.

Suits depending against persons therein: how to be disposed of.

XXV. *And be it further enacted by the authority aforesaid*, That Solomon Wood, John Watts, Francis Pew, Benjamin Harrison and Jesse Embrey, shall and are hereby appointed commissioners for fixing on a proper place to erect a court house and gaol for the county of Montgomery; until such public buildings are completed, the courts for the said county of Montgomery, shall be held at William Neal's.

Commissioners of the court house and gaol.

XXVI. *And be it further enacted*, That the people in the several new counties shall, on the third Monday in January next, proceed by election in the usual way, for the clerk of the superior and inferior court, sheriff, register of probates, county surveyor and coroner.

Courts, where to be held in the mean time.

Clerks, sheriffs, and other officers: how elected in the new counties.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 19, 1793.



A. D. 1793. *An Act to prevent the importation of negroes into this State, from the places herein mentioned.*  
No. 497.

Importation of negroes from certain places prohibited.

Penalty therefor.

Free colored persons coming into this State; how to conduct themselves.

The State not accountable for the value of slaves legally executed.

Expences in prosecuting slaves—how to be paid.

I. **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 after three months from the passing of this act, any person or persons who shall directly or indirectly import to this State, from any of the West India, Windward, Leeward, or Bahama islands, or from either of the adjacent provinces of East or West Florida, any negro, mulatto, or mustizoe slave or slaves who have been one month in the same, for sale; every such person or persons shall forfeit and pay to the State fifty pounds each, for every negro, mulatto, mustizoe slave so imported as aforesaid.

II. *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 where 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 on 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 gaol, for a term not exceeding three months, or until he, she or they shall give security, by two freeholders, of his, her or their prison fees, and future industrious and honest behavior.

III. *And be it further enacted by the authority aforesaid*, 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.

IV. *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.*

GEORGE MATHEWS, GOVERNOR.

December 19, 1793.

No. 498. *An Act to establish an inspection of tobacco on the Savannah river, at the mouth of Lightwoodlog creek.*

Inspection of tobacco established at the mouth of Lightwoodlog creek, in Elbert county.

I. **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 from and immediately after the passing of this act, it shall and may be lawful for an inspection



inspection of tobacco to be opened, at the mouth of Lightwoodlog 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. A. D. 1793.  
No. 498.

II. *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. The right vested in Nehemiah Howard.

III. *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 Call's, Richmond and Augusta warehouses, be, and the same is hereby repealed. So much of the act of 1790, as relates to salaries, repealed.

IV. *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.

V. *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 at the several warehouses, when to be adjusted.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 19, 1793.

### *An Act more effectually to punish persons guilty of stealing horses, asses or mules.* No. 499.

I. **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 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. Horse stealing—felony.  
Death without clergy.

II. *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 Persons charged and apprehended—how to be treated.  
The duty of justices and gaolers therein.



A. D. 1793. justices aforesaid, to commit the prisoner or prisoners, or persons accused, to the common gaol of the county where such person or persons have been apprehended; and where there shall be no gaol in any county, to the nearest substantial gaol in any adjacent county in the State; and it shall be the duty of the keeper or keepers of such gaol 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.

This sect. appears to have been intended to restrain the operation of the writ of Habeas Corpus: if so, it is in our opinion, an infringement of the liberty of the citizen, and the judges are not bound by it. See 4th sect. of 4th art. of the constitution and habeas corpus act, p. 21. Property of criminals made liable to the payment of gaolers fees etc. Duty of peace officers therein.

III. *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.

IV. *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 render 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 gaolers 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 cost 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.

Persons becoming bail, may be required to justify.

V. 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.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 19, 1793.

No. 500.

*An Act to revise and amend the judiciary act.\**

Preamble.

WHEREAS great inconvenience hath arisen from an omission in the above recited act, in having no time pointed out therein for holding a second term of the superior court; for remedy whereof,

Court days.

I. *Be it enacted,* That the aforesaid second term of the said superior court, omitted as above, shall by the judges of the said courts, again commence on the first Tuesday in

\* Repealed by act of 1796, No. 574.



in July next, in the counties of Washington and Camden; the next Tuesday in Glynn and Greene; the next Tuesday in Liberty and Franklin; the next Tuesday in Elbert; the next Tuesday in Chatham and Wilkes; the next two weeks after in Columbia and Effingham; the next Tuesday in Burke, and the next Tuesday in Richmond.

A. D. 1793.  
No. 500.

II. *And be it further enacted*, That from and after the passing of this act, the term for holding the inferior courts for the county of Richmond, shall be on the first Tuesday in March and September, any in the former judiciary act to the contrary notwithstanding.

In Richmond.

III. *And be it further enacted*, That from and immediately after the passing of this act, if any party in any suit brought before a single justice, shall be dissatisfied with his determination thereon, he may at any time within three days thereafter, enter an appeal, on payment of costs, and giving security for the eventual condemnation money; which appeal shall be tried by five jurors (a majority of whom shall agree on the verdict) to be drawn from a list of the freeholders, within the company district of such justice, at the next term in such district, the opposite party having notice thereof, whose determination thereon shall be final.

Appeal.

IV. *And be it further enacted*, That the said justices shall have power to postpone the trial of any appeal which may have been made before them, on the oath of either party, that they are in want of a material evidence who they have regularly summoned, and also used all other legal means to procure.

May be continued.

V. *And be it further enacted*, That in all cases of mutual debts cognizable before a single justice or a court of appeals, as before mentioned, judgment may be given in favor of the defendant on its appearing to the satisfaction of the court or justice, that there is a balance due him.

Mutual debts.

VI. *And for the regulation of the justices courts, Be it enacted*, That in all cases, the best evidence shall be required that the nature of the case will admit of; nor shall any person be admitted to prove his or her account, by their own oath, before such court, without previously making oath, that he, she or they had no other method whereby it could be established.

Justices court—  
what proof allowed.

VII. *And be it further enacted*, That when any constable shall neglect to pay to, or account with any person, for whom he may have received money, on execution, within thirty days from the time of such execution may be put into his hands, any person or persons so injured as aforesaid, shall, upon application to any justice within the district, have a summons granted him, requiring such constable to appear before him or some other justice; and if it shall appear to such justice, that he has received the amount of such execution, or any part thereof, he shall give judgment, and immediately issue execution thereon.

Constables.

VIII. *And be it further enacted*, That all appeals now depending in the respective inferior courts in this State, may by either party, due notice being given, be remanded to the justices of the district from whence they came, to be determined agreeably to this act.

Appeals from  
justices court.

IX.



A. D. 1793.

No. 500.

Inferior court  
and justices fees.

IX. *And be it further enacted*, That from and after the passing of this act, the following fees shall be allowed, viz: Justices of the inferior court, for each judgment obtained therein, and for each appeal to the superior courts, (to be taxed in the bill of costs) four shillings and eight pence; a justice for making out and signing a summons or warrant and determining the cause, two shillings and four pence; for writing and taking a bond or recognizance, one shilling and two pence; for issuing an execution, one shilling and two pence; for writing an affidavit and swearing the party, where no action is depending before such justice, one shilling and two pence.

Executors & administrators may  
appeal without  
security.

X. *Whereas*, in some instances the judges of the inferior courts, under the act of the twenty-third day of December, one thousand seven hundred and eighty-nine, have refused to allow executors and administrators an appeal to a special jury, according to the constitution, because the defendant would not give bond to pay the condemnation money, which was not the true intent and meaning of the said act: *Be it therefore enacted*, That wherever an appeal has been moved for, in any inferior court, by an executor or administrator, as defendant, in due time, and costs tendered, and such appeal hath been refused, that the superior court may order the same to be docketed, and tried by a special jury, according to the constitution, any order of the inferior court notwithstanding.

Arbitration.

XI. *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 levy on the property of the party against whom the judgment shall have been entered up, and execution issued as aforesaid, and such other proceedings shall be had thereon by the court, as in cases of judgments entered up, on verdicts of juries.

Sheriff's sales.

XII. *And be it further enacted*, That all personal property levied on by a sheriff, except stock, shall be advertised in like manner as directed where lands are executed and advertised.

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

GEORGE MATHEWS, GOVERNOR.

December 19, 1793.

No. 501.

*An Act to impose a tax on the inhabitants of this State, for the support of government for the year 1794.*

December 19, 1793.

No. 502.

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

In all cases of  
mortgages in be-  
half of the State,  
where the equity  
of redemption shall  
be foreclosed, the  
estates subject to  
future sale.

I. **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



for the time being, on the part or 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, governors, presidents, or speakers warrants, audited or funded certificates, the present or any former treasurer's certificates, (except Wade's, O'Brian'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 and 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.

II. *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

A. D. 1793-  
No. 502.

By commissioners—the manner thereof.

Sales to be at Savannah and Augusta.

Terms and conditions of the same.

The commissioners allowed one *per cent.* on the amount.

The bonds and mortgages taken to be transmitted to the treasurer.

The superior court may grant rules of survey of any lands subject to sale.

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



A. D. 1793. instalments as they become due; which form of a bond shall govern such commissi-  
No. 502. oners in performing the duties required by this act.

The purchaser  
to pay  $2\frac{1}{2}$  per  
cent. in specie  
—how to be ap-  
plied.

III. *And be it further enacted*, That the purchaser shall pay two and one half *per centum* 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 always nevertheless*, That this clause shall not extend to effect lands purchased under and by virtue of this act for academy uses.

Proviso.

Not to extend to  
purchases for aca-  
demy uses.

The commissioners  
of Louisville au-  
thorized to pur-  
chase to the amt.  
of 2000l.

IV. *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 buildings of the State house, on the same terms as the commissioners of the several academies in this State, who are authorized to purchase at the sales aforesaid; and in cases 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.

Conditions of sale  
not being complied  
with, the property  
to be re-fold at the  
risk of the pur-  
chaser.

Three commis-  
sioners, one from  
each militia di-  
vision, to be ap-  
pointed.

V. *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.

To give bond  
and security to  
the governor,  
£1000 each.

VI. *And be it 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.

Persons giving in-  
formation of pro-  
perty secreted from  
the commissioners,  
shall receive 10  
*per cent.* on the  
amount.

VII. *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 term as is herein pointed out for the sale of property so as aforesaid foreclosed.

The commissioners  
of academies em-  
powered to pur-  
chase to the amt.  
of 1000l. for each  
county.

Proviso.

Where any co. has  
received such dona-  
tion or any part,  
the purchase shall  
be admitted only  
for the balance.

VIII. *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 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.

IX.



IX. *And whereas*, a number of persons have purchased confiscated property, which has not been paid for: *Be it therefore enacted*, That six months from 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 effect any purchase where one half the amount thereof has not been paid.

A. D. 1793.  
No. 502.  
Where foreclosures have taken place, six months further allowed for payment.

Proviso.  
Not to affect any purchase, where half the amt. has not been paid.

X. *Whereas*, it is indispensably 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:

*\*Be it therefore enacted*, That his excellency the governor, the present 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'Brian, and Seth John Cuthbert, whose accounts remain unsettled, excepted) and they or 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.

A board constituted to take in certificates heretofore issued, & to issue others with proper checks in lieu thereof.

XI. *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.

Repealing clause.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 20, 1793.

\* No compensation being allowed to the board constituted by this section, their powers were never carried into effect. See act of 1798, No. 625, for calling in the outstanding evidences of debts.

*An Act for appropriating money for the year 1794.*

No. 503.

December 20, 1793.

*An Act to ratify the resolution of congress, explanatory of the judicial power of the United States.*

A. D. 1794.

No. 504.

**W**HEREAS congress, at their session, begun 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 in them vested by the fifth article

Preamble.

Y y y

of



- A. D. 1794. of the constitution of the United States, deemed it expedient to propose to the legis-  
No. 504. latures 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:

The proposed explanatory amendment of the constitution of the United States, relative to the judicial power, adopted by this State.

I. *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 aforesaid proposed explanatory amendment in terms thereof.

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

GEORGE MATHEWS, GOVERNOR.

November 29, 1794.

- No. 505. *An Act to establish and make permanent the seat of the public buildings in the county of Columbia.*

The seat of public buildings in Columbia.

I. **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 seat of the public buildings in the county of Columbia, as far as relates to the court house and gaol therein, shall be on that public lot of land on the north west margin of the Big Kiokee creek, which was conveyed by William Appling, to the commissioners of the court house and gaol, it being the lot of land on which the aforesaid buildings do now stand.

And of the academy of that county.

II. *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.

- No. 506. *An Act to repeal 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 only of John Maxwell, a person therein named.*

December 6, 1794.

*Private.*



*An Act to appropriate money to captain Jonas Fauche ; and for other purposes.*

A. D. 1794.  
No. 507.

*The other purposes relate only to the making provision for an additional troop of horse. The act being in its nature temporary, is omitted.*

December 6, 1794.

*An Act for the better regulating of vendues within this State.*

No. 508.

**W**HEREAS, it appears necessary for promoting the revenue of this State and encouraging the commerce of the same, that the sale of goods at public vendue should be subject to better regulations than heretofore.

Preamble.

I. *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.

Enacted.

Vendue masters at Savannah, Augusta, Sunbury & St. Mary's.

Appointed for two years, to give bond &c. to the governor

II. *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 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 their 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

Their powers and duty.

To pay into the treasury, 1 *per cent.* on all sales.

In case of failure —how to be proceeded against.

All other persons selling at auction, at or near either of those places, liable to penalty of £100 for the use of the poor.

any



**A. D. 1794.** 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 send sureties for his, her or their good behavior and appearance at the next superior court to be held in the county where the offence is committed.

And to give security for their good behavior. Their recognizance—how forfeited.

**III.** *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.

Proviso. Not to hinder legal sales by executors, administrators or public officers.

**IV.** *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 to the contrary notwithstanding.

Vendue masters to sell only in their own districts.

Their fees or commissions.

**V.** *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*.

Monies &c.—how to be recovered of them.

**VI.** *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 private sale or public auction, to the owners 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.

As in cases of courts merchant

Repealing clause.

**VII.** *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.*

GEORGE MATHEWS, GOVERNOR.

December 8, 1794.



*An Act to alter the present boundary lines of the several counties therein mentioned.* A. D. 1794.  
No. 509.

I. **B**E 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. Part of Effingham added to Bryan.

II. *And whereas*, certain doubts have arisen respecting the boundary lines of the county of McIntosh, and in as much as the same are uncertain and indefinite; *Be it enacted*, That the true construction of the act laying off the said county of McIntosh, as respects the boundaries of the same, is, and shall be in the manner following, viz. From the north end of Black-bird 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 north west 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 Black-bird island. McIntosh county, boundary defined.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 16, 1794.

*An Act to regulate the admeasurement and inspection of lumber, staves, shingles, and for other purposes therein mentioned.* No. 510.

I. **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, 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 admeasurement.\* Lumber—what kind & description deemed merchantable.

II. *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 a half inches in breadth, and one inch thick on the edge; hoghead staves to be forty-two inches long, three and a half inches broad, the one edge an inch, the other not less than three quarters of an inch thick, sound and free Split, decayed or fractured parts, not to be counted in the admeasurement.  
Staves, shingles &c.

\* See act of 1798, No. 620, for the better regulating the admeasurement of lumber.



A. D. 1794. free from worm holes or knots ; barrel staves to be two and a half feet long, not  
 No 510. less than three and a 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 a 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, sound, and free from decay, worm or knot holes ; shingles to be twenty-two inches long, not less than three and a half inches wide, a half inch thick at the thicker end, not decayed, free from worm or knot holes.

Inspectors and  
 measurers: their  
 fees.

III. † *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 dimensions of merchantable lumber of the various sorts as herein before enumerated, the prices and compensation following, viz. For ranging timber per thousand feet, seven pence ; for scantling and boards per thousand feet, one shilling and nine pence ; for staves and heading, per thousand, three shillings and six pence : for shingles per thousand, one shilling and two pence ; for live oak and cedar, three shillings and six pence per hundred feet.

Superficial and  
 solid measure-  
 ment.

IV. *And be it further enacted*, That all lumber of whatever sort or kind, hereafter to be inspected and measured under this act, shall be reckoned and ascertained by superficial measurement, except live oak and cedar, which shall be reckoned and ascertained by solid measurement.

Refuse lumber.

V. *And be it further enacted*, That lumber of every denomination, not agreeing with the description and standard by this act required, shall be deemed and taken to be refuse ; and the inspectors and measurers thereof shall be entitled to receive only one half the price and compensation to them given for the inspection and measurement of merchantable lumber ; and the fees accruing to the inspectors and measurers shall be paid jointly by both buyer and seller.

Inspectors al-  
 lowed only half  
 price.  
 All fees to be paid  
 jointly by both buy-  
 er and seller.

Inspectors to be  
 appointed annu-  
 ally, by the ge-  
 neral assembly.

VI. † *And be it further enacted*, That from and after the passing of this act, fit and proper persons shall be appointed, annually, by the general assembly : For the port of Savannah, eight ; for the port of Sunbury, one ; for the port of St. Simon's, two ; and one for the port of St. Mary's, as inspectors and measurers of lumber as aforesaid.

To be sworn, &  
 give bond and  
 security.  
 Their oath.

VII. *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

† This sect. repealed by act of 1798, No. 620. See 1 and 5 sect.

‡ This section is repealed by act of 1798, No. 620.



in the clerk's office of such court. And no person or persons shall be permitted to inspect and 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.

A. D. 1794.  
No. 510.  
No other persons allowed to inspect or measure lumber  
Penalty.

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

GEORGE MATHEWS, GOVERNOR.

December 16, 1794.

§ Inspectors are appointed by inferior courts.

*An Act to grant leave to the justices of the inferior court of Chatham county, to establish a lottery, for the purpose of building and completing a seaman's hospital and poor house within the said county.*

No. 511.

**W**HEREAS, a considerable number of respectable inhabitants of the city of Savannah, have made application to the legislature by petition, suggesting the propriety of establishing a lottery for the purpose of defraying the expences of erecting a seaman's hospital and poor house, and to place the same under the direction of the justices of the inferior court of the county of Chatham. Preamble.

And whereas, the object of establishing the said lottery, will not only produce beneficial effects to the State in general, but truly consistent with every principle of humanity;

I. 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 justices of the inferior court of the county of Chatham, to establish a lottery within six months from and after the passing this law, under such scheme, regulations and restrictions as the said justices of the inferior court of the county aforesaid, may deem most fit and proper, fully to effect the end of building and completing a seaman's hospital and poor house within the said county. Enacted.

Lottery established for building a seaman's hospital & poor house.

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

GEORGE MATHEWS, GOVERNOR.

December 16, 1794.

*An Act for the relief of Colonel Peter Purkins, and for other purposes.*  
December 16, 1794.

No. 512.

Private.

An



A. D. 1794. *An Act for pointing out the method of compelling persons residing in this State, to give evidence in causes pending in another.*  
No: 513.

Preamble.

**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, and for remedy whereof, as far as it might be occasioned by persons residing within the State of Georgia :

Enacted.

How to compel persons residing in this State, to give evidence in causes depending in another.

I. *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 be required 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 justices 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 proved 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 courts, (as the case may require) of the county in which such person or persons resides, 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.

Entitled to like fees with other witnesses.

II. *And be it further enacted*, That the person or persons whose evidence shall be required as aforesaid, shall, if they or any of them 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.*

GEORGE MATHEWS, GOVERNOR.

December 16, 1794.

An



*An Act pointing out the time, place and manner of holding elections for persons to represent this State in the house of representatives of the United States.* A. D. 1794.  
No. 514.

December 18, 1794.

*See act of 1796, No. 572, sect. 2.*

*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.* No. 515.

I. **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 in 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.

II. *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.

County surveyors on what warrants to make surveys in future.

The justices forbid to renew transferred warrants.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 25, 1794.

*An Act for carrying into effect the seventh section of the fourth article of the constitution of this State.* No. 516.

**W**HEREAS, in the seventh section of the fourth article of the constitution Preamble, of this State, it is expressly declared in the words following, that is to say: "At the general election for members of assembly, in the year of our Lord 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 con-

Z z z.

sideration.



A. D. 1794. No. 516. sideration the alterations necessary to be made in the constitution; who shall meet at such time and place as the general assembly may appoint." *And whereas*, our fellow citizens having agreeably to the said article, complied with so much thereof as appertain to them; therefore, in order to carry fully into effect, the intention of the said constitution:

The convention  
—when to meet  
at Louisville.

Vacancies there-  
in—how to be  
filled.

I. *Be it enacted by the senate and house of representatives in general assembly met*, That the meeting of the convention be in the town of Louisville, on the first Monday in May next.

II. *And be it further enacted*, That in case of the death or resignation of any of the members of the said convention, the governor upon being legally notified thereof, is hereby authorized and required to issue a writ or writs of election, directed to two or more magistrates of the county where such vacancy or vacancies happen, requiring them after ten days notice in writing, posted at three or more public places of resort within the said county, to proceed to open a poll at the usual place for holding elections within the said county, for the electors to elect and fill up such vacancy or vacancies as the said writ of election may point out and require: And the person or persons having the highest number of votes, be returned as a member or members of the said convention, duly certified under the hand and seal of the presiding magistrates of the said county, and that the sheriff do attend for the purpose of preserving good order.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 25, 1794.

No. 517.

*An Act for adding part of Greene county to Oglethorpe county, and for other purposes.*

Part of Greene  
county added to  
Oglethorpe.

**B**E 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, 'til 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.

County survey-  
or—when to  
run the line.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR,

December 25, 1794.

No. 518.

*An Act for the relief of John Furlow, one of the persons named in the act of confiscation and banishment.*

December 25, 1794.

An



*An Act for incorporating the mechanical society of the town of Augusta.* A. D. 1794.  
No. 519.

**W**HEREAS, William Longstreet, president; John Catlett, vice-president; Preamble.

Thomas Bray, secretary; Robert Creswell, treasurer; and Hugh Magee, William Deamond, Baxter Pool, John Cook, Joseph Stiles, Angus Martin, John Stiles, Hiel Chatfield, Edward Primrose, Conrod 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 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:

I. *Be it therefore enacted by the senate and house of representatives of the State of Georgia* Enacted.

*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 incorporate, 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 by-laws as may be agreed on by the members of the same: *Provided,* such by-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. *Provided.*

II. *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 powers.*

III.



A. D. 1794.  
No. 519.  
Public act.

III. *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.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 25, 1794.

No. 520.

*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 after  
the extinguish-  
ment of the In-  
dian title.

I. **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 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 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 go-  
vernor

\* See act of 1796, No. 567, "to provide a fund in aid of this act." See also treaty at Colerain made in virtue thereof. Appendix page .



vernor shall be entitled to receive, on every warrant issued by him, the sum of half A. D. 1794.  
a dollar, and his secretaries half a dollar, and all grants issued in pursuance of this No. 520.  
act shall be free from State fees.

II. *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 the survey shall be made in 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 distinctly and plainly 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, her 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 years; 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, as 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.

Surveys in what order and manner to be made.

Provide.

Provide.

Head rights to be allowed.

Provide.

Surveys to be advertised.

III.



A. D. 1794.  
No. 520.

Warrants to be  
issued in place  
of the State  
troop bounties.

III. *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.

What proportion to be cultivated.

IV. *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.

V. *And be it further enacted*, That for the encouragement of persons desirous of settling on the said lands, and to extend the limits and encrease 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.

VI. *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 surveys declared void.

VII. *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 founded thereon, be, and the same and each and every of them are hereby declared to be null and void.

£20,000 appropriated to extinguish Indian claims.

Application to congress for a treaty for that purpose.

VIII. *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.

Commissioners to be appointed—their salary & that of their secretary.

IX. *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

\* Further sum appropriated by act of 1796, No. 567.



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. A. D. 1794.  
No. 520.

X. *And whereas*, the Indian claims to that tract of country called and known by Tallissee, lying between the rivers Alatomaha 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 called and known by Tallissee, be, and the same is hereby annexed and set apart 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.

The lands in Tallissee county, to be granted out in like manner. *Provido*.

XI. *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 Cusseta 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 the 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.

The lands lying between the Oconee, Appalachee and Oakmulgee rivers, laid off into districts.

XII. *And be it further enacted*, That all the district of territory called Tallissee, 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 than two deputies, and each surveyor shall be responsible for the conduct of his deputies.

Tallissee, to form another district. A surveyor to be appointed for each.

Deputies to be approved by the governor.

XIII. *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 whatever. XIV.

Fair plats of each district, to be first recorded in the surveyor general's office.



A. D. 1794.  
No. 520.  
And certain  
tracts laid out  
for public uses.

XIV. *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.*

GEORGE MATHEWS, GOVERNOR.

*December 28, 1793.*

No. 521.

*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," passed the twenty-second day of May, one thousand seven hundred and eighty-two, so far as respects the representatives of Donald M'Leod, deceased, George Weekly and Thomas Waters.*

Donald M'Leod—his representatives relieved from confiscation, and his property vested in them.

I. **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 so much of the said recited law so far as it respects the representatives of Donald M'Leod, be, and the same is hereby repealed; and all property whatsoever, which was vested in the said Donald M'Leod, at any time before the passing of such law, and which yet remains unfold, be as absolutely vested in his representatives, as if no such law had passed.

George Weekly & Thomas Waters—relieved from banishment.

II. *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.*

GEORGE MATHEWS, GOVERNOR.

*December 29, 1794.*



*An Act to authorize the raising and establishing a fire company in the city of Savannah, and one in the town of Augusta.* A. D. 1794.  
No. 522.

**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;

I. *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.

Preamble.

A fire company established in the city of Savannah.

Their officers—how elected and commissioned.

II. *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 said company, which officers shall be commissioned by his excellency the governor.

The Augusta fire company.

To be officered and commissioned in like manner.

III. *And be it further enacted,* That the officers and men of the said fire company shall be exempt from militia duty, except in times of actual invasion, insurrection or alarm.

Exempt from militia duty, except in times of actual invasion or alarm.

IV. *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 the city of Savannah.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

December 29, 1794.

*An Act to raise a tax for the support of government for the year 1795.*  
December 29, 1794.

No. 523.

*An Act for regulating the rates of coin.*

No. 524.

I. **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 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,

Coin—the rates of.

4. A.

and



A. D. 1794. and in payment of all taxes that may be laid or assessed after the present session, at  
No. 524. the rate of eight shillings\* and four pence; and all other coins in the same rate and proportion:

Provido.  
Not to affect  
prior contracts.

*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.

Nor alter the  
fees of public  
officers.

*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.*

\* See act of 1796, No. 560, directing public accounts and verdicts of juries to be expressed in dolls. cents, &c.

A. D. 1795.  
No. 525.

*An Act to secure to Reubin Coleman a tract of confiscated land lying on Little river.*

Preamble.

**W**HEREAS, the said Reubin 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 Grierson, containing the quantity of seven hundred and fifty acres, and hath since taken up his bond and mortgage, and duly paid for the said land; and the same having been so expressed by a joint resolution of the legislature at their last session:

A tract of confiscated land on Little river—vested in Reubin Coleman.

I. *Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met,* 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. south eastwardly by Joshua Sander's land, southwardly by William Lee's and Sherral's land, eastwardly by land formerly the property of the said James Grierson, lately sold to Joseph Wray, and northwardly by Little river, be, and the same is hereby vested in the said Reubin Coleman, his heirs and assigns for ever, 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 Reubin Coleman, his heirs and assigns as aforesaid.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

*January 2, 1795.*



*An Act for establishing a place for building a court house and gaol, and holding elections in the county of Bryan; and for other purposes.* A. D. 1795.  
No. 526.

**W**HEREAS, in consequence of the enlargement of the said county, it becomes necessary for the accommodation of the inhabitants thereof, that a place different from the one fixed upon by the present commissioners for building a court house and gaol, and for holding elections in the said county :

Preamble.

I. *Be it therefore enacted*, That John Michael and Stephen Denmark, be, and they are hereby appointed commissioners in addition to those already appointed under an act, entitled “ An act for laying out the several counties herein after named, for the purpose of fixing on a place for building a court house and gaol, and for holding elections in the county of Bryan,” passed at Augusta the nineteenth day of December, one thousand seven hundred and ninety-three, and that the commissioners or any four of them, do, on or before the first Monday in February next, meet and determine on a proper and most convenient place\* for the purposes aforesaid.

Commissioners added to those of the court house and gaol in Bryan.

II. *And be it further enacted*, That any determination of the commissioners heretofore appointed as aforesaid, respecting the place for building the court house and gaol, and holding elections in the said county, is hereby declared of no longer force or effect, or in any manner to operate hereafter.

Any former appointment of a place to erect them, to be of no effect.

III. *And be it enacted by the authority aforesaid*, That so much of the act passed the last session of the general assembly, so far as respects the appointing of commissioners for fixing on a spot for a court house and gaol in the county of Warren, be, and the same is hereby repealed : And that William Byrom, William Berry, John Lawson, Richard Gray and Thomas Niel, of Rocky comfort, are hereby nominated and appointed commissioners† in their room for the purposes aforesaid, and to exercise all and every power which the law had vested in those heretofore named : And that the determination of the said commissioners or a majority, shall be binding in all cases respecting the powers granted to them for fixing on a spot for erecting a court house and gaol within the said county of Warren.

New commissioners appointed in Warren.

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

GEORGE MATHEWS, GOVERNOR.

January 2, 1795.

\* The inferior court empowered to establish the permanent seat of public buildings by act of 1797, No. 578.

† Other commissioners appointed by act of 1796, No. 554.

*An Act to vest powers in the commissioners of the county of Effingham, to fix on the place for building a court house and gaol in said county.\** No. 527.

**W**HEREAS, by the late division of the county aforesaid, the courts are now held at an extreme corner of the said county ;

Preamble.

I.

\* By act of 1797, No. 587, other commissioners are appointed to fix on the permanent seat.



A. D. 1795.

No. 527.  
The commissioners of the court house and gaol in Effingham, to fix on the place for erecting them.

I. *Be it therefore enacted by the senate and house of representatives in general assembly met,* That the commissioners heretofore appointed for the purpose of fixing on the most proper place for building the court house and gaol for the said county, are hereby authorized and empowered to change and fix on the most convenient place for building a court house and gaol in said county.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

January 7, 1795.

No. 528.

*An Act for granting a certain sum of money to John Jones, and for other purposes.*

January 7, 1795.

*Private.*

No. 529.

*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."\**

Preamble.

Corporation of Savannah—its limits further defined.

**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.

Additional number of Aldermen.

II. *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.

Qualification of voters.

III. *And be it further enacted,* That the voters at elections for aldermen, shall hereafter be owners or occupiers of a lot or house in the said city or hamlets, and be otherwise qualified as voters at elections for members of the general assembly.

So much of the act of 1789 as respects the incorporation of Augusta, repealed.

IV. *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

\* See act of 1797, No. 599.



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 gaol, 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 the inhabitants thereof: *Provided*, That nothing herein contained, shall prevent the collection of the corporation tax already levied, which sums shall be deposited with commissioners aforesaid.

A. D. 1794.  
No. 529.

The books and funds thereof, to be deposited with the commissioners of the court house and gaol.

V. *And be it further enacted*, That Ambrose Gordon, Andrew Innes and James Toole, be, and they are hereby constituted and appointed commissioners of the court house and gaol for the county of Richmond, and invested with all the funds heretofore appropriated to the use of the said court house and gaol, 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 gaol.

Commissioners named and appointed.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

January 7, 1795.

\* *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 of this State, and for other purposes.*

No. 530.

**W**HEREAS, 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 United 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 secondly, 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.

Preamble.

*And*

\* This act has been declared null and void, and the original record thereof directed to be burnt by an act of the legislature, passed on the 13th of February, 1796. See No. 543.—On this proceeding, we forbear making any comment.



A. D. 1795.  
No. 530.

*And whereas*, in and by the definitive treaty of peace, signed at Paris, on the third day of September, one thousand seven hundred and eighty-three, the boundaries of the United States are established, and those boundaries which limit the westwardly and south westwardly parts of this State are therein thus defined: "Along the middle of the 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 Catahouchee; thence along the middle thereof to its junction with the Flint river; thence straight to the head of Saint Mary's river; and thence down along the middle of Saint Mary's river to the Atlantic Ocean." Which boundaries coincide with the southwardly and westwardly boundaries, recited in the land act now in force, passed at Savannah on the seventeenth day of September, one thousand seven hundred and eighty-three; and by the convention held at Beaufort, on the twenty-eighth day of April, one thousand seven hundred and eighty-seven, between this State and the State of South-Carolina; the northern boundary of the State is established, "From the mouth of the river Savannah, up the said river to the confluence of Tugola and Keowee; thence up the Tugola, and from the source thereof a due west line to the Mississippi, including islands." *And whereas*, in and by the first clause of the sixth article of the federal constitution of the United States of America, 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, by the third clause of the ninth section of the first article of the said constitution, "No *ex post facto* law shall be passed," and by the second clause of the third section of the fourth article, "the congress shall have power to dispose of and make all necessary 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."

*And whereas*, the cession made by the State of North Carolina to the United States, by them accepted on the second day of April, one thousand seven hundred and ninety, is a full acknowledgment and recognizal on their part that the several States not only have the right of pre-emption, but are in the full exercise of all territorial right within their respective limits. *And whereas*, notwithstanding the United States did, on the twenty-second day of July, one thousand seven hundred and ninety, by an act to regulate trade and intercourse with the Indian tribes, enact and declare, "That no sale of lands made by Indians, or any tribe or nation of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States," and did on the seventh day of August, one thousand seven hundred and ninety, by a treaty held at New-York, with certain Creek Indians, stipulate by the fourth article of the said treaty, that the boundary between the citizens of the United States and the Creek nation, is and shall be "From where the old line strikes the Savannah, thence



thence up the said river to a place on the most northern branch of the same, commonly called the 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 south west direction to the Tugola river; thence to the top of the Currahee mountain; thence to the head or source of the main south branch of Oconee river, called the Appalachee river; thence down the middle of the 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 line to the river St. Mary's;" and by the fifth article, "That 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:"

A. D. 1795.  
No: 530.

And finally, *whereas*, the State of Georgia aforesaid, hath by no act, or in any manner whatever, transferred, alienated or conveyed her right of soil or pre-emption in any part of the vacant territory within the limits of the said State, to the United States, the cession dated the first day of February, one thousand seven hundred and eighty-eight, offered by the State of Georgia to the United States, having been by the said United States in congress assembled, on the fifteenth day of July, one thousand seven hundred and eighty-eight, rejected, in which rejection territorial rights are declared to rest on the spirit and meaning of the confederation: *And whereas*, the said proposed cession became void, and on the part of this State, is hereby declared to be null and void to all intents, purposes and constructions.

I. *Be it therefore enacted by the senate and 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 State of Georgia aforesaid, is in full possession and in the full exercise of the jurisdiction and territorial right and the fee simple thereof; and that the right of pre-emption, to vacant and unappropriated lands lying westwardly and south westwardly of the present Indian temporary line, and within the limits of the said State, and the fee simple thereof, together with the right of disposing thereof, is, and are hereby declared to be in the State of Georgia only.

Declaration of  
the territorial  
right of the  
State.

II. And for the purpose of raising a fund for carrying this act fully into effect, *Be it enacted*, That all that tract or parcel of land including islands, situate, lying and being within the following boundaries, that is to say: Beginning on the Mobile bay, where the latitude thirty-one degrees north of the Equator intersects the same, running thence up the said bay to the mouth of lake Tensaw; thence up the said lake Tensaw to the Alabama river, including Currey's and all other islands therein; thence up the said river Alabama to the junction of the Coosa and Oakfuskee rivers; thence up the Coosa river, above the Big Shoals, to where it intersects the latitude of thirty-four degrees north of the Equator; thence a due west course to the Mississippi river; thence down the middle of the said river to the latitude of thirty-two degrees, forty minutes; thence a due east course to the Don or Tombigby river; thence down the middle of the said river to its junction with the Alabama river; thence down the middle of the said river to the Mobile bay; thence down the said

Boundary of ter-  
ritory—fold.

Mobile



A. D. 1795.

No. 530.  
To the Georgia  
Company—the  
terms and con-  
ditions thereof,  
and amount of  
consideration  
money.

Mobile bay to the place of beginning, shall be sold unto James Gunn, Matthew M'Allister, and George Walker, and their associates, called the *Georgia Company*, and their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants, for the sum of two hundred and fifty thousand dollars, to be paid in specie, bank bills of United States, and warrants for the years one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-five, drawn by the governor, the president of the senate, and speaker of the house of representatives, in the following manner, that is to say: Fifty thousand dollars to be deposited in the treasury previous to the passing of this act, and the remaining two hundred thousand dollars to be paid on or before the first day of November next.

On the perform-  
ance of certain  
conditions—the  
governor to sign  
and issue a grant  
for the same.

III. *And be it further enacted*, That whenever the said James Gunn, Matthew M'Allister, and George Walker, and their associates, or their agent or agents, shall produce to his excellency the governor, a receipt signed by the treasurer, that they have deposited the aforesaid sum of fifty thousand dollars, according to the tenor and effect of this act, it shall then be the duty of his excellency the governor, and he is hereby required to issue and sign to the said James Gunn, Matthew M'Allister, and George Walker, and their associates, their heirs and assigns, in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid tract of country, they securing the last payment of two hundred thousand dollars to the State, by a mortgage to his excellency the governor and his successors in office, on the whole of the land so granted, which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of two hundred thousand dollars, on or before the first day of November next, as aforesaid, in the superior court of any county within the State of Georgia, at the discretion of his excellency the governor, any law or usage, regulating the mode of foreclosing mortgages, to the contrary notwithstanding, and the whole sum of fifty thousand dollars deposited, shall become forfeited to and for the use of the State; and the grant to be given to the said James Gunn, Matthew M'Allister, and George Walker, and their associates, to be, and the same in that case is hereby declared to be null and void.

Land reserved  
therein for the  
citizens—how  
apportioned and  
subscribed for.

IV. *And be it further enacted*, That the said Georgia company shall reserve for and to the use of the citizens of Georgia, exclusively, the quantity of one million of acres of their purchase, in the following manner, to wit: At the expiration of three months from and after the passing of this act, a subscription book shall be opened at the treasury office of this State, and be kept open for the term of four months thereafter, for the purpose of receiving subscriptions of the citizens for the said reserve lands: *Provided*, That no person who shall otherwise become a member or interested in either of the companies herein contemplated, shall be allowed to subscribe for any-part of the said reserve land, and no person shall be permitted to subscribe for more than five thousand acres in his own name or in the name of any other citizen, unless duly authorized and appointed by him for that purpose under a warrant of attorney executed in the presence of two or more witnesses, one of whom at least shall be a justice ap-  
pointed.



pointed for holding the inferior court of the county where the subscriber resides, which said power of attorney shall be lodged with the treasurer, as his voucher for entering such subscription; *And provided also*, That the citizens of the respective counties shall not, at any time within three months from and after the opening of the book of subscriptions as aforesaid, be allowed to subscribe for more or a greater quantity of the said reserved lands, than the proportion herein after particularly described and limited, to wit: Chatham, one hundred and seventy thousand acres; Effingham, sixty-two thousand acres; Burke, one hundred and fifty-five thousand acres; Richmond, one hundred and fifty-five thousand acres; Columbia, one hundred and fifty-five thousand acres; Wilkes, two hundred and seventy two thousand acres; Washington, one hundred and thirty-one thousand acres; Elbert, one hundred and thirty-one thousand acres; Greene, one hundred and twenty-five thousand acres; Franklin, seventy-eight thousand acres; Liberty, sixty-nine thousand acres; Glynn, thirty-two thousand acres; Camden, thirty-two thousand acres; McIntosh, thirty-five thousand acres; Bryan, thirty-two thousand acres; Warren, ninety-three thousand acres; Oglethorpe, one hundred and sixteen thousand acres; Montgomery, twenty-three thousand acres; Scriven, thirty-eight thousand acres; and Hancock, ninety-six thousand acres. And it shall be the duty of the treasurer, in all cases of applications to subscribe, to require an affidavit in writing, in the following words: "I do solemnly swear or affirm, that I am in no way interested directly or indirectly, either as a member or otherwise, in any company's purchase of lands in the western part of this State, and that the subscription which I propose to enter, is in my own proper right, and to my use and benefit only." And it shall be the duty of the justice or justices of the inferior courts before whom warrants of attorney authorizing subscriptions shall be executed, to require a like affidavit on the back of such warrant of attorney, before attesting the same; and the land so subscribed and paid for shall be held by such subscribers in fee simple, as tenants in common, and not as joint tenants, on the same terms, and upon the same principles, with the original purchasers of the company in which they shall subscribe, and shall be entitled to fair and equal representation in such company, in proportion to the quantity of land so by them subscribed and paid for.

V. *And be it further enacted*, That upon entering any subscription as aforesaid, it shall be the duty of the treasurer, and he is hereby required to receive of the subscribers the purchase money, being the proportion of one fifth part of such subscription, in terms of this act, the remaining four fifths or balance of the purchase money shall within four months from and after the opening the said book of subscriptions, be paid unto the treasurer in like manner as aforesaid, and in case such balance shall not be paid on or before the expiration of the said seven months from the passing of this act, that then and in that case, the subscriber or subscribers so failing, shall be at liberty to withdraw their said subscriptions, together with the money so paid by them, and the lands so subscribed for by them shall revert to and be vested in the company in which such subscription shall have been made or entered.

VI. *And be it further enacted*, That all that tract of country, including islands, situate, lying and being, within the following boundaries, that is to say: Beginning

A. D. 1795.  
No. 530.

Provide.

Treasurer's duty in entering subscriptions.

Boundary of territory—fold.



**A. D. 1795.** on the river Mississippi, at the place where the latitude of thirty-one degrees and  
**No. 530.** eighteen minutes north of the Equator, intersects the same; thence a due east course  
 to the middle of Don or Tombigby river; thence up the middle of the said river to  
 where it intersects the latitude of thirty-two degrees and forty minutes north of the  
 Equator; thence a due west course along the Georgia company line, to the river  
 Mississippi; thence down the middle of the same to the place of beginning, shall be  
 sold to Nicholas Long, Thomas Glascock, Ambrose Gordon and Thomas Cumming,  
 and their associates, called the *Georgia Mississippi Company*, to them and their heirs  
 and assigns for ever in fee simple, as tenants in common, and not as joint tenants,  
 for the sum of one hundred and fifty-five thousand dollars, to be paid in gold or  
 silver coin, bank bills of the United States, and such warrants as are made payable  
 in the Georgia company's purchase, in the following manner, that is to say: Thirty-  
 one thousand dollars to be deposited previous to the passing of this act, and the re-  
 maining one hundred and twenty-four thousand dollars to be paid on or before the  
 first day of November next.

**To the Georgia  
 Mississippi Com-  
 pany**—the terms  
 and conditions  
 thereof, and a  
 amount of confi-  
 deration money

On the perform-  
 ance of certain  
 conditions—the  
 governor to sign  
 and issue a grant  
 for the same.

**VII.** *And be it further enacted,* That whenever the said Nicholas Long, Thomas  
 Glascock, Ambrose Gordon and Thomas Cumming, and their associates, or their  
 agent or agents, shall produce to his excellency the governor, a receipt signed by the  
 treasurer, that they have deposited the aforesaid sum of thirty-one thousand dollars  
 according to the tenor and effect of this act, it shall then be the duty of his excellency  
 the governor, and he is hereby required to issue and sign to the said Nicholas Long,  
 Thomas Glascock, Ambrose Gordon and Thomas Cumming, and their associates,  
 their heirs and assigns, in fee simple, as tenants in common, and not as joint tenants,  
 a grant for the aforesaid tract of country, they securing the last payment of one hun-  
 dred and twenty-four thousand dollars to the State, by a mortgage to his excellency  
 the governor and his successors in office, on the whole of the land so granted, which  
 mortgage shall be immediately foreclosed, in case default shall be made in the payment  
 of the said sum of one hundred and twenty-four thousand dollars, on or before the first  
 day of November next, as aforesaid, in the superior court of any county within the State  
 of Georgia, at the discretion of his excellency the governor, any law or usage, regula-  
 ting the mode of foreclosing mortgages to the contrary notwithstanding; and the  
 whole sum of thirty-one thousand dollars deposited, shall become forfeited to and for  
 the use of the State; and the grant to be given to the said Nicholas Long, Thomas  
 Glascock, Ambrose Gordon and Thomas Cumming, and their associates, as aforesaid,  
 to be, and the same in that case is hereby declared to be null and void.

Land reserved  
 therein, for the  
 use of the citi-  
 zens.

**VIII.** *And be it further enacted,* That the said Georgia Mississippi company, shall  
 reserve for the use of the citizens of Georgia, exclusively, the quantity of six hun-  
 dred and twenty thousand acres of their purchase, to be subscribed for, held and  
 appropriated on the same terms, and to be represented in like manner as the land  
 reserved by the Georgia company as aforesaid.

Boundary of ter-  
 ritory—sold.

**IX.** *And be it further enacted,* That all that tract of country, including islands,  
 situate, lying and being within the following boundaries, that is to say: Beginning  
 at the Mississippi river, where the northern boundary line of this State strikes the

same.



same; thence along the said northern boundary line, due east to the Tennessee river; thence along the said Tennessee river, to the mouth of Bear creek; thence up Bear creek, to where the parallel of latitude twenty-five British statute miles, south of the northern boundary line of this State intersects the same; thence along the said last mentioned parallel of latitude, across Tombigby or Twenty Mile creek, due west to the Mississippi river; thence up the middle of the said river to the beginning; shall be sold to John B. Scott, John C. Nightingale, and Wade Hampton, called the *Upper Mississippi Company*, and to their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants, for the sum of thirty-five thousand dollars, to be paid in specie, bank bills of the United States, and such warrants as are made payable in the Georgia company's purchase, in manner following, that is to say: Five thousand dollars, part thereof to be deposited previous to the passing of this act, and the remaining sum of thirty thousand dollars, to be paid on or before the first day of November next.

A. D. 1795.  
No. 530.

To the *Upper Mississippi Company*—terms and conditions thereof, and amount of consideration money

X. *And be it further enacted*, That whenever the said John B. Scott, John C. Nightingale, and Wade Hampton, or their agent or agents, shall produce to his excellency the governor, a receipt signed by the treasurer, that they have deposited the aforesaid sum of five thousand dollars, according to the tenor and effect of this act, it shall then be the duty of his excellency the governor, and he is hereby required to issue and sign to the said John B. Scott, John C. Nightingale, and Wade Hampton, their heirs and assigns, in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid land, they securing the last payment of thirty thousand dollars to the State, by a mortgage to his excellency the governor and his successors in office, on the whole of the land so granted, which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of thirty thousand dollars, on or before the first day of November next, as aforesaid, in the superior court of any county within the State of Georgia, at the discretion of his excellency the governor; any law or usage, regulating the mode of foreclosing mortgages, to the contrary notwithstanding, and the whole sum of five thousand dollars, deposited, shall become forfeited to and for the use of the State; and the grant to be given to the said John B. Scott, John C. Nightingale, and Wade Hampton, as aforesaid, to be and the same in that case is hereby declared to be null and void.

On the performance of certain conditions—the governor to sign and issue a grant for the same.

XI. *And be it further enacted*, That the said Upper Mississippi company shall recover to and for the use of the citizens of Georgia, exclusively, the quantity of one hundred and thirty-eight thousand acres of their purchase, to be subscribed for, held and appropriated, on the same terms, and to be represented in like manner, as herein before pointed out in respect to the lands reserved for the citizens in the Georgia company.

Land reserved therein, for the use of the citizens.

XII. *And be it further enacted*, That all that tract of land, including islands, situate, lying and being within the following boundary lines: Beginning at the mouth of Bear creek, on the south side of the Tennessee river; thence up the said creek to the most southern source thereof; thence due south to the latitude thirty-four degrees

Boundary of territory—sold.



A. D. 1795. degrees ten minutes north of the Equator ; thence a due east course one hundred and twenty miles ; thence a due north course to the Great Tennessee river ; thence up the middle of the said river to the northern boundary line of this State ; thence a due west course along the said line to where it intersects the Great Tennessee river, below the Muscle Shoals ; thence up the said river to the place of beginning, shall be sold unto Zachariah Cox and Matthias Maher, and their associates, called the *Tennessee Company*, and to their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants, for the sum of sixty thousand dollars, to be paid in specie, bank bills of the United States, and such warrants as are made payable in the Georgia company's purchase, that is to say : Twelve thousand dollars to be deposited as part thereof, previous to the passing of this act, and the remaining forty-eight thousand dollars to be paid on or before the first day of November next.

To the *Tennessee Company*—the terms and conditions thereof, and amount of consideration money.

On the performance of certain conditions—the governor to sign and issue a grant for the same.

XIII. *And be it further enacted*, That whenever the said Zachariah Cox and Matthias Maher, and their associates, or their agent or agents, shall produce to his excellency the governor, a receipt signed by the treasurer, that they have deposited the said sum of twelve thousand dollars, according to the tenor and effect of this act, it shall then be the duty of his excellency the governor, and he is hereby required to issue and sign to the said Zachariah Cox and Matthias Maher, and their associates, their heirs and assigns in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid tract of country, they securing the last payment of the forty-eight thousand dollars to the State, by a mortgage to his excellency the governor, and his successors in office, on the whole of the land so granted ; which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of forty-eight thousand dollars, on or before the first day of November next as aforesaid, in the superior court of any county within the State of Georgia, at the discretion of his excellency the governor ; any law or usage, regulating the mode of foreclosing mortgages to the contrary notwithstanding, and the whole sum of twelve thousand dollars deposited, shall become forfeited to and for the use of the State ; and the grant to be given to the said Zachariah Cox and Matthias Maher, and their associates aforesaid, to be, and the same in that case is hereby declared to be null and void.

Land reserved therein, for the citizens.

XIV. *And be it further enacted*, That the said Tennessee company shall receive for and to the use of the citizens of Georgia, exclusively, the quantity of two hundred and forty-two thousand acres, to be subscribed for, held and appropriated on the same terms and to be represented in like manner as the lands reserved by the Georgia company as aforesaid.

A further quantity reserved for certain commissioners.

XV. *And be it further enacted*, That the said Tennessee company shall reserve a further quantity of fifty thousand acres, to be gratuitously divided share and share alike, between the commissioners appointed by this State for the purpose of examining the quantity, quality and circumstances of the Great Bend of Tennessee river, which shall be held by them as tenants in common, and not as joint tenants, and be represented in like manner as the lands reserved by the other companies, for the use of the citizens, as a compensation to the said commissioners for their services rendered the State in that capacity.

XVI.



XVI. *And be it further enacted*, That all sums so paid by the citizens for lands subscribed for by them, agreeably to the terms of this act, shall be received in payment and as part of the purchase money of the said companies respectively.

A. D. 1795.

No. 530.  
Payments to be made by the citizens—how to be applied.

XVII. *And be it further enacted*, That the grants to be issued to the respective companies in virtue of this act, shall be free from all further or other expence whatsoever, the fees of office accruing upon one grant to each company excepted, which shall be to the surveyor general, three dollars; to the governor of the State, three dollars; and to the secretary of the State, three dollars; and that the lands to be granted in pursuance of this act, shall be free from taxation until the inhabitants thereof are represented in the legislature.

Officers fees on issuing the grants.

The lands to be granted—free from taxation until the inhabitants are represented.

XVIII. *And be it further enacted*, That the said grantees and purchasers of the land aforesaid, shall forbear all hostile and wanton attacks on any of the Indian tribes which may be found within the limits of this State, and keep this State free from all charges and expences which may attend the preserving of peace between the said Indians and the grantees, and extinguishing the Indian claims to the territory included within their respective purchases; *And provided further*, That this State and the government thereof shall at no time hereafter be subject to any suit at law or in equity, or claim or pretension whatever, for or on account of any deductions in the quantity of the said territory, or for or on account of the amount of the purchase money to be paid as aforesaid, by any recovery which may or shall be had on any form or other claim or claims whatever.

The grantees to forbear hostile attacks on the Indians, and indemnify the State from expences incurred in preserving peace between them.

The State not accountable for any loss or recovery on account of former or other claims.

XIX. *And be it further enacted*, That the money arising from the sale of the said territory, except what shall be appropriated to the extinguishment of Indian claims as herein after expressed, shall be vested in six *per cents.* or such other stock in the funds of the United States as may be directed by this or a future legislature, and the interest arising thereon, or so much thereof as may be necessary, shall be applied to the payment of the civil establishment and contingent expences of the government of this State.

The money arising from the sale—how to be appropriated.

XX. *And be it further enacted*, That immediately after the Indian claims to the land lying between the Oconee and Oakmulgee rivers, including that tract of country lying east of a line to be drawn from the place called Fort Romulus, on the Oakmulgee river, to the head of St. Mary's river, or the northern extremity of the Akinfonoka swamp, may be extinguished, the grantees of the several companies and their associates are hereby authorized to apply to the government of the United States for their concurrence in extinguishing the Indian claims to the different tracts of country by them severally hereby purchased, or as much thereof as to them may seem practicable, which extinguishment of claims to the lands so purchased, shall be at the proper expence of the respective companies, and within five years thereafter the said companies shall severally form settlements on the lands where the claims may be so extinguished, or forfeit the further sum of five thousand dollars for each company so failing.

The companies, in what manner to obtain the extinguishment of Indian claims.

And when to form settlements on the lands.

XXI. *And be it further enacted*, That the sum of ten thousand dollars, part of the first payment to be made by the companies aforesaid, shall be, and the same is hereby declared to be appropriated and set apart for the purpose of extinguishing the Indian

An additional sum appropriated for extinguishing Indian claims.



A. D. 1795. Indian claim in addition to the twenty thousand dollars appropriated 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."

No. 530.

The said territory—not to be conveyed to any foreign power.

XXII. *And be it further enacted*, That the several grantees and their associates, shall not be entitled to dispose of the said territory in part or in whole, in any way or manner to any foreign king, prince, potentate or power whatever, which condition shall be specially expressed in the face of the grant.

The lands adjoining and between the company purchasers—reserved for the use of the State.

XXIII. *And be it further enacted*, That all the lands lying westward and southward of the eastern boundary of the several company purchases and not included therein, estimated at one fourth of the whole lands lying westward and southward of the eastern boundary of the said purchases, and supposed to contain seven millions two hundred and fifty thousand acres, shall be, and the same is hereby declared to be reserved and set apart to and for the use and benefit of this State, to be granted out or otherwise disposed of as a future legislature may direct.

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

GEORGE MATHEWS, GOVERNOR,

January 7, 1795.

No. 531.

*An Act regulating the admission of attornies to the practice of the law in this State, who may have been practitioners or residents in other States, or inhabitants of this State.*

Preamble.

**W**HEREAS, many inconveniences attending the present mode of admitting attornies at law, who come from other States to the practice of this State, on account of the previous residence of two years being required, before such attornies 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;

Attornies at law from other States—how to be admitted to practice in this.

I. *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 admission of attornies, be admissible to the practice in all the courts of law and equity in this State, without being required to have resided two years within the limits thereof, previous to such admission: And the several judges of the said superior courts are hereby required to admit them accordingly, any law, usage, practice or custom to the contrary thereof notwithstanding.

Actual residence necessary.

II. *Provided always nevertheless*, That no attorney or attornies, shall be allowed to practice in the courts of this State as aforesaid, unless he or they do actually reside within the limits of the same: *Provided also*, That such applicants from other States,

Provifo.

shall,



shall, previously to their admission in the State, produce to the judge or judges of the superior courts of this State, a certificate of his regular admission to the superior courts in the State from which such applicants may come; together with a certificate of his fair, moral and professional character, duly certified under the seal of the State, where he shall have been so admitted; and shall also undergo a strict examination as to his professional abilities, before a judge or judges of the superior courts.

A. D. 1795.  
No. 531.  
Certain additional requisites.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

January 7, 1795.

*An Act granting certain sums of money to Nathaniel Cocke and Philip Clayton, and for other purposes.* No. 532.

January 7, 1795.

*Private.*

*An Act appropriating money for the year 1795, and for other purposes.* No. 533.

XIII. \* **B**E it enacted, That any foreigner first becoming a resident of this State, may by deed or will hereafter to be made, take and hold land within this State, in the same manner as if he was a citizen of this State; and the same land may be conveyed by him and transmitted to, and be inherited by his heirs or relations as if he and they were citizens of this State; *Provided*, That no foreigner shall in virtue hereof be entitled to any further or other privileges of a citizen: *And provided*, That nothing herein contained shall extend or be construed to extend to authorize the governor to grant lands to any other than citizens of this or the United States.

Foreigners becoming residents, may hold real estate.

*Proviso.*  
Entitled to no further privileges of a citizen.  
Lands cannot be granted to them.

*All the rest obsolete.*

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

BENJAMIN TALIAFERRO, *President of the Senate.*

GEORGE MATHEWS, GOVERNOR.

January 7, 1795.

\* Repealed by act of 1796, No. 561.

*An Act to organize the militia in the several new counties in this State, and for other purposes.* No. 534.

**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 commands in another, for remedy whereof, *Be it enacted by the senate and house of representatives in general assembly met, and by the authority of the same*, That the commissions

*Preamble.*

All the militia commissions within the new counties, rendered void.

fions.



A. D. 1795.

No. 534.

The governor to  
organize the mi-  
litia therein, a-  
greeably to law.

fions 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."

New commissi-  
ons, how to bear  
date.

II. 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, *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.

Additions to  
certain brigades

III. *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 o-  
ther brigades.

IV. *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.

Counties not hav-  
ing more than four  
companies, to be  
commanded by a  
major.

V. *And whereas*, the militia law 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 no more than four complete companies in any county, they shall be commanded by a major and not by a lieutenant colonel commandant.

Colonels com-  
missions—how  
to be made out.

VI. *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 commission from an old county heretofore granted, he will commission them in like manner, taking special care to preserve the original date in such renewed commissions; any law to the contrary notwithstanding.

Ministers ex-  
empt from mi-  
litia duty.

VII. *And be it further enacted*, That all ministers in orders, be, and they are hereby exempted from all duties required by the several militia laws of this State.

VIII.



VIII. And 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.

January 8, 1795.

A. D. 1795.

No. 534<sup>#</sup>  
Repealing clause.

*An Act for the government of servants, not slaves, imported or migrating into this State.*

A. D. 1796.

No. 535.

**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 charges 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.

Preamble.

*And whereas,* it has happened on such arrival, disputes have arisen between such persons 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,

I. *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 country 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 an 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 servants be of the age of nineteen years, they shall not be indented for a longer term than five years, and if under that age, for a longer period than their arrival at the age of twenty-four years; and if at the age of fourteen,

Contracts with white servants: in what manner to be carried into effect.



A. D. 1796. until they arrive at the age of twenty-one years; and the said magistrates are also  
 No. 535. hereby empowered to decide on the age of such servants, and bind them accordingly; which decision shall be entered up of record, with such order, in the clerk's office of the said inferior court.

Indentures made  
 in other coun-  
 tries, binding in  
 this.

II. *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.

III. *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:

White servants:  
 how to be treat-  
 ed.

*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 hearing 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 masters or owners 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 they were originally indented for, by an order entered as aforesaid on the court books.

Contracts with  
 them for further  
 service—how to  
 be made.

IV. *And be it further enacted*, That no master or owner of any servant shall, during the time of such servants 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



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 becomes 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.

A. D. 1796.  
No. 535.

Owners, not to permit them to become chargeable to the public.

V. *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 clothed when discharged.

VI. *And be it further enacted*, That all servants imported or migrating, and indentured 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 servants may be so assigned, shall be subject to the clauses and provisos 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.

In what manner they may be transferred.

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

Coucurred February 6, 1796.

JARED IRWIN, GOVERNOR.

*An Act incorporating the grand lodge of the State of Georgia.*

No. 536.

**W**HEREAS, William Stephens, grand master, James Jackson, past grand master, William Stith, deputy grand master, James Box Young, senior grand warden, Edward Lloyd and Belthazer Shaffer, past grand wardens, Ulrich Tobler junr. 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

Preamble.



A. D. 1796. which, is charity and universal benevolence; to the end therefore, that charitable  
No. 536. 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, incor-  
porated.

I. *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 political 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 by-laws, as may be agreed on by the members of the same: Provided, such by-laws be not repugnant to the laws or constitution of this State or the United States.*

Their powers &  
privileges.

II. *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.*

Other lodges in-  
corporated.

III. *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 by-laws of the same, and no longer.*

Public act.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 6, 1796.

JARED IRWIN, GOVERNOR.

No. 537. *An Act to appropriate monies in favor of the guard, ordered by concurred resolution, for the protection of the treasury.*

February 8, 1796.

An



*An Act for laying out a new county from that part of Scriven that lies south of Ogechee river and part of Bryan county.* A. D. 1796.  
No. 538.

I. **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 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 Latt'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*.

A new county laid out, from Scriven & Bryan.

Its boundary.

Called *Bullock*.

II. *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.

The dividing line—how to be run.

III. *And be it further enacted*, That Drury Jones, John Mikell and Israel Bird, be, and they are hereby appointed commissioners for fixing on a proper place to erect a court house and gaol for the said county within five miles of the center of the said county; and until such public buildings are completed, the courts of the said county shall be held at the house of Stephen Milles.

Commissioners of the court house and gaol appointed.

Courts, where to be held in the mean time.

IV. *And be it further enacted*, That the county of *Bullock* shall be allowed one \*member to represent it in the house of representatives, out of the number allowed for the county of Bryan.

The county of *Bullock*, entitled to one representative.

V. *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 gaol within the same.

The inferior court, to levy a county tax.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 8, 1796.

JARED IRWIN, GOVERNOR.

\* Representation to be according to enumeration. See const. of 1798.

*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.* No. 539.

**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,

Preamble.

Wright,



A. D. 1796. 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.

Vested in Nichol Turnbull, for 10 years.

Subject to certain regulations

Rates of ferriage.

Penalty for delay of passengers

Certain exemptions from ferriage.

I. *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.

II. *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 ferry boat or boats fit to carry six horses at the least; and one white man and 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.

III. *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 persons 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.

IV. *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.

V.



V. *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 forfeit the sum of eight dollars for every day he or they shall neglect to make good such insufficiency or damage: 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.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 8, 1796.

JARED IRWIN, GOVERNOR.

A. D. 1796.

No. 539.  
Certain commissioners to superintend the same.

*An Act to divide the county of Franklin.*

No. 540.

I. **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 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 county lying and being southwardly of the aforesaid line, shall be included and comprehended in the county of Jackson; and the remaining part of the said county shall retain the name of Franklin.

A new county laid out from Franklin.

Called *Jackson*.

Its bounkary.

II. *And be it further enacted by the authority aforesaid*, That John Barnett, Joseph Humphries, Augustine Blackburn, Roderick Easley, and Daniel W. Easley, 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 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 hereby authorized and empowered to contract with fit and proper persons for the purpose of building a court house and gaol 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 the said county shall be held at the house of Daniel W. Easley.

Commissioners of court house & gaol, appointed.

Courts and elections—where to held in the mean time.

III.

\* Other commissioners appointed by act of 1798, No. 620.



A. D. 1796.

No. 540.

Inferior court, to  
levy a county tax

III. *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 gaol as aforesaid; which shall be done in such manner, as in the judgment of the court shall be least burthensome to the inhabitants.

The lines—how  
to be run.

IV. *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.

Jackson county  
entitled to one  
representative.

V. *And be it further enacted,* That the said county of Jackson be allowed one\* representative in the State legislature, to be taken from the representation allowed by the constitution to the county of Franklin.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred February 11, 1796.

JARED IRWIN, GOVERNOR.

\* Representation to be according to enumeration. See constitution of 1798.

No. 541.

*An Act for opening and keeping open the river Oconee.*

February 11, 1796.

*Re-enacted with alterations by act of 1797, No. 602.*

No. 542.

*An Act to establish an inspection of tobacco on Savannah river, at the mouth of Cold Water creek.*

Tobacco inspec-  
tion at Cold  
Water creek,  
Elbert.

I. **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 it shall and may be lawful for an inspection of tobacco to be opened at the mouth of Cold Water creek, in Elbert county, on the land of John Cunningham, which said inspection 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.

John Cunning-  
ham proprietor.

II. *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 em-  
powered to coo-  
per tobacco.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 11, 1796.

JARED IRWIN, GOVERNOR.

An



*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 laying within the boundaries therein mentioned.\*

A. D. 1796.  
No. 543.

**W**HEREAS, the free citizens of this State, or in other words the community 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 or their representatives to resist, and to restore the rights of the community so usurped and infringed. Preamble.

*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 expressed 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 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

4 D

opposed

\* The effect or operation of this act, being, in our opinion, a judicial question, we shall not presume to offer any comment.



A. D. 1796. No. 543. 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, and 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 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, or the foundation of the people: it receiving all its force and power from their hands as 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 chuse 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



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.

A. D. 1796.

No. 543.

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 members of the legislature for "the good of the State," which must have 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.



A. D. 1796. 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.  
No. 543.

*And whereas,* the said usurped act passed on the seventh day of January, one thousand seven hundred and ninety-five, is also repugnant to the afore recited sixteenth section, in as much as it is repugnant 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 laying 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 secondly, 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



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 hereby 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 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 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 laying between the said river St. Mary's and the Alatomaha, 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 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 cession 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, 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 Tugaloo or Keowee, and from thence to the most northern branch or stream of the said river Tugaloo, till it intersects the north boundary line of South Carolina, if the said branch or stream of Tugaloo extends so far north, reserving all the islands in the said rivers Savannah and Tugaloo to Georgia; but if the head spring or source of any branch or stream of the said river Tugaloo does not extend to the north boundary of South Carolina, then a west line to the Mississippi."

*And*

A. D. 1796.

No. 543.



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*And whereas*, until the formation of the confederation, there could possibly belong 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, 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 one, 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 petitions 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 this 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 meriting 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 self evident proof of fraud, arising from the rejection of eight hundred thousand dollars,



dollars, and the acceptance of five hundred thousand dollars, as the consideration money for which the said territory was sold; that fraud and corruption were practised to obtain the said act and grants, and that a majority of those members of the legislature who voted in favor of the aforesaid act, were engaged in the purchase; and a majority of one vote only appeared in favor of the said usurped act in the 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.

A. D. 1796.  
No. 543.

I. *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 treaty of the United States to enable the State to purchase under its pre-emption right the Indian title to the same.

The act for disposing of part of the western territory, and the grants &c. founded thereon, declared to be *ipso facto* null & void.

II. *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 the 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

The same to be expunged from the public records.



A. D. 1796. this act, if any clerk of a county, notary public, or other officer keeping record, shall  
No. 543. 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 whereof 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.

Neither the law, grants or other papers relative thereto shall be received as evidence to establish a right to any part of the said territory.  
Proviso.

III. *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 pretended sales by the original pretended purchasers or persons claiming and selling by and under them.

The monies paid into the treasury—in what manner to be returned.

IV. *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 expences for the 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 derelict, and escheated to and for the use of this State.

If not applied for—at what time the same to become derelict & escheated to the use of the State.

The right to extinguish the Indian title, or to apply to the general government for that purpose, declared to be vested in the people & government of this State.

V. *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 house of senate or 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 hereby also 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



whom the right of pre-emption to 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. A. D. 1796. No. 543.

VI. *And be it further enacted*, That in order to prevent future frauds on individuals as far as the nature of the case 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. This law—how to be promulgated.

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

Concurred, February 13, 1796.

JARED IRWIN, 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.* No. 544.

**W**HEREAS, 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 contained: *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; Preamble.

I. *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, 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. The executors of Daniel Grant—authorized to carry his will into effect; and certain negro slaves liberated.

II *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, Betsy, 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, Betsy, Anthony and Peggy, to be for ever manumitted, emancipated and freed, and capable of enjoying all the rights and privileges of citizenship; and the In pursuance of Anthony Hayns will,



A. D. 1796. No. 544. 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, Billy, Sylvia, Francis, John, Polly, Richard, Betfy, Anthony and Peggy, certain lands and other property therein specified;

*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.

Certain negroes emancipated.

*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, Betfy, 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.

Certain property vested in them.

III. *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, Betfy, Anthony and Peggy, is hereby declared to be vested and confirmed in them and their heirs and assigns for ever, agreeably to the true intent and meaning of the said will.

Reubin & John Going, enabled to hold property

IV. *And be it further enacted*, That Reubin 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.

Proviso.

*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.

No. 345.

*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 to 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.*

Preamble.

**W**HEREAS, it is represented to this general assembly, that the lot holders on 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



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, A.D. 1796.  
No. 545.

I. *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, in the year of our Lord 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 gaol in the said town.

Augusta. Broad street—how to be made uniform.

*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 center line of the said town, and distant from each other, for houses of public worship: *And whereas,* the same hath not been fully carried into effect, and inasmuch as the free and uncontrouled exercise of religious worship is among one of the greatest blessings which a free people can enjoy,

II. *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 for ever, the aforesaid lot of ground for the sole use of the aforesaid institution.

A lot to be set apart for a house of public worship.

Vested in trustees of Augusta meeting house.

III. *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.

Incorporated.

IV.



A. D. 1796.

No. 545.  
Vacancies, how  
to be filled.

IV. *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 by their own body, until the meeting of the next legislature thereafter.

Trustees of Augusta—empowered to establish a lottery, for erecting piers in the river.

V. *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 on account of 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 erecting and 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 Cumming's appointment as trustee, confirmed; 3 others appointed.

VI. *And be it 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, Esqrs. 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.

No. 546.

*An Act to repeal 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 John Mulryne Tattnall.*

February 18, 1796.

No. 547.

*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.*

Stephen Powell  
--exclusive right  
of erecting a  
bridge over O-  
gechee.

I. **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.

II.



II. *And be it further enacted by the authority aforesaid,* That in case the said 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 re-building) 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. A. D. 1796.  
No. 547.  
How to be forfeited.

III. *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 and horse, six and one-fourth cents; for a 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-fourths cents; for all black cattle per head, one cent; for hogs, sheep and goats, one cent and no more. Rates of toll received.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 18, 1796.

JARED IRWIN, GOVERNOR.

*An Act to extend the authority of the mayor and aldermen of Savannah to have jurisdiction of civil causes to a certain amount.* No. 548.

**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: Preamble.

I. *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 and perform the sentence of the court at the trial of the appeal; Corporation of Savannah--their jurisdiction extended to the trial of civil causes to a certain amount.



A. D. 1796. appeal; and all appeals from the decision of the said courts shall be tried on the next  
No. 548. court day succeeding such trial by a jury of seven men, whose verdict shall be final.

The manner of  
drawing & im-  
panneling jurors

II. *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 jurors, 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 execution for such fines, and cause the goods of the person incurring such fines to be sold by virtue thereof.

Mode of pro-  
ceeding.

III. *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, to issue a warrant 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.

How to proceed  
on charges of a  
criminal nature.

IV. *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 gaol, 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.

To be governed  
by the judiciary  
laws; and be a  
court of record.

V. *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.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Coucurred, February 18, 1796.

JARED IRWIN, GOVERNOR.

No. 549. *An Act to pardon William Lejeau, under sentence of death in the county of Chatham, and for other purposes therein mentioned.*

February 18, 1796.

*Private.*

No. 550. *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.*

February 18, 1796.

*Private.*

*An*



*An Act to appropriate the vacant lots in the town of Ebenezer, for the purposes of erecting a court house and gaol, and for the support of an academy in the said town, and to appoint commissioners for the same.* A. D. 1796.  
No. 551.

I. **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. Neidlinger, Jonathan Rawhn, Elias Hodges and John Martin Dasher, shall be, and they are hereby appointed commissioners for the town and common of Ebenezer, in the county of Effingham; and that 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.

Commissioners of Ebenezer appointed.

A plan of resurvey of the town to be recorded in the surveyor general's office.

II. *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 gaol 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 gaol as aforesaid.

Empowered to sell certain lots.

The monies to be applied to the use of the court house and gaol and academy.

III. *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 aforementioned.

To account with the treasury.

IV. *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:

To give bond and security and be sworn.

"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."

The oath.

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

Concurred, February 18, 1796.

JARED IRWIN, GOVERNOR.

An.



A. D. 1796. *An Act to divorce or separate Ichabod Bulkeley and Margaret his wife, and for protecting each of them in their respective estates.*

No. 552.

February 18, 1796.

*Private.*

No. 553.

*An Act to relieve the heirs of Francis Maria Loys Dumoufay de la Vave, the heirs of Hyacinth de Chapadelane and Christopher Poulain Dubignon.*

Preamble.

**W**HEREAS, it hath been represented to this general assembly, that Nicholas Francis Mazon de la Ville Houchet, a Frenchman, late of the county of Glynn, in this State, purchased at tax collectors sales the island called Jekyl, on the sea coast; in the county and State aforesaid, that he afterwards sold and conveyed 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:

In what manner to establish certain lost deeds for lands on Jekyl island.

I. *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 were lost in manner herein before recited, then the judge shall direct the clerk, by an 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 the said



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. A. D. 1796.  
No. 553.

*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 in this law mentioned, or the right of any other person or persons whatsoever. Proviso.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 19, 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.*

No. 554.

**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, 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 Pigg's old field; thence in a direct line to Ballard's mill; thence in a direct line to the Chickasaw bridge or ford on Brier creek; thence up the stream of the said creek to Harris's bridge; thence in 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 Williamson's swamp; thence across said swamp in a direct line to where the Sunbury road strikes the Montgomery line; thence down the said road to the Hurricane; thence along the said Hurricane eastwardly to Williamson's swamp; thence down the said swamp to Reubin Hargrove's bridge, the place of beginning; which county shall be called and known by the name of *Jefferson*. A new county laid out of Burke & Warren.  
Its boundary.  
Called *Jefferson*.

II. *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 herein 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 expence thereof, as well as for the building a court house and gaol in the said county; which tax shall not exceed one sixth part of the general tax of the said county. The lines to be run.

III. *And be it further enacted*, That Michael Shelman, John M. Sterret, Chesley Bostwick, junior, John Barron and John Parsons, shall be, and they are hereby appointed commissioners for erecting a court house and gaol as aforesaid; which said commissioners or a majority of them, shall have full power to contract for the building and completing the same. Commissioners of the court house and gaol.

IV. *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 gaol of said county do at present stand. Washington co. — Sandersville, seat of public buildings.



A. D. 1796.

No. 554.  
Jefferson. Courts  
and elections to be  
held in Louisville.

Entitled to one  
representative.

Warren county  
—other com-  
missioners ap-  
pointed.

A new county  
to be laid out of  
Wilkes.  
Its boundary.

Called Lincoln.

Commissioners  
of court house  
and gaol.

Courts—where  
to be held.

Inferior court—  
to levy a county  
tax.

V. *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.

VI. *And be it further enacted*, That the said county of Jefferson, shall be allowed one\* member to represent it in the general assembly, to be taken from the county of Warren.

VII. *And be it further enacted by the authority aforesaid*, That so much of the act passed the last session of the general assembly, so far as respects the appointing of commissioners for fixing on a spot for a court house and gaol in the county of Warren, be, and the same is hereby repealed; and that Stephen Mitchel, John Watson, Solomon Slatter, Jesse Bunkley and Adam Jones, are hereby nominated and appointed commissioners in their room for the purpose aforesaid, and to execute all and every power which the law hath vested in those heretofore named; and that a determination of the said commissioners or a majority, shall be binding in all cases respecting the powers granted to them for fixing on a spot for erecting a court house and gaol within the said county of Warren; and that the courts and elections of said county be at the house of Sterling Gardner, until the public buildings be completed as aforesaid; any law to the contrary notwithstanding.

VIII. *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*.

IX. *And be it further enacted*, That Henry Ware, Thomas Commander Ruffel, John Walton and Thomas Murray† be, and they are hereby appointed commissioners for fixing on a proper place for building a court house and gaol for said county of Lincoln, which shall be as nearly in the center thereof as possible; and until such public buildings are completed, the courts for said county shall be held at the house of Joseph Stovall, on Soap creek.

X. *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 said county of Lincoln; which tax shall not exceed one half the general tax; and the said justices are hereby further 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 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.

XI.

\* Representation to be according to enumeration. See constitution of 1798.

† Other commissioners appointed by act of 1798, No. 620.

‡ See act of 1796, No. 555, respecting county tax.



XI. *And be it further enacted*, That all suits that have been commenced in the county of Wilkes, where the defendant shall be an inhabitant of said county of Lincoln, shall be removed to said county of Lincoln, without any additional costs, so soon as the courts for said county shall be properly organized.

A. D. 1796.

No. 554.  
Suits against persons therein, how to be disposed of.

XII. *And be it further enacted*, That the said county of Lincoln shall be allowed one\* member to represent them, out of the number allowed by the constitution to the county of Wilkes.

Entitled to one representative.

XIII. *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 allowed 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.

The lines—how to be run.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 20, 1796.

JARED IRWIN, GOVERNOR.

\* Representation to be according to enumeration. See constitution of 1798.

*An Act for building and keeping in repair the court houses and gaols in the respective counties within this State, and for the support of the poor.*

No. 555.

**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 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 gaol, 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, whipping-post and stocks.

Court houses, gaols &c.—the building and keeping them in repair, under the direction of the inferior courts.

II. *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 gaolers and the state of gaols in their respective counties, and on neglect of duty to cause such gaolers to be removed by an order to the sheriff for that purpose; and the said courts shall also 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 gaols or for any other county purposes 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

They have also the superintendence of the state of the gaols, conduct of gaolers, and the recovery of all county monies.

the



A. D. 1796. 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 gaols.

The inferior courts empowered to levy a county tax for the use of court houses & gaols, the poor, and building bridges

III. 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 fines 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 & forfeitures and monies arising from sales of estrays to be appropriated in like manner.

IV. *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 monies 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 gaols, or to the support of the poor and building bridges, at the discretion of such courts.

Bryan county the place for erecting the court house and gaol.

V. *And be it further enacted*, That from and after the passing of this act, the place for erecting a court house and gaol in the county of Bryan, shall be at the cross roads about two miles from the Ogechee bridge, and until the same can be completed, the courts shall be held at the White oak plantation.

All former laws authorizing the county courts to levy county tax, repealed.

VI. *And be it further enacted*, That all laws, or parts of laws, clause or clauses, heretofore made, or such parts 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 effect any law appointing the mayor or aldermen of the city of Savannah, commissioners of the court house and gaol in the said county.

Proviso.  
This act not to affect the county of Chatham.

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

Concurred, February 21, 1796.

JARED IRWIN, GOVERNOR.

No. 556.

*An Act for the inspection of cotton.*

February 21, 1796.

*Repealed by an act of 1796, No. 576.*

*An*



*An Act for licensing and regulating pedlars in this State.*

A. D. 1796.

No. 557.

**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,

I. *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 as aforesaid, 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 pedler as aforesaid, on their severally paying into the treasury, annually, the sum of seven hundred dollars.

Pedlars—*not to sell without license.*

II. *Be it further enacted,* That if any person or persons whatever 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 therefor.

III. *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 at the next court to which such writ is returnable.

How to be recovered.

IV. *And be it further enacted,* That this act shall not take effect until the first day of June next.

Public act.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 21, 1796.

JARED IRWIN, GOVERNOR.

*An Act to raise money for the purpose of opening and extending the navigation of Savannah river, from the town of Augusta to Lightwood Log creek, and Broad river, from its mouth to the South fork.*

No. 558.

**W**HEREAS, the extension of the navigation of Savannah river will greatly increase the value of landed and other property lying on or contiguous thereto, and is a business well meriting legislative aid;

Preamble.

I. *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 lottery be, and is hereby allowed and authorized, to consist of two classes, to be known as first and second class, which said lottery shall be managed and drawn under the direction of Benjamin Taliaferro, Robert Watkins, of Petersburg, Oliver White, William Barnet and Memory Walker, who are hereby appointed commissioners for that purpose.

Lottery authorized--managers named.

II.



A. D. 1796.

No. 558.  
To improve the  
navigation of  
Savannah river.

The monies to  
be deposited in  
the treasury.

Commissioners  
appointed—to  
give bond.

II. *And be it further enacted*, That all the money arising from the said lottery, after deducting the expences attending the drawing thereof, amounting to the sum of four thousand dollars, be, and the same is hereby appropriated to, and for the use of opening and clearing the river Savannah, and extending the navigation thereof from the town of Augusta to the mouth of Lightwood Log creek, and Broad river, from its mouth to the South fork.

III. *Be it further enacted*, That the commissioners aforesaid shall, within sixty days after the drawing of the said lottery is completed, deposit the aforesaid sum of four thousand dollars, after deducting expences, in the office of the treasurer, from whence the same shall be drawn from time to time by the commissioners herein after appointed (or a majority of them) for the purpose of superintending and managing the opening and clearing the aforesaid rivers, by an order from his excellency the governor.

IV. *And be it further enacted*, That Elijah Owens, Thomas C. Russell, Robert Thompson, Thomas Gilmer, Reubin Jordan and Jesse Saunders be, and they are hereby appointed commissioners for the purpose of superintending the opening and clearing the aforesaid rivers Savannah and Broad river; who shall, previous to their entering on the duties of their appointment, enter into bond with sufficient security, each in the sum of two thousand dollars, conditioned for the faithful performance of their duty, and a due and proper application of all monies that may come into their hands for the purposes aforesaid.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 21, 1796.

JARED IRWIN, GOVERNOR.

No. 559.

*An Act for appointing commissioners for ascertaining the boundaries of the towns and commons of Brunswick and Frederica, in the county of Glynn.*

Commissioners  
of Brunswick—

Their powers.

A plat of resurvey  
to be recorded in  
the surveyor gene-  
ral's office.

Owners to be  
notified in a  
public gazette.

I. **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, 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 upon record.

II. *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



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 acerue in laying out and ascertaining the same.

A. D. 1796.  
No. 559.

III. *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.

The monies—  
how to be applied.

IV. *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.

The common may be leased.

V. *And be it further enacted*, That John Cooper, William M'Intosh, James Harison, 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.

VI. *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 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.

Persons attempting to survey the town common of Brunswick & Frederica, subject to fine.

Surveys thereof, declared void.

VII. *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.

Repealing clause.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 21, 1796.

JARED IRWIN, GOVERNOR.

An

\* The commissioners authorized to sell a part of the town common by act of 1797, No. 606.



A. D. 1796. *An Act to regulate the manner of keeping public accounts within this State.*  
No. 560.

Public accounts  
—when to be ex-  
pressed in dol-  
lars &c.

I. **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 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 milles or thousandths; a dime being the tenth part of a dollar, a cent the hundredth part of a dollar; a mille the thousandth part of a dollar.

Verdicts of ju-  
ries—to be ex-  
pressed in like  
manner.

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

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

Concurred, February 22, 1796.

JARED IRWIN, GOVERNOR.

No. 561. *An Act to repeal a clause of an act, entitled “An act appropriating money for the year one thousand seven hundred and ninety-five.”*

That clause of  
the act of 1795,  
empowering fo-  
reigners resid-  
ing in this State  
to hold land, re-  
pealed.

I. **B**E it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That so much of the act entitled “An act appropriating monies for the year one thousand seven hundred and ninety-five,” as is contained in a clause thereof, in the words following, to wit: “*Be it enacted*, That any foreigner first becoming a resident of this State, may by deed or will hereafter to be made, take and hold lands within this State in the same manner as if he was a citizen of this State, and the same lands may be conveyed by him, and transmitted to, and be inherited by his heirs and relations as if he and they were citizens of this State; *Provided*, That no foreigner shall, in virtue hereof, be entitled to any further or other privileges of a citizen; *And provided*, That nothing herein contained shall extend or be construed to extend to authorize the governor to grant lands to any other than citizens of this or the United States;” be, and the same is hereby repealed.

The laws prohi-  
biting them, de-  
clared to be in  
force.

II. *And be it further enacted*, That the laws heretofore of force, prohibiting foreigners from holding real estate, shall be considered and are hereby declared to be of full force, power and effect.

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

Concurred, February 22, 1796.

JARED IRWIN, GOVERNOR.



*An Act to organize the militia in the several new counties of this State.* A. D. 1796.  
No. 562.

I. **B**E 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-two.

The commissions of officers in the new counties made void.

The governor to organize the militia in those counties.

II. 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.

The new counties added to certain brigades.

III. 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 their 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.

Negroes or colored free persons from the West India or Bahama islands—in what manner to be treated

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 22, 1796.

JARED IRWIN, GOVERNOR.

*An Act to raise a tax for the support of government for the year one thousand seven hundred and ninety six.* No. 563.

February 22, 1796:

*An Act to vest further power in the inferior courts of this State, respecting the fees of sheriffs and gaolers.* No. 564.

**W**HEREAS, sundry applications are yearly made to the legislature of this State, by sheriffs and gaolers, for fees which are unpaid, and which greatly impede the progress of legislative deliberations,



A. D. 1796.

No. 564.

The inferior courts, required to levy county tax to defray gaolers fees and other expences attending prisoners.

I. *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 gaolers 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 gaol 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.

No. 565.

\* *An Act authorizing certain persons herein mentioned, to erect toll bridges over Little river, and other water courses within this State.*

The right of a bridge across Little river—vested in Nath. Durkee, for ten years.

Rates of toll.

I. **W**HEREAS, it hath been represented that a permanent establishment of bridges over the following water courses, to wit: Little river, Little Ogeechee, Buckhead, Brier creek and the Beaverdam creek, is absolutely necessary; *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 Nathaniel Durkee be, and he is hereby authorized to erect a bridge across Little river, at Ray's mill, and to keep the same in repair for the term of 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, *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.

The right of erecting other toll bridges—vested in several persons.

Rates of toll.

II. *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 Beaverdam creek, on the road leading from Savannah to Augusta; William Pope, across Buckhead creek, on the road leading from Savannah to Louisville; Robert Donaldson, across Little Ogeechee, on the road leading from Savannah to Louisville; and Henry Joyce, across Brier creek, at his own house; and James Rawles, across Brier creek, at Walker's bridge.

III. 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

\* Repealed by an act of 1797, No. 601, except as to the bridge over Beaverdam, and Little river.



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 a chair and horse, twelve and an half cents; for a phaeton or coach and team, twenty-five cents; for each hog and sheep, one cent; and for black cattle, each two cents.

A. D. 1796.  
No. 565.

IV. *And be it further enacted*, That John Raford be empowered to build a toll bridge over Big Ogechee, at Fletcher's island, where the road leading from Greenborough to Savannah crosses the said river, under the same rules and regulations as the bridge across Little river.

Another across Big Ogechee—vested in John Raford.

V. *And be it further enacted by the authority aforesaid*, That the justices of the inferior court of the county of Effingham and their successors in office be, and they are hereby empowered to erect and keep a toll bridge on Big Ebenezer creek, where the road leading from Savannah to Augusta crosses the same, for the term of ten years, and to take, demand and receive of passengers or travellers, the following rates, to wit: For every single horse chair with one person, twenty-five cents; for every phaeton and two horses, with two persons, fifty cents; for every close carriage with two horses and two persons, fifty cents; for every horse exceeding two in any carriage, six and a quarter cents; for every single person exceeding two in such carriage, six and a quarter cents; for every man and horse twelve and an half cents; for every foot passenger, six and a quarter cents; for every loaded waggon and team, thirty-seven and an half cents; for every empty waggon twenty-five cents; for every loaded cart and team, eighteen cents; for every empty cart and team, twelve and an half cents; and the monies arising from such rates shall be applied by, and under the direction of the justices of the inferior court aforesaid, towards building and keeping in good repair the said bridge and causeway, as far as necessary; and the overplus, if any, shall from time to time be applied towards the support of the poor for the said county; which justices shall make yearly returns to the treasurer, of the receipts and expenditures at the said bridge and causeway. *Provided*, That the persons named in the aforesaid act shall give bond, with approved security, to the justices of the inferior court in their respective counties, in a sum not exceeding five hundred dollars, to complete the same within twelve months after the passing of this act, and keep the same in good repair for the term specified in the said act.

The inferior court of Effingham—empowered to erect a bridge across Ebenezer creek.

Rates of toll.

The persons named, to give bond and security to complete the bridges in twelve months, and keep them in repair.

VI. *And be it further enacted*, That the citizens who may pass any of the aforesaid bridges on public occasions, or going to or from divine service, shall not be bound to pay any toll for passing or repassing any of the said bridges.

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

Concurred, February 22, 1796.

JARED IRWIN, GOVERNOR.

An



A. D. 1796. *An Act for repealing an act, entitled "An act for regulating and keeping in repair the public roads and bridges in the several counties in this State," passed at Augusta the ninth day of December, one thousand seven hundred and ninety-three, so far as respects the counties of Oglethorpe, Elbert, Hancock, Burke, Effingham, Greene, Wilkes, Washington, Warren, Richmond, Franklin, Columbia, M'Intosh, Bryan, Scriven, Montgomery, Bullock, Jefferson, Jackson, Lincoln, and for other purposes therein mentioned.*

The acts regulating roads and bridges, passed in 1793, so far as respects certain counties repealed.

And the act passed in 1792, to be in force in those counties.

**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 above recited act so far as it respects the above said counties of Oglethorpe, Elbert, Hancock, Burke, Effingham, Greene, Wilkes, Washington, Warren, Richmond, Franklin, Columbia, M'Intosh, Bryan, Scriven, Montgomery, Bullock, Jefferson, Jackson, Lincoln, be, and is hereby repealed; and that an act, entitled "An act for the better regulation of high roads and bridges," passed at Augusta, the twentieth day of December, one thousand seven hundred and ninety-two, be, and is hereby declared to be in full force in the said counties of Oglethorpe, Elbert, Hancock, Burke, Effingham, Greene, Wilkes, Washington, Warren, Richmond, Franklin, Columbia, M'Intosh, Bryan, Scriven, Montgomery, Bullock, Jefferson, Jackson, Lincoln; any law to the contrary notwithstanding, except that the fines imposed by the said act shall be paid in dollars at four shillings and eight pence each.

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

Concurred, February 22, 1796.

JARED IRWIN, GOVERNOR.

No. 567. *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.

**W**HEREAS, 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.



I. *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, 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 treasurer, or on the books of the commissioner of loans of the United States for this State, for this special purpose and no other.

A. D. 1796.  
No. 567.  
Additional appropriation to extinguish Indian claims.

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,

II. *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.

Governor empowered to sell confiscated property & bonds.

III. *And be it further enacted,* That so soon as, and immediately after the extinguishment of the Indian claims as aforementioned to the lands contemplated to be obtained under the treaty shall have taken place, the further operation of the said act, entitled "An act appropriating a part of the unlocated territory of this State, for the payment of the late State troops, and for 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.

When extinguished, the former act on the subject to stand suspended.

IV. *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 laid off into counties.

V. *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 22, 1796.

JARED IRWIN, GOVERNOR.

An



A. D. 1796.  
No. 568.

*An Act for clearing out Ogechee\* river and Brier† creek.*

**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;

Commissioners  
for clearing out  
Ogechee, & Bri-  
er creek.

I. *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 Shelman, 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.

Their powers.

And the said commissioners are authorized and required to apply all monies, or specifics so received or recovered, towards carrying the purpose of this law fully into effect, in such way and manner as they, or a majority of each board may deem most effectual 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 conveniences 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.

Milldams across  
the same.  
Boats &c. how  
to pass them.

II. *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

\* Lottery authorized by act of the same year, No. 569.

† See act of 1797, No. 605, for improving the navigation of Brier creek.

‡ Other commissioners to be appointed in Bullock county and alterations made by act of 1798, No. 630.



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 detained by reason of such dam, or 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 amount of the damage 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.

A. D. 1796.  
No. 568.

III. *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 cause 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 hindrance 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 gaol not exceeding two months.

Hedges, weirs and other obstructions, how to be removed.

IV. *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.

Persons employed therein, may use timber off adjacent lands.

V. *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 and remove the same within the space 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.

Penalty on persons felling trees in Ogechee or Brier creek.

VI. *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

Commissioners to give bond & security.



**A. D. 1796.** tion or refusal to act of either of the commissioners herein before named, his excellency the governor is authorized and required to fill such vacancy.  
**No. 568.**

And to account  
with the execu-  
tive.

**VII.** *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 le-  
vied on adjacent  
lands.

**VIII.** *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 or within one mile of the places herein before 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 lands 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 not more than a proportion of one tenth part of the 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 as aforesaid.

How to be col-  
lected.

Not to affect or-  
phans under age  
and without  
guardians.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, *February 22, 1796.*

JARED IRWIN, GOVERNOR.

**No. 569.** *An Act to raise money for the purpose of opening and improving the navigation of Ogechee river, from Louisville to the mouth thereof.*

Preamble.

**W**HEREAS, the improving of the navigation of Ogechee river will greatly increase the value of landed and other property lying on or contiguous thereto, and is an object well meriting legislative aid;



I. *Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met,* That John Shelman, John Jones, Benjamin Lanier, Israel Bird and John Moore, be, and they are hereby appointed commissioners, who are hereby authorized and empowered to establish a lottery to consist of two classes; which said lottery shall be managed and drawn under the direction of the aforesaid commissioners or a majority of them.

A. D. 1796.

No. 569.

A lottery authorized, and commissioners appointed.

II. *And be it further enacted,* That all the monies arising from the said lottery, after deducting the expences of attending the drawing thereof, amounting to the sum of fifteen hundred dollars, be, and the same is hereby appropriated to and for the use of opening and clearing the river Ogechee, and improving the navigation from the town of Louisville to the mouth thereof.

To improve the navigation of Ogechee river.

III. *Be it further enacted,* That the commissioners aforesaid, shall within ninety days after the drawing of the said lottery is completed, deposit the aforesaid sum of fifteen hundred dollars, after deducting expences, in the office of the treasurer, from whence the same shall be drawn from time to time, by the commissioners appointed by law (or a majority of them) for the purpose of superintending and managing the opening and clearing the aforesaid river, by an order from his excellency the governor.

The monies to be deposited in the treasury.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 22, 1796.

JARED IRWIN, GOVERNOR.

*An Act for keeping open Little river and Broad river.\**

No. 570.

**W**HEREAS, it is just and reasonable that all citizens residing within the vicinity of Little river and Broad river should enjoy the natural and equal privilege of taking the fish of said rivers;

I. *Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met,* That the owner or proprietor of every mill-dam that now is, or may hereafter be made, across the said rivers, from the confluence thereof as high as the fork, shall be so constructed as to admit a sluice of water of the width of one tenth part of the stream, where such mill-dam is or may be erected; which shall be kept open from the twentieth of February until the first day of April annually, and every person making a fish-dam or any other obstruction so as to prevent the fish passing in said river, shall leave at least one fourth part of the main stream open, so that the fish may have free passage. *Provided,* That Joseph Ray shall not be obliged to open his mill-dam until the first day of January next.

Little river and Broad river to be kept open for the passage of fish.

II. *And be it further enacted,* That it shall be the duty of the justices of the peace of the districts on each side of the rivers or any three of them, to see this act duly executed; and the said justices are hereby authorized to convene and decide on any complaints of the violation thereof, and may proceed to remove any obstruction to

Obstructions—how to be removed.

4 H

the

\* This act is repealed in part by act of 1798, No. 622.



A. D. 1796. the passing of fish in said rivers, that is not authorized by this act; and any person  
 No. 570. presuming to replace obstructions so removed, shall forfeit and pay a sum not exceeding fifty dollars for every such offence, to be recovered in any court of record, one half to the informer and the other half to the use of the poor.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 22, 1796.

JARED IRWIN, GOVERNOR.

No. 571. *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 between Savannah and Augusta, vested in N. Twining and others.

I. **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 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 other persons attempting the same.

II. *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 hand 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 representative, 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 M. Call, repealed.

III. *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



Thompson and Thomas M'Call, 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. A. D. 1796.  
No. 571.

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

BENJAMIN TALIAFERRO, *President of the Senate.*

Concurred, February 22, 1796.

JARED IRWIN, GOVERNOR.

*An Act for the better regulating and conducting elections in the several counties of this State.* No. 572.

**W**HEREAS, the several acts heretofore passed for the ordering and conducting elections, have by experience been found defective and incomplete, and the good citizens of this State will probably sustain injuries and impositions by a continuance of them; to prevent which as much as possible,

I. *Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, and it is hereby enacted under and by virtue of the authority thereof,* That all elections for members to represent this State in the general assembly thereof, and for representatives in congress, sheriffs, clerks of the superior and inferior courts, registers of probates, county surveyors and coroners, shall be held at the court house or place appointed for holding the superior courts in the respective counties. Elections to be held at the court house.

It shall be the duty of any three or more of the magistrates for each county, not being candidates, to preside at and make returns of all elections for senators and representatives in the general assembly, representatives in congress, and county officers; 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 in preserving good order. Three or more magistrates to preside—the sheriff to preserve order.

That at the general election which shall be held on the first Monday in November, one thousand seven hundred and ninety-seven, in the several counties of this State for members of the general assembly, the electors in each county shall elect a sheriff, clerk of the superior and inferior courts, register of probates, county surveyor and coroner, who shall hold their offices for the term of two years if they shall so long well behave themselves; and at the expiration of the said term of two years, the said electors shall again elect the county officers aforesaid, and in like manner at every second general election. *Provided,* That no person shall be twice elected sheriff of any county in any term of four years; in which provision those now in office are comprehended. County officers, when & in what manner to be elected—to hold their offices for two years.  
Proviso.

That the general election shall be annually on the first Monday in November; and the time for taking in the votes shall be from nine o'clock in the morning till six o'clock in the afternoon. The general election to be annual. The time for taking votes.

When.



A. D. 1796. 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 my tax for the year preceding the election, have resided six months within the county, and that I am a citizen of the United States, and an inhabitant of this State.

No. 572.  
Oath to be administered to voters.

*So much of this act as relates to the election of magistrates and justices of inferior courts in certain counties rendered obsolete by the constitution of 1798, and therefore omitted.*

Fraudulent practices & undue influence at elections to prevent.

II. That if the superintending officers or persons at any election whatever shall make a fraudulent return, or they or either of them whilst 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 the superior court or inferior court of such county; and if a justice, shall be for ever 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.

The freedom of elections to preserve.

That if any person or persons whatsoever, shall, on any day appointed for holding any election, 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 against his inclination, or shall after the said election is over, menace or despitefully use, 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 or inferior court, himself in one hundred dollars, and two securities in fifty dollars each, to be of good behavior and abide the sentence of the said courts; where, if the offender or offenders are convicted and found guilty 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 gaol without bail or mainprize till the same be paid; which said fine so imposed shall be recovered by a writ of *fiere facias* or *ca. sa.* issued and signed by the clerk of such court under and by virtue of the sentence of the court; and the sheriff of such county is hereby required to levy such writ forthwith.

Electors—free from arrest.

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 the penalty of five hundred dollars; *Provided*, he shall not be more than four days on his journey going to, returning from, or stay at the place for holding any general election, and two days if any other election herein before specified; 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 process 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



That at the general election which shall be held for members of the legislature on the first Monday in November next, and at every second general election thereafter, the electors at such election shall vote for two persons to represent this State in the house of representatives of the United States.

A. D. 1796.  
No. 572.  
Representatives in congress--the time of electing

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 trust or profit under this State or the United States, during the time for which he may be appointed a representative.

Qualifications; and to hold no office.

That the names of the several candidates be kept by the said clerks on separate papers, and the number and 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 the closing the poll at such election; who is empowered to draw on the treasury for payment of such express, not exceeding two dollars per day.

Returns of the elections--how to be made to the governor.

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.

*Provided*, That no person entitled otherwise to vote at elections shall be deprived of the privilege of voting at the next election, who shall pay a tax of six and one fourth cents for the last year, into the hands of tax collectors appointed for the present year, which shall be by them paid into the treasury.

Proviso.

That where any two or more persons have an equal and the highest number of votes on 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 the 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.

The governor may in certain cases order new elections.

That all writs of election for filling vacancies that may happen in the senate or house of representatives of this State, or house of representatives of the United States, or in county\* officers, except such as may be appointed by his excellency the governor, shall be directed to the justices of the inferior court 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.

Certain vacancies--how to be filled.

That

\* The mode of filling vacancies in office is pointed out by the constitution of 1798.



A. D. 1796.

No. 572.

Elections—how  
to be conducted

That the presiding magistrates at any election for senator or representatives in this State, or representatives in congress, or such county officers as may be elected by the county at large, are hereby empowered and required to appoint three clerks to attend the said election, whose duty it shall be to keep three rolls where the names of all the voters shall be entered, and the said clerks shall likewise prepare three papers, in each of which shall be inserted the names of all the candidates; and shall under the direction of the presiding magistrates, set down every vote that may be given in for each candidate opposite the name of such candidate, and shall on the close of the poll, count up the number of votes for each candidate; the person having the highest number of votes for any appointment, shall be deemed and declared duly elected to such appointment.

How to be held  
in the new  
counties.

III. *And be it further enacted*, That all persons entitled to vote in the counties of Jefferson, Bullock, Jackson and Lincoln, are hereby required and directed to assemble at the place appointed for holding the courts and elections in the said counties, on the third Monday in March, one thousand seven hundred and ninety-six, and proceed to vote in the usual way for their several county officers, in manner directed and pointed out by this law; and if it should so happen that there are no justices of the peace in said new counties, or not a sufficient number to hold elections agreeably to this law, that then and in that case, a justice or justices that have been in the commission for the county from which such new county or counties have been taken or laid out, shall be authorized to call in two or more fit and discreet persons to preside with him, whose return of such elections is hereby deemed sufficient to authorize the governor to commission the several persons elected agreeably to this act: And it shall be the duty of the presiding magistrates, to certify under their hands and seals all such elections.

Receivers of  
tax returns and  
collectors to be  
appointed by the  
inferior courts;  
and give bond &  
security.

IV. *Be it further enacted*, That the inferior court of the respective counties of this State, or any three or more of the members of 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 collector of tax 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 said collectors and receivers, qualify them into office.

In case of de-  
fault the gover-  
nor may appoint  
them.

V. *And be it further enacted*, That if it should so happen that any of the counties shall not elect, take bond and qualify the collector and receiver of tax returns pursuant to this act, that then, and in that case, his excellency the governor shall appoint receivers 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.

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

Concurred, February 22, 1795.

JARED IRWIN, GOVERNOR.

An



*An Act for erecting and establishing an academy in the town of Louisville, and for other purposes therein mentioned.* A. D. 1796.  
No. 573.

**W**HEREAS, it is of the greatest utility and importance in all well regulated governments, 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:

I. *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 Reverend David Bothwell, John Shellman, James Meriwether, John Cobbs and Josiah Sterrett, be, and are hereby appointed commissioners for carrying into effect the intention of this act, as is hereafter pointed out. Commissioners of the academy in Louisville appointed.

II. *And be it further enacted by the authority aforesaid*, That the said commissioners of Louisville be and 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 convey 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. Empowered to sell certain lots.

III. *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. And to purchase £1000 worth of confiscated property.

IV. *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 aforesaid 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. Vested with certain powers for erecting the academy &c.

V. *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 commissioner or To account with the governor, & liable to be displaced for mal-practice.  
commissioners



A. D. 1796. commissioners shall be displaced, and others appointed for that purpose in his or  
No. 573. their room.

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

Concurred, February 22, 1796.

JARED IRWIN, GOVERNOR.

No. 574.

*An Act to regulate the judiciary system of this State.*

**T**HIS act being in force only one year, and having been repealed and re-enacted with very few alterations, by act of 1797, No. 582, it is deemed unnecessary to insert it at large.

LXXIV. *And be it further enacted*, That all former acts for regulating the judiciary department of this State, be, and they are hereby repealed.

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

Concurred, February 23, 1796.

JARED IRWIN, GOVERNOR.

No. 575.

*An Act for appropriating money for the year one thousand seven hundred and ninety-six.*  
February 23, 1796.

A. D. 1797.  
No. 576.

*An Act to repeal an act, entitled "An act for the inspection of cotton."*

Preamble.

The act of 1796  
for the inspection  
of cotton,  
repealed.

**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;

*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 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.

No. 577.

*An Act for the admission of John Lawson and Samuel Proctor Bayley, to the practice of the law.*

**B**E it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That John Lawson and Samuel Proctor Bayley, be, and they are hereby admitted to plead and practise law in the courts of this State; any law, rule



rule or usage to the contrary thereof in anywise notwithstanding: *Provided*, That the said John Lawson and Samuel Proctor Bayley be examined in one of the superior courts, and be found qualified previous to their admission as aforesaid. A. D. 1797. No. 577.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, January 24, 1797.

JARED IRWIN, GOVERNOR.

*An Act to establish and make permanent the seat of the public buildings in the counties of Scriven and Bryan.* No. 578.

I. **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 seat of the public buildings in the county of Scriven, so far as relates to the court house and gaol, shall be in the center 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, senior, and Stephen Pearce, or a majority of them. Commissioners of court house & gaol in Scriven,

II. *Be it further enacted*, That the said James H. Rutherford, Francis Jones, Martin Martin, Anthony Burnell, senior, and Stephen Pearce, or a majority of them, shall be, and they are hereby fully authorized to purchase or otherwise procure a 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 and benefit of the said county of Scriven, and to let the building of a court house and gaol thereon to the lowest bidder, first giving twenty days public notice of such intentions. Empowered to purchase land for the permanent seat.

III. *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 found 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 deem proper, or otherwise pursuant to an act in such cases made and provided. Courts—where to be held in the mean time.

IV. *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 establish and 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 therof in anywise notwithstanding: And that the justices of the inferior courts for the said county of Bryan, be, and they are hereby empowered to make purchase of 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. Inferior court of Bryan to establish the seat of public buildings in that county.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 1, 1797.

JARED IRWIN, GOVERNOR.



A. D. 1797. *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 gaol in said town.*  
No. 579.

Preamble.

**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 gaol 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. hath 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;

Commissioners to lay out a square in Riceborough, for the court house and gaol,

I. *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 Winn, 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 gaol in the said county of Liberty.

And to superintend the building and keeping the same in repair.

II. *And be it further enacted by the authority aforesaid*, That Thomas Stevens, Daniel Stewart, Peter Winn, Joel Walker and Henry Wood be, and they are hereby appointed commissioners for erecting and keeping in repair a court house and gaol 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.

The courts and elections to be held in Riceborough.

III. *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 1, 1797.

JARED IRWIN, GOVERNOR.

*An*



*An Act to fix permanently the seat of the public buildings in the county of Montgomery.* A. D. 1797.  
No. 580.

**W**HEREAS, in and by an 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 Harrifon and Jesse Embrie, be appointed commissioners for fixing on a proper place to erect a court house and gaol 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 Ohoopie, being the place affixed on by the aforesaid commissioners;

Preamble.

Permanent seat of public buildings, in Montgomery—

I. *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.

At Arthur Lott's.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 8, 1797.

JARED IRWIN, GOVERNOR.

*An Act for the relief of the heirs of Simon Munro, deceased.*

No. 581.

**W**HEREAS, captain Harry Munro, late a British subject, died vested of real estate in this State, and did by his will bearing date the fourteenth day of November, and in the year one thousand seven hundred and eighty, leave the same to the heirs of Simon Munro, late of this State, deceased, who are citizens of the United States:

I. *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 Munro, 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 Munro, late of this State, deceased.

The heirs of Simon Munro, certain property vested in them.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 8, 1797.

JARED IRWIN, GOVERNOR.

*An Act to revise and amend the judiciary system of this State.*

No. 582.

I. **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

Three judges of the superior courts.

on



A. D. 1797. on the duties of their office, take the following oath or affirmation, either before  
 No. 582. the governor or commissioners by him appointed for that purpose, to wit:—"I do  
 Oath to be taken by them. 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.*"

The State divided into three circuits.

II. *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, M'Intosh, 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.

The judges to alternate.

III. *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.

A court to be held twice a-yr. in each county.

IV. *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 the manner following, to wit:

#### IN THE EASTERN CIRCUIT.

The 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 M'Intosh; 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 circuit.

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



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.

A. D. 1797.  
No. 582.  
Proviso.

V. *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 reserved 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 agreeable 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.

The judges, attorney and solicitor general—for what purposes to meet annually at Louisville.  
Proviso.

VI. *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 customs 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.

The duty of the judges to publish reports of all criminal cases, of a capital nature.  
Jurisdiction of the superior courts.

VII. *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.

Equitable powers in certain cases.

VIII. *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 distributions 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,

May issue all necessary writs.

In what cases competent to sustain suits by bill—the manner of trying the same.

which



A. D. 1797. 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.

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An appeal may be entered to a second special jury.

The clerks may in certain cases adjourn the court.

IX. *And be it further enacted*, That in case of unavoidable accident, if the said courts or either 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,

The judges, attorney and solicitors general, to frame rules of practice.

X. *Be it enacted*, That the judges, together 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 said 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.

The court may administer all necessary oaths, and punish contempts.

## PROCESS.

Proceedings in civil cases to be by petition and process.

How to be issued & executed.

XI. *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 distinctly set forth, and be signed by the party and his attorney; and all petitions, writs 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 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

No special plea or demurrer to be admitted.

Want of form not to affect the merits.

May be amended on motion.



ceed 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 council or the party or parties themselves, under such order as the courts shall establish.

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Causes to be managed by council or the parties.

XII. *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.

No person shall deny his bond, note or bill, but on oath.

XIII. *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.

Causes not to be continued more than 3 terms.

### EXECUTORS AND ADMINISTRATORS.

XIV. *And be it further enacted*, That no suit shall be instituted or execution issue against an excutor 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.

Executors and administrators —how long exempt from suit &c.

Suits, not to abate by death, if the cause of action survives.

### DISTRESS FOR RENT.

XV. *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 against the person levying the distress, in any court of this State, for or on account of illegality therein.

Distress for rent —no replevin, but on oath.

Proviso.

### BAIL.

XVI. *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

Bail.



A. D. 1796. 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 imparlance, 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.

On payment of costs, may enter special bail at any time.

### MORTGAGES.

Mortgages—how to be foreclosed.

XVII. *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 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 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 mortgagee or his attorney, at least nine months previous to the time when the money may be directed to be paid; and unless the principal, interests 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.

The property to be sold under execution, except where the State is a party.

XVIII. *And be it further enacted*, That in all cases of foreclosure of mortgages (except where the State may be a party) the plaintiffs 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.

### ATTACHMENTS.

Attachments—in what manner to be issued and served.

XIX. *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 or conceals himself or stands



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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 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 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 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 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 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 replevable by appearance and putting in special bail, or by the defendants 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 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 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 demands and all costs, shall by order of the said court be returned to the defendant or his attorney.

Property attached—how repleviable.

If not replevied and of a perishable nature, may be sold by order of court.



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Subsequent proceedings thereon—how to be conducted.

XX. *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.

Evidence—how to be taken on interrogatories.

XXI. *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.

The court may order books and papers, to be produced on trial.

XXII. *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 non-suit; 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.

May perpetuate testimony as practised in equity; and may establish lost papers, deeds &c.

XXIII. *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.

Mutual debts & setts off—on due notice, defendt. may recover against the plaintiff.

XXIV. *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 set-off be served on the plaintiff or his attorney on or before the last day of the first term.

Courts of record—witnesses free from arrest.

XXV. *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. SPECIALTIES.



SPECIALTIES.

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XXVI. *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 and other specialties since June 1791, of equal dignity, and negotiable by assignment unless restrained.

J U R I E S .

XXVII. *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 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.

Jury lists—how to be made out; qualification of jurors; may be discharged on challenge, but not after being sworn.

XXVIII. *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 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, into which shall be put 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 impannelled,

The lists to be corrected annually by the clerks under the direction of the judges. Grand jurors—how to be selected.

The names of the jurors—in what kind of a box to be placed



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The manner of drawing juries.

XXIX. *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 departments 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.

A grand jury—of what number to consist.

XXX. *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, at 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.

Juries—how to be drawn in the absence of the judges.

Proviso.

The precept for summoning juries—how to be made out.

XXXI. *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



scribed 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.

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XXXII. *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 impannelled; 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 \_\_\_\_\_ 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.

In what manner  
to be served.

XXXIII. *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 enter and make report of the names of all such as shall make default in appearing; that if any person who shall be drawn, impannelled, 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 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 may appoint.

Jurors in default  
—in what man-  
ner to be fined.

The pannel to  
be filled with  
by-standers or  
others.

The coroner to  
summon jurors  
in certain cases.

XXXIV. *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.*"

Petit jurors  
oath.

SPECIAL



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## SPECIAL JURY.

No. 582.

Special jurors to be taken from the grand jury list—in what manner to be struck.

XXXV. *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 impanelled, 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 impanelled and sworn as special jurors to try the appeal cause; and in all cases the appellant shall strike first; and in case of refusal in either to strike such special jurors after due notice given for the purpose and proof thereof, the judge before whom such notice is given for such special jury to be impanelled, 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.

Special jurors oath.

XXXVI. *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.* appellant, and *C. D.* respondent, 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.

Verdicts & judgments; execution—how to be staid; property of defendants—bound from the first verdict, which bears interest; an appeal may be entered and a new trial granted. Proviso.

The jury may assess damages for the delay.

A mis-trial—in what cases.

Confession of judgments—in what manner to be entered up.

XXXVII. *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 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 judgment 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 render the defendant in discharge thereof, and that no executors 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 on breaking up before giving in their verdict in civil cases, the court may declare the same to be a mis-trial.

XXXVIII. *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.

XXXIX.



XXXIX. *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.

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Interest not to be allowed on open accounts.

ARBITRATION.

XL. *And be it further enacted*, That in all matters submitted to reference by parties 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 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 into.

Arbitrations.

EXECUTION.

XLI. *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 the State.

Executions—in what manner to issue.

XLII. *And be it further enacted*, That no injunction on any judgment obtained in the superior court 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 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 such 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 persons 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 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.

No injunction to be allowed; illegality in the issuing of executions and claims to property levied on—how to be tried.

Provide.

The jury may assess damages for the delay.

The burthen of proof on the plaintiff in execution.

XLIII.



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No. 582.  
 Sheriffs sales—  
 in what manner  
 to be advertised  
 and made.

XLIII. *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 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 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 of attorney general to be performed by three persons, attorney and solicitors general, one to attend in each circuit.

XLIV. *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 another 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 courts, 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 State's office; and it shall be their duty 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 whereas*, it may happen that neither the attorney general or either of the solicitors can attend at some of the said courts;

If absent, the court may appoint.

XLV. *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 indictments 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—their oath.

XLVI. *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



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, or by law 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 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.

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To keep regular minutes &c. to be signed by the presiding judge, and to give bond and security.

Clerks of the superior and inferior courts, may administer oaths

XLVII. *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 solicitor 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.

How to be punished for mal-practices in office.

XLVIII. *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.

No clerk to act as an attorney.

XLIX. *And be it further enacted*, That the sum of two dollars shall be paid on all suits commenced in the superior or inferior 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 treasurer 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.

L. *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

Attorney, when liable to pay fees



A. D. 1797. considered liable; and such attorney or attornies are hereby made liable to pay to  
No. 582. the clerk, sheriff and the defendant's attorney their respective fees.

## SHERIFFS.

Sheriffs—their  
duty.

To give bond &  
security.

Their oath.

Writs and pro-  
cesses to be direct-  
ed to the coro-  
ner, in certain  
cases.

Sheriff's death  
—the office how  
to be executed.

LI. *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 processes directed to them, and issued under the authority of any judge or justice of the said superior or inferior court, 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 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, 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.

LII. *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 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



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. A. D. 1797.  
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LIII. *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 gaol, and the bodies of such persons as shall be confined therein, with the precepts, writs, or causes 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.

Sheriffs, in what manner to turn over unfinished business to their successors.

LIV. *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 gaolers, 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 offices, in the same manner as they have heretofore been liable by the laws in force in this State; and no sheriff, 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.

Sheriffs & other officers, how liable for neglect of duty.

Not to act as an attorney at law.

LV. *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, 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.

Liable to suit or attachment for contempt.

LVI. *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 extortion or other mal-practice in office.

LVII. *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 processes

Or may be fined, imprisoned or removed from office.



A. D. 1797. cels put into his hand, or shall fail or neglect to pay up all monies received on such  
 No. 582. 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 discre-  
 tion of the judge of the superior or the justices of the inferior court, as the case  
 may be.

Commissioners  
 of academies—  
 how liable for  
 misapplication  
 of the funds.

LVIII. *And be it further enacted*, That where any 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 legis-  
 lature on proper representations of the facts, and others appointed to succeed them;  
 which successors may commence and maintain an action or actions against their prede-  
 cessors 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.

#### FOR REGULATING THE PROCEEDINGS OF THE INFERIOR COURTS OF THIS STATE.

Inferior courts  
 established—to  
 be held twice a-  
 year in every  
 county: consist-  
 ing of five jus-  
 tices.

LIX. *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 to hear and determine causes and controversies, and other matters properly apper-  
 taining and referred by law to their jurisdiction.

Their jurisdic-  
 tion. Appeal  
 allowed to the  
 superior court.

LX. *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 appoint-  
 ed for holding in-  
 ferior courts.

LXI. *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 Glynn; on the fifteenth day of June and November, in M'Intosh;  
 on the twenty-first day of June and November, in Liberty; on the twenty-seventh  
 day of June and twenty-eighth of November, in Bryan; on the fifth day of July and  
 fifteenth of December, in Chatham; on the eighteenth of July and nineteenth of  
 December, in Effingham; on the twenty-fifth day of July and twenty-seventh of  
 December, in Bullock.

THE



THE MIDDLE CIRCUIT.

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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.

On the first day 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.

In the western circuit.

LXII. *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 court, 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.

Clerks of the inferior courts, sheriffs & other officers attending the same—subject to the orders of the court.

LXIII. *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, for the time I may continue in office. *So help me God.* And that previous to 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 by one of the said justices for the true and faithful performance of the duties of their respective appointments; which bond shall be taken by one of the justices of the inferior court, and deposited in the clerk's office of their respective counties.

Constables—how to be appointed.

Their oath.

To give bond & security.

*Provided always*, That where it may so happen 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.

Proviso.

LXIV.



A. D. 1797.

No. 582.

Justices of the peace may make temporary appointments in their districts.

Justices of the inferior courts may issue the writ of habeas corpus, in the absence of the judges.

Inferior courts—like powers with the superior, as to bail, trying causes &c. and like authority over subordinate officers governed by the rules of practice in the superior courts.

Fees allowed to presiding justices.

Justices of the peace have jurisdiction as far as thirty dollars, by summons or warrant. *Provido.*

The party cast may stay execution or appeal.

Appeals to be tried by five jurors.

LXIV. *And be it further enacted*, That any justice of the peace may, in case 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.

LXV. *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 gaol 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.

LXVI. *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, impanel 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.

LXVII. *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.

## JUSTICES COURTS.

LXVIII. 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 demand, 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 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.

LXIX. *And be it further enacted*, That all such appeals shall be tried before one or more justices of the peace in the company district in which the defendant resides, by



by five jurors, to be drawn, impanelled, 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 justice's 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.

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Justices to hold  
their courts  
monthly at fixed  
places.

Warrants--how  
to be served.

LXX. *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.

May hold to  
bail.

LXXI. *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 or inferior courts, except that the time of trying such attachments before a justice of the 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.

And issue at-  
tachments.

LXXII. *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 sets-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.

What evidence  
to be required  
on trials.

Sets-off.

Disputes respect-  
ing property  
under lives--  
how to be tried.



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No. 382

The place of holding courts—how to be fixed.  
No person to deny his bond, &c. unless on affidavit.

In cases of removal, executions may be backed by other justices.

holding courts in each captain's district shall be fixed on by the justices thereof, and shall be as nearly in the center of such district as conveniently may be. And no 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.

LXXIII. *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.

Ten days to constitute residence in a district.

LXXIV. *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.

Cases—when to be tried out of the district.

LXXV. *And be it further enacted*, That in case there be no justice of the peace residing 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.

Constables—their duty.

LXXVI. *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 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.

How to be proceeded against for neglect of duty or mal-practice.

Jurors for the trial of appeals—how to be drawn.

LXXVII. *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 apart-

ment



ment of a box to be provided for by such justices, marked number one; 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 on a book by the justice presiding at the drawing thereof, and shall be put into an apartment of such box marked number two; and after all the names are drawn from number one, they shall commence drawing from number two, and so on alternately; *Provided*, that no justice shall presume to draw any jury but on a court day and in 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 constable's 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.

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No. 582.

*Provido.*

*Provido.*

Constable's fees.

LXXVIII. *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.

Jurors oath.

LXXIX. *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.

Justices fees.

LXXX. *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.

Costs on charges of a criminal nature, subject to their order.

LXXXI. *And be it further enacted*, That the justices of the representative counties shall be, and they are hereby declared to be liable to 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, and 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.

Justices may be indicted for mal practice.



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No. 582.

Witnesses may be compelled to attend.

**LXXXII.** *And be it further enacted,* That a justice of the peace may issue summons for witnesses in any case 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.

Sales of property under execution—how to be conducted.

**LXXXIII.** *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 the constable 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.

Constables fees for the care of stock.

**LXXXIV.** *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.

Not authorized to sell lands, but may levy.

**LXXXV.** *And be it further enacted,* That no constable shall be authorized to sell any lands, but shall, when 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.

The sales to be made by the sheriff.

Repealing clause.

**LXXXVI.** *And be it further enacted,* That all former acts for regulating the judiciary department of this State, be, and they are hereby repealed.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 9, 1797.

JARED IRWIN, GOVERNOR.

No. 583.

*An Act to establish and make permanent the seat for public buildings in the county of Warren.*

Warren county —permanent seat of the court house and gaol established.

**I.** **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 permanent seat for the court house and gaol in the county of Warren shall, and is thereby declared to be, on a lot or parcel of land on the plantation where 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



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 be 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.

A. D. 1797.  
No. 583.

II. *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 the commissioners of the court house and gaol 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.

The inferior court to be the commissioners.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 9, 1797.

JARED IRWIN, GOVERNOR.

*An Act to authorize the commissioners of Louisville to convey to John Cobbs and his assigns, six lots of land within the limits of the said town.*

No. 584.

February 9, 1797.

*An Act to grant further time to Abraham Baldwin, Esquire, elected to represent this State in the congress of the United States, to notify his refusal or acceptance.*

No. 585.

**B**E it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That the time be extended until the fourth day of March next, for Abraham Baldwin, Esquire, to signify to his excellency the governor his refusal or acceptance to represent this State in the congress of the United States.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 10, 1797.

JARED IRWIN, GOVERNOR.

*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.*

No. 586.

I. **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 empowered



A. D. 1797.

No. 586.

The governor to  
issue warrants in  
favor of the per-  
sons who paid  
monies into the  
treasury, under  
the act of the  
7th Jan. 1795.

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 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, 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 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."

Proviso.

To be at their  
risk in the mean  
time, and subject  
to the expences of  
guards etc.

*Provided*, That the risque 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.

Further expung-  
ing and burning  
of records.

II. *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, in the year 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 for which the same was done, and the number of pages so expunged.

DAVID MERIWETHER *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred, February 10, 1797.

JARED IRWIN, GOVERNOR.

An



*An Act to establish the permanent seat of the court house and gaol in the county of Effingham.* A. D. 1797.  
No. 587.

**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 the place for building a court house;" passed at Augusta in January, one thousand seven hundred and ninety-five, was to remedy the evils and inconveniences 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,

I. *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 David Hall, Joshua Loper, Samuel Ryals, Goodlip Smith and Darius 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 center of the county, for erecting a court house and gaol 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 gaol of the said county of Effingham.

Commissioners of the court house and gaol in Effingham, to fix on the permanent seat of the same.

II. *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 center of the said county, until a permanent place be fixed on, and a court house and gaol 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.

Courts—where to be held in the mean time.

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 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.* No. 588.

**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 relates to the banishment only of William Oates and John Henderson, be and the same is hereby repealed; and that the said William Oates

William Oates and John Henderson, relieved from banishment and restored to citizenship.



A. D. 1797. 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 or John Henderson.

No. 588.  
Provifo.

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

Concurred, February 10, 1797.

JARED IRWIN, GOVERNOR.

No. 589. *An Act to divorce or separate Walter Billingslia and his wife, formerly Jane Watson, and for protecting each of them in their respective estates.*  
February 10, 1797.

No. 590. *An Act to raise a tax for the support of government for the year one thousand seven hundred and ninety-seven.*

Tax on lands.

I. **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 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: 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.

Valuation of lands.

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



All high river swamps 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 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.

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No. 590.

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 Buckhead 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 Buckhead 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 Buckhead 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



A. D. 1797. 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.

No. 590.

All oak and hickory lands including islands (cultivated or uncultivated) above the flowing of the tide on all rivers, from Cathead on the river Alatamaha 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 sea shore, 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.

II. *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 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 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 E O table or other instrument of the like construction for the purpose of gambling; that the tax imposed 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 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.

III.



III. *And be it enacted by the authority aforesaid,* That there shall be a receiver for each county throughout this State, and that the mode of taking the returns shall be as follows :

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No. 590.  
Receiver of tax re-  
turns for each co.

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."

The mode of re-  
ceiving returns.

Receiver's oath.

IV. *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 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 defaulters, 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

Lists of taxable  
property.

Duty of receivers  
therein.

Their compen-  
sation.



A. D. 1797. No. 590. 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 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, and shall be accountable for the same to the treasurer.

Receivers and collectors of tax responsible to the executive.

The collectors to give bond & security.

V. *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 M'Intosh, 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;



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

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No. 590.

Their oath.

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.

Vacancies.

VI. *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.

Bond and security—how to be taken.

VII. *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 of any other person or persons whatever, 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 land 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,

Tax returns, to be rendered on oath.

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

Form thereof.

"mental.



A. D. 1797. "mental reservation whatever; *So help me God.*" Which said oath or affirmation the receivers of tax returns for the several counties, are hereby respectfully authorized and required to administer gratis.

Penalty for neglect or false returns.

VIII. *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 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 or trustees—how liable for tax.

IX. *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 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.

Absentees—in what manner to be notified.

X. *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



agent or attorney shall not within twelve months after such sale apply for the surplus: A. D. 1797.  
And it shall be the duty of every tax collector, and he is hereby required on the day No. 590.  
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 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.

XI. *And be it enacted by the authority aforesaid,* That all persons whatsoever, Tax—when to be paid.  
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 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 Defaulters property to be sold.  
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, by 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 the State, which shall be regularly 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 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 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 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 or considered valid; but such sales are hereby declared to be null and void. The manner of sale.

XII. *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 Double tax, in certain cases.



A. D. 1797. No. 590. 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 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 guardians or trustee) shall have any effect.

List of insolvents to be corrected by grand juries.

XIII. *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 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 to be preferred to all incumbrances.

XIV. *And be it enacted by the authority aforesaid*, That the taxes imposed by this act shall be preferred to all securities and incumbrances 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 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 avoid payment of tax deemed void.

XV. *And be it further enacted*, That all deeds of gifts, 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.

XVI.



XVI. *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.

A. D. 1797.

No. 590.

Executions against defaulting tax collectors.

Form of a general return.

XVII. *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 or neglect of all sales,

Collectors may, in certain cases, sell property lying out of their county.

XVIII. *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,* That such information or presentment be made within twelve months after such neglect or default.

Additional tax on defaulters.

XIX. *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 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 merchandize to be sold by non-residents.

XX. *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

Defaulters to be presented.



A. D. 1797. No. 590. perty 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.

Tax—how payable. No judicial interference

XXI. *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, governors, presidents and speakers 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 distraint 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.

XXII. *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, he the said collector is authorized and required to proceed against such owner, agent, trustee or guardian as in cases of default.

Tax on negroes imported for sale.

XXIII. *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 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



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 negroes brought into this State, actually belonging to the vessels bringing them as mariners.

A. D. 1797.  
No. 590.

XXIV. *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 on receivers and collectors for malpractice.

XXV. *And be it further enacted*, That in case any collector of taxes for any county in this State, shall not settle his account 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 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 be issued against collectors.

XXVI. *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 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

The taxable property of defaulters to be entered in a book for that purpose.



A. D. 1797. receiver as aforesaid, he shall forfeit double the amount so received to be recovered by execution to be issued by the treasurer as in case of default, on information thereof to the treasurer.  
No. 590.

Former collectors in default, required to return digests to the treasurer.

XXVII. *And be it further enacted*, That all former collectors who are now 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 on 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.

No. 591. *An Act to establish a tobacco inspection in the town of Petersburg; one on the south side of Broad river, at the mouth thereof; and one other on the lands of Ezekiel Harris, above Augusta.*

Tobacco inspection established in Petersburg, vested in William Watkins.

I. **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 Petersburg, 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 thereof, be, and is hereby vested in him the said William Watkins, his heirs and assigns.

One at the mouth of Broad river, vested in Thomas Walton junr.

II. *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, junr. his heirs and assigns.

And another in Richmond, vested in Ezekiel Harris.

III. *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 like regulations as other inspections.

IV. *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 directed 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 a road from Louisville to Savannah ; one from Louisville to Washington, in Wilkes county ; and another from the Chickasaw ford, on Brier creek, to Columbia court house.* A. D. 1797.  
No. 592.

**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'Cullars, Mill spring, on Buckhead, to Isaac Brinson's ; thence to Asa Tanner's ; from thence into the Augusta road, above captain 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 ;

I. *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 ; Bryaht M'Cullars, Isaac Brinson and Batt Jones, for the county of Burke ; Richard Cooper, Gabriel Parke and Asa Tanner, for the county of Scriven ; and Earnest Zitteror, Samuel Ryall and Christopher Bailey, 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.

II. *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.

III, *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 William-son'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.

IV. *Be it further enacted*, That a public road be established from the Chickasaw 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 counties 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.

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

Concurred, February 11, 1797.

JARED IRWIN, GOVERNOR.

An



A. D. 1797. *An Act to establish an inspection of tobacco at the White Bluff, on the Oconee river, in the county of Washington.*  
No. 593.

Tobacco inspection at White Bluff,

I. **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 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.

Vested in Thomas Lawson.

II. *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.

No. 594. *An Act to divorce or separate Henry Moore M'Donald and Mary his wife, and for protecting each of them in their separate estates.*

February 11, 1797.

No. 595. *An Act to divorce Benjamin Butler and Elizabeth his wife.*

February 11, 1797.

No. 596.

### *An Act respecting vendue masters.*

Preamble.

**W**HEREAS, it hath been determined by a joint resolution of both branches of the 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.

Vendue masters appointed for Savannah,

I. *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.

Augusta, Louisville and other places.

II. *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.

III.



III. *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.

A. D. 1797.  
No. 596.  
Corporation of Savannah, to appoint them for that place in future, and to take bond & security

IV. *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 masters, 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.

The inferior courts to appoint them for the other places.

V. *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, (except such as may have been insured, to be established by the oath of the owner, agent, or trustees) for the year one thousand seven hundred and ninety-six and one thousand seven hundred and ninety-seven, be remitted.

The tax on certain lots in Savannah, remitted on account of the fire.

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

Concurred, February 13, 1797.

JARED IRWIN, GOVERNOR.

*An Act to revise and amend the several road acts, and for other purposes therein mentioned.*

No. 597.

I. **B**E it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That every person liable to work upon any of the roads, creeks, causeways, water passages and bridges within this State, shall bring with them to the place appointed by the commissioners or surveyors or any or either of them, such tools as they may be directed by the said commissioners or surveyors or any or either of them as aforesaid; and every person or persons refusing or neglecting to bring the tools as aforesaid, and the owner, manager or employer of such male slave or slaves as are liable to work, and shall refuse or neglect to bring the said tools, shall be liable to be fined at the discretion of the said commissioner or commissioners, surveyor or surveyors, or a majority of them, where there are more than two in any one district, in a sum not exceeding an half dollar each for every day he or they shall neglect or refuse to bring the said tools.

Persons liable to work on roads, bridges, &c. to carry proper tools with them

II. *And be it further enacted*, That the bridge across South Newport river, which divides the counties of Liberty and McIntosh, shall be built and kept in repair at the joint expence of the said counties, by a tax to be levied on the inhabitants of each county by the justices of the inferior court of the said counties respectively.

Bridge across S. Newport river - how to be built and kept in repair.

III.



A. D. 1797.

No. 597.  
The road act of  
1793, to be in  
force in Bryan  
and M'Intosh.

The negroes on  
certain planta-  
tions in Chat-  
ham, to work  
on the road in  
Bryan.

The road from  
Greene to Sun-  
bury—how to  
be opened.

The inferior  
court of Liberty  
county to assess  
a tax for that  
purpose.

May establish  
ferries and the  
rates of ferriage

This act—in  
what counties  
to operate.

III. *And be it further enacted*, That the act entitled "An act for regulating and keeping in repair the public roads and bridges in the several counties in this State," passed at Augusta on the ninth day of December, one thousand seven hundred and ninety-three, be, and the same is hereby declared to be in full force and effect in the counties of Bryan and M'Intosh; any law to the contrary notwithstanding.

IV. *And be it further enacted*, That the male slaves subject to road work under the afore recited act belonging to and residing on the plantations of John Wereat, Ralph Elliott, and the estate of Thomas Savage, esqrs. lying and being on the river Ogechee, in the county of Chatham, be, and they are hereby considered as liable to work the public road in the county of Bryan only.

V. *And whereas*, it hath been found impracticable for the several persons liable to work on that part of the road in the county of Liberty leading from the court house in Greene county to the town of Sunbury, lying between the county line and Wells's ferry, to open and complete the same; *Be it therefore further enacted*, That the commissioners or surveyors of the said district or division, with consent of the justices of the inferior court for the county of Liberty, be, and they are hereby authorized and empowered to agree with any person or persons willing to undertake to open and complete the said road and bridges so as to make the same passable.

VI. *And be it further enacted*, That the justices of the inferior court for the county of Liberty, be, and they are hereby authorized and empowered to assess a tax on the inhabitants of the said county, not exceeding one eighth part of the general tax for the year one thousand seven hundred and ninety-seven, to be applied for the purpose of opening and clearing out that part of the aforesaid road lying between the county line and Wells's ferry.

VII. *Be it further enacted*, That it shall be lawful for the inferior courts of the respective counties in this State, to establish such ferries at such places as they may deem proper in their respective counties; and also to establish the fees or rates of ferriage at such ferries as they may establish pursuant to this act.

VIII. *And be it further enacted*, That this act shall operate and be enforced in the counties wherein the act for regulating and keeping in repair the public roads and bridges in the several counties in this State, passed on the ninth day of December one thousand seven hundred and ninety-three, operates and has effect, and in no other, except that part which empowers the inferior courts to establish ferries which shall operate in every county throughout the State.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 13, 1797.

JARED IRWIN, GOVERNOR.

No. 598.

*An Act for appropriating money for the year one thousand seven hundred and ninety-seven.*

The manner of  
drawing money  
out of the treasury,  
deposited by pur-  
chasers of Western  
Territory.

IV. **A**ND *be it further enacted*, That in all cases where application shall be made by persons who may have deposited monies in the treasury in part or whole



whole payment for pretended shares of land under the usurped act passed at Augusta on the seventh day of January, one thousand seven hundred and ninety-five, and who are authorized under the act of the present session to draw such deposits therefrom, the person or persons so applying, shall, previous to receiving a warrant for any sums so deposited, produce the original treasury receipt for the same, which shall be filed in the executive office; a sum equal to three and a fourth cents per day to each private foot militia man raised under the establishment of the United States for the protection of this State, and agreeable to a concurred resolution of a former legislature for the time such privates were in actual service, to appear from the muster rolls of the said troops; to the honorable Abraham Baldwin eight hundred and seventy-six dollars ninety-five cents; to John E. Smith the sum of five hundred dollars for printing the laws and journals of the present session; *Provided*, the said Smith shall have said laws and journals correctly printed and delivered to the executive, at the seat of government, except such as may be receipted for at his office by the members of the respective counties, on or before the first day of April next; and shall also establish a press in the town of Louisville on or before the first day of October next; *And provided also*, That the said Smith shall within twenty days give bond and security to his excellency the governor in the sum of one thousand dollars for the true performance of the said services; and in case of his neglect or refusal so to do, his excellency the governor is hereby directed to contract for the printing the said laws and journals upon such terms as to him may appear most conducive to the public good; *Provided*, That nothing in this act contained shall extend or be construed to extend to the authorizing the treasurer to pay out of the treasury any part of the monies deposited by the pretended purchasers under the usurped act of the seventh of January, one thousand seven hundred and ninety-five, in part or whole, pretended payment for shares of the territory sold under the said act to any other than those who have deposited the same.

DAVID MERIWETHER *Speaker of the House of Representatives.*

DAVID EMANUEL, *President of the Senate.*

Concurred, February 13, 1797.

JARED IRWIN, GOVERNOR.

*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."*

No. 599.

I. **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 city, and every citizen of this State, who is an occupier of a 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.

The manner of electing aldermen in the city of Savannah.



A. D. 1797. aldermen now in office, at least ten days previous to the day of election within the  
No. 599. 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 freeholder 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.

Two or more magistrates to superintend the election in each ward  
II. *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.

Voters may be required to produce a certificate.  
III. *And be it further enacted*, That if any person shall offer to vote, who is not known to the presiding magistrate 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 persons not eligible, to be elected.  
IV. *And be it further enacted*, That no person holding an appointment under this State or the United States (except justices of the peace and officers of the militia) shall be eligible to the appointment of an alderman.

Persons holding certain appointments under the corporation, not to vote.  
V. *And be it further enacted*, That no person holding an 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.

The elections to be annual.  
VI. *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.

The commissioners of the town of St. Mary's vested with certain powers.  
VII. 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 by-laws and regulations as may be necessary for the good order and government of the said town of Saint Mary's; *Provided*, such by-laws and regulations be not repugnant to the laws and constitution of this State, and the United States.

Repealing clause.  
VIII. *And be it further enacted*, That so much of the aforesaid acts as militate with this act be, and the same are hereby repealed.

Green street in Augusta, to be made uniform.  
IX. *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



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.

A. D. 1797-  
No. 599.

X. *And whereas*, in and by an ordinance passed by the general assembly on the sixth day of December, one thousand seven hundred and ninety, the exclusive right to erect a bridge over the river Savannah at Augusta, was vested in Wade Hampton, his heirs and assigns, upon certain conditions therein expressed; and the said Hampton in pursuance thereof, did, at great expence, erect a bridge in terms of the said ordinance; which said bridge hath been entirely destroyed by an extraordinary fresh in the said river; and the said Hampton being desirous of rebuilding the said bridge, and to have further time allowed him to effect the same; and great public utility having been experienced by that heretofore erected:

Wade Hampton

*Be it therefore enacted by the authority aforesaid*, That the before mentioned ordinance is hereby revised, and declared to be in full force and operation, and the time therein limited for rebuilding a bridge across the said river, shall, and is hereby declared to be extended to the term of two years, from and after the passing of this act and no longer.

Allowed further  
time to rebuild  
the bridge at  
Augusta.

XI. *And be it further enacted*, That provided the said bridge shall be re-built within the fixed term of two years, in manner pointed out in the aforesaid ordinance, then and in that case the profits and emoluments arising from the said bridge, together with all the rights and privileges intended to be vested by the said ordinance shall, and is hereby declared to be exclusively vested in the said Wade Hampton, his heirs and assigns according to the true intent and meaning thereof: *Provided nevertheless*, That the trustees of the town of Augusta, or a majority of those actually residing in the county of Richmond, shall be, and are hereby vested with full power and authority to point out the situation or place where the said bridge shall be erected; and the said Wade Hampton shall be governed in that respect by their determination.

If re-built in the  
time prescribed,  
the exclusive  
right to remain  
in him and his  
heirs, agreeably  
to the original  
ordinance.  
The trustees of  
Augusta to point  
out the place.

XII. *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,

XIII. *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,

What number of  
trustees to con-  
stitute a compe-  
tent board.



A. D. 1797. shall and are hereby declared to constitute and form 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.

George Walker appointed a trustee.

The number not to be encreased.

XIV. *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.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 13, 1797.

JARED IRWIN, GOVERNOR.

No. 600.

*An Act to amend an act, entitled "An act to regulate elections within this State, so far as it respects the elections of magistrates and justices of the inferior courts in certain counties within this State."*

February 13, 1797.

No. 601.

*An Act for repealing an act, entitled "An act authorizing certain persons herein mentioned, to erect toll bridges over Little river and over water courses within this State."*

The act authorizing toll bridges repealed, except one over Beaver dam creek and Little river.

I. **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.

The proprietors—in what manner to be compensated.

II. *And be it further enacted,* That the justices of the inferior 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 part 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 said 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 13, 1797.

JARED IRWIN, GOVERNOR.



*An Act for opening and keeping open the river Oconee.*

A. D. 1797.  
No. 602.

February 13, 1797.

*Repealed by act of 1798, No. 618.*

*An Act to pardon a certain negro man named Jerry.*

No. 603.

**B**E it enacted by the senate and house of representatives in general assembly met, and by the authority of the same, That a pardon is hereby granted to a negro man by the name of Jerry, the property of Benjamin Kitchen, now under sentence of death in the county of Washington.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 13, 1797.

JARED IRWIN, GOVERNOR.

*An Act for the relief of the unfortunate sufferers by the late fires in Savannah.*

No. 604.

**W**HEREAS, the city of Savannah, in this State, hath been visited in the course of the last year, by the most extensive and disastrous conflagrations, ever experienced on this continent, whereby a great many industrious and worthy citizens of this State have been reduced from a state of comfortable ease and competency, to ruin and distress; *And whereas*, it is not consistent with the character and duty of social beings, to stand aloof and treat with indifference the afflictions of their fellow creatures; and the dreadful effects of those calamities have extended beyond the bounds of individual benevolence; in which case it becomes the duty of that government under whose protection the unfortunate may be, and to whose support they have in prosperity contributed, as well from motives of policy as beneficence, to alleviate their afflictions as far as the general interest will permit.

I. *Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met*, That one third of the revenue or income which may be derived to this State from the tax imposed on negroes brought into this State for sale, for the current year, be and is hereby appropriated to and for the relief and benefit of the unfortunate sufferers aforesaid.

II. *And be it further enacted*, That the tax collector for the county of Chatham, or any other county into whose hands any money may come, for and on account of the negro tax aforesaid, be, and is hereby authorized and directed to pay into the hands of the mayor and aldermen of the city of Savannah, one third of such monies quarterly; and the receipt of the said mayor shall be acknowledged and admitted by the treasurer in the settlement of the said tax collectors accounts.

III. *And be it further enacted*, That such monies shall be subject to such distribution or disposition as the citizens of Savannah may think proper to make.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 13, 1797.

JARED IRWIN, GOVERNOR.

*An*



A.D. 1797. *An Act to improve the navigation of Brier creek, from the line dividing the counties of Burke and Scriven, to the mouth thereof.*  
No. 605.

Persons liable to work on Brier creek in Scriven

I. **B**E 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 in 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 the said 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.

The inferior court to appoint commissioners.

II. *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 executions 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.

Persons working on the creek exempt from roads.

III. *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.

What tools and implements to be used.

IV. *And be it further enacted*, That every person or persons liable to work as aforesaid, shall bring with them one good ax 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 defaulters goods and chattels, as in case of execution and levy, ordered by the superior or inferior courts in this State.

Repealing clause.

V. *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.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 13, 1797.

JARED IRWIN, GOVERNOR.

*An*



*An Act to make permanent the seat of the public buildings in the county of Glynn, and for other purposes therein mentioned.* A. D. 1797.  
No. 606.

I. **B**E it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That Richard Prichard, Martin Palmer and Moses Burnett be, and they are hereby appointed commissioners of the court house and gaol in the county of Glynn; which court house and gaol 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. Commissioners appointed.  
Court house & gaol of Glynn, to be in Brunswick.

II. *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 gaol, 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. Part of the town common, to be sold.  
The monies—how to be applied.

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

DAVID EMANUEL, *President of the Senate.*

Concurred, February 13, 1797.

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.* No. 607.  
February 13, 1797.

*An Act to divorce or separate Abner Mitchel and Salley Mitchel his wife, formerly Salley Mitchel, and for protecting each of them in their respective estates.* No. 608.  
February 13, 1797.

*An Act to incorporate Augusta; and improve the public roads in the neighbourhood thereof.* A. D. 1798.  
No. 609.

**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 indispensably 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: Preamble.



A. D. 1797.

No. 609.  
Qualification of  
voters.Incorporated &  
styled City.

Three Districts.

Members of the  
city council—  
their qualifica-  
tions—how e-  
lected.

Their oath.

The inhabitants  
—how elected.

I. *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 freehold or lease for years, of a lot within the same or the village of Springfield, or between the said village and town, 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 said street, and the cross street running from the said river, between the house of Mr. Andrew Innes, and the house occupied by Collin Reed and company, 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.

II. *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 of 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 freehold 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 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 by-laws and regulations thereof, to the best of my skill and judgment; I do swear that I will support the constitution of this; I do also swear that I will support the constitution of the United States."

III. *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 citizens of the said town, possessing the qualifications of a member as aforesaid; and at the time



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, 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 by-laws, rules and ordinances, respecting the harbor, streets, public buildings, work houses, markets, wharves, 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 by-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 by-laws of the said city; and they are hereby 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 by-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 by-laws repugnant to the constitution or laws of the land. *And provided also*, That the by-laws, rules and ordinances they may make, shall, at all times, be subject to the revival, alteration or repeal of the legislature.

IV. *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

A. D. 1797.  
No. 609.

Vacancies.

Powers of the  
corporation.

May appoint  
clerk and other  
officers.

Market house,  
not to be re-  
moved.

Wardens vested  
with all the  
powers of just-  
ices of the peace.



A. D. 1798. 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 authorities 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, on 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, on being elected member of the city council, shall refuse to act, he shall pay for the use of the 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, annual, on the first Monday in April.

Penalty on persons elected, refusing to serve.

How punishable for mal-practice &c.

Public roads—under their direction.

V. *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 from the 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.

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

DAVID EMANUEL, *President of the Senate.*

Assented to, *January 31, 1798.*

JAMES JACKSON, GOVERNOR.

*An*



*An Act for the better regulating the town of Louisville.*

A. D. 1798.  
No. 610.

**W**HEREAS, the town of Louisville requires regulation: *Be it therefore enacted*<sup>d</sup> 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: Doctor John Powell, John Berrien, Chesley Bostwick, John Shelman and Michael Shelman, Esquires, 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.

Commissioners  
named.

II. *And be it further enacted*, That the said commissioners shall have, and they are hereby vested with full power and authority to make such by-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 always*, That such by-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.

Their powers:

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 prohibit the further importation of slaves into this State.*

No. 611.

**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:

Preamble.

I. *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 attornies, to the inhabitants of this State; any 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 6  
months.

II. *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 mullatto, mustizo, or negro slave

Not to be brought  
from other States  
for sale, after three  
months.



A. D. 1798. or slaves, of any age or sex, or make sale or other disposition thereof to any of the  
 No. 611. 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, mustizo or  
 negro slave so brought into this State, sold or otherwise to be disposed of, to be reco-  
 vered 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 con-  
 strued 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 trans-  
 ferring 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.  
*Provided.* *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 into  
 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 certifi-  
 cate aforesaid, which certificate and oath shall be filed of record in such office.

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

DAVID EMANUEL, *President of the Senate.*

Assented to, January 31, 1798.

JAMES JACKSON, GOVERNOR.

An



# LAWS OF GEORGIA.

675

*An Act for the better securing to Alexander Caswell, a certain tract of land, purchased at A. D. 1798.*  
the sales of confiscated property. No. 612.

February 1, 1798.

*Private.*

*An Act to authorize the mayor and aldermen of the city of Savannah, as commissioners of the court house and gaol of the county of Chatham, to draw the sum granted by law, to each county, for building and repairing court houses and gaols.* No. 613.

February 2, 1798.

*An Act to authorize and empower the trustees of the White Bluff congregation, to sell and convey certain land therein mentioned.* No. 614.

February 2, 1798.

*An Act for preventing controversies concerning the bounds of land and for processioning the same.* No. 615.

I. **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 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 may 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 tree 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 expence of the party refusing or failing to attend as aforesaid.

Three processioners to be elected in each company district.

Their powers & duty.

II. *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

Lands to be processioned within 12 months. Penalty for neglect.



A. D. 1798. 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. III. *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.

No. 616. *An Act to admit the counties of Glynn, Camden, Columbia and Bullock, to the privilege of electing their magistrates.*

February 2, 1798.

*Rendered obsolete by the constitution of 1798.*

No. 617. *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.*

February 2, 1798.

*Private.*

No. 618. *An Act for opening and keeping open the river Oconee.*

The main stream of Oconee not to be stopped. One tenth part to be opened as high as Fort Washington.

Penalty for neglect.

I. **B**E it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That if any person or persons having stopped, or shall stop the main stream of the river Oconee, by dams or any other contrivance, so as to prevent the passage of fish up the said river, they shall open one tenth part of the main stream of the said river: And if any person or persons, shall refuse or neglect to open so much of the main stream of the said river, by the fifteenth day of February next ensuing, as high as the fork of the said river, above Fort Mathews, and the two forks of the said river above Fort Mathews, the one known by the name of the North fork, the other known by the name of Middle river, shall have one tenth part of the main stream of each river opened, and also that fork known by the name of Appallachee, shall have one tenth part of the said river opened as high as Fort Washington, on the high shoals: And every person or persons so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of twenty-five dollars per day, to be recovered in any justices court in the district where such offence may be committed, the one half to the informer, and the other to the use of the county where such judgment may be obtained: *Provided*, That where any mill is built, or may be built, on either of the above mentioned streams, the owner or owners thereof shall keep a slope in their dams of ten feet, so as fish may pass, and in so doing, shall be considered as complying with the intent and meaning of this act.

II.



II. *And be it further enacted*, That Broad river shall be kept open in manner pointed out by an act for keeping open Little river and Broad river, passed the second day of February, one thousand seven hundred and ninety-six, from the first day of February until the fifteenth day of April. A. D. 1798.  
No. 618.  
Broad part to be kept open.

III. *And be it further enacted by the authority aforesaid*, That the act, entitled "An act for keeping open the river Oconee," passed at Louisville on the thirteenth day of February, one thousand seven hundred and ninety-seven, be, and the same is 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 add a number of plats, collected by the secretary of State, to the surveyor general's office.* No. 619.

**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 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: Preamble.

I. *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 surveys, 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. Certain plats added to the surveyor general's office.

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

DAVID EMANUEL, *President of the Senate.*

Assented to, February 2, 1798.

JAMES JACKSON, GOVERNOR.

*An Act for the better regulating the admeasurement of Lumber within this State; and for other purposes.* No. 620.

**W**HEREAS, it has been found by experience, that that part of the lumber law for appointing lumber measurers, will by no means answer the purposes intended by the legislature: Preamble.

I. *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 on by the seller, purchaser, and the person measuring the same. Lumber measurers.

II.



A. D. 1798.

No. 620.

Raft men &c.  
selling drifted  
lumber, liable  
to penalty.

II. *And whereas*, raft men 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 raft man 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 thirty dollars for every such offence, to be recovered in any court having jurisdiction of the same, one half for the benefit of the informer and prosecutor, and the remaining moiety to the use of the county wherein such offence shall be committed. *And whereas*, it has been a custom too long established in the city of Savannah, to purchase lumber of all descriptions of raft men and other persons:

Purchasers also  
liable.

III. *Therefore be it further 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 thirty dollars for each and every such offence, to be recovered in any court having jurisdiction of the same: *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 of the same to the rightful owner thereof.

Lumber inspectors,  
to be appointed by  
inferior courts.

IV. *And be it further enacted*, That in all sea port towns, where lumber is brought for exportation or otherwise, the inferior courts of the county, where such ports shall be, shall immediately after the passing this act, convene, and appoint such number of persons as they may deem necessary for lumber inspectors, whose duty it shall be to attend, when called on by sellers and purchasers of lumber, to inspect such as they themselves cannot agree on as to its quality; and such lumber inspectors shall receive fifty cents for every thousand feet so inspected, to be paid for equally by the feller and purchaser.

Repealing clause.

V. *And be it further enacted*, That so much of the act regulating the admeasurement of lumber, and appointing lumber measurers, as militates with this act, be, and the same is hereby repealed.

Commissioners  
appointed to fix  
on a place for  
the court house  
and gaol in Lin-  
coln.

VI. *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 gaol in the county of Lincoln, be, and the same is hereby repealed; and that Isaac Avery, John Winne, Duncan Bohannon, John Moss and John Lockheart, be, and they are hereby nominated and appointed commissioners for fixing on a spot for the court house and gaol 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 gaol for the said county, any law to the contrary notwithstanding.

And for the like  
purpose in Jack-  
son county.

VII. *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  
gaol



gaol in the county of Jackson, be, and the same is hereby repealed; and that James A. D. 1798.  
Cunningham, Owen I. Bowen, Thomas Barren, Joseph M'Cutching, Absolem Ra- No. 620.  
mey, Matthew Stone and Micajah Binge, be, and they are hereby nominated and  
appointed commissioners for fixing on a spot for the court house and gaol 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 gaol  
for the said county, any law to the contrary notwithstanding.

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 pardon John Hume Manderfon.*

No. 621.

February 2, 1798.

*Private.*

*An Act to repeal an act for keeping open Little river and Broad river, No. 622.  
so far as it respects Joseph Ray, Bazil Lamar, and the heirs of  
Williamson, upon certain conditions.*

**W**HEREAS, it hath been found that an act passed the twenty-second day of Preamble.  
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.

I. *Be it therefore enacted by the senate and house of representatives of the State of Georgia* The act, so far  
*in general assembly met, and by the authority of the same,* That so much of the aforesaid as respects the  
act for keeping open Little river and Broad river, as respects the mill seats of the mill seats of Jos.  
aforesaid Joseph Ray and Bazil Lamar, be and the same is hereby repealed. *Provided* Ray and B. La-  
*always nevertheless,* That if the said Joseph Ray and Bazil Lamar shall not, within mar, repealed on  
two years from and after the passing of this act, erect or cause to be erected and certain condi-  
completed a merchant mill each, in which may be manufactured into good merchan- tions.  
table 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.

II. *And whereas*, a bounty of land upon Little river was granted to Andrew Burns', So far also as re-  
in consideration of his erecting a saw mill thereon, which was accordingly completed: spects A. Burns'  
saw mill.

*And*



A. D. 1798. *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.

*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.

No. 623. *An Act to impose a tax, for the support of the government, for the year one thousand seven hundred and ninety-eight.*

Persons owning more than ten thousand acres of land, required to cultivate a certain proportion or pay double tax.

VIII. **A**ND *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.*

An account of arrearages of tax collectors &c. to be set up in the State house.

IX. *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.*

DAVID EMANUEL, *President of the Senate.*

Assented to, February 2, 1798.

JAMES JACKSON, GOVERNOR.

No. 624. *An Act for appropriating money, for the year one thousand seven hundred and ninety-eight.*  
February 2, 1798.

No. 625. *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*



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,

A. D. 1798.  
No. 625.

I. *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.

Adjutant general, to convene the field officers and brigade inspectors annually in each brigade.

II. *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 assemble 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 inspectors, to convene the company officers and adjutant of each regiment twice a-year.

III. *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.

IV. *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 law for non-attendance, disobedience of orders, or ungentlemanlike behavior, in regard to the aforesaid service.

The adjutant to attend battalion musters.

Company officers to instruct non-commissioned officers and privates. Officers--how liable for neglect of the duty required by this act.



A. D. 1798.

No. 625.  
Compensation  
allowed to the  
adjutant general  
&c.

V. *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 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  
empowered to  
employ express

VI. *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 officers so employing them. *Provided*, That a day's riding of an express, be not less than thirty-five miles per day.

Persons employ-  
ed at iron works  
exempt from  
militia duty.

VII. *And be it further enacted*, That the founders, potters, forgemen, 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 Adillim 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.*

Assented to, February 2, 1798.

JAMES JACKSON, GOVERNOR.

No. 626.

*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.*

**W**HEREAS, abuses may arise, from a variety of certificates for debts due by this State, having been issued without proper checks:

All certificates  
for money or  
land to be re-  
turned to the  
comptrollers of-  
ce, & new ones  
to be issued.

I. *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

Proviso.



treasurers of this 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 comptroller general to receive any certificate or certificates under the signature of Wade and O'Bryen, or to issue his certificate in lieu of such certificate or certificates under the signature of the said Wade and O'Bryen.

A. D. 1798.

No. 626.

Proviso.  
Those issued by  
Wade & O'Bryen,  
not to be received.

II. *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.

Counterfeit certificates to be defaced.

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

DAVID EMANUEL, *President of the Senate.*

Assented to, February 2, 1798.

JAMES JACKSON, GOVERNOR.

*An Act for the better regulation of the inspection of tobacco in this State; and for other purposes.* No. 627.

**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.

I. *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 court 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 who may be recommended; and in case no recommendations are made, the court may elect from any candidates that may offer.

Inspectors of tobacco—in what manner to be appointed.

II. *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.

III. *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

And at Savannah.

on



A. D. 1798. on the spot of ground whereon the warehouse and inspection shall be established, and  
 No. 627. 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.

Repealing clause. IV. *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.

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

DAVID EMANUEL, *President of the Senate.*

Assented to, February 2, 1798.

JAMES JACKSON, GOVERNOR.

No. 628. *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 Alatomaha and Oconee rivers, commencing from the sea, and continuing as far up as the Rock Landing; and for other purposes.*

Preamble.

**W**HEREAS, it appears essential to the interest of the people at large, that the navigation of the Alatomaha 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:

Lottery--authorized to improve the navigation of Alatomaha & Oconee rivers.

I. *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 schemes and regulations as they may think fit and proper, for the purpose of opening and improving the navigation of the said rivers.

Commissioners appointed.

II. *And be it further enacted by the authority aforesaid*, That Jonathan Fabian, John Couper, Ferdinand O'Neal, Spencer Wilson, David Blackshear, John Jones and Samuel Wright, be the commissioners authorized to carry the same into effect.

III. *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:

Lottery--authorized to promote a cotton manufactory.

*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 purpose of erecting and carrying on the machinery aforesaid.

IV.



IV. *And be it further enacted*, That Benajah Smith, Joel Abot and John Mathews, A. D. 1798.  
No. 629.  
Commissioners  
appointed.  
be, and they are hereby appointed commissioners to carry the last mentioned lottery into effect.

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 render more safe and expeditious the navigation from the river Alatomaha to the town of Brunswick; and for other purposes therein mentioned.* No. 629.

**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 risk, and by a circuitous route. *And whereas*, the danger and distance may be greatly lessened by cutting a canal from the 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.

I. *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 in Bryan, empowered to cut a canal.

II. *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. Toll allowed for the use of the academy.

III. *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 provided also*, That if the sale of the said tract or tracts shall exceed the sum last aforesaid, Commissioners empowered to sell & purchase confiscated property for the use of the academy.  
mentioned,



A. D. 1798. mentioned, that then, the surplus shall be paid by the said commissioners into the treasury. *And whereas*, the bridge which is laid over Great Ogechee, between the counties of Chatham and Bryan, for the want of timely repair, has been in such a condition, as to expose travellers and their property, to injury and danger :

No. 629.

Certain powers  
vested in com-  
missioners of  
roads, for keep-  
ing Ogechee  
bridge in repair

IV. *Be it enacted*, That the commissioners for the roads of the said county, be, and they are hereby empowered and required, whenever the said bridge shall be in such a condition, to give notice thereof, and of the repairs which it requires, to either of the owners of the said bridge, or to any qualified executor or administrator of an estate of which the said bridge or any portion thereof, may make a part; and if neither of the said owners, nor such executor or administrator, shall make or cause to be made such repairs, within ten days after receiving such notice, that then, the said commissioners are hereby empowered and required to make such repairs, and on their being completed, the said commissioners are hereby required to furnish either of the said owners, or such executor or administrator, with an account of the sums expended or contracted to be paid for such repairs, and if, within ten days after such account is so furnished, the amount thereof shall not be paid by either of the said owners, or such executor or administrator, or some person authorized by them, or either of them, the said commissioners are hereby authorized to institute a suit, in their names, against such owners or either of them, or the executors qualified as aforesaid, or such administrator or administrators, and to recover in such suit the amount which shall be proved to have been expended or contracted to be paid for the repairs aforesaid, together with such reasonable allowance for their trouble and superintendence, as a jury may thing fit.

Suits against the  
proprietors to be  
tried in an unu-  
sual manner.

V. *And be it further enacted*, That such suit may be instituted in either the superior or inferior court of the county in which the defendant or either of them may reside, and to such suit there shall be no imparlance, but it may be tried at the desire of the commissioners, at the term to which it may be brought.

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

DAVID EMANUEL, *President of the Senate.*

Assented to, February 3, 1798.

JAMES JACKSON, GOVERNOR.

No. 630.

*An Act to amend an act for clearing out Ogechee river and Brier creek.*

**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 :

Inferior court of  
Bullock to ap-  
point commissi-  
oners for oper-  
ing Ogechee ri-  
ver, opposite  
that county.

I. *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



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. A. D. 1798.  
No. 630.

II. *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 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. Persons refusing to work on the river—how liable.

*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." Inhabitants not liable to work on the public roads more than six days. And may be exempt from additional tax, by labor on the river.

III. *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. Inferior courts of other counties empowered on petition of the inhabitants, to appoint commissioners in like manner.

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 open a communication across the marsh, from Hampton river to Racoon point.* No. 631.

**W**HEREAS, the opening a communication from Hampton river to Racoon point, near the island of Great Saint Simons, 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.

I. *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, Esquires, 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. Commissioners appointed.

II. *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, The canal—in what manner to be opened and kept in repair.



A.D. 1798. inclusive, who are subject to work on the roads in the said island, shall be, and  
 No. 631. they hereby are 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.

Fines for default  
 in working on  
 the same.

III. *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, toge-  
 ther 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 com-  
 missioners 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 pro-*  
*vided 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.

Proviso.

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 give concurrent jurisdiction to the superior courts of this State, with the inferior courts thereof in civil cases.* A. D. 1799.  
No. 632.

I. **B**E 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, 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."* No. 633.

I. **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 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 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 M'Intosh; 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. Court days.

#### 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 M'Intosh; 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:

4 S IN



A. D. 1799.

No. 633.

## 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.

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.

II. *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 M'Intosh; 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 M'Intosh; 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



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, in Wilkes. And the justices of the inferior courts may adjourn from day to day, until they accomplish the business of the term.

A. D. 1799.  
No. 633

P O W E R S C O M M O N T O B O T H .

III. *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.

Jurisdiction of  
superior and in-  
ferior courts.

IV. *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 said two days as aforesaid, such clerk shall then adjourn the same to the next term.

Adjournment  
by clerk.

V. *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 failure 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 of re-  
cord.

Witnesses free  
from arrest.

VI. *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.

Books, papers,  
&c. to be pro-  
duced on trial.

Lost papers.

VII. *And be it further enacted*, That the judges of the superior courts or any one of them, and the justices 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 gaol any prisoner, according to their discretion and the law of the land: *Provided*, That in all cases of a capital

*Habeas corpus.*



A. D. 1799. 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.

VIII. *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 teste 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.

To whom di-  
rected.

IX. *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 anywise 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

Answer or de-  
fence in writ-  
ing.



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.

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No. 633.  
Proceedings—  
how amended.

• X. *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.

Judgment by  
default.

Continuance.

XI. *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.

Joint obligors.

### EXECUTORS AND ADMINISTRATORS.

XII. *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  
free from suit  
12 months.

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

Abatement.

*Scire facias.*



A. D. 1799. the defendant shall die, it shall and may be lawful for the plaintiff to issue a *scire facias* in manner aforesaid, immediately after by expiration of *twelve* months, requiring such executor or administrator to appear and answer to the said cause.

*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.

### B A I L.

Bail.

XIII. *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.

XIV. *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 gaol of the county, or if there should be no gaol 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.

XV. *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



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 *capias ad satisfaciendum* against the principal, and *scire facias* against the bail, and judgment thereon, execution may issue against the 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 gaol according to the directions of this act, any law, usage or custom to the contrary notwithstanding.

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No. 633.

XVI. *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 gaol 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 gaol, 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 gaoler 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.

#### MORTGAGES ON REAL ESTATES.

XVII. *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

Mortgages on  
real estate.



A. D. 1799. 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 cost 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 executions, 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-offs which in equity ought to be allowed, the court shall appoint one or more fit person or persons to audit and liquidate the same, but either party shall be 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.

Mortgages of  
personal estate.

XVIII. *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 to 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 judge 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 assignable 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.

XIX. *And be it further enacted*, That where the attendance of any person shall be required as a witness in any of the courts aforesaid, in any cause depending therein,  
it



it shall be the duty of the clerks of the said courts respectively, on application to issue writs of *subpœna* 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 *subpœna* 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 *subpœna* was duly executed.

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*Subpœna.*

XX. *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.

Attachment a-  
gainst witnesses.

XXI. *And be it further enacted*, That when a *subpœna* 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.

Witnesses to at-  
tend until dis-  
charged.

XXII. *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 chattles 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.

How paid.

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.

XXIII. *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

Interrogatories  
and depositions.



A. D. 1799. witnesses on such interrogatories as the parties may exhibit, and such examination shall  
No. 633. be read at the trial on motion of either party.

### SETTS-OFF AND SPECIALTIES.

Setts-off.

XXIV. *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 sett-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, indorsement 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 proof shall be allowed the same.

Bonds, notes,  
&c. negotiable.

XXV. *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 indorsement, 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.

### VERDICTS AND JUDGMENTS.

Verdicts and  
judgments.

XXVI. *And be it further enacted*, That in all cases where a verdict shall be rendered, the party in whose favour it may be, shall be allowed to enter and sign judgment thereon, 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 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 a 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

Stay of execu-  
tion.

Appeal.



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 the 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 such cases the said attorney shall pay all costs that may accrue thereby, and the court shall immediately enter up judgment accordingly for the same.

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Mis-trial.

Non-suit.

XXVII. *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.

Confession of judgment.

XXVIII. *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.

Interest.

XXIX. *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.

Attornies when to pay costs.

### ARBITRATION.

XXX. *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 sum 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 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.



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Execution.

## EXECUTIONS.

XXXI. *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 teste 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 issued 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.

Illegality of execution.

XXXII. *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 further 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 perc ent.* 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 issue against such claimant; *And provided also*, The burthen of the proof shall lay with the plaintiff in execution.

Claim of property.

Sales by execution.

XXXIII. *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



discription 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.

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## C L E R K S.

XXXIV. *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.

Clerks to record proceedings.

XXXV. *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.

To be sworn and give bond and security.

XXXVI. *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 practice 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.

Not to act as attorney.

May be clerk of both courts.

## L A W D E P A R T M E N T.

XXXVII. *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,

State's attorney and solicitors.



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## JURIES.

Juries.

XXXVIII. *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.

How to be drawn.

XXXIX. *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 number one, in which shall be placed the names of all the persons selected to serve as grand jurors; and another apartment marked number two, 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 impanelled, but in the presence of one or more of the judges and clerks of the court; nor shall any clerk



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. A. D. 1799.  
No. 633.

XL. *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 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 the 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. Grand jurors.  
Petit jurors.

XLI. *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 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. Grand jury.

XLII. *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 Jurors—how to  
be summoned.



A. D. 1799. shall be written the words following, viz. "The several persons named in the pannel hereunto annexed," which precept with the 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.

XLIII. *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 impannelled; 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            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 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.

Defaulting  
jurors.

XLIV. *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, impannelled, 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 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 may appoint.

Petit jurors  
oath.

XLV. *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.*"

SHERIFFS.



S H E R I F F S .

A. D. 1799.,

No. 633.  
Sheriffs.

XLVI. *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 one 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 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 the said sheriffs in like manner.

To give bond  
and security.

Their oath.

XLVII. *And be it further enacted*, That in case of the death of either 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.

Liable for the  
conduct of their  
deputies.

XLVIII. *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 re-

To account with  
successor.

fusing



D. A. 1799. fusing shall be liable to 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 gaol, and the bodies of such persons as shall be confined therein, with the precepts, writs or causes of such detention; and such succeeding sheriff shall be empowered and required to sell and carry into effect, and 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 the property sold under execution and not conveyed by his predecessor.

Sheriffs how  
liable.

XLIX. *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 gaolers, 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 law 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 practice in any of the courts of this State, during the time he is in such office.

Not to act as  
attorneys.

Attachment for  
contempt.

L. *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.

May be indicted.

LI. *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 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.

When liable to  
action for contempt,  
or fine,  
&c.

LII. *And be it further enacted*, Whenever the sheriff of any county within this State shall fail to make a 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.

### SPECIAL POWERS OF SUPERIOR COURTS.

Superior court  
equity powers.

LIII. *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



medy 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.

A. D. 1799.  
No. 633.

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.

Exceptions.

LIV. *And be it further enacted*, That where either party in any cause in any inferior court shall take exceptions to any proceedings on any cause, 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.

*Certiorari.*

LV. *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.

Errors.  
New trials.

LVI. *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 or affection to either party: *So help you God.*" And the same oath to be administered to juries on appeals.

Special juror's  
oath.

LVII. *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

New trials.



A. D. 1799- may be lawful for the judge presiding to grant a new trial, before another special jury, No. 633. 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 concluded.

LVIII. *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 pannel 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 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 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.

Judges to meet annually.

LIX. *And be it further enacted*, That the judges of the superior courts 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 the 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.

Perpetuation of testimony.

Judges to rotate.

LX. *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.

Proviso.

LXI. *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 costs 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



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 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.

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Proviso.

Justice of the peace not to try trespass.

Caveats depending before the governor.

LXII. *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.

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 regulate Attachments in this State.*

No. 634.

**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, therefore,

Preamble.

I. *Be it enacted by the senate and house of representatives in general assembly met, and it is hereby enacted by the authority of the same*, That in case of non-residence, for 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 attorney, to attach the property both real or 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.

Attachments.

II. *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,

By whom to be issued, and under what restrictions.



A. D. 1799.  
No. 634.

found, either in the hands of any person indebted to, or having effects of such debtor, and 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 on oath what he is indebted to, or what effects of such party he hath in hand, or had at the time of levying such attachment, which being returned 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 effect may be attached, shall deny owing any money to, or having in his hands any effects of such debtor, it shall be lawful for the plaintiff to traverse such denial, and thereupon an issue shall be made up, and the same be tried by a jury, and if found against such garnishee, he, she or they shall be subject to pay the plaintiffs such sums 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, or justice of the inferior court or justice of the peace before granting such attachment take shall 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 defendants giving bond with good and sufficient security to the sheriff or other officer serving the same, which bond he is hereby empowered to take, compelling the defendants to appear at the court to which such 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,

*Proviso.*

*Proviso.*

*Proviso.*

212:80  
2  
225:60



balance, if any, after satisfying such demands and costs, shall by order of the said court be returned to the defendant or his attorney. A. D. 1799.  
No. 634.

III. *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 chattles, 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.

IV. *Ad be it further enacted*, That (where an absent debtor hath property lying in different counties, the same shall be liable to attachment, and an 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. Absent debtor having property in different counties.

V. *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 7, 1799.

JAMES JACKSON, GOVERNOR.

### *Grand Juror's Oath.\**

"YOU shall diligently enquire, and true presentment make of all such articles, matters and things as shall be given you in charge. And of all other matters as shall come to your own knowledge, touching this present service. The (king's) State's council, your fellows, and your own, you shall keep secret: you shall present no person for hatred or malice; neither shall you leave any one unrepresented for favor, or affection, for love or gain, or any hopes thereof; but in all things you shall present the truth, the whole truth, and nothing but the truth, to the best of your knowledge; *So help you God.*" Grand jurors oath.

\* A Guide to the knowledge of the rights and privileges of Englishmen. p. 106.







# APPENDIX.

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## Nº. I.

### The Boundary and Territorial Right

#### OF THE

### State of Georgia examined.

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**I**N attempting to define the *limits* and deduce the *territorial* right of the State, in conformity to our engagement with the public, we have to regret that documents more definite and satisfactory are not, at present, to be had. In our researches we have been not a little disappointed in discovering that scarcely an original paper, which can throw light on this subject, is to be found among the records of the State. Nothing however, in our power, has been omitted, in collecting evidence, and endeavouring to exhibit a candid and impartial view of those important and litigated points, which, with due deference, we submit to the examination and consideration of the public.

Besides being a frontier State, subject to the vicissitudes and various fortune of such an exposed situation, it has been the unhappy lot of Georgia to be embroiled on the subject either of boundary or territorial right from the moment of her existence. These differences commenced with our sister Province, now State of South-Carolina, and extended to the mother country, were succeeded by a misunderstanding with the court of Spain, a renewal of differences with South-Carolina, and now the claim of the United States. In the midst of these, not to mention the embarrassments of our own government, the sanguinary and destructive warfare, in which we have too often been involved with Indian tribes, on the same subject, has by no means been the least: And, unfortunately for the present inhabitants, they appear to be, not without just cause of apprehension that a happy termination may yet be protracted to a distant period.

Whether these calamities have resulted from accident, want of information, or design in the ruling powers, or their agents in designating the original demarkation of limits would, perhaps, be as difficult to ascertain at this day, as the discovery would be unavailing. They have no doubt all in turn contributed. To endeavour to arrest the evil by removing the cause has now become the duty of every friend to the peace, happiness and prosperity of this country.—Deeply impressed with this important truth,



we have been prompted no less by inclination than duty to render our mite towards the accomplishment of so desirable an object.

With regard to the claim of the United States. Living under a mild and equal government of our own choice, by which the rights of all are effectually secured, this State has, in our opinion, nothing to fear from tyranny or injustice. To maintain our rights, it is necessary that we should understand them: When known and asserted they will, no doubt, be duly respected.

In this examination, it is with pleasure, we acknowledge ourselves to have been greatly aided by the abilities and researches of Mr. Attorney General Lee, Messrs. Harper, Morse and Chalmers. Believing that their valuable labors were intended for the advancement of public information, we have taken the liberty to insert many of their observations literally, and comment freely on such parts as appear to us to be exceptionable. The better to investigate this subject, it seems to be necessary to carry back our attention, as Mr. Harper observes, to the first discovery of North America, and take a view of the various public acts by which the rights of soil and jurisdiction, to that part of it where the lands in question lie, have been affected from that period to the present time. Such other transactions as it may be necessary to recur to in other parts of the investigation, though they have no immediate relation to this point, will, for the sake of perspicuity, be noticed in the order in which they occurred.

It was a principle admitted by all European nations, in the establishment and regulation of their American colonies, that prior discovery, accompanied by actual occupation, and, in some cases, without it, vested the right of soil and jurisdiction. Spain thus acquired her extensive dominions in South America; and by the same title she laid claim to Florida in the southern parts of the North American Continent. England, also, by virtue of discoveries made under her flag in the reign of Henry VII. claimed the whole extent of North America from Florida to Hudson's Bay. The boundary between her discoveries and Florida remained for a long time uncertain, and was frequently the subject of dispute between the two crowns. She claimed, however, as far south as the latitude *twenty-nine*; and Spain at length ceded Florida to her, which put an end to the contention.

England made settlements, at a very early period, in the northern and middle parts of this extensive region, and erected governments which now compose the States from Virginia to New-Hampshire, inclusive. These governments were of two kinds, royal and proprietary. In the former, the right of soil and jurisdiction remained in the crown; and their boundaries, though described by its letters patent, were subject to alteration at its pleasure: For, as it possessed the rights of soil and government, and delegated them to its governors, during pleasure, it might dispose of them in what manner and to whom it thought fit, might alter, extend, or abridge the delegation as its inclination or policy might dictate. In the latter, the proprietary governments, the right of soil as well as jurisdiction was vested in the proprietors. Their charters were in the nature of grants, and their limits being fixed by these charters could not be altered but by their own consent. This distinction is particularly noticed



ticed here, because in the progress of the discussion it will appear to be of very great importance.

Most of the governments were at first proprietary; but, in process of time, the greater part of them, either by the forfeiture or surrender of the charters, became royal.

The first of these charters, under which any settlement took place, was given by queen Elizabeth to Sir Walter Raleigh in the year 1584\*. Like the previous charters from her and Henry VII. to Cabot, Sir Humphrey Gilbert and others†, it was merely a commission to discover any countries not occupied by christian people, to take possession of them, and form settlements under the allegiance of the crown of England. It also prohibited any other persons from settling within two hundred miles of any place where he should form a settlement, "within six years." Under this charter he made two settlements: One south of the Chesapeake, composed of about one hundred persons, who arrived in June 1585, and returned to England in the June following: The other near the mouth of James' River, and consisting of about the same number of settlers, who arrived in the year 1587, and continued there. In the title of the charter it is said, that it shall continue in force for six years, and no more; but in the body of it there is no limitation. In the year 1603‡, however, it was forfeited by the attainder of Sir Walter Raleigh, for treason, and the right re-vested in the crown.

In the year 1606, James I. by letters patent dated April 10§, gave permission to two companies to form settlements on any part of the coast of North America, between latitudes 34 and 45. These companies were denominated the first and second colonies of Virginia: The first was to make its settlements between 34 and 41 degrees of latitude, the second between 38 and 45. Neither was to settle within two hundred miles of any place previously settled by the other. Each was to possess all the lands along the coast fifty miles in both directions from the place of its first settlement, one hundred miles back into the country, and all the islands within one hundred miles of the coast. A council was appointed for the government of each colony, and it was provided that all the lands contained within the above mentioned limits should, on petition to the crown, be granted to such persons as the respective councils should recommend.

It does not appear that any such grants were ever made; but James I. by letters patent, dated May 23, 1609||, separated the first colony from the second, and, on the petition of the persons composing it, erected them and a number of others into a corporation under the name of "the treasurer and company of adventurers and planters of the city of London, for the first colony of Virginia." All the lands along the coast, two hundred miles south, and an equal distance north, of Point-Comfort, and extending west to the South-Sea, with the islands within one hundred miles of the coast, were granted to this company, commonly called the London company, and their

\* Hazard's Collection, 33.

† Same Collection, 9, 11, 24.

‡ State Trials, Vol. I. p. 186.

§ Hazard's Collection, 50.

|| Same Collection, 58.



their successors, in fee simple; in trust however, to be distributed among settlers: And the powers of government were vested in two councils, one in England, and one in America.

Point-Comfort being about latitude 36, 30, the limits of this charter must have extended south to about latitude 33. It is not easy to determine whether the government erected by it ought to be considered as royal or proprietary; but it has more the appearance of the former.

On the 12 of March, 1612\*, James I. granted another charter to the London company, which confirms the former and adds to their territories all the islands within 300 leagues of the lands formerly granted to them, and between the 30, and 41, degrees of latitude.

The company continued to exercise the powers of government, and dispose of the rights of soil, within the limits allotted to them, till about the year 1624, when the affairs of the colony appearing to be badly conducted, their charters were forfeited by *quo warranto*†, and the government with all the rights of soil and jurisdiction taken into the hands of the crown. By this resumption Virginia became, if it were not so before, a royal government; and its boundaries became liable to abridgement or alteration at the pleasure of the monarch.

The rights of soil and jurisdiction in all the lands south of the Chesapeake, not actually appropriated being thus re-vested in the crown, king Charles I. made a grant to Sir Robert Heath, his attorney general, extending from the 30, to the 36, degree of latitude north‡, then called Carolina-Florida.

By an extract from a representation of the board of trade to the king of Great Britain, dated in 1728, it appears "that Carolina was formerly known by the name of Florida and Carolina-Florida; and that this province was first discovered by Sir Sebastian Cabot in the year 1497, who, by commission from, and at the expense of king Henry VII. discovered all the coast of America, from the 56, to the 28, degree of northern latitude, about 30 years before any European had visited the northern continent of America: And it does not appear that the Spaniards ever attempted any discovery of that part of America 'till 1527, under Pamphilio Narvaez, nor any conquest 'till 1539, when Ferdinando Soto landed upon Florida from the Havannah, and wandering over a great part of that country in search of mines, which he could not find, died of grief in 1542, and such of his name as were left alive returned again to the Havannah, without making any settlement on the continent."

In the same representation § are cited three grants, "one by Charles I. in the 5th year of his reign, to Sir Robert Heath of Carolina-Florida, of the lands lying from the river Matheo in the 30 degree, to the river Passa Magna in 36 degrees of northern latitude:" But whether this grant was afterwards surrendered, or became vacant and obsolete by non-user or in what other manner does not appear. The other two by Charles II. to the lords proprietors of Carolina comprehends the same country, with some small difference in the boundaries. Fort King George on the Alatomaha, within the

\* Same Collection, 72. † Hazard's Collection, 83, 89. ‡ Atto. Gen. report, 28. § See Document No. 2.



the bounds of each, is here stated to be claimed and contested by Spain. The first of the last mentioned grants, to lord Clarendon and others, bearing date 24th March, 1662, comprehends "all that territory or tract of ground situate, lying and being within his said majesty's dominions in America extending from the north end of the island called Lucka island which lieth in the northern Virginia seas, and within six and thirty degrees of northern latitude, and to the west as far as the South seas, and so southerly as far as the river St. Matthias, which bordereth upon the coasts of Florida and within one and thirty degrees of northern latitude, and so within a direct line as far as the south seas aforesaid." The country contained within these boundaries, was erected by the charter into a province under the name of "Carolina." Extensive immunities were conferred on settlers, and the rights of soil and government were vested in the proprietors in fee simple\*. The other grant or charter from Charles II. dated June 30, 1664, confirmed the former grant to the proprietors, and extends its limits from latitude 36, 30, to latitude 29 inclusive, and from those points due west to the south sea.

In the year 1670, by the seventh article of the treaty † of that year between England and Spain it is stipulated "that the king of Great Britain shall remain in possession of what he then possessed in the West Indies and *America*. Prior to this period nothing is known to have been done to settle the pretensions of those crowns relative to America, and at this time the principal colonies of Great Britain were settled. In this situation the boundaries of the territories of those nations in America, remained 'till the peace of 1763, during which time they were the subject of many disputes, which were not adjusted 'till the cession of *Florida* in that year to the king of Great Britain.

On the 25th of July, 1726, the lords proprietors by deed duly executed, surrendered to the crown all their rights under those charters‡, lord Carteret alone, one of the number, retained his share, and it was afterwards separately allotted to him in the northern parts of the province. The surrender was accepted and confirmed by act of parliament, and by virtue of it Carolina became a royal government. It was afterwards divided into two provinces, called North and South-Carolina, by a line beginning at the north end of Long Bay, and running thence north-west to the latitude 35, and thence due west to the South sea: lord Carteret, better known by the name of lord Granville, had his part laid off in North-Carolina.

George II. by letters patent bearing date on the 9th of June, 1732||, erected lord Percival, James Oglethorpe and others, into a corporation under the title of the "Trustees for establishing the colony of Georgia in America," and granted to them and their successors, in trust for future settlers, all those lands countries and territories situate, lying and being in that part of South-Carolina in America, which lies from the northern stream of a river, there commonly called the 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. This country was erected into a province called

\* Attor. gen. report, 47.

† See document No. 3.

‡ Attor. gen. report, 44. 72.

|| See documents No. 4, 5, 6, 7, 8.



called "Georgia," and power was given to the trustees for twenty-one years to frame laws and regulations for its government; after which all the rights of soil and jurisdiction were to vest in the crown.

Under this charter Oglethorpe took possession of the country for the trustees, and made several settlements: and in the year 1752, the trustees by deed duly executed, surrendered \* their charter to the crown, Georgia therefrom became a royal government.

By the treaty † of Paris in 1763, Spain ceded to Great Britain, Florida, Pensacola, and, in general, all that she held in North America east and south-east of the river Mississippi; and a line drawn from that river from its source to the sea, was established as the western boundary of the British dominions.

Soon after this cession the British government, by a proclamation ‡ for the regulation of its colonies, bearing date October 7, 1763, erected Florida into two governments called East and West Florida. They were divided from each other by the Apalachicola river; and the latter was bounded by the gulph of Mexico on the south, on the west by lakes Pontchartrain and Maurepas and the river Mississippi, and on the north by a line drawn from that part of the river Mississippi which is intersected by latitude 31, due east to the Apalachicola. The northern boundary of East Florida was a line drawn from the confluence of the Chatahouchee and Flint rivers, where they form the Apalachicola, to the head of the St. Mary's, and down it to the sea.

Disputes in the mean time having arisen between the governments of South-Carolina and Georgia, about the lands, lying between the Alatomaha and St. Mary's, they were, by this proclamation, § annexed to Georgia, whose southern boundary, stretching only to the Alatomaha by its original charter, was thus extended to the river St. Mary's.

The proclamation also contains a clause, "Reserving under the sovereignty, protection and dominion of the crown, for the use of the Indians, all the lands and territories not included within the limits of the governments thereby erected, or within the limits of the territory granted to the Hudson's 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, north-west," and as Mr. Harper justly observes, it forbids the governors of all the colonies to grant warrants of survey, or pass patents, for any lands beyond the heads of these rivers, 'till the further pleasure of the crown shall be known: But neither himself or the attorney general of the United States appear to have had any information of the second commission || and letters patent granted to Sir James Wright, governor of Georgia, soon after the extension of its southern boundary. By this document, dated the 20th of January, 1764, the further pleasure of the crown, is known, and this colony of Georgia in America is declared to be "bounded on the north by the most northern stream of a river there commonly called Savannah, as far as the head of the 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

\* See documents No. 10, 11.

† See document No. 12.

‡ See documents No. 13, 14, 15, 16.

§ See document No. 14.

|| See document No. 16.



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."

The southern boundary of Georgia, here appears to be established, "from that part of the river Mississippi which lies in 31, degrees north latitude, due east to the river Apalachicola or Chatahouchee," being the north boundary of West Florida; "thence to the junction of Chatahouchee and Flint rivers, thence by a line drawn to the head or source of the most southern stream of St. Mary's river, and by the course of the said river to the Atlantic ocean," being the north boundary of East Florida: And, it would seem that her title was there clearly and completely settled, as well to the lands lying *westward* of the heads of the rivers Alatamaha and St. Mary's as *between* those rivers, without the aid of any relinquishment of claims on the part of South-Carolina.

When the first British governor took possession of West Florida, he found its limits to the north so contracted as to cut him off from the most fertile and healthy lands, and even to exclude from his province some very considerable settlements, which had been formed under it, and made part of it, while subject to the Spanish government. He made a representation of these circumstances to the crown. It was referred to the board of trade and plantations; and by their advice, Mr. Harper observes, the province was extended to the north, "By a line from the mouth of the Yazoo river, where it unites with the Mississippi, due east to the Apalachicola." This extension, he says, took place before the year 1770, and was not made by proclamation but by instructions to the governor, of that province, and their commission: And that they went on to exercise jurisdiction and grant lands in the country thus annexed to their government, till it was ceded to the United States by Great Britain, at the peace of 1783. At the same time he remarks, that no instructions or commissions are to be found, except the instructions\* to governor Chester.

When the British colonies, including South-Carolina and Georgia, dissolved their connection with the mother country in the year 1776, and erected themselves into independent States, they agreed that each should hold by its former limits; that each State should possess the same extent of territory that belonged to it while a colony. This indeed was not readily consented to: For as the limits of several colonies, as Massachusetts, Connecticut, New-York, Pennsylvania, Virginia, North-Carolina, South-Carolina and Georgia, included a great extent of unsettled country, while others, as New-Hampshire, Rhode-Island, New-Jersey, Delaware and Maryland, possessed little or none, the latter contended that these unsettled lands should be considered as a common property among all the States, and appropriated for their mutual benefit; and some of them, particularly Maryland, refused to accede to the union, until some of those States which possessed the most extensive limits, should relinquish a part of their claims for this purpose. This was at length done; Massachusetts, Connecticut, New-York and Virginia, made relinquishments, retaining however very considerable portions of the land in question. The articles of confederation were then

\* See document No. 20.



then ratified, leaving all those States which had made no relinquishment in the quiet possession of the whole territory comprised within their ancient limits. Of this number was Georgia; which was so far from relinquishing, that on February 7, 1783, she passed an act\* asserting, that her jurisdiction and right of soil extended over all the country between the Mississippi, the Atlantic, the southern boundary of the United States as established by the treaty† of peace, and the southern boundary of the Carolinas.

By another act‡ passed February 7, 1785, she proceeded to exercise the rights which he had thus asserted. It was thereby enacted, "That all the country contained within a line to be drawn down the Mississippi from where it receives the Yazoo, till it intersects the 31st degree of north latitude, then due east as far as the lands might be found to reach which had at any time been relinquished by the Indians, then along the line of relinquishment to the river Yazoo, and down it to its mouth, should be erected into a county called Bourbon, and that when the land office should be opened, all persons previously settled there should have the right of pre-emption, &c. This measure was deemed the more necessary on account of the treaty§ between Great Britain and Spain, in 1783, which was found to have been signed on the same day as that with the United States, and by which Great Britain had ceded the Floridas to Spain, without defining their limits.

Under this act, commonly called the Bourbon county act, no settlements were ever made. The relinquishment of land which is spoken of in it took place at Mobile, in May, 1777, by virtue of a treaty|| between the Choctaw nation, to whom that country then belonged, and the British superintendant of Indian affairs, and was confirmed by the treaty between those Indians and the United States, held at Hopewell, on the 3d of January, 1786. It extended from the mouth of the Yazoo 110 miles¶ down the Mississippi; at the upper end it was 15, at the lower 60 miles broad.

About the same time a dispute arose between the States of South-Carolina and Georgia, respecting their boundaries. South-Carolina contended that as the original boundaries of Georgia were the rivers Savannah and Alatomaha, and lines drawn due west from their sources to the Mississippi, all the land lying south of the Alatomaha and of a line drawn due west from its source to the Mississippi, as far as to the northern boundary of the Floridas, continued to be a part of the province of South-Carolina, out of which Georgia was taken: And that when the British crown, by its proclamation of October 7, 1763, annexed to Georgia, all the lands lying between the rivers Alatomaha and St. Mary's it meant only the lands actually between those rivers below their sources, and not such as lay above those sources, and between lines drawn from them respectively west to the Mississippi; which tract of country, of course, even after the proclamation, still continued a part of South-Carolina. Georgia, on the contrary, maintained, that when the proclamation annexed to its government all the lands lying between the rivers Alatomaha and St. Mary's it meant to include not merely the tract of country which lay between those rivers, below their sources, but also the whole territory

\* See Digest, p. 264.

† See Digest, p. 304.

‡ See documents No. 22. 24.

§ See document, No. 25.

|| See document No. 40.

¶ See document No. 2.



territory held by the British crown, between the northern boundaries of the Floridas, as established by the same proclamation, and the ancient southern line of Georgia. This dispute was referred\* to congress under the articles of confederation by a petition from South-Carolina. A court was appointed, and a day fixed for hearing between the two States. But they afterwards agreed to withdraw the petition and settle the matter by negotiation. Their commissioners met at Beaufort in South Carolina for this purpose, and on the 24th of April, 1787, agreed on a convention† by which that State relinquished the claim. On the 29th of February, 1788, this convention was ratified by an act of the legislature. It had previously been laid before congress and filed among the official papers of the United States.

Through the whole course of this investigation, the before mentioned commission to governor Wright, seems also to have been overlooked, or in some unaccountable manner disregarded. Still it appears by the dissent‡ of one of the commissioners, Mr. Houstoun, that he was of opinion, even from the documents before them (and it is presumed they had not that commission) “ that the pretensions of South Carolina to the southern country were so slender that the right of Georgia to those lands was neither strengthened or weakened” by the convention at Beaufort. He appears to have been perfectly satisfied with the title of Georgia, and to have been also of opinion that the lands lying between the forks of Tugaloo and Keonee, then belonged to this State. These opinions are said to have been aided by the uniform understanding of the people and government of Georgia, and the government of great Britain, until that period.

While we have no wish to stir the subject matter of that convention, so as to wound the feelings of any of the parties concerned, or to revive in the slightest degree, any misunderstanding with our sister State, yet candor constrains us to lay before the public such documents as have come within our view. It is therefore deemed not improper to add an extract of Mr. Chalmers’ communication from the office of trade to the attorney general of the United States, dated at Whitehall 25th September 1795.

“ There are no documents which can shew the heads of the river Alatomaha and the Savannah, to be other than what the charter and commissions make them to be; as I have already shewn: Every document proves, that the heads of those rivers were not at the fork of the Alatomaha, where the Oconee and Ocmulgee meet, nor at the junction of the Tugaloo and Keowee; but at the head of the northern stream of the one, and the head of the southern stream of the other.”

There are no maps which had belonged to the trustees of Georgia, in the collections of the board of trade. It was never considered by the British government, that the country annexed to Georgia, in 1763, was bounded on the west by a line drawn from the source of the St. Mary’s river to the junction of the Oconee and Ocmulgee: On the contrary the British government considered the south boundary of Georgia to be the north boundary of the two Floridas as far as the Mississippi. The British geographers have always formed the boundaries of Georgia on this principle of extending it west-

4 Y

ward

\* Journals of congress. † See document No. 26. ‡ Filed of record in the secretary of the State’s office.



ward to the river Mississippi. There was a boundary line run, and established, in 1769, between Georgia and the Creek Indians, which, passing in a northern direction across the frontiers of Georgia, has induced some of the map makers to draw a line in the same northern direction; and which has sometimes been mistaken for the western boundary of Georgia. There is a map of the creek line before mentioned among the papers of the board of trade; but it does not apply to the question."

Mr. Chalmers seems to be clearly of the same opinion with Mr. Houston both as to the lands lying westward of the rivers Alatomaha and St. Mary's and those between Tugaloo and Keowee: But it is somewhat surprising that he too has overlooked both the first and second commission to governor Wright. This surprise is indeed heightened when it is found that he has furnished the attorney general with extracts of sundry commissions as well to the governors of South Carolina as the former governors of Georgia and both the Floridas. From a close examination of the extent and dates of these commissions much useful information may be derived. It will hence particularly be found that on the extension of the southern boundary of Georgia the former commission to governor Wright was revoked so far as related to "limits and bounds;" and a new commission granted on the 20th of January 1764, specially designating the boundary as extended "by the north boundary line of East and West Florida." The question now is, whether the north boundary of West Florida has actually been extended since January 1764; and if extended, whether under all the circumstances, the lands lying between the vibrations of that line belong to the United States or Georgia.

It is stated by Mr. Chalmers that the boundary of "West Florida was not only extended northward to the 31 degree, in 1763, but in 1764 to 32 degrees and 39 minutes." In this he certainly mistakes. From the evidence furnished by himself it appears, that in March 1764, an application was made to the crown, through the board of trade\*, for an extension of that boundary; but, it likewise appears, by an extract of a commission† to governor Elliott, of West Florida, dated in July 1767, that its boundary had not then been extended. Mr. Harper states that "it was extended to the north before the year 1770." In support of this observation, the only document adduced is an extract from the instructions to governor Chester, who succeeded Elliott in 1770, in which, an extension is stated to have been made.

In the attorney general's report to congress is to be found the following remarkable note from judge Hendleton of Georgia, respecting the north boundary of Florida. "It appears, says Mr. Pendleton, by what has transpired of the negotiations between the United States and Spain, that our commissioners, as well as those of Great Britain, at the treaty of 1783, took the boundaries of East and West Florida, as laid down in the proclamation of the king of England, dated the 7th of October 1763, to have been the true boundary of those provinces when they were finally confirmed to Spain in 1783. Mr. Jefferson, I understand, after all his enquiries on the subject, takes the proclamation as the foundation of our right to extend to the latitude of 31 north. All our writers, on that subject, that I have seen, and all our maps, state 31 as our southern boundary, from the same authority. The fact is, that

\* See document No. 18.

† See document No. 19.



“ that this remained but a short time the northern boundary of West Florida. In the  
 “ beginning of the year 1764, governor Johnstone, the first British governor of that  
 “ province, obtained an extension of its northern boundary, and a new commission  
 “ was sent him. On the first of November 1764, governor Johnstone published, by  
 “ proclamation his instructions for settling the province, in which he describes the  
 “ northern boundary of West-Florida to be “ a line drawn due east from the conflu-  
 “ ence of the Mississippi and the river Yazous, which lies in thirty-four degrees north  
 “ latitude, to the river Apalachicola or Chatahouchee.” The commissions of governor  
 “ Elliott who succeeded Johnstone, and Chester who succeeded Elliott, all fixed on  
 “ the same boundaries, and they granted near 1,000,000 of acres of the lands lying  
 “ north of the latitude 31, to individuals. It seems probable, that neither Mr.  
 “ Jefferson, nor the Spanish ministers were apprised of this extension of the bounda-  
 “ ries of West Florida, but have taken them to be as they were by the proclamation  
 “ of 1763.”

On this extraordinary note, the attorney general remarks, “ that Mr. Pendleton has not sent any documents to support his assertions.” At the time of writing it he appears, indeed, to have been strangely mis-informed, or to have had very little information on the subject which he attempts to elucidate. He says, “ In the *beginning* of the year 1764, governor Johnstone the first British governor of that province obtained an extension of its northern boundary and a new commission was sent him.” On the contrary, it appears by governor Johnstone’s first and only commission\* dated the 1 of November 1764, that it had not been extended, in the latter part of that year. By this commission, the *former* boundary of Florida is confirmed.

Mr. Pendleton adds, “ that the commissions of governor Elliott who succeeded Johnstone, and Chester who succeeded Elliott *all* fixed on the same boundaries, as extended.” Not having been able to obtain a sight of more than one of those commissions, that to governor Elliott dated in 1767, we can only remark that in the extract reported by the attorney general, no such fact appears.

The attorney general finally observes, “ that no document has come to his hands by which the extension of West Florida appears to have been made, conformably to the suggestion of the board of trade; and perhaps this may be deemed a matter of further enquiry, unless the declaration of George Chalmers be so considered.”

It is to be remembered that in the various alterations made in the boundary of the British provinces, it was the uniform practice of the crown, to abridge or enlarge the extent of the governor’s commissions accordingly, by revoking them and issuing new ones, either expressive of the alterations made, or in general terms.

It does not appear that governor Wright’s second commission was ever revoked or altered in any respect: This affords a strong presumption, at least, if not conclusive evidence, that the north boundary of Florida was never extended by any solemn act of the crown, in conformity to the recommendation of the board of trade.

In 1787 congress recommended† a cession of the territory in question, to the United States.—In 1788 a cession was accordingly proposed‡ by this State; and in

1789

\* See document No. 17.

† See document No. 27.

‡ See digest p. 283.



1789 congress rejected\* the proposed cession, not on account of the ground of claim, but on account of the terms.

On the 7th December 1793, a representation was presented to the court of Spain† on the part of the government of the United States, in which their dispute with that power respecting boundary, was stated, and their claim supported. This representation insists on latitude 31, as the southern boundary of Georgia and rests their title to the disputed territory which lies above that latitude, entirely on the right of this State. Indeed it is of importance to remark here, that in the whole progress‡ of this dispute, which being definitely settled by the late treaty§ between the United States and Spain, need not now be discussed. Our government held up the right of the State of Georgia to the territory above latitude 31, as altogether indisputable, and made that right the sole foundation of its own pretensions.

Thence it appears that the State of Georgia is bounded by the Atlantic ocean on the east, by the two Floridas on the south, by the Mississippi on the west, and by Carolina on the north.

From this view of the subject we do not hesitate to advance, as our opinion, that whether the north boundary of West Florida was ever extended or not, the government of the United States can have no just claim to any lands lying between the northern boundary of this State and the thirty-first degree of north latitude; the northernmost part of that degree being the settled northern boundary of West Florida.

This opinion, however, resulting from our own reflection, upon a complicated mass of facts, which remain to be investigated by the government itself, is presented with much deference to the candid and impartial; without any view of derogating from the credit of the learned and respectable persons with whom we have presumed to differ, or of prescribing to those who will take the trouble to enquire for themselves.

\* See document No. 30.

† See documents No. 31, 32.

‡ See document No. 30.

§ See document No. 33.

## Nº. II.

*A representation from the Board of Trade, to the King of Great Britain, in which are cited three Grants or Charters of Carolina—the first by Charles the First to Sir Robert Heath; and the other two by Charles the Second to the Lords Proprietors, dated in 1662 and 1664; the last extends the Southern Boundary to latitude 29.*

To the Kings most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY.

**I**N obedience to your majesty's commands, signified to us by his grace the duke of Newcastle's letter of the 9th of the last month, directing us to lay before your majesty a state of the possessions of your majesty, and your subjects in America, which  
are



are disputed by the king of Spain, particularly those of fort King George on the borders of South Carolina, of the island of Providence, and the rest of the Bahama islands; and of the settlement your majesty's subjects have in the Bay of Campeachy, as also the complaints upon which redress has not yet been obtained, of injuries done by the Spaniards to your majesty's subjects in America, or trading thither as the seizing of ships and effects by the guarda costas, and other depredations and acts of violence and injustice committed on the part of Spain, and the damage sustained thereby; we take leave to represent to your majesty,

That Carolina was formerly known by the names of Florida and Carolina Florida; this province was first discovered by Sir Sebastian Cabot, in the year 1497, who by commission from, and at the expence of king Henry VIIth, discovered all the coast of America, from the 56th to the 28th degrees of northern latitude, about 30 years before any other Europeans had visited the northern continent of America: And it does not appear that ever the Spaniards attempted any discovery of that part of America, till 1527, under Phamphilio Narvaez, nor any conquest till 1539, when Ferdinando Soto landed upon Florida from the Havanna, and wandering over a great part of that country in search of mines which he could not find, died of grief in May 1542, and such of his men as were left alive, returned again to the Havanna, without making any settlement on that continent.

The first grant that we find of this country by your majesty's royal predecessors was by king Charles the I. in the 5th year of his reign, to Sir Robert Heath, his attorney general; in that patent it is called Carolina Florida, and the boundaries fixed for it, are from the river Matheo in the 30th degree, to the river Passa Magna in the 36th degree of northern latitude.

We have good reason to believe, that possession of this country, was taken under the said patent, and large sums of money expended by the proprietor and those claiming under him in making settlements there; but whether this grant was afterwards surrendered, or whether the same became vacant, and obsolete by non-user or otherwise, king Charles the II. made two other grants of the same country, with some small difference in the boundaries, to the lords proprietors of Carolina.

The last of these grants bears date the 30th day of June, in the 17th year of king Charles the II. reign, and gives to the lords proprietors all that part of North America which lies between the 36th and 29th degrees of northern latitude.

Fort King George upon the river Alatomaha, now complained of by the Spaniards, lies within the bounds of both the abovementioned grants, to Sir Robert Heath, and to the lords proprietors, who have made and continued many flourishing settlements in Carolina, whereas it is notoriously known that the Spaniards have never maintained or kept possession of any in those parts except St. Augustine; and your majesty might with as much reason contest their title to the settlement, as they dispute your majesty's right to fort King George, which was neither settled by the Spaniards, nor any other European nation, when your majesty's troops first took possession of that place whereon that fort was afterwards erected.

This



This is not the first time that disputes have arisen between the crowns of great Britain and Spain, concerning their respective dominions in America: But to prevent all contests of this sort in times to come, a treaty was concluded at Madrid, in the year 1670, by the 7th article of which treaty, it was expressly agreed between the then king's of Spain and great Britain, that the king of great Britain, and his heirs should hold and enjoy forever all those lands and places in any part of America, which the said king of great Britain or his subjects then held or possessed, which treaty is subsequent to the two grants to Sir Robert Heath and the lords proprietors of Carolina, and to the making of several settlements under both the said patents; it is therefore matter of surprise that the Spaniards should now pretend a title to a part of the province which they have so long ago given up by the said treaty which hath been confirmed by many subsequent treaties between the two crowns.

Office for trade, *Whitehall the*  
14th September 1795.

I hereby certify that the before written paper is an extract of a representation from the board of trade to the king, copied from the trade entry. N. page 347.

GEORGE CHALMERS.

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No. III.

*An extract from the treaty of peace between England and Spain, in 1670, relative to their possessions in America.*

**S**EVENTH, all offences, damages, losses, injuries, which the nations and people of great Britain and Spain have at any time, heretofore, upon what cause or pretext soever, suffered by each other in America, shall be expunged out of remembrance and buried in oblivion, as if no such thing had ever past.

Moreover, it is agreed, that the most serene king of great Britain, his heirs and successors, shall have, hold, keep and enjoy for ever, with plenary right of sovereignty, dominion, possession and propriety, all those lands, regions, islands, colonies, and places whatsoever, being or situated in the West Indies, or in any part of America, which the said king of great Britain and his subjects do at present hold and possess; so as that in regard thereof, or upon any colour or pretence whatsoever, nothing more may or ought to be urged, nor any question or controversy be ever moved concerning the same hereafter.

A true copy,

CHARLES LEE.

No. IV.



## No. IV.

*An extract of a commission to governor Johnstone of Carolina,  
in 1729.*

**A**ND we do likewise give and grant unto you full power and authority, by and with the advice and consent of our said council, to settle and agree with the inhabitants of our said province for such lands, tenements and hereditaments, as now are or hereafter shall be in our power to dispose of, and them to grant to any person or persons upon such terms and under such moderate quit rents, services and acknowledgments, to be thereupon reserved unto us, as you, by the advice aforesaid, shall think fit; which said grants are to pass and to be sealed by our public seal of our said province, and being entered upon record by such officer or officers as are or shall be appointed thereunto, shall be good and effectual in law, against us, our heirs and successors.

Office for trade, *Whitehall*,  
Sept. 25th, 1795.

I hereby certify that the above written paper is an extract from the commission to Robert Johnstone, Esq. governor of Carolina, copied from the Carolina entry. A. p. 265.

GEORGE CHALMERS.

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No. V.

*A report to the Lords of the Committee of Council, upon the petition of  
Lord Percival, JAMES OGLETHORPE and others, about establishing  
a Colony in South Carolina, in 1730.*

To the Right Honorable the Lords of the Committee of his Majesty's  
most Honorable Privy Council.

MY LORDS,

**Y**OUR lordships having been pleased to refer to us the petition of the right honorable the lord viscount Percival, the honorable Edward Digby, the honorable George Carpenter, James Oglethorpe, Esq. and several others whose names are thereto subscribed, setting forth that the cities of London and Westminster, and parts adjacent, do abound with great numbers of indigent persons who are reduced to such necessity as to become burthensome to the public, and who would be willing to seek a livelihood in any of his majesty's plantations in America, if they were provided with a passage and means of settling there; and humbly proposing to undertake the trouble and charge of transporting all such poor persons and families, provided they



they may obtain a grant of lands in South Carolina for that purpose, together with such powers as shall enable them to contract with persons inclinable to settle there, and to receive the charitable contributions and benefactions of all such persons as are willing to encourage so good a design. We have considered the several particulars therein contained, and having discoursed with the petitioners thereupon, we have received certain proposals from them relating to the subject matter of their petition, whereupon we take leave to represent to your lordships.

That as the petitioners design appears to us to be a very laudable one in every respect, and may if happily executed, produce many good effects to the public, we think it may deserve due encouragement, and are humbly of opinion that it may be proper for his majesty to grant them all reasonable powers for the promoting and carrying on so good a work, and therefore we would propose to your lordships.—

That his majesty may be graciously pleased to incorporate the petitioners according to the prayer of their petition as a charitable society by the name of the corporation for the purpose of establishing charitable colonies in America, with perpetual succession.

That they may be empowered to purchase lands of inheritance in great Britain to the value of £1000 *per annum*, and estates for lives or years, and goods and chattles to any value; and to receive and take by grant, gift, purchase or otherwise any lands in America, with power to make reasonable by laws, not repugnant to the laws of great Britain, for the government of their corporation; together with all other clauses usual and necessary for such a corporation; and to give an annual account of all monies or effects by them received or expended for the carrying on this charity in the high court of chancery.

And as a further encouragement to this design, we are of opinion his majesty may be graciously pleased to grant to the petitioners and to their successors forever, all that tract of land in his province of South Carolina lying between the rivers Savannah and Alatamaha to be bounded by the most navigable and largest branches of the Savannah and the most southerly branch of the Alatamaha, with islands in the sea lying opposite to the said land, reserving to his majesty, his heirs and successors a quit rent at the rate of four shillings proclamation money, for every hundred acres contained in the said tract which shall be leased or granted out by the corporation to their under tenants, or taken up, settled or improved by them or their agents, the said quit rent not to commence or be paid till ten years after such leases, settlements, takings up or improvements respectively.

And that his majesty may always be duly informed of what quantities of land are granted, taken up, settled, or improved by the said corporation, that a constant register shall be kept by their officers of all such leases, grants, takings up, settlements and improvements; and authentic transcripts thereof annually transmitted to his majesty's auditor of the plantations or his deputy in South Carolina, and also to his majesty's land surveyor in that province, reserving to the said surveyor in his majesty's behalf, a right of inspecting the lands so leased, granted, taken up, improved or settled, to prevent any abuses with respect to the quit rents hereby intended to be reserved upon such lands.

And



And whereas it is the desire of the petitioners, that the tract of land by them petitioned for, which is at present entirely uninhabited, except by some few Indian families may be separated from the province of South Carolina, and be made a colony independant thereof with respect to their laws, government and economy, both civil and military, save only in the command of their militia, which is to remain with his majesty's governor of South Carolina for the time being, we are humbly of opinion that his majesty may be graciously pleased to indulge them in this particular likewise, saving always the dominion of the crown, and the dependance which every British colony ought to have on his majesty, and for this purpose we would humbly propose, that the corporation may have the liberty from time to time to lay before his majesty, lists of all such officers, both civil and military, as shall be thought necessary by them for the support, conduct and government of their intended colony, and which are usually appointed by commissions from his majesty, or from his majesty's governors in other colonies in America; and that when his majesty shall have approved of such officer by his order in council the corporation may be empowered to give them commissions under the common seal.

And as it will be necessary that there should be power of making laws for the government of this colony, we would propose that his majesty may empower the corporation from time to time to prepare laws for that purpose, to be laid before the king in council, and if not disproved by his majesty in 30 days, that they may be sent over and be in full force until the king shall think fit to signify his disallowance of them.

And as in process of time it is to be hoped this colony may prove a flourishing settlement and thereby become sharers in the trade of South Carolina, it will be necessary that the person who superintends this settlement, although he should not act under the title of governor, should according to the act of the 7th and 8th of king William, not only be approved by his majesty as has been before proposed, but also take the usual oath to observe the acts of trade and navigation; for which purpose it will be necessary that the usual instructions upon that head, which are given to the governors in America, should likewise be given to him; and that the corporation do give constant accounts of all proceedings to this office that we may lay the same before his majesty.

We are my Lords your Lordships

Most obedient and most humble servants

WESTMORELAND,  
P. DORMINIQUE,  
T. PELHAM,  
M. BLADEN,  
A. CROFT.

*Whitehall,* }  
*Dec. 17th. 1730.* }  
Office for Trade, *Whitehall,* 14th Sept. 1795.

I hereby certify that the before written paper, is a report from the board of trade, to the lords of the committee of council for plantation affairs, copied from the South Carolina entry, B. page 8.

GEORGE CHALMERS.



N<sup>o</sup>. VI.*A report to the Lords of the Committee of Council about settling a Western Boundary to the Colony in South Carolina, in 1731.*

To the Right Honorable the Lords of the Committee of his Majesty's  
most Honorable Privy Council.

MY LORDS,

**I**N pursuance of your lordships' order of the 14th of this month, referring to us the following points, viz. The settling a western boundary to the colony to be established in South Carolina, by virtue of a charter petitioned for by the lord Percival and others, and for ascertaining the distance of the islands upon the eastern shore from the continent. As likewise for fixing the number of acres proper to be granted to each person who shall settle there; we have been attended by some of the petitioners and take leave to represent to your lordships—

That we think the western boundary of this new charter, may extend as far as that described in the ancient patents granted by king Charles II. to the late lords proprietors of Carolina, whereby that province was allowed to extend westward in a direct line as far as the South Seas.

With respect to the islands upon the eastern shore, from the continent we think this new charter may include such as lie opposite to and within 20 leagues of the coast between the rivers Savannah and Alatomaha which are not already inhabited or settled by any authority derived from the crown, and as to the quantity of land to be granted to each person who shall settle within the limits of this charter we are humbly of opinion that the proprietors should be restrained from granting above five hundred acres to any one person. We are

My Lords, &c.

*Whitehall, Dec. 22d, 1731.*

Office for Trade,, *Whitehall*, 14th Sept. 1795.

P. DORMINIQUE,

T. PELHAM.

OR. BRIDGEMAN.

I hereby certify that the before written paper is a report from the Board of Trade to the lords of the committee of council for plantation affairs.  
Copied from South Carolina Entry B. page 23.

GEORGE CHALMERS.

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N<sup>o</sup>. VII.

*An Extract from the Charter of Georgia dated in 1732.*

**K**NOW ye therefore, that we greatly desiring the happy success of the said corporation, for their further encouragement in accomplishing so excellent a work, have of our special grace, certain knowledge, and mere motion, given and granted, and by these present; for us, our heirs and successors do give and grant to the said corporation, and their successors, under the reservations, limitations and  
declarations



declaration hereafter expressed, seven undivided parts (the whole into eight equal parts to be divided) of all those lands, countries and territories, situate, lying and being in that part of South Carolina in America, which lies from the northern stream of a river there commonly called the Savannah, all along the sea-coast to the southward, unto the most southern stream of a certain 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 all that space, circuit and precinct of land lying within the said boundaries, with the islands in the sea, lying opposite to the eastern coast of the said islands, within twenty leagues of the same, which are not already inhabited, or settled by any authority from the crown of Great Britain, together with all the soils, grounds, havens, ports, gulphs and bays, mines, as well as royal mines of gold and silver, as other minerals, precious stones, quarries, woods, rivers, waters, fishings, as well royal fishings of whale and sturgeon as other fishings, pearls, commodities, jurisdictions, royalties, franchises, privileges and pre-eminences within the said territories, and the precincts thereof, and thereunto in any sort belonging or appertaining, and which we by our letters patent may or can grant, and in as ample manner, and sort as we, or any of our royal progenitors, have hitherto granted to any company, body politic or corporate, or to any adventurer or adventurers, undertaker or undertakers of any discoveries, plantations or traffic of, in or into any foreign parts whatsoever, and in as large and ample manner as if the same were herein particularly mentioned and expressed.

Office for Trade, *Whitehall*,  
4th September, 1795.

I hereby certify that the before written paper is an extract from the Georgia charter, taken from the printed copy.

GEORGE CHALMERS.

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No. VIII.

*Instructions to Governor Johnstone of Carolina respecting the Establishment of the Colony of Georgia in 1732.*

**W**HEREAS application hath been made to us by the humble petition of the trustees for establishing the colony of Georgia, in America, setting forth, that the petitioners being incorporated by his majesty's royal charter, bearing date the 9th day of June last, for settling a regular colony within the bounds of the province of South-Carolina, they find it necessary for carrying on the said service, that notice should be given of the said charter to the Governor of the said province, with a signification of our royal pleasure, that all due countenance and encouragement should be given for settling the said colony, and therefore most humbly praying, that we would be pleased to give such instructions to the governor of the said province as may be proper upon this occasion, and likewise a direction for registering the said charter, in  
the



the records of the said province, from a copy to be annexed to the said instructions: We have been graciously pleased to condescend to the petitioners request, and have thought fit, in his majesty's name, hereby to will and require you, to give all due countenance and encouragement, for settling of the said colony of Georgia, by being aiding and assisting to such of his majesty's subjects as shall come into the said province of South Carolina for that purpose, according to his majesty's gracious intentions, declared in his royal charter aforementioned, a copy whereof is hereunto annexed: Which we do in his majesty's name, hereby further require you, to cause to be forthwith registered and entered upon record, and by the proper officer in his majesty's said province of South Carolina.

Office for Trade, *Whitehall*,  
14th September, 1795.

I hereby certify that the before written paper is a copy of an additional instruction to Robert Johnson Esqr. governor of South Carolina, copied from the South Carolina Entry B.

GEORGE CHALMERS.

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No. IX.

*An extract from a State of the province of Georgia in 1740.*

THE province of Georgia lies from the most northern stream of the river Savannah (the mouth of which is in the latitude of 32 deg.) along the sea coast, to the most southern stream of the Alatomaha (the mouth of which is 30 $\frac{1}{2}$  deg.) and westward from the heads of the said rivers respectively in direct lines to the South seas.

This province was part of South Carolina; but the eastern and southern parts of it inhabited by the Creek Indians; the northern by the Cherokees and Chickesaws, the western by the Chactaws; the Blewmouths and other Indian nations to the South sea. The Creek Indians who always acknowledged the king of England for their sovereign, yet made war with the people of Carolina to obtain satisfaction for injuries done by their pedling traders; the war was concluded by a peace which obliged the people of Carolina not to settle beyond the river Savannah; and no Englishman was settled within this district; that we know of, when the first colony of Georgia arrived. The country was then all covered with woods. Mr. Oglethorpe agreed with the Indians, and purchased of them the limits mentioned in the treaty.

When the east part of the province of Georgia was taken possession of under the trustees charter by Mr. Oglethorpe, according to the limits of the British dominions in America, forts were erected upon the extremities to keep up marks of possession: the strength and materials were of such nature as the men he had with him could make



make, and sufficient for defence against any strength that could be brought against them by the neighbouring Indians, or Spaniards in Florida.

Office for Trade, *Whitehall*,

14th September, 1795.

I hereby certify that the before written paper is an extract from a state of the province of Georgia attested upon oath in the court of Savannah, copied from the printed journal of Wm. Stevens which was published at London in 1742—Vol. 2d.

GEORGE CHALMERS.

No. X.

*A Surrender by the Trustees of Georgia to the king of all their Rights under the Charter of 1732 and under the Deed from Earl Granville in 1752.*

THIS indenture, made the            day of            in the twenty            year of the reign of our sovereign lord George the second, by the grace of God, of Great Britain, France and Ireland king, defender of the faith, &c. and in the year of our Lord Christ one thousand seven hundred and fifty-two, between our said sovereign lord the king's most excellent majesty, of the one part, and the trustees for establishing the colony of Georgia, in America, of the other part: Whereas his said most excellent majesty, by his letters patent under the great seal of Great Britain, bearing date at Westminster, the ninth day of June, in the fifth year of his reign, did (amongst diverse other matters and things therein contained) for himself, his heirs and successors, constitute and appoint John lord viscount Percival, of his kingdom of Ireland, Edward Digby, George Carpenter, James Oglethorpe, George Heathcote, Thomas Tower, Robert More, Robert Hucks, Roger Holland, William Sloper, Francis Eyles, John Laroche, James Vernon, William Belitha, Esquires; Stephen Hales, master of arts; John Burton, bachelor of divinity; Richard Bundy, master of arts; Arthur Bedford, master of arts; Samuel Smith, master of arts; Adam Anderson and Thomas Coram, gentlemen; and such others as should be elected in the manner therein mentioned, to be one body politic and corporate, by the name of the trustees for establishing the colony of Georgia, in America, with perpetual succession, with divers jurisdictions, powers, franchises and privileges, therein expressed: and did also give and grant to the said corporation and their successors, under the reservations, limitations and declarations, therein expressed, seven undivided parts (the whole into eight equal parts to be divided) of all those lands, countries and territories, situate, lying and being, in that part of South Carolina, in America, which lies 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 Alata-

maha,



maha, and westward from the heads of the said rivers respectively, in direct lines to the South seas; and all that space, circuit, and precinct of land, 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, which were not then already inhabited or settled by any authority derived from the crown of Great Britain, together with all the soils, grounds, havens, ports, gulphs and bays, mines, as well royal mines of gold and silver as other minerals, precious stones, quarries, woods, rivers, waters, fishings, as well royal fishings of whale and sturgeon as other fishings, pearls, commodities, jurisdictions, royalties, franchises, privileges, and pre-eminences, within the said territories and the precincts thereof, and thereunto in any sort belonging or appertaining, and which his said majesty by his letters patent might or could grant, and in as ample manner and sort as his said majesty or any of his royal progenitors had then before granted to any company, body politic or corporate, or to any adventurer or adventurers, undertaker or undertakers of any discoveries, plantations or traffick, of, in or into, any foreign parts whatsoever, and in as large and ample manner as if the same were therein particularly mentioned and expressed, to have, hold, possess and enjoy, the said seven undivided parts (the whole into eight equal parts to be divided as afore-said) of all and singular the said lands, countries and territories, with all and singular other the premises therein before by the said letters patent granted or mentioned, or intended to be granted to them the said corporation, and their successors for ever, for the better support of the said colony: To be holden of his said majesty, his heirs and successors, as of his honor of Hampton court, in his county of Middlesex, in fee and common soccage, and not in capite: Yielding and paying therefore to his said majesty, his heirs and successors, yearly for ever, the sum of four shillings for every hundred acres of the said lands which the said corporation should grant, demise, plant or settle; the said payment not to commence or be made until ten years after such grant, demise, planting or settling, and to be answered and paid to his said majesty, his heirs and successors, in such manner and in such species of money or notes as should be current in payment by proclamation from time to time in his said province of South Carolina: All which lands, countries, territories and premises, thereby granted or mentioned, or intended to be granted, his said majesty did, by the said letters patent, make, erect and create, one independent and separate province, by the name of Georgia; and did, by the same letters patent, ordain, will and establish, that for and during the term of twenty-one years, to commence from the date of the said letters patent, the said corporation should and might form and prepare laws, statutes and ordinances, fit and necessary for the government of the said colony and not repugnant to the laws and statutes of England, and to present the same to his majesty, his heirs and successors, in their privy council, which being approved should be from thenceforth in full force: And his said majesty did, by the said letters patent, will and declare, that after the determination of the said term of twenty-one years, such form of government and method of making laws and ordinances for the better government of the said province of Georgia and the inhabitants thereof, should be established and observed within the same, as his said majesty, his heirs or suc-  
cessors



fors, should thereafter ordain and appoint, and should be agreeable to law; and that from and after the determination of the said term, the governor of the said province, and all officers civil and military within the same, should from time to time be nominated and appointed by his said majesty, his heirs and successors. And whereas, by an indenture made the 28th day of February, in the year of our Lord 1732, and in the sixth year of his said majesty's reign, between the right honourable John lord Carteret, Baron of Hawnes in county of Bedford (now earl Granville), of the one part, and the trustees for establishing the colony of Georgia, in America, of the other part, (reciting as therein is recited) for the considerations therein mentioned, he the said John lord Carteret did give, grant, bargain and sell, unto the said trustees for establishing the colony of Georgia in America, and their successors, all that one undivided eighth part of or belonging to the said John lord Carteret (the whole into eight equal parts to be divided) of and in all and singular the lands, countries, territories, and premises, before mentioned and described in the said in part recited letters patent, with the appurtenances, and all the part and share, estate, right, title, interest, use, trust, possession, property, claim and demand whatsoever, both in law and equity, of him the said John lord Carteret, of, in and to, all and singular the said lands, countries, territories and premises aforesaid, lying and being within the limits and boundaries, in the above recited letters patent mentioned and described, with the appurtenances and every part and parcel thereof, together with all and singular royalties, rights of government, jurisdictions, privileges, prerogative rights, liberties, immunities and franchises whatsoever, and of what kind soever, within the said territories and premises, to him the said John lord Carteret belonging, or in any wise appertaining, and the reversion and reversions, remainder or remainders, rents, issues and profits thereof; to have and to hold all and singular the said one undivided eighth part of all and singular the said lands, countrys and territories, and all and singular other the premises thereby granted, bargained and sold, or mentioned or intended so to be, and every part and parcel thereof, with all and singular the appurtenances, unto the said trustees for establishing the colony of Georgia in America, and their successors, upon the several trusts, and to and for the several intents and purposes, and subject to the several conditions, limitations and declarations, in his said present majesty's said letters patent specified and contained, and to and for no other use, intent, or purpose whatsoever; yielding and paying therefore to the said John lord Carteret, and his heirs, yearly forever, the sum of six pence for the eighth part of every one hundred acres of the said lands, which the said corporation should grant, demise, plant or settle; the said payment not to commence or be made until ten years after such grant, demise, planting or settling, and to be answered and paid unto the said John lord Carteret, and his heirs, and in such manner and in such species of money or notes as should be current in payment by proclamation from time to time in the said province of South Carolina, as in and by the said recited letters patent and indenture (relation being thereunto respectively had) amongst diverse other matters and things therein contained, may more fully and at large appear. And whereas the said trustees have, from their consideration of the present state and condition of the

said:



saïd province, and to the end that proper means may be provided for putting the government thereof on a more sure foundation, propos'd and agreed to make an absolute surrender and grant of the saïd province, and all the lands, territory's, powers and jurisdictions, to his saïd majesty, in the manner herein after mentioned, which his saïd majesty has been graciously pleas'd by and with the advice of his privy council to accept. Now this indenture witnesseth, that the saïd trustees for establishing the colony of Georgia in America, for themselves and their successors, have, for the considerations and motives aforesaid, and for divers other good considerations them thereunto moving, granted, surrendered and yielded up, and by these presents do for themselves and their successors, grant, surrender and yield up, unto his saïd most excellent majesty, his heirs and successors, the saïd recited letters patent and their saïd corporation, and all right, title and authority, to be or continue a corporate body, and all the powers of government and all other powers, jurisdictions, franchises, pre-eminences and privileges, therein and thereby granted or conveyed to them; and have granted, and do hereby grant, unto his saïd majesty, his heirs and successors, all the saïd lands, countrys, territorys and premises, as well the saïd one eighth part thereof granted, meant or intended to be granted, by the saïd John lord Carteret, to them as aforesaid, as also the saïd seven eighth parts thereof, granted, meant or intended to be granted, as aforesaid, in and by his saïd majesty's letters patent or charter above recited; together with all the soils, grounds, havens, ports, gulphs and bays, mines, as well royal mines of gold and silver as other minerals, precious stones, quarries, woods, rivers, waters, fishings, as well royal fishings of whale and sturgeon as other fishings, pearls, commodities, jurisdictions, royalties, franchises, privileges and pre-eminence, within the saïd territories and the precincts thereof, and thereunto in any sort belonging or appertaining, and all other the premises, and all rents, reversion, remainders, and other profits, reserved, due or payable, or which may happen upon, or by virtue of, any demise or grant heretofore made of the premises, or any part thereof, and all their estate, right, title, interest, claim or demand whatsoever, of, in or to, the saïd premises, and every part thereof; to have and to hold all and singular the premises to his saïd majesty, his heirs and successors, to the use of his saïd majesty, his heirs and successors; subject nevertheless, and without prejudice to all such grants, leases, contracts, estates and interests, in law or equity, as have been heretofore lawfully made or granted by the saïd trustees for establishing the colony of Georgia in America, or by any acting in authority under them in America, and which are now subsisting according to letters patent: Which saïd surrender and grant his saïd most excellent majesty hath accepted and by these presents, for himself, his heirs and successors, doth accept. In witness whereof, to one part of this indenture remaining with the trustees for establishing the colony of Georgia in America, his saïd most excellent majesty has caus'd his great seal to be affixed, and to the other part thereof, remaining with his saïd majesty, the saïd trustees, with the privy and by direction of the common council of the saïd corporation



poration, have caused their common seal to be affixed, the day and year above mentioned. Witnesses, &c.

Office for Trade, *Whitehall*,  
14th September, 1795.

I hereby certify that the before written paper is a copy of the surrender of the trustees of Georgia of their rights under the Georgia Charter, copied from the Georgia Bundle A. N<sup>o</sup>. 3.

GEORGE CHALMERS.

N<sup>o</sup>. XI.

*A commission to Governor Reynolds of Georgia, August 6, 1754.*

GEORGE the second by the grace of God of great Britain France and Ireland, king, defender of the faith, &c. To our trusty and well beloved John Reynolds Esq. greeting: We reposing especial trust and confidence in the prudence, courage and loyalty of you the said John Reynolds, 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 John Reynolds 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 streight 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.

Office for trade, *Whitehall*,  
Sept. 14th, 1795.

I hereby certify that the before written paper is an extract from the commission to governor Reynolds copied from the Georgia entry. A. p. 68.

GEORGE CHALMERS.

N<sup>o</sup>. XII.

*An extract from the Treaty of Peace made at Paris in 1763, by which his Catholic Majesty cedes to the King of Great Britain all his possessions to the East and South East of the Mississippi.*

20th. **I**N consequence of the restitution stipulated in the preceding article, his catholic majesty, cedes and guarantees, in full right, to his Britannic majesty, Florida, with fort St. Augustin and the bay of Pensacola, as well as all that Spain



possessed on the continent of North America, to the east or to the south-east of the river Mississippi. And in general, every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the catholic king and the crown of Spain have had till now over the said countries, lands, places and their inhabitants so that the catholic king cedes and makes over the whole to the said king and to the crown of Great Britain, and that in the most ample manner and form.

A true copy,

CHARLES LEE.

Nº. XIII.

*A report of the Board of Trade to the King, in 1763, recommending a division of the ceded country into two Provinces, East and West Florida; the north boundary to be lat. 31; and advising the land north of St. Mary's, to be joined to Georgia.*

June 8th, 1763.

**F**LORIDA and that part of Louisiana to the eastward of Mississippi, both which tracts are ceded to your majesty by the late treaty may be compared to Canada, in respect to extent of territory and the number of Indian tribes, with which they have immediate communication; but in other respects they seem entirely different; the number of settled inhabitants, either French or Spaniards, we apprehend, has never been considerable, and there is little probability from the facility of their removal, that any of them will remain after the cessions are completed, though we are of opinion, as well from this circumstance of their paucity as with a view to the immediate settlement of this country, that every expedient should be used to induce as many to remain as can be prevailed upon. The produce of Canada with its trade, the navigation of the river St. Laurence, with its communication to the great lakes of North America are, from authentic information in these particulars, tolerably well understood; but we are sorry it is not in our power, either from any materials in our office, or from any other to be depended upon, to give your majesty that certain information we could wish, either in regard to the coast, harbours, and rivers of Florida, or as to the variety of produce which there is the greatest probability may be raised in that extended country. We shall therefore content ourselves with suggesting at present, that whenever a government is established in this country, instructions should be given, for surveying with all possible accuracy, as well the sea coast and places fit for harbours, as the internal country and rivers, particularly of that part which lies between the great mountains and the Mississippi, of which there are not extant any charts or accounts on which we can depend, for which purpose it will be necessary that a proper number of able and skilful surveyors be appointed.

The



The great tract of sea coast from St. Augustin round Cape Florida, along the Gulph of Mexico, to the mouth of the Mississippi, makes it, we apprehend, indispensably necessary that this country should be divided into two distinct governments, and for the present, the chief residence of the governor of the one should be at St. Augustin, with orders to give particular attention to Cape Florida, (as that cape commands the whole navigation from the Bay of Mexico) the residence of the other at Pensacola, with particular instructions regarding the Mississippi, the free navigation of which ought, we apprehend, to be most accurately understood, not only in respect of that river, being the future boundary, betwixt your majesty's dominions and those of the French, but as this river, by its communication with the Ohio, the Illinois, &c. is of the utmost importance to all connection with the Indian nations, and the only outlet to the great internal trade which may be carried on amongst them.

If it shall be thought proper to divide Florida into two distinct governments, they may be distinguished by the names of East and West Florida, and may be bounded as follows:

East Florida to be bounded by the coast of the Atlantic sea from Cape Florida to the north entrance of St. John's river on the east—by a line drawn due west from the north entrance of St. John's river to the Catahouchee or Flint rivers on the north and on the west and south west by that part of the coast of the Gulph of Mexico, which extends from Cape Florida to the mouth of the Catahouchee river, and from thence following the course of the said rivers to where the north line falls in.

West Florida to comprehend all the sea coast of the Gulph of Mexico, extending west from the Catahouchee river or Flint river towards the Mississippi as far as your majesty's frontiers extend, and stretching up into the land as far as the 31st degree of north latitude, which we humbly apprehend is as far north as the settlements can be carried without interfering with lands claimed or occupied by the Indians.

By this plan of division which is formed with a view to make the two colonies as distinct as possible, by establishing a natural line of separation between them, and by giving to each a due proportion of the natural advantages and conveniences of commerce and navigation, a large tract of land lying between the north boundary line of East Florida, and the river Alatomaha, the present south boundary of Georgia, which has hitherto been unoccupied as to any permanent settlement either by your majesty's subjects or those of Spain, remains to be put under some proper establishment; and we think it cannot in any respect be better disposed of, than by putting it under the jurisdiction and within the government of Georgia; by this means the principal obstacles which have hitherto impeded the progress of that advantageous and well regulated colony, will be removed, and its settlements extended to the great benefit and advantage of the mother country.

Office for trade, *Whitehall*

25th September 1795.

I hereby certify that the before written paper is an extract of a representation of the board of trade, with regard to the peace of 1763, copied from plantations general, M. page 248.

GEORGE CHALMERS

*The*



*The Proclamation of 1763, establishing the Governments of East and West Florida; and extending the southern Boundary of Georgia.*

BY THE KING.

A P R O C L A M A T I O N.

GEORGE R.

**W**HEREAS we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace concluded at Paris the 10th 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 to 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, styled 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 45 degrees of north latitude, passes 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 Rofieres, 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 Apalachicola 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 Apalachicola 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 Apalachicola, or Catahouchee; and to the eastward by the said river.

Fourthly,



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 Alatomaha 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, giving 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 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 in, 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 power 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



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 them to grant to any such person or persons, upon such terms, and under such moderate quit-rents, services and acknowledgments, as 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 within which they are granted, as 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 officer, 200 acres.

To every private, 50.

We do likewise authorise 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 Louisburg 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 warrant 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 north-west; or  
upon



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 Hudson's Bay company; as also all the land and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north-west 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 especial leave and licence 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 licence 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 authorise, 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 licences without fee or reward, taking especial care to insert therein a condition that such licence 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 to prescribe as aforesaid.

And



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, misprisons of treason, murders, or other felonies or misdemeanours, 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's, the 7th day of October, 1763, in the third year of our reign.

*God save the king.*

Nº. XV.

*A commission to Governor Grant of East Florida in 1763, in which is described the boundary of that province.*

October 4, 1763.

**G**EORGE. We reposing especial trust and confidence in the prudence, courage, and loyalty of you the said James Grant, of our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint you the said James Grant to be our captain general and governor in chief in and over our province of east Florida in America bounded to the westward by the gulph of Mexico and the Apalachicola river, to the northward by a line drawn from that part of the said river where the Chatahouchee 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 eastward and southward by the Atlantic ocean and the gulph of Florida, including all islands within six leagues of the sea coast.

Office for Trade, *Whitehall*,

25th September, 1795.

I hereby certify that the above written paper is an extract of the commission of governor Grant, in and over the province of East Florida, copied from the East Florida entry A. page 6.

GEORGE CHALMERS.

Nº. XVI.

*A Commission to Governor Wright of Georgia, in January 1764, by which the north Boundary of the Floridas is declared to be the south Boundary of Georgia.*

**G**EORGE 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* Esquire, greeting. WHEREAS 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 Esquire to be

our



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 Alatamaha, 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 the 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 Saint Mary, including all islands within twenty leagues of the coast lying between the said river Savannah and Saint 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 governor in chief in and over our 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 & YORK.



GEORGIA, *Secretary's Office*, 8th Feb. 1798.

The above and foregoing is a true copy from the original record in book B. folio 140.

HORATIO MARBURY, for  
JOHN MILTON, *Secretary*.



No. XVII. *Extract from a Communication to Governor Johnstone of West Florida dated 1st November, 1764, concerning the former Boundary of Florida.*

(\* As N<sup>o</sup>. XVII. has not been forwarded in time for its place, see end of APPENDIX.)

N<sup>o</sup>. XVIII.

*A representation from the Board of Trade in March 1764, proposing an alteration in the boundary of West Florida by an instrument under the great seal, as was done in the extension of the south boundary of Georgia.*

To the King's most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY.

**B**Y your majesty's royal proclamation of the 7th of October last, and your majesty's commission to your governor of West Florida it is declared that the said province shall be bounded to the north by a line drawn due east from that part of the river Mississippi which lies in 31 degrees of north latitude, to the river Apalachicola; but it is our duty to represent to your majesty that we are informed by your majesty's governor, that it appears from observations and surveys made since the said province has been in your majesty's possession, that there are not only very considerable settlements upon the east bank of the Mississippi above that line, but also that the town and settlement of Mobile itself is some miles to the north of it, and therefore we humbly beg leave to propose, that an instrument may pass under the great seal (in like manner as was directed in the case of the extension of the south boundary of Georgia) declaring that the province of West Florida shall be bounded to the north by a line drawn from the mouth of the river Yazous, where it unites with the Mississippi due east to the river Apalachicola, by which we humbly conceive every material settlement depending upon West Florida will be comprehended within the limits of that government.

Which is most humbly submitted.

HILLSBOROUGH, GEO. RICE,  
SOAME JENYNS, ORWELL,  
ED. ELLIOTT, BAM. GASCOYNE.

*Whitehall,*

*March 23d, 1764.*

Office for Trade, *Whitehall*, 25th Sept. 1795:

I hereby certify that the before written paper is a representation to the king for enlarging the boundaries of West Florida, copied from the West Florida entry A. page 165.

GEORGE CHALMERS.

N<sup>o</sup>. XIX.

*A commission to governor Elliott of West Florida in 1767 in which the boundary of that province is described as originally established.*

*July 29th, 1767.*

**G**EORGE—to our trusty and well beloved John Elliott, Esq. greeting. Where-  
as we did by our letters patent under our great seal of Great Britain, bearing date at



at Westminster the twenty-first day of November, in the fourth year of our reign, constitute and appoint George Johnstone, Esq. captain general and governor in chief in and over our province of West Florida in America, bounded to the southward by the gulph of Mexico, including all islands within six leagues of the coast from the river Apalachicola 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 Apalachicola or Chatahouchee, and to the eastward by the said river.

Office for Trade, *Whitehall*,

25th September, 1795.

I hereby certify that the above written paper is an extract of the commission of the governor in and over the province of West Florida, copied from the West Florida entry A. page 229.

GEORGE CHALMERS.

Nº. XX.

*An Extract from the Instructions to the British Governor of West Florida, Peter Chester, taken from an authentic Copy, now in the possession of Philip Livingston, Esqr. of New York, who was Secretary of that Province under Governor Chester, viz.*

G. R.

“**I** NSTRUCTIONS to our trusty and well beloved Peter Chester, Esq. our captain general and governor in chief in and over our province of West Florida in America, and all other our territories dependent thereon, given at our court of St. James's the second day of March, 1770, and in the tenth year of our reign.”

“I. With these instructions you will receive our commission, under our great seal of Great Britain, constituting you our captain general and governor in chief in and over our province of West Florida, in America. Bounded to the southward by the gulph of Mexico, including all islands within six leagues of the coast, from the river Apalachicola 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 the mouth of the Yazoo river, where it unites with the Mississippi, due east to the river Apalachicola.”

Nº. XXI.

*Extract from a Representation made on oath by Joseph Purcell of Charleston, formerly Surveyor for the British Government in Florida, in answer to certain queries.*

“**T**HE parallel of latitude 32 degrees and 40 minutes, intersects the Mississippi 24 miles above the mouth of the Yazoo. The Natchez district is bounded to the westward by the river Mississippi, and extends from Loftus's clift up the said river,  
to



to the mouth of the Yazoo, the distance being 110 miles. The said district was purchased from the Choctaw nation, by the British superintendant of Indian affairs, at a treaty held at Mobile in May, 1777, and the lines as above described, were marked and surveyed by me, in 1779."

—:~:—  
Nº. XXII.

*An Extract from the Provisional Articles of Peace between the United States and his Britannic Majesty in November 1782, by which the Southern Boundary of the United States is settled at latitude 31.*

ARTICLE I.

**H**IS 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, propriety and territorial rights of the same; and every part thereof. 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.

ARTICLE II.

From the north west 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 north westernmost 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 Cataraquy; 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 Lake Huron; thence through the middle of the said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philipeaux, 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 north western 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.



tioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola 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.

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Nº. XXIII.

*A declaration of the Boundary of Georgia. See Act of the State Legislature passed in February 1783, section 13.*

XIII. **A**ND *whereas* it may so happen that persons emigrating from elsewhere and disposed to settle in this State, may not be sufficiently acquainted with the limits and boundaries of the same; and surveyors may wilfully or ignorantly commit mistakes in the running of lines, unless the said limits and boundaries be made known to them: In order therefore to inform and encourage all persons disposed to migrate into this State, to prevent mistakes and 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 Catahouchee, and from the fork of the said river Apalachicola, where the Catahouchee and Flint rivers meet in a direct line to the head or source of the southernmost stream of the river St. Mary's, and along the course of the said river St. Mary's 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 from 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 surveyor or other person or persons whatsoever, to survey, run or make lines upon the lands before described, as being allowed to the Indians for hunting ground, or any part or parcel thereof, before or until permission for that purpose shall be granted by the legislature, and made known by proclamation.

N<sup>o</sup>. XXIV.

*An Extract from the Definitive Treaty of Peace between the United States and his Britannic Majesty, concluded at Paris the 3d of September 1783, by which the Boundaries of the United States are established as agreed upon in the Provisional Articles.*

## ARTICLE I.

**H**IS 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, propriety 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 north west angle of Nova Scotia, viz. that angle which is formed by a line, drawn due north from the source of Saint 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 north westernmost 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 Cataraquy; 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 Philipeaux, to the Long Lake; thence through the middle



dle 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 north western 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 Apalachicola 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.

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Nº. XXV.

*An Extract from the Treaty between Great Britain and Spain, entered into on the 3d September, 1783, by which Great Britain cedes the Floridas, to Spain, without defining their boundaries.*

V. **H**IS Britannic majesty likewise cedes and guarantees, in full right, to his Catholic majesty, East Florida, as well as West Florida. His Catholic majesty agrees that the British inhabitants, or others who may have been subjects of the king of Great Britain in the said countries, may retire in full security and liberty, where they shall think proper, and may sell their estates, and remove their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except on account of debts, or criminal prosecutions; the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty: but if, from the value of the possessions of the English proprietors, they should not be able to dispose of them within the said term, then his Catholic majesty shall grant them a prolongation proportioned to that end. It is further stipulated, that his Britannic majesty shall have the power of removing from East Florida all the effects which may belong to him, whether artillery, or other matters.



*Convention between South Carolina and Georgia concluded at Beaufort in 1787.*

To all to whom these presents shall come, the underwritten *Charles Cotesworth Pinckney*, *Andrew Pickens* and *Pierce Butler*, Esquires, Commissioners appointed by the State of *South Carolina* of the one part, and the underwritten *John Habersham* and *Lachlan M'Intosh*, Esquires, 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; the said 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 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 river 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-two, conceiving that the lands to the 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, the validity



" dity 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  
 " representative 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 Tugoloo river to the Mississippi, because as the said State contends the  
 " river Savannah loses that name at the confluence of Tugoloo 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 drawn to be drawn from the head of the river St. Mary, the  
 " head of the Alatomaha, the Mississippi and Florida being, as the said State con-  
 " tends, within the limits of its charter, and not annexed to Georgia by the said pro-  
 " clamation of one thousand seven hundred an 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 con-  
 federation: And proceedings were thereon had in Congress in order to the appoint-  
 ment 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 sub-  
 sisting 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 Cotesworth Pinckney, Andrew Pickens and Pierce Butler,  
 esquires, commissioners, and did invest them, or a majority of them, with full and abso-  
 lute 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 perma-  
 nently 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 for ever binding on the said State of South Carolina. And  
 whereas the legislature of the State of Georgia did appoint John Houston, John Ha-  
 bersham, and Lachlan M'Intosh, esquires, 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 whatso-  
 ever the said last mentioned commissioners or a majority of them should do in and



touching the premises, and that the same should be for ever 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 Tugoloo and Keowee, and from thence the most northern branch or stream of the said river Tugoloo till it intersects the northern boundary line of South Carolina if the said branch or stream of Tugoloo extends so far north reserving all the islands in the said rivers Savannah and Tugoloo to Georgia; but if the head spring or source of any branch or stream of the said river Tugoloo 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 Tugoloo 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 north east side of Cockspur 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 Tugoloo and Keowee, and from the confluence up the channel of the most northern stream of Tugoloo 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, hindrance, interruption or molestation whatsoever, attempted to be enforced by one State on the citizens of the other, 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 south-eastward 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



## 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 Tugoloo 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, which soever 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 adjudged 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 Alatomaha and granted during the administrations 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 Cotesworth Pinckney, Andrew Pickens and Pierce Butler, for and in behalf of the State of South Carolina and the said John Habersham and Lachlan M'Intosh for and in behalf of the State of Georgia have to these presents and a duplicate thereof both indented interchangeably set their hands and affix 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.)
	Nº.



N<sup>o</sup>. XXVII.

*A Resolution of Congress, recommending a cession of Territory to the United States, dated in October 1787.*

RESOLVED,

**T**HAT it be, and it is hereby represented to the States of North Carolina and Georgia, that the lands which have been ceded by the other States in compliance with the recommendation of this body, are now selling in large quantities for public securities; that the deeds of cession from the different States have been made without annexing an express condition that they should not operate until the other States under like circumstances, made similar cessions; and that congress have such faith in the justice and magnanimity of the States of North Carolina and Georgia, that they only think it necessary to call their attention to these circumstances, not doubting but upon a consideration of the subject, they will feel those obligations which will induce similar cessions, and justify that confidence which has been placed in them.

N<sup>o</sup>. XXVIII.

*An Act to empower the delegates of this State in Congress assembled, to sign, seal and deliver a deed of cession to the United States, of certain western territory belonging to this State.*

**W**HEREAS the United States in congress assembled, did on the twentieth day of October, one thousand seven hundred and eighty-seven, represent to the States of North Carolina and Georgia, the advantages that would result to the union from a liberal cession of territory. *And whereas* this State is desirous of adopting every measure which can tend to promote the interest of the United States, *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 be lawful for the delegates of this State, or any two or more of them, and they are hereby fully authorised and empowered, for and on behalf of this State, by proper deeds or instruments in writing under their hands and seals, to convey, transfer, assign and make over unto the United States, for the use and benefit of the said United States, Georgia inclusive, all right, title and claim, as well of soil as jurisdiction, which this State hath to that territory or tract of country within the limits of the State of Georgia, situate, lying and comprehended within the boundaries herein after described, that is to say, beginning at the middle of the river Catahouchee or Apalachicola, where it is intersected by the thirty-first degree of north latitude; and from thence due north one hundred and forty British statute miles, thence due west to the middle of the river Mississippi, thence down the middle of the said river to where it intersects the thirty-first degree of north latitude, and thence along said degree to the beginning: *Provided,* that the United States in congress assembled, shall guarantee to the citizens of the said territory,



a republican form of government, subject only to such change as may take place in the federal constitution of the United States: *And provided also*, That the navigation of all the waters included in the said cession shall be equally free to all the citizens of the United States, nor shall any tonnage on vessels or any duties whatever be laid on any goods, wares or merchandize that may pass up or down either of the said waters, unless for the use and benefit of the United States: *Provided also*, That the sum of one hundred and seventy-one thousand four hundred and twenty-eight dollars, and forty-five ninetieths of a dollar, which has been expended in quieting the minds of the Indians, and resisting their hostilities, shall be allowed as a charge against the United States, and be admitted in payment of the specie requisitions of this State's quota, that have been or may be required by the United States. *And also*, That in all cases when this State may require defence, the expences arising thereon shall be allowed as a charge against the United States, agreeable to the articles of the confederation. *And provided*, That congress shall guarantee and secure all the remaining territorial rights of this State, as pointed out and expressed by the definitive treaty of peace between the United States and Great Britain; the convention between this State and the State of South Carolina, entered into the twenty-eighth day of April, one thousand seven hundred and eighty-seven; and the clause of an act of this State, describing the boundaries thereof, passed the seventeenth day of February, one thousand seven hundred and eighty-three.

II. *And be it further enacted by the authority aforesaid*, That the act entitled "An act for laying out a district of land situate on the river Mississippi, and within the limits of this State into a county to be called Bourbon," passed the seventh of February, one thousand seven hundred and eighty-five, be and the same is hereby repealed.

NATHAN BROWNSON, *Speaker*.

*Augusta, February 1, 1788.*

Nº. XXIX.

*A Resolution of Congress dated July 15, 1788, rejecting the proposed Cession, not on the ground of Claim, but on account of the Terms.*

THE committee consisting of Mr. Clarke, Mr. Dane, Mr. Williamson, Mr. Carrington, and Mr. Wingate, to whom was recommitted their report on a motion of the delegates of Georgia, and an act of the legislature of that State, passed February 1st, 1788, for ceding a part of the territorial claims of the said State to the United States, having reported,

"That the said State, by the act aforesaid, has authorized her delegates in congress, to convey to the United States, the territorial claim of the said State, to a certain tract of country bounded as follows, to wit, Beginning at the middle of the river Catahouchee, or Apalachicola, where it is intersected by the thirty-first degree of north latitude, and from thence due north one hundred and forty British statute miles; thence due



due west to the middle of the river Mississippi; thence down the said river to where it intersects the thirty-first degree of north latitude; and thence along the said degree to the place of beginning, annexing the provisos and conditions following, to wit, First, That the United States in congress assembled, shall guarantee to the citizens of the said territory a republican form of government, subject only to such change as may take place in the federal constitution of the United States. Secondly, That the navigation of all the waters included in the said cession shall be equally free to all the citizens of the United States, nor shall any tonnage on vessels, or any duties whatever be laid on any goods, wares or merchandize that may pass up and down the said waters, unless for the use and benefit of the United States. Thirdly, That the sum of one hundred and seventy-one thousand four hundred and twenty-eight dollars and forty-five ninetieths of a dollar, which has been expended in quieting the minds of the Indians and resisting their hostilities, shall be allowed as a charge against the United States, and be admitted in payment of the specie requisitions of that State's quotas that have been or may be required by the United States. Fourthly, That in all cases where the State may require defence, the expences arising thereon shall be allowed as a charge against the United States, agreeably to the articles of confederation: And fifthly, That congress shall guarantee and secure all the remaining territorial rights of the State as pointed out and expressed by the definitive treaty of peace between the United States and Great Britain, the convention between the said State and the State of South Carolina, entered into the 28th day of April 1787, and the clause of an act of the said State of Georgia describing the boundaries thereof, passed the 17th of February, 1783.

The committee having fully considered the subject referred to them, are of opinion that the cession offered by the State of Georgia, cannot be accepted on the terms proposed. First, Because it appears highly probable that on running the boundary line between that State and the adjoining State or States, a claim to a large tract of country extending to the Mississippi, and lying between the tract proposed to be ceded and that lately ceded by South Carolina, will be retained by the said State of Georgia, and therefore the land which the State now offers to cede must be too far removed from any other lands hitherto ceded to the union to be of any immediate advantage to it. Second, Because there appears to be due from the State of Georgia, on specie requisitions, but a small part of the sum mentioned in the third proviso or condition before recited, and it is improper in this case to allow a charge against the specie requisitions of congress which may hereafter be made, especially as the said State stands charged to the United States for very considerable sums of money loaned: And third, because the fifth proviso or condition before recited, contains a special guarantee of territorial rights, and such a guarantee as has not been made by congress to any State, and which considering the spirit and meaning of the confederation, must be unnecessary or improper. But the committee are of the opinion, that the first, second and fourth provisos before recited, and also the third, with some variations, may be admitted; and that, should the said State extend the bounds of her cession, and vary the terms thereof as herein  
after



after mentioned, congress may accept the same; whereupon they submit the following resolutions:

That the cession of claims to western territory, offered by the State of Georgia, cannot be accepted on the terms contained in her act passed the first of February last.

That in case the said State shall authorise her delegates in congress to make a cession of all her territorial claims to lands west of the river Apalachicola, or west of a meridian line running through or near the point where that river intersects the thirty-first degree of north latitude, and shall omit the last proviso in her said act, and shall so far vary the proviso respecting the sum of one hundred and seventy-one thousand four hundred and twenty-eight dollars and forty-five ninetieths of a dollar, expended in quieting and resisting the Indians, as that the said State shall have credit in the specie requisitions of congress to the amount of her specie quotas on the past requisitions, and for the residue in her account with the United States for monies loaned, congress will accept the cession."

*Resolved*, That congress agree to the said report.

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Nº. XXX.

*Extract from a representation made to the Court of Spain on the subject of Boundary, &c. by the Commissioners of the United States on the 7th of December, 1793.*

**I**N this stage of their government the several boundaries were fixt, and particularly the southern boundary of Georgia, the one now brought into question by Spain. This boundary was fixt by the proclamation of the king of Great Britain their chief magistrate, in the year 1763, at a time when no other power pretended any claim whatever to any part of the country through which it run—The boundary of Georgia was thus established, to begin in the Mississippi in latitude 31, north, and running eastwardly to the Apalachicola, &c. From what has been said it results, 1st, That the boundary of Georgia, now forming the southern limits of the United States, was lawfully established in the year 1763. 2d, That it has since been confirmed by the only power who could at any time have pretensions to contest it.

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Nº. XXXI.

*Extract from the Report of Mr. Jefferson Secretary of State, to serve as the basis of Instructions to our Commissioners for settling the points in dispute with Spain.*

**A**S to boundary, that between Georgia and Florida is the only one which needs any explanation. It sets up a claim to possessions *within the State of Georgia*, founded on her having rescued them by force from the British during the late war. The following view of that subject seems to admit of no reply.

The



The several States now composing the United States of America, were, from their first establishment, separate and distinct societies dependent on no other society of men whatever. They continued at the head of their respective governments the executive magistrate who presided over the one they had left; and thereby secured, in effect, a constant amity with the nation. In this stage of their government their several boundaries were fixt, and particularly, the southern boundary of Georgia, the only one now in question, was established at the first degree of latitude from the Apalachicola westwardly—The southern limits of Georgia depend chiefly on, 1st. The charter of South Carolina, &c. 2d. On the proclamation of the British king in 1763, establishing the boundary between Georgia and Florida to begin on the Mississippi in 31 degrees north latitude, and running west to the Apalachicola, &c.

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N<sup>o</sup>. XXXII.

*Extract of a Communication submitted by Mr. Pinckney, the American Minister at Madrid to the Prince of Peace, in the course of the Negotiations for the late Treaty, dated the 10th of August, 1795, viz.*

**T**HIRTY-TWO years have elapsed since all the country on the left, or eastern bank of the Mississippi, being under the legitimate dominion of the then king of England, that sovereign thought proper to regulate with precision the limits between the provinces of Georgia and of the two Floridas, which was done by his solemn proclamation, published in the usual form; by which he established between them precisely the same limits, which nearly twenty years after he declared to be the southern limits of the United States, by the treaty which the same king of England concluded with them in the month of November, 1782.

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N<sup>o</sup>. XXXIII.

*An Extract from the Treaty between the United States and Spain, concluded in 1795—by which the Southern Boundary of the United States is finally settled at Latitude 31 on the Mississippi.*

ARTICLE II.

**T**O 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



to the middle of the river Apalachicola, 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 abovementioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification 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.

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Nº. XXXIV.

*An Act of the United States for an amicable settlement of limits with the State of Georgia, authorizing the establishment of a government in the Mississippi territory, passed in April 1798.*

Sec. 1. **B**E it enacted by the senate and house of representatives of the United States of America in congress assembled, That the president of the United States be, and he hereby is authorized to appoint three commissioners; any two of whom shall have power to adjust and determine with such commissioners as may be appointed under the legislative authority of the State of Georgia, all interfering claims of the United States and that State, to territory situate west of the river Catahouchee, north of the thirty-first degree of north latitude, and south of the cession made to the United States by South Carolina: And also to receive any proposals for the relinquishment or cession of the whole or any part of the other territory claimed by the State of Georgia, and out of the ordinary jurisdiction thereof.

Sec. 2. *Be it further enacted,* That all the lands thus ascertained as the property of the United States, shall be disposed of in such manner as shall be hereafter directed by law; and the nett proceeds thereof shall be applied to the sinking and discharging the public debt of the United States, in the same manner as the proceeds of the other public lands in the territory north-west of the river Ohio.

Sec. 3. *Be it further enacted,* That all that tract of country bounded on the west by the Mississippi; on the north by a line to be drawn due east from the mouth of the Yazous to the Catahouchee river; on the east by the river Catahouchee; and on the south by the thirty-first degree of north latitude, shall be, and hereby is constituted one district, to be called the Mississippi Territory: And the president of the United States is hereby authorized to establish therein a government in all respects similar to that now exercised in the territory north-west of the river Ohio, excepting and excluding the last article of the ordinance made for the government thereof by the late congress on the thirteenth day of July one thousand seven hundred and eighty-seven, and by and with the advice and consent of the senate to appoint all the necessary officers therein, who shall respectively receive the same compensations for their services; to be paid in the same manner as by law established for similar officers in the territory



north-west of the river Ohio; and the powers, duties and emoluments of a superintendant of Indian affairs for the southern department, shall be united with those of governor: *Provided always*, That if the president of the United States should find it most expedient to establish this government in the recess of congress, he shall nevertheless have full power to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the session of congress next ensuing the establishment of the government.

Sec. 4. *Be it further enacted*, That the territory hereby constituted one district for the purposes of government, may at the discretion of congress be hereafter divided into two districts, with separate territorial governments in each, similar to that established by this act.

Sec. 5. *Be it further enacted*, That the establishment of this government shall in no respect impair the right of the State of Georgia, or of any person or persons either to the jurisdiction or the soil of the said territory, but the rights and claims of the said State and all persons interested, are hereby declared to be as firm and available, as if this act had never been made.

Sec. 6. *And be it further enacted*, That from and after the establishment of the said government, the people of the aforesaid territory, shall be entitled to and enjoy all and singular the rights, privileges and advantages granted to the people of the territory of the United States, north-west of the river Ohio, in and by the aforesaid ordinance of the thirteenth day of July, in the year one thousand seven hundred and eighty-seven, in as full and ample a manner as the same are possessed and enjoyed by the people of the said last mentioned territory.

Sec. 7. *And be it further enacted*, That from and after the establishment of the aforesaid government, it shall not be lawful for any person or persons to import or bring into the said Mississippi territory, from any port or place, without the limits of the United States, or to cause or procure to be so imported or brought or knowingly to aid or assist in so importing or bringing any slave or slaves, and that every person so offending, and being thereof convicted before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, the sum of three hundred dollars; one moiety for the use of the United States, and the other moiety for the use of any person or persons who shall sue for the same; and that every slave, so imported or brought, shall thereupon become entitled to, and receive his or her freedom.

Sec. 8. *And be it further enacted*, That the sum of ten thousand dollars be, and hereby is appropriated, for the purpose of enabling the president of the United States to carry into effect the provisions of this act; and that the said sum be paid out of any monies in the treasury not otherwise appropriated.

JONATHAN DAYTON, *Speaker of the House of Representatives.*

THOMAS JEFFERSON, *Vice-President of the United States, and  
President of the Senate.*

Approved—April 7, 1798.

JOHN ADAMS, *President of the United States.*



N°. XXXV.

*Treaty at Augusta with the Cherokee and Creek Indians, in 1773.*

## 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 superintendant 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.

**W**HEREAS the Cherokee Indians did some time ago propose to the aforesaid governor and the superintendant, 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 cross 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 superintendant 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 1761; that so their said 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 superintendant, 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

Treaty with the  
Cherokee and  
Creek Indians.

Cherokee



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 king's 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 superintendant 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 Ogeechee 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 Buffaloe 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 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 Phinhotaway creek on the Alatomaha river, up the said river to an island opposite to the mouth of Barber creek, and from thence across to Ogeechee river opposite to the road about four miles above Buch Head, where a canoe 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



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 superintendant 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.

*Note.* The foregoing is taken from an official copy of the original, deposited at *Whitehall* in *London*. There being no record of this Treaty in any of the public offices of this State.

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N°. XXXVI.

*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, Ascaster, Amakantie, Clau Wastie, Joenatua, Julia Taha, John, Chisqua Una, China Wata, Calata, Junafluta 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:

Treaty with the  
Creek Indians.

**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 Ocunna mountain, shall intersect; thence  
along



along the said line in a south west direction, to the top of the said mountain; thence in the same direction to the Tugaloo 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, evidenced 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 said 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	✕ (L. S.)
JOHN TWIGGS	(L. S.)	TARPINE	✕ (L. S.)
ELIJAH CLARK	(L. S.)	CHEQUA ENA	✕ (L. S.)
W. FEW	(L. S.)	NENEAN JACK	✕ (L. S.)
EDWARD TELFAIR	(L. S.)	CLAUNAW	✕ (L. S.)
S. ELBERT	(L. S.)	CHICKASAW-TUE	✕ (L. S.)
		ASCATER	✕ (L. S.)
		AMAKANTIE	✕ (L. S.)
		CLAWASTIE	✕ (L. S.)
		JOENATUA	✕ (L. S.)
		JULATAHA	✕ (L. S.)
		JOHN	✕ (L. S.)
		CHISQUA-UNA	✕ (L. S.)
		CHINA WATA	✕ (L. S.)
		CALATA	✕ (L. S.)
		JUNASLUTA	✕ (L. S.)
		CANAUTA	✕ (L. S.)
		CAT	✕ (L. S.)

Witness

GEORGE WALTON.

ANDREW M'LEAN.

No.



N<sup>o</sup>. XXXVII.*Treaty at Augusta with the Creek Indians in 1783.*

## GEORGIA.

Articles of convention held at Augusta, in the county of Richmond and State aforefaid, 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 faid State; between John Twiggs, Elijah Clarke, Edward Telfair, Andrew Burns, and William Glascock, commissioners appointed by the authority of the fame, on the one part; and the Tallesee king, the Tallesee warrior, the Fat king, Mad Fish, Topwar king, Alachago, Hitcheto warrior, Okoney, Okolege, Cufe king, Second man, Inomatuhata, Inomatawtufnigua, Head warrior, Sugahacho, head men, warriors and chiefs of the hordes or tribes of Creek Indians in behalf of the faid nation, on the other part, as follows:

**W**HEREAS a good understanding and union between the inhabitants of the faid State, and the Indians aforefaid is reciprocally necessary and convenient, as well on account of a friendly intercourse and trade, as for the purposes of peace humanity: It is therefore agreed and covenanted—

Treaty with the  
Creek Indians.

I. That all differences between the faid parties, heretofore subsisting, shall cease and be forgotten.

II. That all just debts due by any of the faid Indians to any of the merchants or traders of the faid 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 faid State, and the hunting grounds of the faid Indians; to begin on Savannah river where the present line strikes it, thence up the faid 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 Ocunna mountain, shall intersect; thence along the faid line in a south west direction to the top of the faid mountain, thence in the same direction to Tugaloo 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 faid river to the old line.

IV. In consideration of the friendship which the people and government of the faid State bear to the Indians aforefaid, and of their good will evinced by their present attendance, the commissioners aforefaid, 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 faid State to the towns of the faid 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 faid head men, warriors and chiefs, whose hands and seals, are hereunto affixed, do hereby for themselves and for the nation they are empowered and



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 said State of Georgia; and they the said Indians aforesaid 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 aforesaid, the day and year abovementioned, 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.)
EDWD. TELFAIR (L.S.)	FAT KING,	X (L.S.)
ANDREW BURNS (L.S.)	MAD-FISH	X (L.S.)
WM. 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.

N<sup>o</sup>. XXXVIII.

*Treaty at Galphinton with the Creek Indians, in 1785.*

Articles of a treaty concluded at Galphinton on the 12th 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, on the following conditions:

ARTICLE I.

Treaty with the  
Creek Indians.

**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,



ment, 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 honour the governor.

VI. In case of any design being formed in any neighbouring 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 of 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 Okmulgee rivers, thence in a south-west 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 before written.

On the part of the State,

JOHN TWIGGS (L.S.) }  
ELIJAH CLARK (L.S.) } *Commissioners.*

On the part of the Indians,

WARRIOR KING	✕ (L.S.)	POHELTHE OAKFUSKIES	✕ (L.S.)
O'KEMULGEY TUSKONUCKY	✕ (L.S.)	INNEHANA UFOLLIES	✕ (L.S.)
TUSKIA MICKO	✕ (L.S.)	ABICO TUSKANUCKY	✕ (L.S.)
CUSRATER MICKO	✕ (L.S.)	INNEHA MICKO	✕ (L.S.)
ENEHA LUCKO	✕ (L.S.)	YAHOLO MICKO	✕ (L.S.)



COSO MICKO	✕ (L.S.)	DICKSON TALLICUS	✕ (L.S.)
OPOHEL THE MICKO	✕ (L.S.)	UPALAH AJOE	✕ (L.S.)
CUSO MICKO	✕ (L.S.)	OPOYHA JOE	✕ (L.S.)
		WARTUCKO MICKO	✕ (L.S.)

Signed, sealed and delivered in presence of Thomas Glascock, John King, J. Clements, Jared Irwin, James Darouzeaux, I. P. T. for State of Georgia, Philip Scott his ✕ mark, William Moore.

—:~:—  
Nº. XXXIX.

*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 McIntosh, 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.

Treaty with the  
Cherokee Indians.

**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 north east to the ridge dividing the waters running into Cumberland from those running into the Tennessee; thence eastwardly along the said ridge to a north-east line to be run, which strike the river Cumberland forty miles above Nashville; thence along the said line to the river; thence



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 Clauds creek on Holstein; thence to the Chimney top 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 the South Carolina Indian boundary, and along the same south-west over the top of the Oconee mountain till it shall strike Tugaloo 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 so 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



## A P P E N D I X.

bled 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 found in any neighbouring tribe, or by any person whosoever, against the peace, trade or interest of the United States.

## ARTICLE XII.

That the Indians may have full confidence in the justice of 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.)

OSKWAHA, 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 Cussee X (L.S.)

KOSTAYEAK, or Sharp Fellow Wataga X (L.S.)

CHONOSTA,



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.)
CHESECOTETONA, or Yellow Bird of the Pine Log	X (L.S.)
SKETALOSKA, Second Man of Tillico	X (L.S.)
CHOKASATAHE, Chickafaw killer Tafonta	X (L.S.)
ONANOOTA, of Koofotee	X (L.S.)
OOKOSETA, or Sower Mush of Kooloque	X (L.S.)
UMATOOETHA, the Water Hunter, Choikamawgee	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.)
TATLIUSTA, or Porpus of Tilaffi	X (L.S.)
JOHN, of Little Tallico	X (L.S.)
SKELELAK,	X (L.S.)
AKONOLUCHTA, the Cabin	X (L.S.)
CHENANOKA, of Kawetakac	X (L.S.)
YELLOW BIRD	X (L.S.)

WITNESS—Wm. Blount, Samuel Taylor, major John Owen, Jesse Walton, John Cowan, captain commandant, Thomas Gegg, W. Hazzard.—James Maddison, Arthur Coody, sworn interpreters.

N<sup>o</sup>. XL.

*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 Bugtoogoloo; Mingohoopoie, leading Chief of Hashooqua; Tobocoh, great medal Chief of Congetoo; Pooshemastubie, 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.

THE 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.

Treaty with the Choctaw Indians.

ARTICLE



## 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 allotted 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 whatsoever.

## 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 reserving 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



## 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 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 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 neighbouring tribe, or by any person whosoever, against the peace, trade or interest of the United States of America.

## ARTICLE XI.

The hatchet shall be for ever 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 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 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



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 (L.s.)

ANDREW PICKENS (L.s.)

JOSEPH MARTIN (L.s.)

TOOTEHOOMA	X (L.s.)	YOOSTENOCHHA	X (L.s.)
TOOBENOHOOMOCH	X (L.s.)	CSHECOOPOOHOOMOCH	X (L.s.)
YOCKENAHOMA	X (L.s.)	STONAKOOHOPOIE	X (L.s.)
YOCKEHOPOIE	X (L.s.)	TUSHKOHEEGOHTA	X (L.s.)
MINGOHOPIE	X (L.s.)	TESHUHENOCHLOCH	X (L.s.)
TOBOCOH	X (L.s.)	POOSHONALTLA	X (L.s.)
POOSHEMASTUBY	X (L.s.)	OKANCONNOOBA	X (L.s.)
POOSHAHOOMA	X (L.s.)	AUTOONACHUBA	X (L.s.)
TUSCOONOOHOPOIE	X (L.s.)	PANGKOOLOCH	X (L.s.)
SHINSHEMASTUBY	X (L.s.)	STEABEE	X (L.s.)
YOOPAKOOMA	X (L.s.)	TENCTEHENNA	X (L.s.)
STOONOKOOHOPOIE	X (L.s.)	TUSHKEMENTAHOCK	X (L.s.)
TEHAKUHBAY	X (L.s.)	TUSHTALLAY	X (L.s.)
POOSHEMASTUBY	X (L.s.)	CSHNAANGCHABBA	X (L.s.)
TUSKKAHOOMOCH	X (L.s.)	CUNNOPOIE	X (L.s.)
TUSHKAHOOMOCH	X (L.s.)		

WITNESS—William Blount, John Woods, Samuel Taylor, Robert Anderfon, Benjamin Lawrence, John Pitchlynn, James Cole, Interpreters.

Nº. XLI.

*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; Mingatuska, one of the leading Chiefs; and Latopoia, first beloved man of the said nation, Commissioners Plenipotentiary of all the Chickasaws, of the other part.

Treaty with the  
Chickasaw In-  
dians.

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



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 Cumberland, from those running into the Tennessee, at a point to be run in a line north-east, 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 persons 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

5 F

other

\* The name of the river is not in the original.



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 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, shall have liberty to go to any of the tribes or towns of the Chickasaws 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 neighbouring 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 Chickasaw 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 contained, between the said States and Chickasaws, We their underwritten commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto annexed.

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,	✕(L. s.)
ANDREW PICKINS,	(L. s.)	MINGATUSKA,	✕(L. s.)
JOSEPH MARTIN,	(L. s.)	LATOPOIA,	✕(L. s.)

WITNESS, William Blount, William Hazzard, Samuel Taylor.—James Cole, sworn interpreter.



## Nº. XLII.

*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.

Treaty with the  
Creek Indians.

*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 aforesaid 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



vered 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 neighbouring 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 licence 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 Chuwocklie Mico (of the Cowetas) Cuchas Mico (of the Cuffetas) Suckawockie (brother to the last named, also of the Cuffetas) Eneathlocks (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 before 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 ONEAL, (L.S.)  
JARED IRWIN, (L.S.)

On the part of the Indians,

CUSA MICO	X (L.S.)	OCHUNNEE HOLA	X (L.S.)
NINNEHOMOHTA-TUSTE-			
NUCKIE MICO	X (L.S.)	FOUSACHEE MICO	X (L.S.)
MICO CHEE,	X (L.S.)	THOLAU HAJO	X (L.S.)
HOTHLEPOYA MICO	X (L.S.)	TUSIKIA MICO	X (L.S.)
OPHETHLE MICO, or			
Tallefee King,	X (L.S.)	AUSUNUCK TUSTO-	
OPAYA LATA,	X (L.S.)	NUCKE	X (L.S.)
OPAYA HAJO,	X (L.S.)	TUSIKIA MICO	X (L.S.)
EUFALLA TESTONOKY	X (L.S.)	TEOMY TUSTO NUCKE	X (L.S.)
OKELLASA HAJO	X (L.S.)	TOLOBE MATHLA	X (L.S.)
ENEATHLACO OPAYA	X (L.S.)	HITCHETA MICO	X (L.S.)
WAWLATA MICO	X (L.S.)	OPAYE TUSTO NUCKIE	X (L.S.)
OPAYA EMATHLA	X (L.S.)	TUSTO NUCKIE	X (L.S.)
OCKEHAN HAJO	X (L.S.)	AULACK HAJO	X (L.S.)
OLACKTA	X (L.S.)	ENEA THLACO	X (L.S.)
TULJISCA MICO	X (L.S.)	HOPAYE MICO	X (L.S.)
TUSTO NUCKIE	X (L.S.)	OTHLEPOYA MICO	X (L.S.)
HOTTESY MICO	X (L.S.)	CHUWACKLE MICO	X (L.S.)
OSUCHEE MATHLA	X (L.S.)	ENEUTHLOCKO	X (L.S.)
CVSSITA MICO	X (L.S.)	OLACTE EMATHLA	X (L.S.)
ENEA MICO	X (L.S.)	MUOJOY	X (L.S.)
ENEA THLACO	X (L.S.)	HALLATOWEGIE	X (L.S.)
EPHA TUSTO NUCKIE,	X (L.S.)	WILL JONES	X (L.S.)
ESPANE TUSTO NUKIS	X (L.S.)	CHATOSSAHA	X (L.S.)
GOPPITCHU TUSTO			
NUCKE	X (L.S.)	SOKAKOWAY	X (L.S.)
OKE LESA	X (L.S.)	CUCHAS HAJO	X (L.S.)
COUSA TUSTONUCKE	X (L.S.)	TOUTKIS HAJO	X (L.S.)
YAHOLA MICO	X (L.S.)	OPAYOUCHEE	X (L.S.)
ECONEHOT HAJO	X (L.S.)	TUSK ENCHA	X (L.S.)
CUSA MICO	X (L.S.)	WAKSE HAJO	X (L.S.)
CUCHAS MICO	X (L.S.)		

Signed, sealed, and delivered in presence of John Twiggs, Daniel M'Murphy, John Graves, James Darouzeaux, Philip Scott P. S. his mark, James M. Stewart.

N<sup>o</sup>.



*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.

Treaty with the  
Creek Indians.

**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 whosoever; 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 north-east line to be drawn from the top of the Ocunna mountain shall intersect; thence along the said line in a south-west direction to the Tugaloo river; thence to the top of the Currahee mountain; thence to the head or source of the main south branch of the Oconee river called the Apalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with the  
Oakmulgee,



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 further as may be necessary to mark distinctly the said boundary. And in order to extinguish for ever 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 and 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 considerations 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 Creek's 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 country, 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



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 relation 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 any neighbouring 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



## 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,

CUSETAHS.	{	FUSKATCHE MICO, or Birdtail King,	X (L.S.)
		NEATHLOCK, or Second Man,	X (L.S.)
		HALLETEMAL THLE, or Blue Giver,	X (L.S.)
LITTLE TALLISEE.	{	OPAY MICO, or the Singer,	X (L.S.)
		TOTKESHAJOU, or Samoniac,	X (L.S.)
BIG TALLISEE.	{	HOPOTHE MICO, or Tallifee King,	X (L.S.)
		OPOTOTACHE, or Long Side,	X (L.S.)
TUCKABATCHY.	{	SOHOLESSEE, or Young Second-Man,	X (L.S.)
		OCHEEHAJOU, or Aleck Cornel,	X (L.S.)
NATCHES.	{	CHINABIE, or the Great Natches Warrior,	X (L.S.)
		NATSOWACHEHEE, or the Great Natches	
		Warrior's brother,	X (L.S.)
		THAKOTEEHEE, or the Mole,	X (L.S.)
		OQUABEE,	X (L.S.)
COWETAS.	{	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.)
Of the BROKEN ARROW.		CHAWOCKLY MICO,	X (L.S.)
COOSADES.	{	COOSADES HOPOY, or the Measurer,	X (L.S.)
		MUTHTEE, or the Mifer,	X (L.S.)
		STIMAFU ICHKEE, or Good Humour,	X (L.S.)
ALABAMA CHIEF.		STILNALEEJE, or Disputer,	X (L.S.)
OAKSOY.		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.

Treaty with the  
Cherokee Indi-  
ans.

**T**HE 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 superintendant 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 whosoever; 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 Tugaloo river; thence north-east to the Ocunna 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



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 south-west 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 south-west 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 Cherokee's 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 person 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



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 or 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 neighbouring 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



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 superintendant 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.)
CAUQUILLEHANAH, or the Thigh,	X (L.S.)
CHESQUOTTELONEH, or Yellow Bird,	X (L.S.)
CHICKASAWTEHE, or Chikafaw Killer,	X (L.S.)
TUSKEGATEHE, Tuskega Killer,	X (L.S.)
KULSATEHE,	X (L.S.)
TINSTSHALENE,	X (L.S.)
SAWUTTEH, or Slave Catcher,	X (L.S.)
AUKUAH,	X (L.S.)
OOSENALEH,	X (L.S.)
KENOTETAH, or rising Fawn,	X (L.S.)
KANEIETOKA, 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 Stopt Still,	X (L.S.)
KULSATEHE,	X (L.S.)
AUQUOTAGUE, the Little Turkey's Son,	X (L.S.)
TALOHTESKE,	



TALOHTESKE, or Upsetter,	✕ (L.S.)
CHEAKONESKE, or Otter Lifter,	✕ (L.S.)
KESHEKAUNE, or She Reigns,	✕ (L.S.)
TOONAUNAILOH,	✕ (L.S.)
TESTEHE, or Common Disturber,	✕ (L.S.)
ROBIN M'CLEMORE,	✕ (L.S.)
SKYUKA,	✕ (L.S.)
JOHN THOMPSON, Interpreter.	
JAMES CARY, Interpreter.	

DONE in prefence 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; Claiborne Watkins, of Virginia; John M. Whitney of Georgia; Fauche, of Georgia; Titus Ogden, North Carolina; John Chisolm, of Washington District; Robert King, Thomas Gegg.

—:~:—  
Nº. XLV.

*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.

1. 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 of 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.

2. 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.

3. 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



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.

4. 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.

5. 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 Creek 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,	✕ (L s.)
NONTUAKA, or the Northward,	✕ (L.s.)
CINASAW, or the Cabin,	L (L.s.)
SKYUKA,	(L.s.)
CHUQUILATAGUE, D. H. or Double Head,	✕ (L.s.)
JOHN M'CLEMORE,	✕ (L.s.)
WALALUE, or Humming Bird,	(L.s.)
CHULEOWEE,	Q (L.s.)
USTANAQUA,	✕ (L.s.)
KULLSATHEE,	(L.s.)
SITEAHA,	✕ (L.s.)
KEENAFUNA, or the lying Fawn,	✕ (L.s.)
CHATAKAELESA, or the Fowl Carrier,	C (L.s.)

Done in the presence of John Thompson, Arthur Coody, interpreters.—Cantwel Jones, of Delaware. William Wafford, of the State of Georgia. W. M'Callieb of South Carolina. Samuel Lewis, of Philadelphia.



#### Nº. XLVI.

#### *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.

**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

Treaty with the Creek Indians.



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, 1790, 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, to 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 adviseable, 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 lands annexed thereto, are hereby ceded to, and shall be to the use, and under the government of the United States of America.

## ARTICLE IV.

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



## ARTICLE V.

Whenever the president of the United States of America, and the king of Spain, may deem it adviseable 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 Chocktaw 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 Chocktaws 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 superintendant 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 at 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, evidenced 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.

5 H

DONE



DONE at Colerain, the 29th of June, one thousand seven hundred and ninety-six.

BENJAMIN HAWKINS,  
GEORGE CLYMER,  
ANDREW PICKENS.

<i>Cowetas.</i>		<i>Tallefsees.</i>	
Chruchateneah,	X	Talleffee Mico,	X
Tufikia Mico,	X	Othley Poey Mico.	X
Inclenis Mico,	X	<i>Little Oakjoys.</i>	
Tuskenah,	X	Meeke Matla.	X
Ookfuskee Tuftuneka,	X	<i>Hicory Ground.</i>	
Clewalee Tuftuneka,	X	Opoeey Mico.	X
<i>Cuffitas.</i>		<i>Kuyalegees.</i>	
Tufikia Mico,	X	Kelese Hatkie.	X
Cufita Mico,	X	<i>Weakis.</i>	
Fufatchee Mico,	X	Nedhomotca Opoeey,	X
Opoeey Mico.	X	Tufikia Mico.	X
<i>Broken Arrows.</i>		<i>Clewallees.</i>	
Tuftuneka Mico,	X	Opoeey-e-Matla.	X
Othley Opoeey,	X	<i>Coofis.</i>	
Opoeey Tuftuneka,	X	Hofonupe Hodjo.	X
Oboethly Tuftuneka.	X	<i>Tukabathees.</i>	
<i>Euchees.</i>		Holahto Mico,	X
Euchee Mico.	X	Tuftunika Thlocco.	X
<i>Ufuchees.</i>		<i>Oakfuskees.</i>	
Ofaw Enehah,	X	Pashphalaha.	X
Ephah Tuskenah,	X	<i>Abacouchees.</i>	
Tufikia Mico.	X	Spani Hodjo,	X
<i>Chehaws.</i>		Tuftinoka.	X
Chehaw Mico.	X	<i>Upper Euphaules.</i>	
<i>Talehanas.</i>		Opoeey.	X
Othley Poey Mico,	X	<i>Natchees.</i>	
Othley Poey Tuftimiha.	X	Chinibe.	X
<i>Oakmulgees.</i>		<i>Upper Chehaws.</i>	
Opoeey Thlocco,	X	Spokoi Hodjo,	X
Parachuckley,	X	Tuftunika.	X
Tuskenah.	X	<i>Mackasookos.</i>	
<i>Euphales.</i>		Tuskeehenehaw.	X
Pahose Mico,	X	<i>Oconees.</i>	
Tuftunika Chopco.	X	Knapematha Thlocco.	X
<i>Ottassees.</i>		<i>Cufetahs.</i>	
Fufatchee Hulloo Mico,	X	Cufa Mico,	X
Tufikia Mico,	X	Tufekia Mico Ahtee,	X
Mico Opoeey.	X		
			Halartee



Halartee Matla,	X	Chosolop Hajo,	X
Talahoua Mico,	X	Coofa Hajo.	X
Neathlocto,	X	<i>Tuckabatchees.</i>	
Nuckfamico,	X	Chohajo.	X
Estechaco Mico,	X	<i>Coofi's.</i>	
Tuskegee Tustinagee,	X	Tushegee Tustinagee,	X
Cochus Mico,	X	Talmafa Watalica.	X
Opio Hajo,	X	<i>Euphalees.</i>	
Oneas Tustinagee,	X	Tothes Hago.	X
Alak Ajo,	X	<i>Otafees.</i>	
Stilcpeck Chatee,	X	Opio Tustinagee,	X
Tuchefee Mico.	X	Yaf kee Mall Haja,	X
<i>Kealegees.</i>		Oboyethlee Tustinagee,	X
Cheea Hajo.	X	Tustinagee Hajo,	X
<i>Hitchetaws.</i>		Hillibee Tustinagee Hajo,	X
Talmafee Matla.	X	Effa Tuskeena,	X
<i>Tuckabatchees.</i>		Emathlee Loco,	X
Tustinke Hajo,	X	Tustinagee Mico,	X
Okoliffa,	X	Yaha Tustinagee,	X
Coweta Matla,	X	Cunctaslee Justinagee.	X
Coofa Mico,	X	<i>Ottassees.</i>	
Fufatchee Mico,	X	Coofa Tustinagee,	X
Pio Hatkee,	X	Neamatle Matla.	X
Foofatchee Mico,	X	<i>Weeokee's.</i>	
Neathlaco,	X	Tusticnika Hajo.	X
Tuckabatchee Howla,	X	<i>Tuckabatchee's.</i>	
Spoko Hajo.	X	Neamatoochee.	X
<i>Kialegees.</i>		<i>Cuffita's.</i>	
Chuckchack Nincho,	X	Telewa Othleopoya,	X
Opoyo Matla,	X	Talmasse Matla,	X
Lachlee Matla.	X	Niah Weathla,	X
<i>Big Tallassees.</i>		Emathlee-laco,	X
Chowostia Hajo,	X	Otteffee Matla,	X
Neathloco Opyo,	X	Muclassee Matla,	X
Neathloco,	X	Eufalle Matla.	X
Chowlastely Mico,	X	<i>Tuckabatchees.</i>	
Tocoso Hajo,	X	Cunipee Howla.	X
Hoochee Matla,	X	<i>Cowetas.</i>	
Howlasta,	X	Hofpotak Tustinagee.	X
Tustinica Mico,	X	<i>Natchees.</i>	
Opoy Fraico.	X	Spoko Hodjo.	X
<i>Big Tallassee.</i>		<i>Uchees.</i>	
Houlasta,	X	Tustinagee Chatee.	X
Elcatee Hajo,	X	<i>Usucchees.</i>	



<i>Ufukees.</i>	Othley-poey-Tuftinagee,	✕
Spokoca Tuftinagee,	✕ Tuskeeneah.	✕

WITNESS—James Seagrove, superintendant of Indian affairs, C. N. Henry Gaither, lieutenant-colonel-commandant. Const. 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. Geo. Gillaspie, surgeon 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, capt. fourth 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 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 post, 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 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 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,” shall be construed to effect 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,



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 mentioned 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.*

—:⊙:—  
Nº. XLVII.

*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 title 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 excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each 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



ons 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 imposition, duties or restriction 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 emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of a 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



No State shall lay any imports 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 eminent as not to admit of a delay, till the United States in congress assembled can be consulted: nor shall any State grant commissions to 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 United States in congress assembled.

#### ARTICLE



## 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 by 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 legislative or 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 appear to 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



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 forces, 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 soldierlike 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 legislatures 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



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 determinations 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 legislature 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 authorise 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 in 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 heteunto 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, &c.*

{ WILLIAM ELLERY,  
{ HENRY MERCHANT,  
{ JOHN COLLINS.

*CONNECTICUT.*



*CONNECTICUT.*

{ ROGER SHERMAN,  
 { SAMUEL HUNTINGTON,  
 { OLIVER WOLCOTT,  
 { TITUS HOSMER,  
 { ANDREW ADAMS.

*NEW YORK.*

{ JAMES DUANE,  
 { FRANCIS LEWIS,  
 { WILLIAM DUER,  
 { GOUVERNEUR 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 HARVEY,  
 { FRANCIS LIGHTFOOT LEE.

*NORTH CAROLINA.*

{ JOHN PENN,  
 { CORNELIUS HARNETT,  
 { JOHN WILLIAMS.

*SOUTH CAROLINA.*

{ HENRY LAURENS,  
 { WILLIAM HENRY DRAYTON,  
 { JOHN MATTHEWS,  
 { RICHARD HUTTON,  
 { THOMAS HEYWARD, JUN.

*GEORGIA.*

{ JOHN WALTON,  
 { EDWARD TELFAIR,  
 { EDWARD LANGWORTHY.



## THE CONSTITUTION

OF THE

## United States of America.

**W**E the people of the United States, in order to form a more perfect union, Preamble.  
 establish justice, insure domestic tranquility, provide for the common  
 defence, promote the general welfare, and secure the blessings of liberty to ourselves  
 and our posterity, do ordain and establish this constitution for the United States of  
 America.

## ARTICLE I.

## LEGISLATURE.

Sect. 2. 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 House of re-  
 second year by the people of the several States, and the electors in each State shall presentatives.  
 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- Qualification  
 five years, and been seven years a citizen of the United States, and who shall not therefor.  
 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, Proportion of  
 which may be included within this union, according to their respective numbers, representatives.  
 which shall be determined by adding to the whole number of free persons, including  
 those bound to service 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 subse-  
 quent term of ten years, in such manner as they shall by law direct. The number of  
 representatives shall not exceed one for every thirty thousand, but each State shall  
 have at least one representative; and until such enumeration shall be made, the State  
 of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island  
 and Providence plantations one, Connecticut five, New York six, New Jersey four,  
 Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five,  
 South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive autho- Vacancies how  
 rity thereof shall issue writs of election, to fill such vacancies. filled.

The house of representatives shall chuse their speaker and other officers, and shall Officers how  
 have the sole power of impeachment. chosen.

Sect. 3. The senate of the United States shall be composed of two senators from Senate.  
 each State, chosen by the legislature thereof, for six years; and each senator shall  
 have one vote.

Immediately



- How divided. 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.
- Vacancies how filled.
- Qualification of senator. 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.
- Those officers chosen by them. The vice president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.
- Shall try impeachments. The senate shall chuse their other officers, and also a president *pro tempore*, in the absence of the vice president, or when he shall exercise the office of president of the United States.
- Judgment therefor. 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.
- Elections. 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.
- Particular rights of each house. 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 chusing 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 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.



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 the session of their respective houses, and in going to and returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

Compensation allowed to the legislature, privileged from arrest, freedom of all speech maintained.

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.

No member to be made an officer, and no officer to be a member.

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.

Revenue bills to originate with representatives. How bills shall be passed.

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 re-consider it. If after such re-consideration, 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 re-considered, 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.

And orders, resolves or votes.

Sect. 8. The congress shall have power,

Powers of congress.

To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and the 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, to regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To



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 calling forth the militia, to execute the laws of the union, suppress insurrections, and repel invasions;

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

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of congress, become the seat of 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.

Powers of congress restrained.

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



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

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

Se<sup>c</sup>t. 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.

Limitation of the powers of individual States.

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 controul of the congress. No State shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

#### ARTICLE II: EXECUTIVE.

Se<sup>c</sup>t. 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;

President elected for four years.

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.

How elected.

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 said 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 chuse by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner chuse the president.



But in chusing the president the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of the States shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice president. But if there should remain two or more who have equal votes, the senate shall chuse from them, by ballot, the vice president.

Time and day  
of election to  
be determined  
by congress.

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

Qualification of  
president.

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.

Vacancy of pre-  
sident how sup-  
plied.

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.

Compensation  
to president.

The president shall, at stated times, receive for his services, a compensation, which shall neither be encreased 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.

And his oath.

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

Powers of pre-  
sident.

“ 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 offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

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

The



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.

To give information to congress, and may adjourn them, receive ambassadors, execute laws, and commission officers.

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.

Officers when removable.

### 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.

One court.

Judges to be appointed during good behaviour, and receive compensation, Powers of judiciary.

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; in all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the congress shall make.

The trial of all crimes, except in case 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.

Declaration of treason.

The



And its punishment to be declared by congress.

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.

Reciprocal credit to be given to records, &c.

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.

Privileges of citizens.

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

Fugitives from justice to be delivered up.

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.

Servants, &c. not discharged from such service on escape into another State.

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

New States to be admitted.

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.

Powers of congress respecting territory, &c.

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.

Republican form of government granted to each 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.

Amendments how proposed and ratified.

The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislature 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 amendments 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



## 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 12th. 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 SAM'L JOHNSON.  
{ ROGER SHERMAN.

NEW YORK.

{ ALEXANDER HAMILTON.

NEW JERSEY.

{ WILLIAM LIVINGSTON,  
{ DAVID BREARLEY,  
{ WILLIAM PATERSON,  
{ JONATHAN DAYTON.

PENNSYLVANIA.

{ BENJAMIN FRANKLIN,  
{ THOMAS MIFFLIN,  
{ ROBERT MORRIS,  
{ GEORGE CLYMER,  
{ THOMAS FITZSIMMONS,  
{ JARED INGERSOL,  
{ JAMES WILSON,  
{ GOUV. MORRIS.

DELAWARE.

Debts, &c. of United States valid.

Constitution laws, &c. of United States to be supreme law of land.

Oath of legislature and of all officers of the United States and of the several States. No religious test a qualification for any office. Ratification of nine States establishes this constitution.



DELAWARE.

{ GEORGE READ,  
 { GUNNING BEDFORD, JUN.  
 { JOHN DICKINSON,  
 { RICHARD BASSETT,  
 { JACOB BROOM.

MARYLAND.

{ JAMES M'HENRY,  
 { DANIEL OF ST. THOS. JENIFER,  
 { 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 insure the beneficent ends of its institution:

**R**ESOLVED 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.

**A**FTER 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



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 of 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 favour, 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



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.

## Nº. XLIX.

*An Act more effectually to provide for the national defence by establishing an uniform militia throughout the United States.*

Militia how,  
and by whom  
to be enrolled.

I. **B**E it enacted by the senate and house of representatives of the United States of America, in congress assembled, That each and every free able bodied white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good 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 on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and esponton, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements required,

How to be  
armed and ac-  
coutred.



as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt or for the payment of taxes.

II. *And be it further enacted*, That the vice president of the United States; the officers, judicial and executive of the government of the United States; the members of both houses of congress, and their respective officers; all custom house officers with their clerks; all post officers and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be and they are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Executive officers, &c. exempted.

III *And be it further enacted*, That within one year after the passing of this act, the militia of the respective States shall be arranged into divisions, brigades, regiments, battalions and companies, as the legislature of each State shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant general's office in the State; and when in the field, or in the service in the State, each division, brigade and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty four privates. That the said militia shall be officered by the respective States, as follows: To each division one major general, and two aide-camps with the rank of major, to each brigade one brigadier general, with one brigade inspector, to serve also as a brigade major, with the rank of a major; to each regiment one lieutenant colonel commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. That there shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenants; one paymaster; one surgeon and one surgeon's mate; one sergeant major, one drum-major and one fife-major.

Militia how to be arranged, and

By whom officered.

IV. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed for each battalion at least one company of grenadiers, light infantry or riflemen; and that to each division there shall be at least one company of artillery and one troop of horse: There shall be to each company of artillery one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombadiers, one drummer and one fifer. The officers to be armed with a sword or hanger, a fusée, bayonet and belt, with a cartridge box to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordinance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least fourteen hands and an half high, and to be armed with a sword and a pair of pistols, the holsters of which to be covered

Each battalion to have one company of grenadiers, &c. and one company of artillery.

Officers how to be armed.

Troops of horse how officered, &c.



Artillery and  
horse of whom  
to be formed;

To be uniformly  
clad at their  
own expence.

What colors,  
&c. and by  
whom to be  
furnished.

Adjutant gen-  
eral in each  
State his duty.

Rules of disci-  
pline.

Officers how to  
take rank.

with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail-pillion and valise, holsters and a breast-plate and crupper; a pair of boots and spurs, a pair of pistols, a sabre and a cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the State, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expence; the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

V. *And be it further enacted*, That each battalion and regiment shall be provided with the State and regimental colors by the field officers, and each company with a drum and fife or bugle horn, by the commissioned officers of the company, in such manner as the legislature of the respective States shall direct.

VI. *And be it further enacted*, That there shall be an adjutant general appointed in each State, whose duty it shall be to distribute all orders from the commander in chief of the State to the several corps; to attend all public reviews when the commander in chief of the State shall review the militia or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: All which the several officers of the divisions, brigades, regiments and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith; from all which returns he shall make proper abstracts, and lay the same annually before the commander in chief of the State.

VII. *And be it further enacted*, That the rules of discipline, approved and established by congress in their resolution of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States, except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by battalion, regiment or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

VIII. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then, their rank shall be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company or detachment.



IX. *And be it further enacted*, That if any person whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of, and provided for at the public expence. Provision in case of wounds, &c.

X. *And be it further enacted*, That it shall be the duty of the brigade inspector to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall from time to time, receive from the commander in chief of the State; to make returns to the adjutant general of the State, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps, and every other thing which, in his judgment, may relate to their government, and the general advancement of good order and military discipline; and the adjutant general shall make a return of all the militia of the State to the commander in chief of the said State, and a duplicate of the same to the president of the United States. Brigade inspectors duty.

XI. *And whereas*, fundry corps of artillery, cavalry and infantry, now exist in several of the said States, which by the laws, customs or usages thereof, have not been incorporated with, or subject to the general regulations of the militia: Artillery, &c, now existing,

*Be it further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act, in like manner with the other militia. To retain their privileges.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

RICHARD HENRY LEE, *President pro tempore of the Senate.*

Approved, May 8th, 1792.

GEORGE WASHINGTON, *President of the United States.*

Deposited among the Rolls in the Office of the Secretary of State.

THOMAS JEFFERSON, *Secretary of State.*



Nº. L.

*Rules and articles for the better government of the troops raised, or to be raised, and kept in pay, by, and at the expence of the United States of America.*

IN CONGRESS, September 20, 1776.

**R**ESOLVED, That from and after the publication of the following articles in the respective armies of the United States, the rules and articles by which the said armies have hitherto been governed, shall be, and they are hereby repealed.

By order of congress,

JOHN HANCOCK, *President.*

SECTION



## SECTION I.

Art. 1. That every officer who shall be retained in the army of the United States, shall, at the time of his acceptance of his commission, subscribe these rules and regulations.

Art. 2. It is earnestly recommended to all officers and soldiers, diligently to attend divine service. And all officers and soldiers who shall behave indecently or irreverently at any place of divine worship, shall if commissioned officer, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending, shall for his first offence, forfeit *one sixth of a dollar*, to be deducted out of his next pay; for the second offence, he shall not only forfeit the like sum, but be confined for *twenty four hours*; and for every like offence shall suffer and pay in like manner; which money, so forfeited shall be applied to the use of sick soldiers of the troop or company to which the offender belongs.

Art. 3. Whatsoever non-commissioned officer or soldier, shall use any profane oaths or execration, shall incur the penalties expressed in the foregoing article; and if a commissioned officer be thus guilty of profane cursing or swearing, he shall forfeit and pay for each and every such offence *two thirds of a dollar*.

Art. 4. Every chaplain, who is commissioned to a regiment, company, troop, or garrison, and shall absent himself from said regiment, company, troop, or garrison (except in case of sickness, or leave of absence) shall be brought to a court martial, and be fined, not exceeding one month's pay, besides the loss of his pay during his absence, or be discharged, as the said court martial shall judge most proper.

## SECTION II.

## MUTINY.

Art. 1. Whatsoever officer or soldier shall presume to use traitorous or disrespectful words against the authority of the United States in congress assembled, or the legislature of any of the United States, in which he may be quartered; if a commissioned officer, he shall be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a court martial.

Art. 2. Any officer or soldier, who shall behave himself with contempt or disrespect towards the general or other commander in chief of the forces of the United States, or shall speak words tending to his hurt or dishonor, shall be punished according to the nature of his offence, by the judgment of a court martial.

Art. 3. Any officer or soldier, who shall begin, excite, cause or join in any mutiny or sedition in the troop, company, or regiment to which he belongs, or in any other troop or company in the service of the United States, or in any party, post, detachment or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Art. 4. Any officer, non-commissioned officer, or soldier, who being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same; or coming to the knowledge of any intended mutiny, does not, without delay, give information



formation thereof to his commanding officer, shall be punished by a court martial with death, or otherwise, according to the nature of the offence.

Art. 5. Any officer or soldier who shall strike his superior officer, or draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

#### SECTION III.

### OF ENLISTING SOLDIERS.

Art. 1. Every non-commissioned officer and soldier, who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the forces of the United States read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse cannot be had to the civil magistrate, before the judge advocate, and in his presence shall take the following oath, or affirmation, if conscientiously scrupulous about taking an oath:

I swear, or affirm (as the case may be) to be true to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever; and to observe and obey the orders of the continental congress, and the orders of the generals and officers set over me by them.

Which justice or magistrate is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

Art. 2. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be allowed of as sufficient, which is not signed by a field officer of the regiment into which he was enlisted, or commanding officer, where no field officer of the regiment is in the same State.

#### SECTION IV.

### MUSTERS AND FURLOUGHES.

Art. 1. Every officer commanding a regiment, troop or company, shall, upon the notice given to him by the commissary of musters, or from one of his deputies, assemble the regiment, troop or company, under his command, in the next convenient place for being mustered.

Art. 2. Every colonel, or other field officer commanding the regiment, troop or company, and actually residing within it, may give furloughs to non-commissioned officers and soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; but no non-commissioned officer or soldier shall by leave of his captain, or inferior officer commanding the troop or company (his field officer not being present) be absent above twenty days in six months, nor shall more than two private men be absent at the same time, from their troop or company,



company, excepting some extraordinary occasion shall require it, of which occasion the field officer present with, and commanding the regiment, is to be the judge.

Art. 3. At every muster the commanding officer of each regiment, troop or company, there present, shall give to the commissary, certificates signed by himself, signifying how long such officers, who shall not appear at the said muster, have been absent, and the reason of their absence. In like manner the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers; which reasons, and time of absence, shall be inserted in the muster-rolls, opposite to the names of the respective absent officers and soldiers. The said certificates shall, together with the muster-rolls, be remitted by the commissary to the congress, as speedily as the distance of place will admit.

Art. 4. Every officer who shall be convicted, before a general court-martial of having signed a false certificate, relating to the absence of either officer or private soldier, shall be cashiered.

Art. 5. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary, who shall willingly sign, direct, or allow the signing of the muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court-martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Art. 6. Any commissary who shall be convicted of having taken money, or any other thing by way of qualification on the mustering any regiment, troop or company, or on the signing the muster-rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment under the United States.

Art. 7. Any officer who shall presume to muster any person as a soldier, who is at other times accustomed to wear a livery, or who does not actually do his duty as a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

#### SECTION V.

#### R E T U R N S.

Art. 1. Every officer who shall knowingly make a false return to the congress, or any committee thereof, to the commander in chief of the forces of the United States, or to any his superior officer, authorised to call for such returns of the State of the regiment, troop, or company, or garrison, under his command; or of arms, ammunition, clothing, or other stores thereunto belonging, shall, by a court-martial, be cashiered.

Art. 2. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall, in the beginning of every month, remit to the commander in chief of the American forces, and to the congress, an exact return of the state of the regiment, troop, independent company, or garrison under his command, specifying the names of the officers not then residing at their posts, and the reason for, and time of, their absence. Whoever shall be convicted of having, through neglect



neglect or design omitted the sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court-martial.

## SECTION VI.

## D E S E R T I O N.

Art. 1. All officers and soldiers, who having received pay, or having been duly enlisted in the service of the United States, shall be convicted of having deserted the same, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 2. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop or company, or from any detachment with which he shall be commanded, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court-martial.

Art. 3. No non-commissioned officer or soldier, shall enlist himself in any other regiment, troop or company, without a regular discharge from the regiment, troop or company in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, he the said officer so offending, shall by a court-martial be cashiered.

Art. 4. Whatsoever officer or soldier shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer such punishment as shall be inflicted on him by the sentence of a court-martial.

## SECTION VII.

## O F Q U A R R E L S A N D S E N D I N G C H A L L E N G E S.

Art. 1. No officer or soldier shall use any reproachful or provoking speeches, or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, imprisoned, and of asking pardon of the party offended, in the presence of his commanding officer.

Art. 2. No officer or soldier shall presume to send a challenge to any other officer or soldier, to fight a duel, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporal punishment at the discretion of a court-martial.

Art. 3. If any commissioned or non-commissioned officer commanding a guard, shall knowingly and willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and likewise all seconds, prompters, and carriers of challenges, in order to duels, shall be deemed as principals, and be punished accordingly.

Art. 4. All officers of what condition soever, have power to part and quell all quarrels, frays and disorders though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commissioned or soldiers to prison, till their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferior rank) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

Art.



Art. 5. Whatsoever officer or soldier shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged of any disgrace or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the order of congress, and done their duty as good soldiers, who subject themselves to discipline.

## SECTION VIII.

## S U T T L I N G.

Art. 1. No sutler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open, for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or sermon, upon the penalty of being dismissed from all future suttling.

Art. 2. All officers and soldiers shall have full liberty to bring into any of the forts or garrisons of the United American States, any quantity of eatable provisions, except where any contracts are or shall be entered into by congress, or by their order, for furnishing such provisions, and with respect only to the species of provisions so contracted for.

Art. 3. All officers commanding in the forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions, at the market price, as they shall be answerable for their neglect.

Art. 4. No officers commanding in any of the garrisons, forts, or barracks of the United States, shall either themselves exact exorbitant prices for houses or stalls let out to suttlers, or shall connive at the like exactions in others; nor by their own authority, and for their private advantage, shall they lay any duty or imposition upon, or be interested in the sale of such victuals, liquors, or other necessaries of life, which are brought into the garrison, fort or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

## SECTION IX.

## OF GOOD ORDER.

Art. 1. Every officer commanding in quarters, garrisons or on a march, shall keep good order, and to the utmost of his power redress all such abuses or disorders which may be committed by any officer or soldier under his command; if upon complaint made to him of officers or soldiers beating or otherwise ill treating any person; of disturbing fairs or markets or of committing any kinds of riots, to the disquieting of the good people of the United States, he, the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as part of the offenders pay shall enable him or them, shall, upon proof thereof, be punished by a general court-martial, as if he himself had committed the crimes or disorders complained of.

## SECTION X.

## OF CRIMES PUNISHABLE BY LAW.

Art. 1. Whenever any officer or soldier shall be accused of a capital crime, or of having used violence or committed any offence against the persons or property of the good



good people of any of the United American States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop or party, to which the person or persons so accused shall belong, are hereby required, upon application duly made by or in behalf of the party or parties injured, to use his utmost endeavors to deliver over such accused person or persons to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring them to a trial. If any commanding officer or officers shall wilfully neglect, or shall refuse upon the application aforesaid, to deliver over such accused person or persons to the civil magistrates, or to be aiding and assisting to the officers of justice, in apprehending such person or persons, the officer or officers so offending shall be cashiered.

Art. 2. No officer shall protect any person from his creditors, on the pretence of his being a soldier, nor any non-commissioned officer or soldier, who does not actually do all duties as such, and no further than is allowed by a resolution of congress, bearing date the 26th day of December, 1775; Any officer offending herein, being convicted thereof before a court-martial, shall be cashiered.

## SECTION XI.

## OF REDRESSING WRONGS.

Art. 1. If any officer shall think himself to be wronged by his colonel or the commanding officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may complain to the continental general commanding in the State where such regiment shall be stationed, in order to obtain justice, who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit as soon as possible to the congress, a true state of such complaint, with the proceedings had thereon.

Art. 2. If any inferior officer or soldier shall think himself wronged by his captain, or other officer commanding the troop or company to which he belongs, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court-martial for the doing justice to the complainant; from which regimental court-martial either party may, if he thinks himself still aggrieved, appeal to a general court-martial. But if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing shall be punished at the discretion of the said general court-martial.

## SECTION XII.

## OF STORES, AMMUNITIONS, &amp;c.

Art. 1. Whatsoever commissioned officer, store keeper, or commissary, shall be convicted at a general court-martial of having sold (without a proper order for that purpose) embezzled, misapplied, or wilfully or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled or damaged, the said officer, store keeper, or commissary so offending, shall, at his own charge, make good the loss or damage; shall moreover forfeit all his pay, and be dismissed from the service.



Art. 2. Whatsoever non-commissioned officer or soldier, shall be convicted at regimental court-martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him to be employed in the service of the United States, shall, if a non-commissioned officer, be reduced to a private centinal, and shall besides, suffer corporeal punishment, in the same manner as a private centinal so offending, at the discretion of a regimental court-martial.

Art. 3. Every non-commissioned officer or soldier who shall be convicted at a court-martial, of having sold, lost or spoiled through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as a court martial shall judge sufficient for repairing the loss or damages; and shall suffer imprisonment, or such other corporeal punishment as his crime shall deserve.

Art. 4. Every officer who shall be convicted at a court-martial, of having embezzled or misapplied any money with which he may have been entrusted for the payment of the men under his command, or for enlisting men into the service; if a commissioned officer, shall be cashiered and compelled to refund the money; if a non-commissioned officer, shall be reduced to serve in the ranks as a private soldier, be put under stoppages until the money be made good, and suffer such corporeal punishment (not extending to life or limb) as the court-martial shall think fit.

Art. 5. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled or damaged, not by unavoidable accidents, or on actual service.

#### SECTION XIII.

#### OF DUTIES IN QUARTERS, IN GARRISON, OR IN THE FIELD.

Art. 1. All non-commissioned officers and soldiers who shall be found one mile from the camp, without leave in writing from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court-martial.

Art. 2. No officer or soldier shall lie out of his quarters, garrison or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Art. 3. Every non-commissioned officer and soldier shall return to his quarters or tent, at the beating of the retreat; in the default of which he shall be punished according to the nature of his offence, by the commanding officer.

Art 4. No officer, non-commissioned officer, or soldier, shall fail of repairing, at the time fixed, to the place of parade of exercise, or other rendezvous appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, or from his guard, without leave from his commanding officer, before he shall be regularly dismissed or relieved on the penalty of being punished according to the nature of his offence, by the sentence of a court-martial.

Art. 5. Whatever commissioned officer shall be found drunk on his guard, party, or other duty under arms, shall be cashiered for it; any non-commissioned officer or soldier,



soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court-martial.

Art. 6. Whatever centinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court-martial.

Art. 7. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in case of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the next regimental court-martial.

Art. 8. And every non-commissioned officer conniving at such hiring of duty as aforesaid, shall be reduced for it; and every commissioned officer, knowing and allowing of such ill practices in the service, shall be punished by the judgment of a general court-martial.

Art. 9. Any person belonging to the forces employed in the service of the United States, who by discharging of fire arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 10. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officer, quit his platoon or division, shall be punished according to the nature of his offence, by the sentence of a court-martial.

Art. 11. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison or quarters of the forces of the United States, employed in parts out of said States, on pain of death, or such other punishment as a court-martial shall direct.

Art. 12. Whatsoever officer or soldier shall misbehave himself before the enemy, or shamefully abandon any post committed to his charge, or shall speak words inducing others to do the like, shall suffer death.

Art. 13. Whatsoever officer or soldier shall misbehave himself before the enemy, and run away, or shamefully abandon any fort, post, or guard, which he or they shall be commanded to defend, or speak words inducing others to do the like; or who, after victory, shall quit his commanding officer, or post, to plunder and pillage; every such offender, being duly convicted thereof, shall be reputed a disobeyer of military orders; and shall suffer death, or such other punishment as by a general court-martial shall be inflicted on him.

Art. 14. Any person belonging to the forces of the United States, who shall cast away his arms and ammunition, shall suffer death or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 15. Any person belonging to the forces of the United States, who shall make known the watch-word to any person who is not entitled to receive it according to the rules and discipline of war, or shall presume to give a parole or watch-word different from



from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Art. 16. All officers and soldiers are to behave themselves orderly in quarters and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish-ponds, houses or gardens, corn fields, enclosures or meadows, or shall maliciously destroy any property whatsoever belonging to the good people of the United States, unless by order of the then commander in chief of the forces of the said States, to annoy rebels or other enemies in arms against the said States, he or they that shall be found guilty of offending herein shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court-martial.

Art. 17. Whosoever belonging to the forces of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

Art. 18. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 19. Whosoever shall be convicted of holding correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 20. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanders in chief are to be answerable.

Art. 21. If any officer or soldier shall leave his post or colors, to go in search of plunder, he shall, upon being convicted thereof before a general court-martial, suffer death, or such other punishment as by a court-martial shall be inflicted.

Art. 22. If any commander of any garrison, fortress or post, shall be compelled by the officers or soldiers under his command, to give up to the enemy or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

Art. 23. All sutlers and retainers to the camp, and all persons whatsoever serving with the armies of the United States, in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Art. 24. Officers having brevets, or commissions of a prior date to those of the regiment in which they now serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop or company, to which such brevet officers, and those who have commissions of a prior date, do belong, they shall do duty and take rank, both on courts-martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Art.



Art. 25. If upon marches, guards, or in quarters, different corps shall happen to join, or do duty together, the eldest officer by commission there, on duty, or in quarters, shall command the whole, and give out orders for what is needful to the service, regard being always had to the several ranks of those corps, and the posts they usually occupy.

Art. 26. And in like manner also, if any regiments, troops, or detachments of horse or foot, shall happen to march with, or be encamped, or quartered with any bodies or detachments of other troops in the service of the United States, the eldest officer without respect to corps, shall take upon him the command of the whole, and give the necessary orders to the service.

## SECTION XIV.

## ADMINISTRATION OF JUSTICE.—REPEALED.

## SECTION XV.

## EFFECTS OF THE DEAD.

Art. 1. When a commissioned officer shall happen to die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, shall immediately secure all his effects or equipage then in camp or quarters; and shall, before the next regimental court-martial, make an inventory thereof, and forthwith transmit the same to the officer of the board of war, to the end that his executors may, after payment of his debts in quarters and interment, receive the overplus, if any be, to his or their use.

Art. 2. When any non-commissioned officer or soldier shall happen to die, or to be killed in the service of the United States the then commanding officer of the troop or company shall, in the presence of two other commissioned officers, take an account of whatever effects he dies possessed of, above his regimental clothing, arms and accoutrements, and transmit the same to the officer of the board of war; which said effects are to be accounted for, and paid to, the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers so authorized to take care of the effects of dead officers and soldiers, should, before they shall have accounted to their representatives for the same, have occasion to leave the regiment, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the agent of the regiment, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

## SECTION XVI.

## ARTILLERY, &amp;c.

Art. 1. All officers, conductors, gunners, matrosses, drivers, or any other persons whatsoever, receiving pay or hire in the service of the artillery, of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Art. 2. For differences arising amongst themselves or in matters relating solely to their own corps, the courts-martial may be composed of their own officers; but  
where



where a number sufficient of such officers cannot be assembled, or in matters wherein other corps are interested, the officers of artillery shall sit in courts-martial with the officers of other corps, taking their ranks according to the dates of their respective commissions, and no otherwise.

## SECTION XVII.

## MILITIA DOING DUTY AND RANK.

Art. 1. the officers and soldiers of any troops, whether minute men militia, or others, being mustered and in continental pay, shall, at all times, and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules or articles of war, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers in the regular forces, save only, that such courts-martial shall be composed entirely of militia officers, of the same provincial corps with the offender.

That such militia and minute men as are now in service, and have, by particular contract with their respective States, engaged to be governed by particular regulations, while in continental service, shall not be subject to the above articles of war.

Art. 2. For the future, all general officers and colonels, serving by commission from the authority of any particular State, shall, on all detachments, courts-martial, or other duty wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all generals and colonels serving by commissions from congress, though the commissions of such particular generals and colonels should be of elder date: And in like manner lieutenant colonels, majors, captains and other inferior officers, serving by commission from any particular State, shall, on all detachments, courts-martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, have rank next after all officers of the like rank serving by commission from the congress, though the commissions of such lieutenant colonels, majors, captains and other inferior officers should be of elder date to those of the like rank from congress.

## SECTION XVIII.

## RELATIVE TO THE FOREGOING ARTICLES.

Art. 1. The foregoing articles are to be read and published once in every two months at the head of every regiment, troop or company, mustered or to be mustered in the service of the United States, and are to be duly observed and exactly obeyed, by all officers and soldiers, who are or shall be in the said service.

Art. 2. The continental general commanding in either of the American States for the time being, shall have full power of appointing general courts-martial to be held, and of pardoning and mitigating any of the punishments ordered to be inflicted for any of the offences mentioned in the aforementioned rules and articles for the better government of the troops, except the punishment of offenders under the sentence of death by a general court-martial, which he may order to be suspended until the pleasure of congress can be known; which suspension, with the proceedings of the court-martial, the said general shall immediately transmit to congress for their determination; and every offender convicted by any regimental court-martial, may be pardoned,  
or



or have the punishment mitigated by the colonel, or commanding officer of the regiment.

Art. 3. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the forgoing articles; nor shall more than one hundred lashes be inflicted on any offender at the discretion of a court-martial.

That every judge advocate, or person officiating as such, at any general court-martial, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the secretary at war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that persons entitled thereto, may be enabled, upon application to the said office, to obtain copies thereof.

That the party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons on his behalf, whether such sentence be approved or not.

Art. 4. The field officers of each and every regiment are to appoint some suitable persons belonging to such regiment, to receive all such fines as may arise within the same, for any breach of any of the foregoing articles; and shall direct the same to be carefully and properly applied to the relief of such sick, wounded or necessitous soldiers as belong to such regiment; and such person shall account with such officer for all fines received, and the application thereof.

Art. 5. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the above articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

Art. 6. That the general and commander in chief for the time being, shall have full power of pardoning or mitigating any of the punishments ordered to be inflicted, for any of the offences mentioned in the rules and articles of war, for the better government of the troops raised and to be raised, and kept in pay by, and at the expence of the United States of America, the fourth article resolved in congress the fourteenth day of April last is notwithstanding. (*Passed May 27th, 1777.*)

Art. 7. That a general officer, commanding in a separate department, be empowered to grant pardons to, or order execution of, persons condemned to suffer death by a general courts-martial, without being obliged to report the matter to congress, or the commander in chief. (*Passed June 17th, 1777.*)

IN CONGRESS, August 21, 1776.

*Resolved*, That the following resolution be printed at the end of the rules and articles of war, viz.

That all persons not members of, nor owing allegiance to any of the United States of America, as described in a resolution of congress, of the 24th of June last, who shall be found lurking as spies, in or about the fortifications or in encampments of the armies



armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a court-martial, or such other punishment as such court-martial shall direct.

By order of congress,

JOHN HANCOCK, *President.*

*Philadelphia, Sept. 20th, 1776.*

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A P P E N D I X.

BY THE UNITED STATES IN CONGRESS ASSEMBLED.

*May 31, 1786.*

*Congress resumed the consideration of the report of the committee, to whom was referred a report of the secretary at war, on the articles of war and courts-martial, and thereupon came to the following resolutions:*

**W**HEREAS, crimes may be committed by officers and soldiers, serving with small detachments of the forces of the United States, and where there may not be a sufficient number of officers to hold a general court-martial, according to the rules and articles of war, in consequence of which criminals may escape punishment, to the great injury of the discipline of the troops, and the public service:

*Resolved,* That the fourteenth section of the rules and articles for the better government of the troops of the United States, and such other articles as relate to the holding of courts-martial, and the confirmation of the sentences thereof, be, and they are hereby repealed.

*Resolved,* That the following rules and articles for the administration of justice, and the holding of courts-martial, and the confirmation of the sentences thereof, be duly observed, and exactly obeyed by all officers and soldiers, who are, or shall be in the armies of the United States.

ADMINISTRATION OF JUSTICE.

Art. 1. General courts-martial may consist of any number of commissioned officers from five to thirteen inclusively, but they shall not consist of less than thirteen where that number can be convened without manifest injury to the service.

Art. 2. General courts-martial shall be ordered as often as the cases may require, by the general or officer commanding the troops. But no sentence of a court-martial shall be carried into execution, until after the whole proceedings shall have been laid before the said general, or officer commanding the troops for the time being; neither shall any sentence of a general court-martial in time of peace, extending to the loss of life, the dismissal of a commissioned officer, or which shall, either in time of peace or war respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the secretary at war, to be laid before congress for their confirmation or disapproval, and their orders on the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

regiment



Art. 3. Every officer commanding a regiment or corps, may appoint of his own regiment or corps, courts-martial to consist of three commissioned officers, for the trial of offences, not capital, and the inflicting corporeal punishments, and decide upon their sentences. For the same purpose, all officers commanding any of the garrisons, forts, barracks, or other place, where the troops consist of different corps, may assemble courts-martial, to consist of three commissioned officers, and decide upon their sentences.

Art. 4. No garrison or regimental court-martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labour any non-commissioned officer or soldier, for a longer time than one month.

Art. 5. The members of all courts-martial shall, when belonging to different corps, take the same rank in court which they hold in the army. But when courts-martial shall be composed of officers of one corps, they shall take rank according to the commissions by which they are mustered in the said corps.

Art. 6. The judge advocate, or some person deputed by him, or by the general, or officer commanding the army, detachment or garrison, shall prosecute in the name of the United States of America; but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member the following oaths which shall also be taken by all members of regimental and garrison courts-martial.

" You shall well and truly try and determine, according to evidence, the matter now before you, between the United States of America, and the prisoner to be tried. *So help you God.*"

" You *A. B.* do swear, that you will duly administer justice, according to the rules and articles for the better government of the forces of the United States of America, without partiality, favor or affection; and if any doubt shall arise, which is not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in the like cases; And you do further swear, that you will not divulge the sentence of the court until it shall be published by the commanding officer. Neither will you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. *So help you God.*"

And as soon as the said oaths shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

" You *A. B.* do swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. *So help you God.*"

Art. 7. All members of a court-martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.



Art. 8. All persons who give evidence before a court-martial are to be examined on oath or affirmation, as the case may be; and no sentence of death shall be given against any offender by any general court-martial, unless two thirds of the members of the court shall concur therein.

Art. 9. Whenever an oath or affirmation shall be administered by a court-martial, the oath or affirmation shall be in the following form:

“ You swear (or affirm, as the case maybe) the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*”

Art. 10. On the trials of cases not capital, before courts-martial, the depositions of witnesses, not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence, provided the prosecutor and person accused are present at the taking the same.

Art. 11. No officer shall be tried but by a general court-martial, nor by officers of an inferior rank, if it can be avoided. Nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning and three in the afternoon, except in cases which, in the opinion of the officer appointing the court, require immediate example.

Art. 12. No person whatsoever shall use menacing words, signs or gestures, in the presence of a court-martial, or shall cause any disorder or riot, to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

Art. 13. No non-commissioned officer shall be cashiered or dismissed from the service, excepting by order of congress, or by the sentence of a general court-martial; and no non-commmissioned officer or foldier shall be discharged the service, but by the order of congress, the secretary at war, the commander in chief, or commanding officer of a department, or by the sentence of a general court-martial.

Art. 14. Whenever any officer shall be charged with a crime, he shall be arrested and confined to his barracks, quarters or tent, and deprived of his sword by his commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior power, shall be cashiered for it.

Art. 15. Non-commissioned officers and foldiers, who shall be charged with crimes, shall be imprisoned, until they shall be tried by a court-martial, or released by proper authority.

Art. 16. No officer or foldier who shall be put in arrest or imprisonment, shall continue in his confinement more than eight days, or until such time as a court-martial can be assembled.

Art. 17. No officer commanding a guard, or provost martial, shall refuse to receive or keep any prisoner committed to his charge, by any officer belonging to the forces of the United States; provided the officer commanding shall at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Art.



Art. 18. No officer commanding a guard, or provost martial, shall presume to release any prisoner committed to his charge, without proper authority for so doing; nor shall he suffer any person to escape on the penalty of being punished for it by the sentence of a court-martial.

Art. 19. Every officer or provost-martial, to whose charge prisoners shall be committed, shall within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commander in chief, or commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of his being punished for disobedience or neglect, at the discretion of a court-martial.

Art. 20. Whatever commissioned officer shall be convicted before a general court-martial, of behaving in a scandalous and infamous manner, such as is unbecoming an officer and a gentleman, shall be dismissed the service.

Art. 21. In cases where a court-martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

Art. 22. In all cases where a commissioned officer is cashiered for cowardice, or fraud, it shall be added in the sentence, that the crime, name, place of abode, and punishment of the delinquent be published in the news-papers, in and about camp, and of the particular State from which the offender came, or usually resides; after which it shall be deemed scandalous for any officer to associate with him.

Art. 23. The commanding officer of any post or detachment, in which there shall be a number of officers adequate to form a general court-martial, shall in cases which require the cognizance of such court, report to the commanding officer of the department, who shall order a court to be assembled, at the nearest post or detachment, and the party accused with the necessary witnesses to be transported to the place where the said court shall be assembled.

Art. 24. No person shall be sentenced to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall more than one hundred lashes be inflicted on any offender, at the discretion of a court-martial.

Every judge advocate, or person officiating as such at any general court-martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the secretary at war, which said original proceedings and sentence, shall be carefully kept and preserved in the office of the said secretary, to the end, that the persons entitled thereto, may be enabled, upon application to the said office, to obtain copies thereof.

The party tried by any general court-martial, shall be entitled to a copy of the sentence and proceedings of such court-martial after a decision on the sentence, upon demand thereof made by himself, or by any person or persons in his behalf, whether such sentence be approved or not.

Art. 25. In such cases where the general, or commanding officer may think proper to order a court of enquiry, to examine into the nature of any transaction, accusation

or



or imputation against any officer or soldier, the said court shall be conducted conformably to the following regulations: It may consist of one or more officers, not exceeding three, with the judge advocate, or a suitable person, as a recorder to reduce the proceedings and evidences to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court-martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in question.

Art. 26. The proceedings of a court of enquiry must be authenticated by the signature of the recorder, and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court-martial, in cases not capital or extending to the dismissal of an officer; provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of enquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak, and envious commandants, they are hereby prohibited, unless demanded by the accused.

Art. 27. The judge advocate, or the recorder, shall administer the members the following oath:

“ You shall well and truly examine and enquire, according to your evidence, into the matter now before you, without favor or affection. *So help you God.*”

After which the president shall administer to the judge advocate, or recorder, the following oath:

“ You *A. B.* do swear, that you will, according to the best of your abilities, accurately and impartially record the proceedings of the court, and the evidences to be given in the case in hearing. *So help you God.*”

The witnesses shall take the same oath as is directed to be administered to witnesses sworn before a court-martial.

*Resolved*, That when any desertion shall happen from the troops of the United States, the officer commanding the regiment or corps to which the deserters belonged shall be responsible, that an immediate report of the same be made to the commanding officer of the forces of the United States present.

*Resolved*, That the commanding officer of any of the forces in the service of the United States, shall, upon report made to him of any desertions in the troops under his orders, cause the most immediate and vigorous search to be made after the deserter or deserters, which may be conducted by a commissioned or non-commissioned officer, as the case shall require: That if such search should prove ineffectual, the officer commanding the regiment or corps to which the deserter or deserters belonged, shall insert in the nearest gazette, or news-paper, an advertisement, descriptive of the deserter or deserters, and offering a reward, not exceeding ten dollars, for each deserter who shall be apprehended and secured in any of the goals of the neighboring States. That the charges of advertising deserters, the reasonable extra expences incurred



curred by the person conducting the pursuit, and the reward, shall be paid by the secretary at war, on the certificate of the commanding officer of the troops.

Nº. LI.

*An Act to prescribe the mode in which the public acts, records and judicial proceedings in each State, shall be authenticated so as to take effect in every other State.*

I. **B**E it enacted by the senate and house of representatives of the United States of America in congress assembled, That the acts of the legislatures of the several States shall be authenticated by having the seal of their respective States affixed thereto: That the records and judicial proceedings of the courts of any State, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, as the case may be, that the said attestation is in due form; and the said records and judicial proceedings authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States, as they have by law or usage in the courts of the State from whence the said records are, or shall be taken.

Legislative acts, records and judicial proceedings of the several States, how to be authenticated;

and the effect thereof.

FREDERICK AUGUSTUS MUHLENBURG,

*Speaker of the House of Representatives*

JOHN ADAMS, *Vice-President of the United States and President of the Senate.*

Approved May, 26th, 1790.

GEORGE WASHINGTON, *President of the United States.*

\* The compilers on a review of the appendix, are induced to believe they may have erred, as to the date of the commission to governor Johnstone of West Florida. It appears from the documents furnished by the attorney general that the commission of governor Grant of East Florida was dated the 4th October, in the third year of the reign of George III; and, governor Johnstone's of West Florida the 21st November, in the fourth year of his reign; yet the commissions seem to have been issued in the same year. This we have thought proper to remark, in justice to Mr. Pendleton, for whom we avow a personal respect: But, at the same time, we feel ourselves warranted in the inferences drawn from a view of the whole subject, and still conclude, that the boundary of West Florida was never extended to the north, by any solemn act of the crown.







# I N D E X.

## A

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*I DO hereby certify, that I have carefully examined and compared the State constitutions from page 25 to page 43 inclusive, the laws and part of laws from No. 1 to No. 529 inclusive, from No. 531 to 634 inclusive, and treaties in the appendix No. 36, 37 38, and 42 contained in this printed volume, and find them to agree with the original rolls deposited in my office; the following errata excepted :*

*Page*  
25 Sect. 3 line 4 for *considerations* read *consideration*.  
31 Art. 6 line 3, after *remove* read *with*.  
36 Sect. 25 line 3, for *one one* read *one*.  
44 No. 8 line 2, for *land* read *lands*.  
57 No. 41, for *March 27* read *Novem. 24*.  
79 The 15 is not in the original.  
83 No. 89 line 6, for *part* or read *part of*.  
88 No. 104 line 4, for *Tyffe* read *Fyffe*.  
91 No. 105 Sect. 3 line 7, for *persons* read *person*.  
94 Line 17, for *justice* read *justices*.  
99 Sect. 9 line 17, for *and they are* read *and are*.  
— line 19, for *lands* read *land*.  
109 Line 12, after *chief* read *of this province*.  
111 Sect. 4 line 5, after *and* read *navigable*.  
119 Line 1 of the title, for *from* read *for*.  
— 17, after *as well* omit *as*.  
126 Sect. 2 line 5, for *to every* read *for every*.  
— 13, omit *shall and they are hereby obliged to do patrol duty*.  
— 15, after *to be* read *recovered*.  
121 Sect. 4 line 7, from the bottom for *delivered* read *delivered*.  
122 Sect. 5 line 5, after *shall be* read *so*.  
— 28, after *not exceeding* read *the sum of*.  
123 Sect. 8 line 5, for *suspecting* read *suspected*.  
133 Line 13, for *Evensburg* read *Ewensburg*.  
139 Sect. 5 line last, after *so far as* omit *the same*.  
140 Sect. 5 line 15, after *passing* read *of*.  
146 Line 3 for *roads* read *road*.  
148 Sect. 6 line 14, for *alike* read *like*.  
153 Sect. 1 line 20, for *loading* read *loiting*.  
156 Sect. 4 line 8, for *former* read *form*.  
— 13 for *rights* read *right*.  
164 Line 5 for *persons* read *person*.  
165 Sect. 5 line 15, after *displese* read *then*.  
166 Sect. 8 line 8, for *neighbourhood* read *neighbouring*.  
168 Line 1, for *upon white persons* read *upon any white person*.  
170 Sect. 21 line 19, after *constable* read *in and about the premises, upon pain of being punished by the said constable*.  
173 Sect. 28 line last, for *pay* read *repay*.  
174 Sect. 32 line 4, after *passing* read *of*.  
— 9, after *one* read *justice*.  
175 Sect. 33 line 2, for *offence* read *offences*.  
— 34 line last, for *disputed* read *disputable*.  
— 35 line 9, for *pettiagua* read *pettiagua*.  
— 12 } for *pettiagua* read *pettiagua*.  
— 15 }  
176 Line 4, for *came* read *comes*.  
179 Sect. 46 line 1, after *since* omit *and*.

*Page*  
182 No. 219 line 6, for *stop up* read *stop*.  
— after *injury* read *whatsoever*.  
— Sect. 2 line 3, after *complaint* omit *being*.  
183 Sect. 3 line 6, for *damage* read *damages*.  
185 Sect. 7 line 3, after *person* read *and persons*.  
186 Line 8 after *informer* read *or informers*.  
189 Line last, for *the next session* read *the session*.  
190 Line 7 from the bottom, for *land* read *lands*.  
191 Line 16 from the bottom, for *May* read *March*.  
203 No. 236, for *September 16th* read *June 7*.  
206 Sect. 4 line 1, for *therefore* read *further*.  
209 Sect. 1 line 9, for *Bosland* read *Borland*.  
— line 10, for *Trintfield* read *Trentfield*.  
— line 22, for *Bosomurth* read *Bosomworth*.  
211 Line 13, for *Neisum* read *Nufum*.  
216 Sect. 14 line 2, for *courts of* read *courts within*.  
220 Sect. 2 line 2, for *in summary* read *in a summary*.  
221 Sect. 5 line last, for *sheriff* read *sheriffs*.  
225 Sect. 20 line 1, for *and be further* read *and be it further*.  
228 Sect. 7 line 3, for *Boheim* read *Bohun*.  
230 } omit *Savannah* preceding the date  
231 } of the acts.  
232 }  
232 Line last, for *transactions* read *transaction*.  
233 Sect. 3 line 6, for *of the same* read *afore-said*.  
235 Sect. 12 line 1, after *appear* read *that*.  
236 Sect. 20 line last, for *called* read *commonly called*.  
— 21 line 6, for *expenses* read *expense*.  
238 No. 260. 261 }  
239 - - - 263 } omit *Savannah* at the  
240 - - - 264 } date of these acts.  
242 - - - 265 }  
243 Line 13, for *Mulhryne* read *Mullryne*.  
— 17, for *Batler* read *Butler*.  
— for *Stour* read *Storr*.  
244 Line 10, for *Freebnier* read *Trubnier*.  
— 15, for *Wolington* read *Wolington*.  
— from the bottom, for *devisees and assigns* read *devisees or assigns*.  
246 Sect. 7 line 4, after *by the* read *authority*.  
249 Sect. 15 line 6, for *such landed security* read *such security*.  
250 for *Savannah May 4th* read *Augusta May 4th*.  
253 Sect. 11 line 1, after *and be it* read *further*.  
255 Line 3, after *execution* read *on*.  
260 Line 17 for *court* read *caveat*.

*Page*  
262 Sect. 10 line 8, for *on* read *in*.  
263 Line 12 for *and all* read *all*.  
— Sect. 12 line 5, after *over the* read *said*.  
265 For *February 1783* read *February 17th, 1783*.  
271 Depreciation table in 1780, February 28 for 4840 9 read 4846 9.  
276 Sect. 11 line 1, after *and be it* read *further*.  
280 No. 276 }  
282 - - 279 } for *Savannah* read *Augusta*.  
286 - - 282 }  
287 Sect. 5 line 4, after *twenty-ninth* read *day*.  
— line 6 for *such a widow* read *such widow*.  
290 Line 10, for *laws* read *law*.  
— No. 289 line 7, for *mountains* read *mountain*.  
292 Line 7, for *successor* read *successors*.  
294 Sect. 16 line 9, after *granting* read *lands*.  
297 Sect. 7 line 1, for *and be it* read *and it is*.  
— Sect. 7 line last, for *accounts* read *account*.  
301 Sect. 13 line 8, for *agreeable* read *agreeably*.  
306 Line 2, for *year* read *years*.  
307 For *February 27th* read *February 21st*.  
308 Sect. 2 line 1, for *and it is* read *and is*.  
310 Sect. 6 line 1, after *and be it* omit *further*.  
— — 3 for *the last* read *the said last*.  
313 Sect. 2 line 2, for *or intestates* read *of intestates*.  
315 No. 309 line 3, after *by the* omit *representatives of the*.  
318 Sect. 3 line 3, for *covert* read *coverts*.  
319 Line 2, for *of, to, read of, in, to*.  
— Sect. 5 line 7, for *constituents* read *constituent or constituents*.  
320 No. 311, for *James Habersham* read *Joseph Habersham*.  
321 Line 4, for *each day* read *each per day*.  
— No. 313 in the title, for *toils* read *toil*.  
322 No. 320 line 3, after *Oconee river* read *six miles above the Rock landing until it strikes the Great Ogechee river*.  
325 Line 2, for *inhabitant* read *inhabitants*.  
— No. 322 for *February 3* read *February 8*.  
327 Line 8 for *who served* read *who have served*.  
330 Line 21 for *are declared* read *are hereby declared*.  
332 Sect. 6 line 6, for *Diens* read *Davis*.  
334 No. 338 line 10, for *cleaning* read *clearing*.  
349 Sect. 4 line 12, for *ever person* read *every person*.  
354 line 5, for *Dicker* read *Dicker*.  
355 For, *February 19* read *February 10*.  
357 No. 372 line last, for *offenders goods* read *offenders lands, goods*.







# ERRATA.

*Page*  
 360 Sect. 4 line 7, for *Olipber* read *Oliyer*.  
 362 Line 1, after *confiscate* read the estate.  
 366 Sect. 4 line 7, after *pointed* read out.  
 — — — — — for *which officers* read which said officers.  
 368 Sect. 10 line 6, for *the said* read the same.  
 370 Line last, for *degree north* read degree of north.  
 371 Line 12, for *a dollars* read dollar.  
 373 Line 1, for *year of one* read year one.  
 380 No. 399 sect. 1 line 7, for *delivered* read delivered.  
 384 No. 408 sect. 2 line 3, for *convicted thereof* read convicted.  
 386 Line 5, for *lands* read land.  
 — — — — — }  
 — — — — — 5 } for *on the lands of* read on land of.  
 — — — — — 6 }  
 — — — — — 7 }  
 388 Sect. 2 line 3, for *to head* read to the head.  
 391 Sect. 4 line 4, for *paryt* read party.  
 394 Sect. 12 line 4, for *debt* read debts.  
 — — — — — 13 line last for *department* read departments.  
 396 Sect. 36 line 4, for *therein* read herein.  
 — — — — — 37 line 2, after *commence* read on.  
 — — — — — line 7, for *said court* read said courts.  
 397 Line 1, for *then laid* read then depending.  
 — Sect. 38 line 1, for *be it further* read and be it further.  
 398 Sect. 41 line 14, for *judgments* read judgment.  
 401 Sect. 47 line 5, after *summary* read way.  
 402 Line 14 for *witnefs* read witnesses.  
 414 Line 2 of the title, for *of the intestate* read of intestate.  
 418 Sect. 6 line 1, for *and be it* read be it.  
 420 Line 5, for *or their* read or to their.  
 428 Sect. 5 line 2, for *hereby* read are hereby.  
 432 No. 452 line 6, after *island* read and.  
 434 No. 452 for *December 15* read December 20.  
 — — — — — 453 line 1, after *property* read real and personal.  
 442 Sect. 15 line 5, for *shall be* read which shall be.  
 455 No. 464 line 67 for *Moulrey* read Moulbrey.  
 — — — — — sect. 35  
 457 No. 467 line 4, for *place of* read place for.  
 462 Sect. 17 line 12, for *orders* read musters.  
 — — — — — line 15, for *over* read officer.  
 465 Sect. 24 line 8, for *or piquet* read on piquet.  
 570 No. 472 sect. 2, line last, for *towns* read town.  
 476 Line 15, after *attendance* omit and.  
 479 Sect. 10 line 2, after *lebalif* read of.

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 481 Sect. 3 line last, for *order* read orders.  
 484 Sect. 18 line 1, for *causes* read cases.  
 491 Line 1, for *where* read when.  
 493 Line 4, for *injured* read injured.  
 — Sect. 1 line 12, for *commissions* read commission.  
 495 Line 1, for *require* read requires.  
 502 Line 2, for *court's* read court.  
 505 Sect. 6 line 7, for *are fully* read are hereby fully.  
 — No. 482 line 2 of the title, for *in this* read within this.  
 506 Sect. 2 line last, for *except* read accept.  
 510 Sect. 17 line 1, for *That any* read that if any.  
 512 Sect. 1 line 8, for *purchases* read purchasers.  
 514 Sect. 1 line 2, for *county* read country.  
 518 No. 485, for *December 17* read December 14.  
 — No. 486 line 5, for *Guile* read Guigle.  
 — — — — — Sect. 1 line 5, for *incorporate* read corporate.  
 520 Sect. 2 line 6, for *and then* read that then.  
 521 No. 492 sect. 1 line 9, for *all the part* read all that part.  
 523 Sect. 5 line 4, for *law* read laws.  
 525 For *December 16* read December 19.  
 533 Sect. 2 line 3, after *any* read thing.  
 534 Sect. 9 line 2, for *court* read courts.  
 536 Sect. 7 line 5, for *term* read terms.  
 — Sect. 8 line 4, for *donations* read donation.  
 540 Line 7, for *send* read find.  
 541 Sect. 2 line 5, } For *Black-bird* read  
 — — — — — line last, } Black-beard.  
 544 Line 3, after *States* omit and.  
 566 No. 531 line 1, for *attending* read attend.  
 567 No. 533 line 2 }  
 — — — — — line 4 } for *land* read lands.  
 572 Sect. 1 line 5, for *political* read politic.  
 578 Line 8, after *republican* read form of.  
 580 Line 5, from the bottom, for *amendments* read amendment.  
 589 No. 548 Sect. 1 line 10, for *therein* read thereon.  
 590 Sect. 2 line 3, for *jurors* read juries.  
 — Sect. 3 line 7, for *such a day* read such day.  
 — Sect. 5 line last, for *or any* read on any.  
 609 No. 570 sect. 1 line 8, for *river* read rivers.  
 615 Sect. 4 line 3, for *shall by* read shall be.  
 — Sect. 5 line 4, for *commissioner or commissioners* read commissioners.  
 621 Sect. 8 line 3, for *if intestate* read of intestate.  
 624 Sect. 17 line 8, for *mortgagee* read mortgager.  
 625 Line 11, for *in bands* read in his hands.  
 628 Sect. 29 line 9, for *departments* read apartments.

*Page*  
 629 Sect. 32 line 8, after *day of* read next.  
 631 Sect. 41 line 4, after *against the* read person of the.  
 — Sect. 42 line 4, for *other than* read other person than.  
 534 Sect. 51 line 19, for *and before* read before.  
 636 Sect. 58 line 5, for *representations* read representation.  
 637 Sect. 63 line 12, after *justices* read of the inferior court of their respective counties in the sum of 250 dollars conditioned.  
 638 Sect. 64 line 1, for *case* read cases.  
 — Sect. 68 line 4, for *demand* read demands.  
 — Sect. 69 line 1, for *before one* read before any one.  
 641 Sect. 81 line 1, for *representatives* read respective.  
 642 Sect. 83 line 4, for *constable* read constables.  
 — Sect. 85 line 2, for *when* read where.  
 — No. 583 line 1 of the title, after *sent for* read the.  
 — Line last, after *provided* read the instead of that.  
 643 Line 4, after *appropriated* omit be.  
 647 Line 1, for *swamps* read swamp.  
 655 Sect. 17 line last, after *amount* omit or neglect.  
 656 Sect. 21 line 5, for *distraint* read distrain.  
 657 Sect. 25 line 2, for *account* read accounts.  
 662 Sect. 4 line 4, after *work* read on.  
 663 Line 25, for *payments* read payments.  
 664 Sect. 3 line 2, for *magistrate* read magistrates.  
 666 No. 601 line last of the title, for *over* read other.  
 667 Sect. 2 line 2, for *money* read monies.  
 674 Line 5, for *to be recovered* read recovered.  
 675 No. 615 sect. 1 line 15, for *tree line* read true line.  
 677 Sect. 3 line 2, after *February* read in the year.  
 681 Sect. 2 line 4, for *time* read times.  
 687 No. 631 line 4, for *parts* read parts.  
 694 Line 2, for *by* read the.  
 706 Line 1, for *to such* read to make such.  
 — Line 6, for *and levy* read any levy.  
 — Sect. 49 line 7, for *law* read laws.  
 — Sect. 52 line 2, for *a return* read a proper return.  
 711 Sect. 3 line 3, for *an* read on.  
 — For *February 7* read February 18.  
 753 Line 10, for *drawn to be drawn* read to be drawn.  
 767 Line 13, for *peace humanity* read peace and humanity.

DONE AT LOUISVILLE, the day and year above mentioned.

HORATIO MARBURY, Secretary.

NOTE. Whilst it is presumed that a great proportion of the foregoing errata will be deemed immaterial. It is but just to remark that many of the errors happened in transcribing the confused and tattered mass of papers from which this digest has been formed.



















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