AN ACT

To prevent the insurrection of slaves, and to punish such persons as shall excite, promote, aid or abet any such insurrection.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That from and after the passing of this act, if any person or persons, shall raise or attempt or endeavour to raise any insurrection of slaves, or shall counsel, advise, aid or abet any such insurrection, or shall excite, promote, instigate, or stir up or endeavor to excite, promote, instigate, or stir up any such insurrection, every person or persons so offending, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

SEC. 2. And be it further enacted, That if any person or persons, shall hold any discourse or conversation with any slave or slaves, and shall make or deliver, or cause, or procure to be made, or delivered to any slave or slaves, any discourse, speech, harangue or talk tending to excite such slave or slaves to sedition, tumult or disorder, or write, print, or publish any such discourse, speech, harangue or talk; every person or persons so offending, shall on conviction thereof, be declared guilty of felony, and banished this state forever. And if any such person or persons shall at any time after being so convicted and banished, return to and be found at large within the limits of this State, he, or they so returning, shall suffer death without benefit of clergy.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, 19th May, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To establish the salary of the Judges of the Superior Courts, and the Attorney and Solicitors-General of this State.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in general Assembly met, That the Judges of the Superior courts of this State, shall receive
for their salary, the sum of fourteen hundred dollars each per annum; and the Attorney
and Solicitors-General each, the sum of one hundred and fifty dollars per annum, to be
paid quarterly out of any monies which may be in the Treasury at the time the said
several sums may become due.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, November 21, 180*.

JOHN MILLEDGE, Governor.

AN ACT*

To incorporate the Vann’s Creek Baptist Church in Elbert county.

Sec. 1. BE IT ENACTED by the Senate and House of Representatives of the State of
Georgia, in General Assembly met, and by the authority of the same, That Dozier Thor-
ton, John White, Joseph Chipman, Reuben White, junr. Littleton Johnston, Robert
Burk, and John Johnston and their successors in office, shall be and they are hereby de-
clared to be a body corporate, and known by the name of the Incorporated Vann’s Creek
Baptist Church.

Sec. 2. AND BE IT FURTHER ENACTED, That the said Dozier Thornton, John White, Jo-
seph Chipman, Reuben White, junr. Littleton Johnston, Robert Burk, and John John-
ston, and their successors in office, shall be invested with all such property, both real and
personal, as shall or may be bestowed on said society or church, by gifts, grants or o-
therwise, in trust, for the use and benefit of the said society or church.

Sec. 3. AND BE IT FURTHER ENACTED, That the aforesaid society or church, or a majority
of them, shall at any time they may deem proper, proceed to elect other persons as trus-
tees, in room of the aforesaid Dozier Thornton, John White, Joseph Chipman, Reuben
White, junr. Littleton Johnston, Robert Burk, and John Johnston, or either of them, or
their successors in office, previously thereto, giving at least thirty days notice of such in-
tention to said society or church.

Sec. 4. AND BE IT FURTHER ENACTED, That the aforesaid trustees, and their successors in
office, shall be, and they are hereby declared to be a body corporate, and capable of sue-

* This act repealed by act of 1806, No. 256.
AN ACT

To raise money by Lottery, for the purpose of aiding the funds for erecting a Poor-House and Hospital,* in the City of Savannah, and also to rebuild the Court-House in the county of Chatham.

WHEREAS the building a poor-house and hospital, in the city of Savannah, as a receptacle for unfortunate poor and distressed persons; and the re-building the court-house, in the county of Chatham, which has been destroyed by the late violent storm, are objects of much magnitude and greatly merit legislative aid.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That a lottery be, and hereby is allowed and authorized, which said lottery shall be managed and drawn under the direction of Edward Telfair, Joseph Clay, smr. Thomas F. Williams, John P. Williamson, and John H. Morell, who are hereby appointed commissioners for that purpose, and are hereby authorized to adopt such scheme or schemes for the said lottery, as they may deem fit, so that the sum of twenty thousand dollars, at least, be raised thereby.

SEC. 2. And be it further enacted, That the money arising from said lottery, after deducting the expenses attending the same, be and the same is hereby appropriated; one half to, and for the purpose of aiding the fund already established by subscription, in the county of Chatham, for erecting a poor-house and hospital in the city of Savannah, as a receptacle for unfortunate and distressed persons; and the other half to, and for the purpose of re-building the court-house of said county.

* Further aided by act of 1808, No. 349, authorizing the sale of Bethesda college estate.
PASSED IN THE YEAR 1804.

Sec. 3. And be it further enacted, That the commissioners aforesaid, shall, within sixty days after the drawing of the said lottery is completed, pay over and deliver the sums and sums of money arising from the said lottery, after deducting expenses; one half to the trustees already appointed, by a number of persons who have subscribed, for the purpose of building a poor-house in the city of Savannah, to be by them applied in aid of that fund, for that benevolent purpose; and that the said commissioners hereby appointed to superintend the said lottery, be and are hereby added to the trustees appointed aforesaid, to superintend the building of the said poor-house and hospital; and the other half to be paid and delivered to the commissioners of the court-house, in the county of Chatham to be by them applied to the re-building of the court-house.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, November 21, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To authorize the commissioners of the Academy of Washington county, to dispose of certain lands.

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 academy of Washington county, their successors in office, or a majority of them, are hereby fully empowered, to sell or otherwise dispose of, to and for the use and benefit of the said academy, all and singular the lands or any part thereof, heretofore purchased by virtue of law, by the commissioners of the said seminary, at the sales of reverted confiscated property; and the said commissioners in the sale, or other disposition of the said land, shall do the same on the most efficient security, and on such terms and conditions, as may be most conducive to the interest and prosperity of the aforesaid institution.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To amend an act entitled "An Act to appoint commissioners, for the better regulation and government of the Town of Petersburg."

WHEREAS the powers granted to the commissioners of the town of Petersburg, by the afore recited act, are not sufficiently extensive for carrying into full and complete effect, such regulations as the welfare of said town requires, and whereas disputes have arisen relative to the commons and limits of said town.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the said commissioners shall have power to employ the county surveyor of Elbert, and with him to survey said town, and ascertain and lay out the commons thereunto belonging, agreeable to the proposals, upon which said town was settled; and cause a correct plat of the same to be made and recorded in the clerk's office of the superior court, for said county.

SEC. 2. And be it further enacted, That the said commissioners shall have power, and be capable in law, to purchase, hold and retain to them and their successors in office, to the use of the said town, in perpetuity or for any term of years, any estate real or personal, also to lease or hire the same for any term not exceeding ten years; and to sue and be sued, implead and be impleaded, and to answer and be answered unto in any court of law or equity in this state.

SEC. 3. And be it further enacted, That they shall have power to make such by-laws, rules and regulations, respecting the streets, public buildings and taverns, carriages, waggons, carts, drays, pumps, buckets, fire-engines, the care of the poor, the regulation of disorderly people, negroes, and in general all regulations which they may deem necessary for the welfare and convenience of said town, and for preserving good order therein: Provided they be not repugnant to the constitution and laws of this State.

SEC. 4. And be it further enacted, That said commissioners shall have power to make such assessments on the citizens or persons holding taxable property in said town, as may from time to time appear necessary; to inflict pains and penalties and forfeitures for offenses committed against the by-laws and regulations; to appoint a clerk, treasurer, sheriff, constable, and all other officers (affixing their salaries) that may appear to them necessary, for carrying into full effect the by-laws and regulations of said town.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.
AN ACT*

To authorize the Trustees of the Orphan House or Bethesda College, in the county of Chatham, to sell certain unproductive lands, and to reduce the number of Trustees of the said institution.

WHEREAS it appears by the memorial of the trustees of the orphan house, in the county of Chatham, that it is expedient to sell and dispose of certain unproductive lands, belonging to the said institution.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, and it is enacted. That it shall and may be lawful to, and for the trustees of the said orphan house or college, or a majority of them, to sell and dispose of, at public or private sale, the following tracts of land: (that is to say) one thousand acres in the former parish of St. Patrick, now county of Glynn, situate and being on the south branch of Turtle river, bounded at the time of survey, on all sides by vacant lands; also five hundred acres, in the former parish of St. David, now county of Glynn, bounded to the north east by the Alathanah river, to the north by a Carolina survey for Henry Lawreus, and on every other side by vacant land; and also five hundred acres in the same parish of St. David, and county of Glynn, bounded eastwardly by the Alathanah, north west by land laid out for Henry Monroe, and to the south by land vacant, which said several tracts of land, were granted to the reverend George Whitfield, for the endowment of the said institution, of which he was the founder, and to make and execute good and sufficient titles to the purchaser or purchasers of the said land, in whole or in part, in fee simple or otherwise, as to the said trustees shall seem most beneficial and advantageous; and to apply as well the monies arising from such sale or sales, as the rents, issues and profits of those other lands appertaining to the said institution, known by the name of Bethesda, Euphrates, Nazareth, Huntingdon, Habersham, or by whatever other name or names such lands may be called or known, to the use, benefit and advantage of the said institution, according to the intention of the founder, and the laws of the State relative thereto.

AND WHEREAS from the difficulty of convening a majority of the present trustees, it is rendered expedient to reduce the number.

SEC. 2. BE it therefore enacted, That the present trustees shall continue and remain until by death or otherwise, the number shall be reduced to nine, and that in the mean time, a majority of the existing number shall constitute a board, and be competent to do and perform all the business of the said institution. And from and after the reduction of the said trustees to the number nine, the said nine or a majority of them, shall

* See act of 1808, No. 549, directing the manner in which this estate shall be disposed of.
(No. 138.)

constitute a board, and be competent to business as aforesaid, and that when and so often as a vacancy shall happen amongst the said nine members, such vacancy shall be filled as heretofore by the governor.

Sec. 3. And be it further enacted, That all acts heretofore passed, so far as the same are contrary hereto, be and the same are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.

(No. 139.)

Supplementary to an act, entitled "An Act to secure to Jesse M'Call, the exclusive right of erecting a Toll-Bridge over the river Great Oglechee," passed the 9th of May, 1803.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That for the term of fifteen years from and after the passing of this act, it shall not be lawful for any person or persons to erect any new bridge, or establish any new public ferry over the said river Great Oglechee, within five miles above or below the place where the said Jesse M'Call has erected his bridge, pursuant to the act above recited; and every person or persons who shall erect any new bridge, or establish any new public ferry, contrary to the provisions of this act, shall for every such offence, forfeit and pay to the said Jesse M'Call, his heirs or assigns, the sum of one thousand dollars, to be recovered by action of debt, in the Superior or Inferior court of the county wherein such offender or offenders shall reside: Provided, That the said Jesse M'Call, do within three months from the passing of this act, give bond and security to the commissioners of the roads of Bryan county, in the sum of one thousand dollars, conditioned to keep the said bridge in good repair during the term aforesaid, and to answer all damages that may arise by reason of the badness or want of repair of such bridge.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To authorize Peter Coleman to erect a Mill on Little River.

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 be lawful for Peter Coleman, of the county of Columbia, to erect a Mill on Little river, at the mill seat of the said Coleman, near the plantation of the said Coleman, any law to the contrary notwithstanding:—Provided nevertheless, That the same does not interfere with the right of any other person.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To pardon Chatten Doggett Scroggen.

Whereas at a Superior court held in and for the county of Jackson, for October term, in the year of our Lord, one thousand eight hundred and four, a certain Chatten Doggett Scroggen, was convicted of the crime of murder, as principal in the second degree; and received sentence of death, to be executed on the twenty-sixth day of October, in the year of our Lord, one thousand eight hundred and four, but on the petition of sundry persons, inhabitants of said counties of Jackson, Clark, and others, to his Excellency the Governor, praying a respite for the said Chatten Doggett Scroggen, which was granted until the fourteenth day of December next.

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 said Chatten Doggett Scroggen be, and he is hereby declared to be freely, fully and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction, as fully, freely, and entirely, as if such offence had never been done or committed by him.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.
(No. 14.)

AN ACT

To amend and revise an Act to incorporate the town of St. Mary's.

WHEREAS from the extent and population of the town of St. Mary's, 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 attend the legislature at their general meeting, it has been found inconvenient and may hereafter become more so, 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.

SEC. 1. BE IT THEREFORE ENACTED, That from and after the passing of this act, all persons, citizens of the United States, and residing six months within the said town and having a freehold or lease for years, of a lot within the same, shall be deemed, and they are hereby declared to be a body corporate and politic; and there shall be an intendant and council of the said town; and they and their successors shall have perpetual succession, and be styled and known by the name of the intendant and council of the town of St. Mary's, and shall have a common seal, and be capable in law to purchase, hold, receive, enjoy, possess and retain to them and their successors, for the use of the said town of St. Mary's, in perpetuity, or for any term of years, any estate or estates, real or personal, messuage, lands, tenements or hereditaments of whatever nature or kind soever, within the limits of the said town; 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, implicate and be implicated, answer and be answered unto, in any court of law or equity in this State. And they shall also be vested with full power and authority from time to time, under their common seal, to make and establish such bye-laws, rules and ordinances respecting the harbor, streets and public buildings, work houses, markets, wharves, public houses, carriages, waggons, carts, drays, pumps, buckets, fire engines, the care of the poor, appoint a harbor master and health officer, 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, convenience and advantage of the said town, or for preserving order and good government within the same, and the said intendant and council shall also be vested with full power and authority to make such assessments on the inhabitants of the said town, or those who hold taxable property within the same, for the safety, benefit, convenience and advantage of the said town, as shall appear to them expedient: Provided, that the tax or assessments so levied by the said intendant and council, within their said jurisdiction does not exceed the ordinary taxes of this State as regards slaves, & to affix & levy fines for all offences committed against the bye-laws of the said town; and they are hereby authorized to appoint a clerk,
treasurer, health officer, commissioners of pilotage, fire masters, marshals, constables, and all such other officers (affixing the salaries and fees of such officers respectively) as shall appear to them requisite and necessary for carrying into effectual execution all the bye-laws, rules and ordinances they may make for the good order and government of the said town, and the persons residing therein; Provided, that nothing herein contained shall authorize the said intendant and council, to make any bye-laws repugnant to the constitution or laws of the land: And provided also, that the bye-laws rules and ordinances they may make, shall at all times be subject to the revisal, alteration or repeal of the legislature.

Sec. 2. Be it further enacted, That any two justices of the peace for the county of Camden, shall, without loss of time, after the passing of this act, and on the second Monday in October, annually thereafter, give ten days public notice in two or more public places in the said town of Saint Mary, that five members are to be chosen to constitute the council of the said town, and which said five members of the council shall have the same qualifications as members of the State Legislature, and also the qualifications of electors; and that all free white persons being citizens of the United States, residing six months within the said town, and having a freehold or lease for years of a lot therein as aforesaid, shall be entitled to vote for five members, to form the council aforesaid; and they shall also notify the time and place, when and where the election is to be held, and shall superintend the same, or appoint proper persons so to do; and the superintendents, when the election is closed, 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 law, which oath may be administered by any justice of the peace, or by one of the members so chosen, 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 town of Saint Mary, and its inhabitants; and will faithfully demean myself in the office of intendant (or member of the council as the case may be) for the town of St. Mary, according the laws and regulations thereof, to the best of my skill and judgment; and that I will support the constitution of this State, and the constitution of the United States."

Sec. 3. Be it further enacted, That when three or more of the said members shall have met and qualified as aforesaid, they shall within three days thereafter, call a meeting of the said members, and elect from their own body, (the concurrence of three being necessary to a choice) an intendant of the said town; and the said intendant, or in case of his absence or disability, any two of the members, shall and may, as often as occasion may require, summon the members to meet together in council, any two of whom with the intendant, or any three, shall be competent to proceed to business. And should a vacancy happen by death, resignation or otherwise, it shall be filled by the people, who are to be notified thereof, ten days previous to the election.

* See act of 1806, No. 248, explaining this section.
No. 142.)

Further duties of the intendant and council.

Vested with the power of a justice of the peace in said town.

Shall be a court & shall have cognizance of cases not exceeding 50 dollars.

Sec. 4. And be it further enacted, That the intendant and members of the said council, shall each of them have full power and authority, and they are hereby required to keep peace and good order within the said town, to issue warrants, and cause all offenders 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 the county of Camden, who is hereby authorized and commanded to receive the same, and the same to keep in safe custody until discharged by due course of law; and the said intendant, and every of the members of the said council, 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 town for the preservation of the peace and good order thereof.

Sec. 5. And be it further enacted, That it shall and may be lawful for the said intendant, or in his absence, any three of the council, and they are hereby 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 think necessary, and to settle and allow reasonable fees, not exceeding one half the fees allowed for like services in the inferior courts 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 does not exceed the sum of 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 and may be lawful for such party to enter an appeal within three days after such trial, first paying all costs which may have accrued on such trial, and giving sufficient security to abide and perform the sentence of the court at the trial of the appeal; and all appeals from the decision of the said courts, shall be tried at the next succeeding court day after such trial by a jury of twelve men, whose verdict shall be final.

Sec. 6. And be it further enacted, That the said intendant and council, shall have the like power and authority to hold for bail for debts within their jurisdiction, and under like restrictions as pointed out for the superior and inferior courts; and 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 as petit jurors, to cause them to be summoned at least five days before the said court, and to fine them for non-attendance or other misconduct, in manner such as they may think proper, not exceeding half the fines for non-attendance on inferior courts of this State; and shall have power to award execution for such fines, and cause the goods of the persons so incurring such fines, to be sold by virtue thereof.
AN ACT

Appointing commissioners for ascertaining and fixing the dividing line, between this State and the State of North-Carolina.

WHEREAS by an act of the legislature of South-Carolina, passed the eighth day of March, in the year one thousand seven hundred and eighty-seven, certain delegates were fully authorized to assign over to the United States, all that tract of territory within the chartered limits of the said State; lying and being within the boundaries and lines hereinafter described, that is to say: all the territory or tract of country, included within the river Mississippi, and a line beginning at that part of the said river Mississippi.
which is intersected by the southern boundary line of North-Carolina, and continuing along the said boundary line until it shall intersect a ridge or chain of mountains, which divides the eastern from the western waters, thence along the said ridge of mountains to where it intersects a line to be drawn due west from the head of the southern branch of Tugalo river to the said mountains, and thence to run a due west course to the river Mississippi.

And whereas, the United States did accept of a deed of cession, executed by the said delegates in due form, on the seventh day of August, in the year of our Lord, one thousand seven hundred and eighty-seven.

And whereas, it also appears, that previous to the date of the aforesaid deed of cession, that is to say: in the year of our Lord, one thousand seven hundred and seventy-two, the Governors of the then provinces of North and South-Carolina, by virtue of an order of George the third, King of Great-Britain, appointed commissioners to alter the line between the two provinces aforesaid, now States of North and South-Carolina, which said line was actually run and ascertained by the said commissioners; and that the said line was continued from the end of the line northwest from Little river, a due west course to the lands belonging to the Catawba nation of Indians, thence northwardly with their lands, so as to leave the same in South-Carolina, thence due west; by which proceeding it evidently appears that all the land comprehended within the limits of Walton county, and as far as the thirty-fifth degree of north latitude, continued to be the property of South-Carolina, until their deed of cession to the United States.

And whereas articles of agreement and cession were entered into, and signed, sealed, and executed, by commissioners duly authorized by the United States and this State respectively, on the twenty-fourth day of April, in the year of our Lord, one thousand eight hundred and two, which were ratified by this State on the sixteenth day of June following, by which articles of agreement and cession aforesaid, the United States conveyed to this State, both the right of soil and jurisdiction to all the territory within the aforesaid boundaries and limits, which the State of South-Carolina had any claim to at the time that State made a cession of the same to the general government.

And whereas the State of Georgia did, being vested by the articles of agreement and cession aforesaid, with the right of soil and jurisdiction of the lands within the limits of the county of Walton, passed an act on the tenth day of December, in the year of our Lord, one thousand eight hundred and three, entitled "An Act to establish a county in the territory lately acquired by the cession of the United States," which said act has been carried completely into effect; and the said county of Walton in pursuance of the same, hath been duly organized, and the authority of this State exercised therein.
AND WHEREAS it is necessary that commissioners, on the part and behalf of this State, should be appointed to meet any commissioners which may hereafter be appointed by the State of North-Carolina, for the purpose of marking more plainly the line in every part designating the county of Walton.

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 his Excellency the Governor be, and he is hereby authorized and required to appoint two or more fit and proper persons, as commissioners on the part and behalf of this State, with full and competent power to meet any two or more commissioners that may be appointed by the State of North-Carolina, for the purpose of designating more plainly and clearly the lines of the aforesaid county of Walton.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 10, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To afford aid to Ebenezer Jenckes, and to amend An Act, "entitled "An Act, to authorize Ebenezer Jenckes to establish a Toll on the Newington road, between Joshua Loper's in the county of Effingham, and the city of Savannah."

WHEREAS the completing the repair of the road called the Newington road, will be productive of great public utility:—And whereas Ebenezer Jenckes hath in pursuance of the act above mentioned, made great progress in repairing the said road, but hath by petition represented, that from various causes he is rendered unable to complete the same; and hath prayed the aid of the legislature:—And whereas, it is expedient to afford assistance to the said Ebenezer Jenckes for completing the repairs of the said road.

SEC. 1. BE it therefore enacted, That the said Ebenezer Jenckes, shall as soon as conveniently may be, after the passing of this act, enter into bond to the commissioners named in the act aforesaid, or to their successors in office, with two sufficient sureties, in the Governor to appoint commissioners to more fully ascertain & designate the lines of Walton county.
sum of ten thousand dollars, conditioned to put the said road in good order and repair, according to the act aforesaid, within the term of two years from the date of the said bond, and to keep the same in repair, and be answerable for injuries or damages that may accrue or happen, by reason or means of the badness or want of repair of the said road, during the term granted him by the said act; and in default of putting the said road into complete repair within the said two years, then the said bond shall become forfeited, and the said Ebenezer Jenckes shall also lose all claim to the benefits and advantages allowed him by this, and the act aforesaid.

SEC. 2. And be it further enacted, That so soon as the said Ebenezer Jenckes shall have entered into such bond, as aforesaid, the commissioners shall permit and suffer the said Ebenezer Jenckes, his executors, administrators, or assigns, to erect and put up a toll gate, and the said Ebenezer Jenckes shall, after erecting the said gate, be entitled to demand and receive the following toll until such time as he shall put the said road into complete repair as aforesaid.

For every four wheeled pleasure carriage, - Eighty-seven and a half cents.
For every two wheeled, do. - Forty-three and three quarter cents.
For every waggon and team, - Twenty-five cents.
For every cart and three horses, - Eighteen and three quarter cents.
For every cart and two horses, - Twelve and an half cents.
For every cart and one horse, - Six and a quarter cents.
For every rolling hogshead of Tobacco, - Twelve and a half cents.
For every man and horse, - Six and a quarter cents.
For all black cattle and horses, per head, - One cent.

SEC. 3. And be it further enacted, That whenever the said commissioners, or their successors, shall declare the said road is completely repaired, according to the first section of the act aforesaid, it shall be lawful for the said Ebenezer Jenckes, his executors, administrators or assigns, from thenceforth to demand and receive toll at the following rates.

For every four wheeled pleasure carriage, - One dollar.
For every two wheeled, ditto - Fifty cents.
For every waggon and team, - Forty-three and three quarter cents.
For every cart and three horses, - Twenty-five cents.
For every cart and two horses, - Eighteen and three quarter cents.
For every cart and one horse, - Twelve and an half cents.
For every rolling hogshead of Tobacco, - Eighteen and three quarter cents.
For every man and horse, - Twelve and an half cents.
For all black cattle and horses, per head, - One and an half cents.
Sec. 4. And be it further enacted, That such parts of the above mentioned act, as is (No. 145.) contrary hereto, be, and the same are hereby repealed.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 10, 1804.

JOHN MILLEDGE, Governor.

AN ACT†

To amend An Act, entitled “An Act to carry into effect the sixth section of the fourth article of the Constitution, touching the distribution of intestate estates, directing the manner of granting letters of Administration, letters Testamentary, and Marriage Licenses”, passed the 23d day of December, 1789.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That when any person holding real or personal estate, shall depart this life intestate, 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 child, or children, 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 a child’s part or share out of the personal estate. And in case any of the children shall die 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 representative 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, or legal representative of the children, the whole shall be distributed among the next of kin, in equal degree, and their representatives; but no representation 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,

* See act of 1805, No. 145, amending this act.
† See act of 1805, No. 193, altering and amending certain parts of this act.
‡ See act of 1806, No. 352, amendatory of this act.
such father or mother, in case the father be dead, and not otherwise, shall come in on
the same footing as a brother or sister would do: Provided, That such mother after
having intermarried, shall not be entitled to any part or proportion of the estate of a
child who shall die intestate, and without issue, but the estate of such child shall go to,
and be vested in the next of kin, on the side of the father: And provided also, That on
the death of the last child intestate, and without issue, the mother shall take no part of
his or her estate, but the same shall go to, and be vested in like manner in the next of
kin on the father's side. And in case a person dying without issue, leaving brothers or
sisters, of the whole and half blood, then the brothers and sisters of the whole blood
and the half blood in the paternal line only, shall inherit equally; but if there shall be
no brother or sister, or issue of brother or sister of the whole or half blood in the patern
al line, then those of the half blood, and their issue in the maternal line shall inherit.
The next of the kin shall be investigated by the following rules of consanguinity, viz:
children shall be nearest parents, brothers and sisters shall be equal in respect to distri-
bution, and cousins shall be next to them.

Sec. 2. And be it further enacted, That so much of the above recited act, as is repug-
nant to this act, shall be, and is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1801.

JOHN MILLEDGE, Governor.

AN ACT

To compel trespassers on the lands south of the Oconee, lately ceded by the Creek Indi-
ans, to return within the settled limits of the State.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of
Georgia, in General Assembly met, That from and after the passing of this act, it shall
be the duty of his Excellency the Governor to issue his proclamation, commanding all
persons who have trespassed on the lands south of the Oconee, lately acquired by cession
from the Creek Indians, to return forthwith within the jurisdictional limits of the State,
and forbidding all further trespasses.
Sec. 2. And be it further enacted by the authority aforesaid, That in case of refusal to obey the mandate of the said proclamation, it shall then become the duty of the Governor to obtain accurate returns of all persons persisting so to refuse, and which shall be authenticated under the hand of the commanding officers of the militia of the county which may border the district wherein such trespassers reside, and be made on the oath of two or more respectable men, employed from the county adjoining such districts for the purpose of obtaining them, who shall each be allowed the sum of twelve and an half cents for each so returned as aforesaid.

Sec. 3. And be it further enacted by the authority aforesaid, That such returns shall be made a file of in the office of the Executive, and shall operate completely to exclude the parties so persisting to refuse, from all interest in the lottery contemplated, and forever bar the issuing any grant to either of them, for any part of the lands included in either cession: Provided always, That if any or either of the said trespasser or trespassers shall deny the fact of their having so trespassed as aforesaid, they shall be entitled to a trial by jury as to the fact of such trespass, on filing such denial in the Executive office within six months after such returns as soon as the counties in which such trespass or trespasses was committed, shall be organized: Provided, That the informer shall in all cases notify in writing, the person or persons so returned.*

Sec. 4. And be it further enacted, That all persons from any other State who have trespassed as aforesaid, and who shall not abide by the proclamation directed by this act to be issued by his Excellency the Governor, shall be considered as standing in defiance of the laws of this State, and his Excellency the Governor shall order out a military force compelling such intruders to return.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JAREB IRWIN, President of the Senate.

Assented to, December 12, 1864.

JOHN MILLEDGE, Governor.

* See act of 1805, No. 192, repealing this section.
LAWS OF GEORGIA,

(No. 147.)

AN ACT

For the relief of James Jackson.

WHEREAS James Jackson at the sales of confiscated property at Savannah, in the month of August, one thousand seven hundred and eighty-five, purchased of the commissioners thereof, two tracts of land, of five hundred acres each, situated, lying and being in the county of Glynn, originally granted to, and belonging to George Kineaid, a person named in the act of confiscation; and it appears by sufficient documents that only one five hundred acre tract was granted the said George Kineaid, in the said county; but that there is a tract of five hundred and fifty acres, part of a tract of eleven hundred and fifty acres granted the said George, under a Carolina grant, dated the seventeenth day of June, one thousand seven hundred and sixty-three, bounded northwardly on land surveyed for Susannah Bee, to the northeastward on land surveyed for Captain John North, to the southwestward by land surveyed for William Main, and part for Paul Percier, and to the southeastward on land surveyed by Cornelius Dupont, and part on vacant land; six hundred acres of which were conveyed by deeds of lease and release by the said George, dated the twelfth and thirteenth days of May, one thousand seven hundred and sixty-seven, to one Daniel Blake, as appears of record in the Secretary's office, leaving the said surplus of five hundred and fifty acres, still the property of the said George, and liable to confiscation and sale; and which tract it is reasonable to conclude the said commissioners intended to sell; and as the said James Jackson has paid taxes for two five hundred acre tracts, ever since the time of purchase:

BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the said tract of five hundred and fifty acres, part of the said Carolina grant to George Kineaid, containing eleven hundred and fifty acres, be, and is hereby confirmed and vested, absolutely and amply in the said James Jackson, his heirs, and assigns forever, as fully to all intents and purposes, as if the said five hundred and fifty acres had been included in the titles of the commissioners of confiscated estates to him, dated the twenty-sixth day of August, in the year of our Lord, one thousand seven hundred and eighty-five:—Provided, That should any other five hundred acre tract, the property of the said George, liable to confiscation, be hereafter found, that the said James, his heirs and assigns, shall be, and hereby are precluded from any claim to the same, or any part thereof:—And provided also, That the said tract of five hundred and fifty acres of land, shall not have been conveyed by the said George Kineaid, before the passing the said act of confiscation.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT (No. 148.)

To cede to the United States, jurisdiction over four acres of land, on the southern extremity of St. Simon's island, and six acres of land, on the southern extremity of Cumberland island, for the purpose of erecting light houses.

Sec. 1. 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, the jurisdiction to and over four acres of land, in the southern extremity of St. Simon's island, in the county of Glynn, ceded to the United States, for the purpose of erecting a light house, in and for the port of Brunswick, be and the same is hereby vested in the said United States of America: Provided, that the said United States shall erect a light house on the same.

Sec. 2. And be it further enacted, That jurisdiction to and over six acres of land, on the southern extremity of Cumberland island, in the county of Camden, ceded to the United States, for the purpose of erecting a light house in and for the port of St. Mary's, be and the same is hereby vested in the United States: Provided, That the said United States shall erect a light house on the same.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 10, 1804.

JOHN MILLEDGE, Governor.

AN ACT (No. 149.)

To amend an act, entitled "An Act to make permanent the road on the north side of Great Ogeechee river, from the place where it leaves the road leading from Louisville to Savannah, to the toll bridge over Ogeechee" passed the 10th December, 1803.

Sec. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the following persons be, and they are hereby appointed commissioners for that part of the aforesaid road, leading through the county of Eflingham, viz: Joshua Loper, Curtis Loper, and John
(No. 149.) Powers; and for that part leading through the county of Chatham, John Woof, William Bridges and Richard Sanderlin.

Who liable to work on said road.

Sec. 2. And be it further enacted by the authority aforesaid, That all the white males, and slaves liable to work on the public road, within three miles of the said road, from Joshua Loper's to the place where it intersects the main public road, leading from Savannah to Gunn's bridge, on Ogeechee, shall be liable to work on said road, under such regulations and restrictions as the road law in force in the above mentioned counties shall require.

5th section of said act repealed.

Sec. 3. And be it further enacted by the authority aforesaid, That the fifth section of the before recited act, shall be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, GOVERNOR.

AN ACT

(No. 150.)

To authorize Henry West to erect a mill on Little river.

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 be lawful for Henry West, of Lincoln county, to erect a mill on Little river, at his mill seat, above Gorley's bridge on said river: Provided nevertheless, that the same does not interfere with the right of any other person.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To vest certain powers in the justices of the inferior court of Franklin county.

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the inferior court of the county of Franklin, are hereby fully authorized to purchase any bridge or bridges in said county, that have been erected by private individuals over any water course that they may deem necessary to establish as public bridges, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To alter and amend an act, entitled, "An Act to revise, amend and consolidate the several militia laws of this State, and to adapt the same to the Act of the Congress of the United States," passed at Louisville, on the tenth day of December, eighteen hundred and three.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted, That so much of the above mentioned act, as invests battalion courts of enquiry, with power and authority to try and impose fines on delinquents and defaulters, at company musters, be, and the same is hereby repealed:— and in lieu thereof, the commissioned or breveted officers belonging to each respective company of militia within this State, or a majority of them, be, and they are hereby vested with full power and authority to hear and determine in all cases of delinquency or default, which may in future happen at said company musters; and impose such fines for delinquency or default, as is directed and prescribed by the said act; which fines when so imposed, shall be levied and collected by warrant, under the hands and seals of the officers present at the said company court of enquiry, or a majority of them, and di-
(No. 152.)

rected to a sergeant of such company, whose duty it shall be to collect the same, in the same way and manner as is directed by the aforesaid act, where constables are required to levy and collect fines; and where fines are collected by the sergeants under this act, they are hereby required to pay over the same into the hands of the pay-master of the regiment, to which they respectively belong; and also make a return of the warrant to the captain or commanding officer of the company, within thirty days after receiving the same, and shall be entitled to receive as a compensation for said service, the same fees as is allowed by said act, to constables for performing the like duty. And the said company courts of enquiry, shall be held at the usual muster ground in each captain's district, within fifteen days after each and every muster of such company; and the delinquents and defaulters shall in all cases be notified thereof, by a sergeant of such company, at least five days previous to the meeting of such court. And it shall be the duty of the captain or commanding officer of each respective company, annually, to lay a fair and correct return or statement in writing, of all proceedings had in the said company courts of enquiry, during the year prior to making such return, before the battalion court of enquiry, to which such company belongs, and in case of such refusal or neglect, the said captain or commanding officer of such company, shall be fined at the discretion of the said battalion court of enquiry, in a sum not exceeding twenty dollars.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

(No. 153.)

AN ACT

To secure to John Beal, for the term of ten years, the sole and exclusive right of running a line of Stage Carriages, between the city of Augusta, and the town of Washington in Wilkes county, and the town of Petersburg in Elbert county; and to secure to James Gaffney and Lewis Caffrey, their heirs and assigns, the sole and exclusive right of running a line of Stage Carriages, between the cities of Savannah and Augusta, for the term of five years.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That John Beal, his 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 Augusta and the town of Washington in Wilkes county, and the town of Petersburg in Elbert county, for the term of ten years, to commence the first day of March, which will be in the year of our Lord, one thousand eight hundred and five.

SEC. 2. And be it further 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 John Beal, under his hand and seal first obtained, every such person or persons so offending, shall forfeit and pay to the said John Beal, his 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 Augusta, and town of Washington, and the town of Petersburg in Elbert county, comprehending all the different routes between the same, to be recovered by the said John Beal or his legal representatives, by action of debt before any magistrate or court having cognizance thereof:—Provided nevertheless, That the said John Beal shall within the term of six months, from the passing of this act, commence and put in practice the running of 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 John Beal do give bond of three thousand dollars, with good and sufficient security, to his Excellency the Governor for the running of stages for the aforesaid term.

And whereas the exclusive right to run a line of stage carriages for the conveyance of passengers and their baggage, between the city of Savannah and city of Augusta, was by law vested in Nathaniel Twining, Thomas Davis and Joseph Grant, for the term of ten years, which term will expire on the first day of October, one thousand eight hundred and six, and which exclusive right hath been transferred to James Gaffney and Lewis Calffrey, the present proprietors of the same; who have petitioned the present legislature for the exclusive right of running the said line of stage carriages, between the aforesaid cities of Savannah and Augusta, to be extended to them for the further term of five years; to commence from the first day of October, one thousand eight hundred and six.

SEC. 3. Be it therefore enacted by the authority aforesaid, That the said James Gaffney and Lewis Calffrey, 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 the city of Augusta, for the term of five years; to commence on the first day of October one thousand eight hundred and six.

SEC. 4. 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 James Gaffney and Lewis Calffrey, under their hands and seals first obtained, every such person or persons so offending, shall forfeit and pay to the said James Gaffney and Lewis Calffrey, 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 city of Augusta, comprehending all the different routes between the same, to be recovered by the said James Gaffney and Lewis Calffrey, or their legal representatives, by action of debt before any magistrate or court having cognizance thereof:—Provided, that the said James Gaffney and Lewis Calffrey do give bond in the sum of two thousand five hundred dollars, with good and sufficient security, to his excellency the governor, for the running of stages for the aforesaid term.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT.

To divorce Martha Dickson and Allen Dickson, her husband; William Guirey and Martha G. Guirey, his wife; Humphrey Tomkirs and Susannah Tomkirs, his wife; Barbara Goodwin and Daniel Goodwin, her husband; William Simmons and Fanny Simmons, his wife; William Hobgood and Milly Hobgood, his wife; William Patrick and Jemima Patrick, his wife, and Mark Smallwood and Mary Smallwood, his wife.

WHEREAS the parties in the above recited cases have had a trial in the superior court, and verdicts had been obtained authorizing divorcées.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and after the passing of this act, the matrimonial connexion of marriage between the said Martha Dickson, formerly Martha Burnwell, and Allen Dickson, her husband, shall be, and is hereby declared completely annulled, to all intents and purposes, as if no such contract had ever heretofore been made or entered into between them.
SEC. 2. And be it further enacted, That the said Martha Dickson is hereby declared a feme sole, and shall not in future be allowed, on any pretence whatever, to charge the said Allen Dickson, his heirs, executors or administrators, or his or their estates, with any debts or dues of her contracting, or with actions, or for damages, for or on account of any tort, trespass, or damages whatever, which shall be hereafter committed or done by the said Martha Dickson; nor shall she be entitled to dower, or, in or out of the estate of the said Allen Dickson, but shall be considered as barred of that right.

SEC. 3. And be it further enacted, That the said Martha Dickson, and Allen Dickson, in future, shall be deemed and considered as distinct and separate persons, altogether unconnected by any mystical union or civil contract heretofore entered into between them.

SEC. 4. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said William Guirey and Martha G. Guirey, formerly Martha G. Marks, his wife, shall be, and is hereby declared to be null and void, to all intents and purposes, as fully and entirely as if no such contract had been entered into between them.

SEC. 5. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said Humphrey Tomkins and Susannah Tomkins, late Susannah Bridges, his wife, shall be, and is hereby declared to be null and void, to all intents and purposes, as fully and entirely as if no such contract had been entered into between them.

SEC. 6. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said Barbara Goodwin, formerly Barbara West, and Daniel Goodwin, her husband, shall be, and is hereby declared to be null and void, as fully and entirely as if no such contract had been entered into between them.

SEC. 7. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said William Simmons and Fanny Simmons, formerly Fanny Morris, his wife, shall be null and void, as fully and entirely as if no such contract had been entered into between them.

SEC. 8. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said William Hobgood and Milly Hobgood, formerly Milly Moore, his wife, shall be null and void, as fully and completely as if no such contract had been entered into between them.

SEC. 9. And be it further enacted, That the matrimonial contract made and entered into between the said William Patrick and Jemima Patrick, formerly Jemima Arm-
(No. 155.)

AN ACT

To Pardon William Smith.

WHEREAS at a superior court held in and for the county of McIntosh, for November term, in the year of our Lord one thousand eight hundred and four, a certain William Smith was convicted of the crime of murder, and received sentence of death, to be executed on the thirteenth day of November instant, in the said year of our Lord one thousand eight hundred and four; but on the petition of sundry persons, inhabitants of the county aforesaid, of Liberty and others, to the Senate and House of Representatives, now in session, suppling of pardon for the said William Smith,

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 immediately after the passing of this act, the said William Smith, be, and he is hereby declared to be freely, fully and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction, as freely, fully and entirely, as if such offence had not been done or committed by him.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To amend an act, entitled, "An Act to authorize certain persons therein mentioned, to sell or otherwise dispose of certain land appertaining to the people called Quakers.

Sec. 1. Be it enacted by the Senate and House of Representatitves 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, it shall and may be lawful for the aforesaid people, who are qualified to vote for members of the legislature, to vote for three fit and discreet persons of their own body, as trustees, in such manner and at such time and place as a majority of the said voters may think proper, who shall continue in office for the term of one year, and shall be vested with all the powers as was vested in the trustees appointed under said act.

Sec. 2. And be it further enacted, That any thing contained in the before recited act, militating against this act, shall be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To Incorporate the Georgia Medical Society.

WHEREAS Noble Wimberly Jones, President—John Irvine, Vice-President—John Grimes, Secretary—Lemuel Kollock, Treasurer—John Cumming, James Ewell, Moses Sheffall, Joshua E. White, William Parker, Thomas Schley, George Jones, George Vinson Proctor, Henry Bourquin, Thomas Young, jun. Peter Ward, William Cocke, James Glenn, and Nicholas S. Bayard, have by their petition represented, that they have associated in the city of Savannah, under the style and name of The Georgia Medical Society, for the purpose of lessening the fatality induced by climate and incidental causes, and improving the science of medicine.—And in order to ensure and establish...
their said institution in a permanent and effectual manner, so that the benevolent and desirable objects thereof, may be executed with success and advantage, have prayed the legislature to grant them an act of incorporation.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, it is hereby enacted, That the several persons herein before named, and others who are, or may become members of the said society respectively, the officers and members thereof, and their successors, shall be, and they are hereby declared to be a body corporate, in name and deed, by the style and denomination of "The Georgia Medical Society;" 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 byelaws as may be agreed on by the members of the same:—Provided such bye-laws be not repugnant to the laws or the constitution of this State or the United States.

SEC. 2. And be it further enacted, That they shall have full power and authority under the style and name of the Georgia Medical Society, to sue for in the name of their President and Vice-President, for the time being, and recover all such sum or sums of money, as now are, or hereafter may 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 society; and shall be, and are hereby declared to be vested with all the powers and advantages, privileges and immunities of an association or society of people incorporated, for the purposes and intentions of their said association.

SEC. 3. And be it further enacted, That this act shall be, and is hereby declared to be deemed and considered a public act, to all intents and purposes whatever.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT*  
To give further time to the commissioners of the town of Louisville, to assess the value and dispose of the Alleys and several parts of Streets of the said town, as pointed out by an act passed the tenth day of December, one thousand eight hundred and three.

BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the time given the commissioners of the town of Louisville, to assess the value and dispose of the Alleys and several parts of Streets of the said town, by an act passed the tenth day of December, one thousand eight hundred and three, be and the same is hereby extended until the first day of October, one thousand eight hundred and five.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT  
To regulate sales made by Executors or Administrators.

BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted, That immediately from and after the passing of this act, no sale made by executors or administrators, shall commence before the hour of ten o'clock in the forenoon, or be continued after the hour of four o'clock in the afternoon, nor shall any such sale be continued from day to day, unless the advertisement shall be so expressed, and the same be publicly made known by the hour of four o'clock in the afternoon of the day on which the said sale shall commence.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

* Town commons to be laid off in lots and sold for the benefit of the academy; see act of 1808, No. 382.
AN ACT*

To require the Clerks of the Superior and Inferior Courts of the county of Screven, to keep their offices at or near the Court-House of the said county.

WHEREAS the inhabitants of the county of Screven sustain great inconvenience from the distance of the offices of the clerks of the Superior and Inferior courts from the court-house of the said county.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That within six months after the passing of this act, it shall be the duty of the clerk of the Superior court and the clerk of the Inferior court to keep their offices of the county aforesaid, at or within three miles of the said court-house.

SEC. 2. And be it further enacted, That if the said clerk of the superior court or clerk of the inferior court, shall neglect or refuse to remove his or their said office, within the time prescribed by this act, that he or they shall forfeit and pay for every month in which he or they shall so neglect or refuse, the sum of twenty-five dollars, to be recovered by action of debt, in any court having cognizance thereof, one half whereof to any person who shall sue for the same, and the other half to the use of the said county.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

* This act repealed by act of 1809, No. 423.
AN ACT

To make the town of Milledgeville, the permanent seat of Government of this State, and dispose of a certain number of lots therein.

WHEREAS the commissioners appointed in and by an act of the General Assembly of this State, passed the eleventh day of May, eighteen hundred and three, have fixed upon the site and laid off the town of Milledgeville, pursuant to the provisions of the said act:—And whereas the legislature do agree to and approve of the said site, it is expedient that a part of the lots of the said town should be sold, to raise a fund for erecting of a State-House and other public buildings.

SEC. 1. 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 Howell Cobb, John Rutherford, Littleberry Bostwick, Archibald M. Devereaux, George M. Troup, John Harbert and Oliver Porter, be appointed commissioners, and they or a majority of them, are hereby vested with full power and authority, after giving sixty days notice in two or more gazettes of this State, to sell and dispose of any number of lots in the said town of Milledgeville, not exceeding twenty lots of one acre each, and convey the same in fee simple, taking bond and approved security, together with a mortgage on such lots or lots of the purchaser, payable to the said commissioners and their successors in office in the following manner, viz. one third at the end of twelve months from and after the said sale; one third at the end of twelve months next thereafter; and the remainder at the end of six months thereafter; which said several instalments shall bear an interest of eight per cent. and the money arising from said sale shall be, and is hereby appropriated to defray the expenses of erecting a State-House in the said town, for the accommodation of the General Assembly of this State.

SEC. 2. And be it further enacted, That the said commissioners at the sale aforesaid, shall not sell more than two lots in any one square, nor shall any one person be allowed to purchase by himself, or other for his use more than two of the said lots.

SEC. 3. And be it further enacted, That every purchaser shall within two years after such purchase, build upon and improve said lots or lots, to the value of one hundred dollars each, or the lot or lots together with the instalments which he may have paid, shall be forfeited to the State.*

SEC. 4. And be it further enacted, That the said commissioners are hereby authorized and required, to report a plan of the State-House to the next legislature, together with an estimate of the expense of building the same, including all necessary materials.

* See act of 1802, No. 202, on this subject, supplementary to this act.
SEC. 5. And be it further enacted, That the said commissioners before they enter upon the duties of their appointments, shall give bond and approved security to his Excellency the Governor and his successors in office, in the sum of two thousand dollars each for the faithful performance of their duty; and each and every of the said commissioners shall receive while in actual service, a sum not exceeding three dollars per day; and it shall be the duty of the said commissioners, yearly and every year to make a full and accurate statement of their proceedings to the legislature of this State.

SEC. 6. And be it further enacted by the authority aforesaid, That his Excellency the Governor within thirty days after he shall be officially notified by the said commissioners, that the said State-House is completed, which notification the said commissioners are hereby required to make, shall signify the same by proclamation, and cause the records in the public offices, to be removed to the said town, and to defray the expenses of such removal out of the contingent fund.

SEC. 7. And be it further enacted, That the next meeting of the General Assembly, after the date of said proclamation, shall be at the said town of Milledgeville, which is hereby declared to be the permanent seat of Government of this State.*

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To make permanent the site for the public buildings in the county of Tattnall, and to appoint commissioners for that purpose.

SEC. 1. It is enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Nimrod Shadley, Daniel Brinson, Shadreu Stanley, senr. Jesse Bird, senr. and Benjamin Shipling, be and they are hereby appointed commissioners for fixing on the site of the court-house and jail in the county of Tattnall, and that they or a majority of them, shall within ninety days after the passing of this act, meet

* See act of 1808, No. 386, extending the time until the 1st January 1810, upon certain conditions or provisions.
at the present temporary court-house of said county, and fix upon the place for the per-
manent seat of the public buildings of said county, which shall be as near the centre of
the county as shall be expedient.

SEC. 2. And be it further enacted by the authority aforesaid, That the said commis-
sioners, or a majority of them, after having agreed upon the permanent site for the pub-
lic buildings of the county aforesaid, shall have full power and authority to purchase
or otherwise procure titles in fee simple, in trust, for the aforesaid county, not less
than six nor more than one hundred acres of land; and after having made choice of so
much of the said land, as may be thought necessary for the public buildings, to lay off in
lots and dispose of the same, as in the judgment of the said commissioners, or a major-
ity of them, shall think will be most conducive to the interest of said county; and the
said commissioners or a majority of them, are hereby authorized and requested to con-
tract for, and cause to be built, a court-house and jail of such dimension, and on such
plan, as they shall deem most convenient to answer the end proposed; of which said con-
tract for erecting said buildings, the said commissioners, or a majority of them, shall
give at least thirty days public notice thereof.

SEC. 3. And be it further enacted, That the justices of the Inferior court of said
county, shall be, and they are hereby authorized and empowered to levy a tax on the
inhabitants and taxable property of the same, which tax shall not exceed one fifth of
their general tax; and the monies arising therefrom, or so much thereof as will be sufi-
cient to defray the expense of the public buildings, shall be paid into the hands of the
commissioners of the same, to be applied to, and for that express purpose.

SEC. 4. And be it further enacted, That the Superior and Inferior courts shall be held
in the two story house at Cox's old mills in the county aforesaid, until the aforesaid pub-
lic buildings shall be completed, and no longer.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT*

For the better regulating of the town of Greensborough, and for the appointment of commissioners of the county of Greene; and Siloum Meeting-House in said county, and to incorporate the same.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the Reverend James H. Ray, the present rector of the academy aforesaid, or the rector thereof for the time being, shall be the president of the board of commissioners, who, together with a majority of the said commissioners, shall have full power and authority to make all such ordinances, bye-laws, rules and regulations, which may be necessary for the better regulation and government of the town of Greensborough;—Provided the said ordinances bye-laws, rules or regulations are not inconsistent with, or contrary to the constitution, or constitutional laws of this State.

SEC. 2. And be it further enacted, That the president and commissioners aforesaid, shall have a corporate capacity, and be known in courts of law and equity, as a body politic and incorporate, so far as to enable them to sue and be sued; and to receive and acquire property both real and personal, either by gift grant or purchase, and to hold the same in perpetuity for the purposes and uses before mentioned, and that the style of the said commissioners shall be “The president and commissioners of the town of Greensborough.”

SEC. 3. And be it further enacted, That so much of the before recited act as militates against this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

* To extend the town of—and corporate jurisdiction thereof. See act of 1808, No. 384.
AN ACT

To authorize the Commissioners of the Academy of the town of Washington, to establish a Lottery, for the purpose of raising two thousand dollars, towards finishing the said Academy, and purchasing a literary apparatus for the same.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority thereof, That it shall and may be lawful for the commissioners hereinafter named, to establish a lottery within one year after the passing of this act, to raise the sum of two thousand dollars, under such schemes and regulations as they or a majority of them may deem necessary and proper to carry into effect the above recited object.

Sec. 2. And be it further enacted, That Nicholas Long, Gilbert Hay, Joel Abbot, John Griffin, Felix Gilbert, Richard Worsham and William Prince, junr. Esquires, be and they are hereby appointed commissioners to carry the aforesaid lottery into full effect.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To alter and amend an act, entitled, "An Act for the better regulating of the town of Sunbury."

WHEREAS the above recited act, passed the eighth day of December, one thousand seven hundred and ninety one, is found to be deficient in part, and does not answer all the purposes thereby intended:

Sec. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the election of commissioners for the said town of

* Time extended until the first day of October 1807, by act of 1805, No. 199.
(No. 165.) Sunbury, shall be held annually on the first Monday in August at the academy in the said town; and all male white citizens of the age of twenty one years and upwards, who may be owners or occupiers of a house or lot in the said town, shall, and are hereby entitled to a vote for commissioners: Provided, That no person or persons shall be capable of serving as a commissioner or commissioners of the said town of Sunbury, who is or are not citizens of the United States, and possessed in his or their own right in fee simple of a lot, and reside in the said town at least three months in each year.

Sec. 2. And be it further enacted by the authority aforesaid, That all vacancies which may happen, by death, resignation or otherwise, in the said board of commissioners, shall be filled by election of all those entitled to vote as aforesaid, and a majority of the said commissioners are hereby authorized and required to order the same, and appoint the time, giving at least thirty days notice thereof.

Sec. 3. And be it further enacted, That the said commissioners for the time being, shall be ex-officio justices of the peace within the limits of the said town, and hamlets of Sunbury; and that all laws and parts of laws heretofore passed respecting the said town of Sunbury, which are repugnant to this act, be, and the same is and are hereby repealed.*

ABRAHAM JACKSON, Speaker of the House of Representatives,

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

(No. 166.) AN ACT

To establish the fees of the Harbor Master and Health Officer of the ports of Savannah and St. Mary.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the harbor master and health officer of the ports of Savannah and St. Mary, for the time being, be and they are hereby authorized, each and every of them severally, to have, demand and receive, of and from all foreign vessels which shall arrive at the ports of Savannah and St. Mary, from and after the passing of this act, four cents per
ton, and on all American vessels two cents per ton, which shall be in full of all fees, (No. 166.)
dues or demands whatsoever, for the services of them the said harbor master and health
officer respectively.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT* (No. 167.)

To alter and amend an act, entitled, "An Act to alter and amend an act, to empower
the Inferior Courts of the several counties within this State, to order the laying out the
public roads, and to order the building and keeping in repair the public bridges," so far
as respects the counties of Chatham, Bryan, Liberty, Glynn and Camden, passed the
10th December, 1803.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of
Georgia, in General Assembly met, and by the authority of the same, That the several
commissioners or surveyors to be nominated and appointed (or those now in office) by
virtue of this act, shall meet on the fourth Monday in May, annually, at the court houses
in the several counties respectively, and then and there determine all matters relating to
the several roads, bridges, rivers, creeks, causeways and water passages already laid out,
erected, cleared or made, or which may be erected, cleared or made, and assign any partic-
ular part of the duties to be performed by any particular person or persons, commis-
sioner or surveyor, and to appoint the time 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 by a majority of the commissioners or surveyors then present.

Sec. 2. And be it further enacted, That any surveyor or commissioner now in office,
or to be appointed by virtue of this act, who shall not daily and every day, attend upon
the roads within their respective districts or divisions, during the time of working on the

* See act of 1805, No. 223, section 8, repealing this act.
SEC. 3. And be it further enacted, That all persons liable to and bound to do duty on the public roads in the counties of Glynn and Camden, shall be liable only to work on the main post roads through said counties, until a majority of the commissioners of either of said counties, shall (from the good order of said roads) direct otherwise, and not before; any law to the contrary notwithstanding.

SEC. 4. And be it further enacted by the authority aforesaid, That in the counties of Glynn and Camden, the white male inhabitants liable to do duty on said road, and who shall attend for that purpose as the law directs, shall be divided into three equal parts by the commissioners or surveyors of each district, on the day of meeting, either by draught or otherwise, as may be directed by the commissioners or surveyors, each of which party so divided, shall attend the roads in rotatory order, and each take their due portion of said duties, to be so allotted by the commissioners or surveyors, as not to compel more than one third part of the white male inhabitants of their respective districts to do and perform one whole day of duty together: Provided, nothing herein shall be construed to except more than two thirds of said white male inhabitants at a time, on the same day from the performance of the duties required of them.

SEC. 5. And be it further enacted by the authority aforesaid, That any person or persons neglecting or refusing to do and perform the duties hereby required, shall be liable to a fine not exceeding one dollar for every such offence, which said fine shall be levied agreeable to the mode heretofore pointed out, at the discretion of the board of commissioners.

SEC. 6. AND WHEREAS the judges of the inferior court for Glynn county have neglected to lay out a public post road through the body of that county (corresponding with the roads through the adjacent counties) by which the said roads through the adjacent counties are rendered of less public utility; And, that whereas great convenience might
result from the establishment of a road, from Fort Barrington to Little Satilla, where the Camden county main road terminates:

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 commissioners or surveyors who may be appointed in said county of Glynn, are hereby authorized and empowered to lay out a public road, commencing from the south side of the Alatamaha, opposite to Fort Barrington, taking the most direct and convenient course to the Little Satilla, where the path, long known by the name of the Rebel road, leading from Fort Barrington to the burnt fort on Great Satilla, crosses said Little Satilla; and the said commissioners or surveyors are hereby required to lay off, and work on said road agreeable to the regulations established by this law, for repairing roads, &c. in the several counties herein before mentioned.

SEC. 7. And whereas it may not be practicable for the several persons subject to work by this act, to erect bridges over the several creeks or rivers within the several districts or divisions, by working thereon six days:—Be it therefore enacted, That the commissioners or surveyors of such districts or divisions, by consent of the justices of the inferior court of the county, shall be, and they are hereby, empowered to contract and agree with any person or persons willing to undertake the same, and that the expenses thereof be defrayed from the county funds: Provided nevertheless, That where it may appear necessary to erect such bridges over any creek, or river between two counties, the labor and charges of erecting the same, shall be defrayed equally by the respective counties.

SEC. 8. And be it further enacted by the authority aforesaid, That so much of the road act, passed the 16th day of December, 1803, as is contrary to this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To alter and change the names of Churchill Hines Taylor, George Washington Rawls and Amos May.

WHEREAS Richard Hines and Richard Wiggins, by their petition to this legislature, setting forth that they are the reputed fathers, to wit: The said Richard Hines, the reputed father of Churchill Hines Taylor, and George Washington Rawls, minors; and the said Richard Wiggins, the reputed father of Amos May, also a minor; and praying that the said children may bear their name;

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 immediately after the passing of this act, that it shall be lawful for the said Churchill Hines Taylor, George Washington Rawls, and Amos May, to take, be called, and known by the names of Churchill Taylor Hines, and George Washington Hines, and the said Amos May, Amos Wiggins.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To manumit certain persons therein named.

WHEREAS John C. Livingston, of the State of South Carolina, deceased, did in and by his last will and testament, bearing date the twenty ninth day of December, one thousand eight hundred and three, authorize the emancipation of a certain negro woman called Mag, and her five mulatto children called Mary-Ann, Lydia, Rose, Paul and Selina; and did by the said last will and testament, devise and bequeath real and personal property to a considerable amount, for the use and benefit of the aforesaid persons; and therein appointed Charles Oddingsells and Francis Hopkins, Esquires, trustees and guardians of the said negro woman Mag, and her said five mulatto children, Mary-Ann,
Lydia, Rose, Paul and Selina; and also appointed the said Charles Oddingsells and Francis Hopkins, with others, executors of the said last will and testament of him the said John C. Livingston, who have by their petition prayed the present legislature, that the benevolent intentions of the said John C. Livingston may be carried into effect.

Sec. 1. 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 said negro woman Mag, and her said five mulatto children, called Mary-Ann, Lydia, Rose, Paul and Selina, be, and they, and each and every of them, are hereby manumitted and set free, and they and each and every of them are hereby declared to be entitled to the same priviledges and immunities as if they had been born free: and the said Charles Oddingsells and Francis Hopkins, are hereby vested with all the property both real and personal, given and devised by the said John C. Livingston, in and by his said last will and testament as trustees and guardians to, and for the sole and separate use, benefit and advantage of the said negro woman Mag, and her said five mulatto children, Mary-Ann, Lydia, Rose, Paul and Selina, to the same extent, and under the same conditions, restrictions and limitations as are expressed or contained in the said will.

And whereas brigadier general Josiah Tatnall, jun. late of this State, deceased, did in and by his last will and testament, bearing date the thirteenth day of February, one thousand eight hundred and three, authorize the manumission of his negro woman Bess, for her affectionate attention and faithful services, and particularly requested his executors to take the necessary steps under the law, to place the said faithful negro woman Bess, at her full liberty, free and unfettered by slavery: And whereas the executors of the said General Josiah Tatnall, jun. have by their petition prayed the present legislature, that the benevolent intentions of the said Josiah Tatnall jun. expressed in his said will, in regard to the said negro woman Bess, may be carried into effect.

Sec. 2. BE it therefore enacted by the authority aforesaid, That the said negro woman Bess, be, and she is hereby declared to be manumitted and set free from all manner of servitude and slavery whatever, and she is hereby declared to be entitled to the same priviledges and immunities as if she had been born free: Provided nevertheless, That nothing herein contained, shall be so construed as to exonerate the aforesaid slaves from being liable and subject at all times to the payment of any just debt or debts that may appear against their last owners; and that security be given by the executors, trustees or guardians to his excellency the governor, or his successors in office, in the sum of two hundred dollars, for each and every slave so emancipated, that such slave or slaves shall not become a public charge.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

For apportioning Representatives among the several counties in this State, according to the second enumeration, in conformity to the seventh section of the first article of the constitution.

WHEREAS the seventh section of the first article of the constitution directs, "that the House of Representatives shall be composed of members from all the counties according to their respective numbers of free white persons, including three fifths of all the people of color," in order therefore to apportion the representatives of each county respectively, to the said second enumeration or census.

BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That in future the representatives of the respective counties shall be apportioned in the following manner, to wit:—

Camden one, Glynn one, McIntosh two, Liberty two, Bryan one, Chatham three, Effingham one, Screven two, Burke three, Baldwin one, Tatnall one, Montgomery two, Jefferson two, Lincoln two, Elbert three, Jackson three, Clark three, Richmond two, Wilkes three, Columbia three, Warren three, Washington three, Hancock three, Greene three, Oglethorpe three, Franklin three, and Walton one.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To admit Howel Washington Runnells to practice and plead in the several courts of Law and Equity within this State.

WHEREAS the said Howel Washington Runnells hath produced a certificate from the honorable Thomas P. Carnes, formerly Judge of the Superior courts of this State, and from the honorable John Griffin, formerly Judge of the said courts, the former of which, that he examined the said Howel W. Runnells, respecting his abilities, fitness;
and capacity to practice and plead in the several courts of law and equity within this State, and found him qualified; and the latter, satisfactory as to his moral rectitude.

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the said Howel Washington Runnells, be, and he is hereby admitted to practice and plead in the several courts of law and equity within this State, with all the rights, privileges, and immunities, which attorneys and practitioners of law have, or are entitled to enjoy; the said Howel W. Runnells first taking the usual oath administered to attorneys upon their admission.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT
To authorize Allen Daniel to erect a public ferry across Broad River, on lands of said Daniel, at or near the mouth of Blue-Stone Creek.

WHEREAS the establishment or erection of a public ferry across Broad River, at, or near the mouth of Blue-Stone Creek, will greatly tend to the public convenience.

SEC. 1. 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 said Allen Daniel, immediately from and after the passing of this act, shall be authorized and empowered to establish a public ferry across the said Broad River, at, or near the mouth of Blue Stone creek, on the lands of the said Allen Daniel, and that the said Allen Daniel, shall have and receive from all passengers crossing the said river, at the said ferry, the rates of toll established by law for ferries over the said river.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To lay out and open a road from Hooker's ferry, on Canouchee river, to McCall's bridge on Great Ogeechee river, running through Bulloch and Bryan counties.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, that there shall be a road laid out from Hooker's ferry on Canouchee river, to McCall's bridge over Great Ogeechee river, the nearest way that may be found convenient.

SEC. 2. And be it further enacted by the authority aforesaid, That John Dukes, Elias Daniel, and Thomas Albritton, be, and they are hereby appointed commissioners to lay out said road and attend the opening the same; and that all male inhabitants, in the different districts, through which the said road may run, are hereby declared to be liable to work on said road, agreeable to a road act now in force in that case made and provided.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To appropriate monies for the political year 1805.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That there be appropriated for the use of the Governor, the sum of two thousand five hundred dollars, in conformity to the law of 1804; the secretaries to the governor, not exceeding two, five hundred dollars each per annum; the secretary of State, two hundred dollars per annum; the surveyor-general, two hundred dollars per annum; the Treasurer, twelve hundred dollars per annum; the Comptroller-general six hundred dollars per annum; the secretary of the senate, three hundred dollars per annum; the clerk of the House of Representatives, three hundred dollars per annum, which said several sums shall be and they are
hersby appropriated for the use of the officers above mentioned, the same to be paid
quarter yearly, by warrant from the governor on the treasurer, out of the taxes to be
received for the years 1802 and 1803; and the sum of fifteen thousand dollars as a
contingent fund, subject to the draughts of the governor.

Sec. 2. And be it further enacted, That the President of the Senate and Speaker of
the House of Representatives, shall have each four dollars per day, and the other mem-
bers of both branches of the legislature, at, and after the rate of three dollars per day
each, for their coming to, attendance on, and returning from the same; the secretary
of the Senate and clerk of the House of Representatives, four dollars per day each;
two engrossing clerks of the Senate and two engrossing clerks of the House of Repre-
sentatives, four dollars each per day; the messengers and door keepers of both branches
of the General Assembly, three dollars per day each; the clerk of the House of Repre-
sentatives and secretary of the Senate the sum of sixty-eight dollars each, for stationary,
fire-wood, and other contingent expenses during the present session; to Reuben Lang-
ston, clerk of the committee on the state of the republic, the sum of fifty dollars in full;
to Edmund B. Jenkins, clerk to the committee on finance, the sum of fifty dollars; to
the adjutant-general, the sum of three dollars per day while in actual service; to the
brigade inspectors, three dollars per day, and adjutants two dollars per day, while in
actual service.

Sec. 3. And be it further enacted, That the sum of one thousand four hundred and
ninety-nine dollars be appropriated to meet the contract of the commissioners appointed
on the part of this State, agreeable to a resolution of the legislature, for the laying out
and opening a road from this state to the state of Tennessee; also the sum of one hun-
dred and fifty-three dollars, to William Barnett, and the sum of one hundred and seven-
teen dollars to Roderick Easley, for their services as commissioners, in exploring and
marking out the said road and for other services; to John J. Schley, the sum of thirty-
two dollars for a paper case and writing desk for the House of Representatives; to Pat-
rick Jack, the sum of forty dollars for services rendered as brigade inspector of the
first brigade of the third division, in the year 1802; to John Hamill, the sum of twelve
dollars as adjutant of Warren county regiment of militia, for the years 1801 and 1802;
to David Adams for contingent expenses attending the running the boundary line, agree-
ably to the treaty of Fort-Wilkinson, the sum of one hundred and forty-six dollars; to
William Cone, the sum of sixty dollars for building a fort in Effingham county, agreea-
ably to a concurred resolution; to Richard Bond, the sum of nine dollars for services
rendered as drum-major in the regiment commanded by Col. Edward Ware, in Elbert
county.
TO the following persons for taking the second enumeration agreeably to the constitution of this state, the following sums, to wit:

TO Josiah Everitt, of the county of Bulloch, seventeen dollars and thirty-four cents; to Asa Raygan, of Oglethorpe, forty-one dollars six and one quarter cents; to William Lumpkin of said county of Oglethorpe, forty dollars and fifty-six and a quarter cents; to Daniel Reall of Franklin, sixty-nine dollars and sixty-eight and three quarter cents; to Joseph Lamaster of Jackson, nineteen dollars and ninety-three and three quarter cents; to J. M. C. Montgomery of said county, twenty-six dollars and ninety-three and three quarter cents; to Edwin Wise of said county, fourteen dollars and twenty-five cents; to Etheldred Wood, of said county of Jackson, thirteen dollars and thirty-one and a quarter cents; to Lazarus Battle of Hancock, twenty-four dollars and six and one quarter cents; to Hamlin Lewis of said county, twenty dollars and thirty-one and a quarter cents; to Jared Burch of said county, twenty dollars six and six and a quarter cents; to Wyly Abercrombie of said county, thirty-eight dollars; to James Bird of Bryan, seven dollars and thirty-one and a quarter cents; to Timothy McKinney, twenty-six dollars thirty-seven and a half cents; to James Mulroney of McIntosh, fifteen dollars, forty-three and three quarter cents; to Thomas Davis of Montgomery, thirty-four dollars and twenty-five cents; to Thomas Sandwich of Richmond, thirty-seven dollars and twelve and an half cents; to James Robinson of Jefferson, forty-four dollars and sixty-eight and three quarter cents; to James Bransford and John Waddel of Clark, sixty one dollars and thirty-seven and a half cents; to William Cain of Wilkes, thirty-six dollars and eighty-one and a quarter cents; to William Fleming of Columbia, thirty dollars and sixty-eight and three quarter cents; to William Ogle of said county, fifty dollars and six and a quarter cents; to John Hopson of Warren, thirty-four dollars and thirty-seven and a half cents; to Harden Frueht of said county, thirty-six dollars and thirty-one and a quarter cents; to Beckum Dye and R. T. Cosby of Elbert county, forty-eight dollars eighty-one and a quarter cents; to Middleton Woods of said county, forty dollars and eighteen and three quarter cents; to George Norman of Lincoln, thirty-three dollars and forty-three and three quarter cents; to William McMurry of Washington, twenty dollars and twelve and a half cents; to T. B. Rutherford, of said county, twenty-four dollars and twelve and a half cents; to Samuel Robinson, of said county, thirty-three dollars and eighteen and three quarter cents; to William Daniel of Greene, fifty-one dollars and forty-three and three quarter cents; to Joshua Haughton of said county, forty-three dollars and thirty-seven and a half cents; and to John Pooler of Savannah, fifty dollars; to Johnson Weiborn thirty six dollars, and Nathaniel Willis thirty six dollars.

To the commissioners and their secretary, who were appointed to repair to the Creek nation, for the purpose of demanding and receiving restitution for property claimed by this State from the said nation, at and after the rate of three dollars per day each, whilst in actual service; to the commissioners and their secretary, who attended the run-
ning the temporary boundary line, at and after the rate of three dollars per day whilst in actual service; to the commissioners and their secretary, appointed to lay off the town of Milledgeville, at and after the rate of three dollars per day each, whilst in actual service; to the surveyor, at and after the rate of four dollars per day, whilst by them employed; and two chain carriers and one chopper, at and after the rate of one dollar per day each, whilst employed; to Buckner Harris, Esq. one of the commissioners for laying out the road through the Cherokee nation, at and after the rate of three dollars per day, whilst in actual service; to general David B. Mitchell, the sum of twelve hundred and thirty five dollars and seventy five cents, in full of his accounts for ammunition and sundry supplies furnished in the year eighteen hundred and two, under the order of the governor, in the defence of the sea-coast against the landing of Brigand negroes from Guadaloupe, and in full for a boat lost in said service; to Daniel Buller one hundred dollars, agreeably to a concurred resolution of the present session; the sum of sixty four dollars and seventy five cents, to John Paulett, as per order of Peachy Bledsoe, brigade inspector to the second brigade of the third division of the militia of this State, for services rendered in the years 1801 and 1802; to George Christian, the sum of fifteen dollars for the year 1801, in full for his services as adjutant for the Franklin regiment; to Sarah Hillhouse, the sum of twenty dollars, and forty one and a quarter cents for printing for the State, in the last political year; and the sum of five hundred and eighty two dollars and thirty two cents, to John Milton, Esq. of Burke county, in full for articles furnished and services rendered as secretary of State, agreeably to a concurred resolution; to James Stallings four hundred and fifty four dollars and thirty five cents, agreeably to the report of the committee on his petition to the present legislature:—which said several sums shall be paid to the several persons herein named, out of any monies which now are, or may hereafter come into the treasury.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To raise a tax for the support of government for the year one thousand eight hundred and fifty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority thereof, That a tax shall be levied and collected on all lands within this State, granted to, or surveyed for any person or persons in the following mode, to wit:

On each and every acre of all tide swamp, (cultivated or uncultivated) including islands of the first quality, at three cents and seven mills per acre; of the second quality, at two cents and three mills per acre; and of the third quality, at seven mills per acre.

On all pine lands adjoining such tide swamp, or contiguous thereto, or within three miles of water carriage, at six mills per acre.

On all prime or inland swamp (cultivated or uncultivated) of the first quality, at two cents and six mills per acre; of the second quality, at one cent and four mills per acre; and of the third quality, at six mills per acre.

On all pine lands adjoining or contiguous thereto, at one mill and an half per acre; on all salt marsh, one and an half mills per acre.

On all high river swamp or low grounds, (cultivated or uncultivated) including islands, including such as are called second low grounds, lying above Abercorn creek, and as high as the mouth of Mc Bean’s creek on Savannah river, of the first quality, at one cent and nine mills per acre; of the second quality, at one cent and two mills per acre; and of the third quality, at six mills per acre.

On all high river swamp as aforesaid, lying above Mc Bean’s creek, and as high as the mouth of Rae’s creek, of the first quality, at two cents and nine mills per acre; of the second quality, at one cent and nine mills per acre; and of the third quality, at eight mills and an half per acre.

On all high river swamp as aforesaid, lying from the mouth of Rae’s creek, to the mouth of Broad river, on Savannah river, of the first quality, at one cent and five mills per acre; of the second quality, at eight and an half mills per acre; and of the third quality, at two and an half mills per acre.

* See act of 1805, No. 192, continuing and amending this act, and act of 1806, No. 222, and No. 267, amendatory thereto, and act of 1807, No 226, re-enacting and continuing this act with amendments.
On 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 six mills per acre; of the second quality, at two and an half mills per acre; and of the third quality, at one an half mills per acre.

On all oak and hickory lands; including islands (cultivated or uncultivated) from the mouth of Broad river, up to the Savannah river, and within one mile of the same, and up Tugalo river to the marked line on said stream, of the first quality, at four and one quarter mills per acre; of the second quality, at two and an half mills per acre; and of the third quality, at one mill per acre.

On 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 four and one quarter mills per acre; of the second quality, at two and an half mills per acre; and of the third quality, at one and an half mills per acre.

On all high river swamp or low grounds, including islands, (cultivated or uncultivated) from Fort Argyle to the mouth of Buck Head creek, on Ogeechee river, of the first quality, at seven and one quarter mills per acre; of the second quality, at four and one quarter mills per acre; and of the third quality, at one and an half mills per acre.

On all oak and hickory lands as aforesaid, from the mouth of Buck Head creek, to the head of Ogeechee river, of the first quality, at six mills per acre; of the second quality, at two and an half mills per acre; and of the third quality, at one and an half mills per acre.

On all high river swamp or low grounds, including islands (cultivated or uncultivated) from the mouth of Buck Head creek to the head of Ogeechee river, of the first quality, at six mills per acre; of the second quality, at two and an half mills per acre; and of the third quality, at one and an half mills per acre.

On all high river swamp, (cultivated or uncultivated) including islands, from Cat Head on the river Alatamaha, to the mouth of the Oconee river, of the first quality, at eight and an half mills per acre; of the second quality, at four and one quarter mills per acre; and of the third quality, at one and an half mills per acre.

On 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 one cent and two mills per acre; of the second quality, at six mills per acre; and of the third quality, at one and an half mills per acre.
(No. 175.) On all river swamp as aforesaid, from the confluence of the Oconee and Appalachee rivers, upwards on the north side of the Indian temporary line, of the first quality, at seven mills and an half per acre; of the second quality, at five mills per acre; and of the third quality, at two and an half mills per acre.

On all other oak and hickory lands throughout this State, of the first quality, at four and a quarter mills per acre; of the second quality, at two and an half mills per acre; and of the third quality, at one and a quarter mills per acre.

On all oak and hickory lands, including islands (cultivated or uncultivated) above the flowing of the tide, on all rivers from Cat-Head an the river Alatamaha, to the river St. Mary's inclusive, to the marked line aforesaid, of the first quality, at two and an half mills per acre; of the second quality, at one and an half mills per acre; and of the third quality, at three quarters of a mill per acre.

On all lands on the sea-islands, or lying contiguous to the sea shore, usually cultivated or capable of cultivation in corn, indigo or cotton, of the first quality, at one cent and five mills per acre; of the second quality, at eight and one half mills per acre; and of the third quality, at four mills per acre.

On all other pine lands throughout the State, at three quarters of a mill per acre.

Sec. 2. And be it further enacted, That the sum of thirty-one and a quarter cents, shall be levied on all free male white persons 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 under sixty years, within the limits of the same; and the sum of thirty-one and a quarter cents on every hundred dollars value of every lot, wharf, or other lands not herein already enumerated; and on all other buildings within the limits of any town, village or borough within the same; the sum of thirty-one and a quarter cents upon all male free negroes, mulattoes and mustizoes, from the age of twenty-one years & upwards, or above and above the taxable property they may be possessed of; and the sum of thirty one and a quarter cents, shall be levied on every hundred dollars value of all persons stock in trade, shop-keepers and others, to be computed at prime costs, 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 act, for such stock in trade to be estimated and returned; the sum of one dollar on all four wheeled carriages, (waggons excepted) and the sum of fifty cents on all two wheeled carriages (carts and drays excepted); the sum of four dollars on all practitioners of law or physic; and the sum of fifty dollars on all billiard tables; and the sum of one thousand dollars on all E. O. tables or other instruments of the like construction for the purpose of gambling; and whenever it shall so happen that the per-
sons owning or holding such table in possession, refuse legally to return such table or tables, or after returning the same, shall neglect or refuse to pay the tax thereon, when thereunto required, it shall be and is hereby made the duty of the collector of tax, to levy on the said table or tables, or instrument, and expose the same to public sale, after giving such notice as is required for the sale of personal property; and should the said table or tables, after being set up for sale, not sell for the full tax due on the said table or tables, that then all the property of the owner or owners, shall be liable for the taxes aforesaid, and further the person or persons owning such table or tables, is hereby made liable to return and pay the like tax in every county in this State, wherever he, she, or they may carry the same:—That the tax on E. O. and billiard tables may be levied and collected at any time after the passing of this act, wherever such tables may be found, but if the tables should be secreted so that they cannot be come at, then the collector shall levy on any other property belonging to the said owner or owners, 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. The sum of four dollars on all factors and brokers and on all wares, liquors and merchandise, sold, bargained, or trafficked for by such factors and brokers; eighteen and three quarter cents, on every hundred dollars by them sold or disposed of, to be given in upon oath; and the sum of fifty cents, on every hundred dollars of the funded stock of the United States, to be given in by the holders thereof, in like manner as stock in trade*:—Provided nevertheless, that in all cases of extreme indigence or infirmity, the Inferior court of each county, shall be, and they are hereby authorized to remit the poll tax upon such indigent or infirm person claiming the same.

SEC. 3. And be it further enacted, That there shall be a receiver for each county, throughout this State, and the mode for taking the returns shall be as follows:—the receiver of tax returns in each county, shall give notice to each captain's district within the county, by advertising in the most public place of each district, the day and place he will attend to receive the returns of taxable property therefore, 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 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 in at the time and place specially notified, at any time before he makes a digest of the whole re-

* See act of 1805, No. 192, pointing out the mode of collecting this tax, in case the Directors of the Bank are in default.
(No. 175.)

His oath.

Returns in what manner to be made.

To be digested and 3 copies to be made out; to whom they are to be sent.

Returns on compensation.

Proviso.

Sec. 2. And be it further enacted, That all and every person liable to pay tax, shall give in a list of his, her, or their taxable property, as well as a list of every person or persons as he, she, or they may be attorney or attorneys, executor or executors, administrator or administrators, for, in the county or counties wherein such person, agent, attorney, executor or administrator, may reside,* describing as near as possible, from plats, deeds or other documents, the particular situation of such land, in what county; what particular water course on, and what lands it adjoins, for whom surveyed, and 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 Comptroller-General, and that the said receivers of tax returns, 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 Comptroller-General, 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 fifty dollars; and the receivers shall receive five per centum on the taxes arising from all property returned; and it shall be his duty to transmit to the Comptroller-General, and clerk of the Inferior court and collector of taxes, each a copy of such digest. And that the said several receivers to be appointed by this act, shall be paid by the collectors in the respective counties, the sums which shall become due them for their services as allowed by this act; Provided, that no receiver shall be allowed or paid by the collectors, before such receiver shall produce a certificate from under the hand of the clerk of the inferior court of such county, that such receiver is entitled to such sum for his services agreeably to this act; which 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.

Sec. 5. And be it further enacted, That the receivers of tax returns, and collectors of taxes of 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

* Persons living out of the State must return their lands in the county where the land lay—See act of 1859, No. 437.
before they enter on the duties of their office, shall give bond with sufficient securities, as follows:—

For the county of Chatham, in the sum of forty thousand dollars; for the county of Camden, in the sum of eight thousand dollars; for the county of Glynn, in the sum of four thousand dollars; for the county of McIntosh, in the sum of ten thousand dollars; for the county of Liberty, in the sum of ten thousand dollars; for the county of Bryan, in the sum of six thousand dollars; for the county of Effingham, in the sum of four thousand dollars; for the county of Screven, in the sum of four thousand dollars; for the county of Burke, in the sum of ten thousand dollars; for the county of Montgomery, in the sum of four thousand dollars; for the county of Bulloch, in the sum of eight thousand dollars; for the county of Warren, in the sum of eight thousand dollars; for the county of Hancock, in the sum of eight thousand dollars; for the county of Richmond, in the sum of fifteen thousand dollars; for the county of Columbia, in the sum of ten thousand dollars; for the county of Wilkes, in the sum of fifteen thousand dollars; for the county of Oglethorpe, in the sum of fifteen thousand dollars; for the county of Elbert, in the sum of ten thousand dollars; for the county of Franklin, in the sum of eight thousand dollars; for the county of Jackson, in the sum of eight thousand dollars; for the county of Bulloch, in the sum of four thousand dollars; for the county of Lincoln, in the sum of six thousand dollars; for the county of Jefferson, in the sum of six thousand dollars; for the county of Tattnall, in the sum of four thousand dollars; and for the county of Clarke, in the sum of eight thousand dollars;* and shall also take and subscribe the following oath or affirmation, to wit:—"I, A. B., appointed collector of tax for the county of —— do solemnly swear, that I will faithfully discharge the duty required of me by law," and in case of death, refusal, or neglect of any collector to enter into such bond, or take such oath, then his Excellency the Governor is hereby authorized and required to appoint some other person willing to accept the same, on the qualification aforesaid, who shall attend in each district of the county to receive such tax; and shall previously give at least ten days notice thereof, and shall attend at least two days in each captain’s district; and not within ten days of each other; and if he shall presume to execute the said office, without the qualification aforesaid, he shall forfeit double the sum for each person’s tax he shall receive, to be recovered by any person who shall inform and prosecute for the same, in any court or tribunal having cognizance of debts to that amount.

Sect. 6. And be it further enacted, That the Governor for the time being, shall take bond and security of the collectors of each county respectively in conformity to this act, for the due performance of all the duties required of them, and shall transmit a dehmissus to the justices of the inferior courts of the several counties, or any two of them,

* See act of 1805, No. 192, including the counties of Wayne, Wilkinson and Baldwin.
(No. 175.) to receive and cause to be executed such bond, with two or more securities, to be approved by such justices, which bond shall be forthwith transmitted by them to the executive office.

Sec. 7. And be it further enacted, That all persons whatsoever, who are possessed of any lands granted to, or surveyed for them, or for any other person or persons, or of slaves, either in their own right, or in any other person or persons whatsoever, or are liable to pay any tax by virtue of this act, shall on or before the first day of May next, render a particular account thereof, on oath in writing, setting forth in what county such lands and slaves are, to the best of his, her or their knowledge, to the receiver of the county wherein such person resides, at such time and place as the receiver of the county shall appoint for the doing thereof, so that the same be done on or before the first day of May aforesaid, which oath or affirmation shall be in the words following, viz:  

"I, —— do swear, (or affirm as the case may be) that the account which I now give in, is a just and true account of all the taxable property, which I was possessed of, held or claimed on the first day of January last, or was interested in, or entitled unto, either in my own right, or the right of any other person or persons whatever, as parent, guardian, executor, administrator, agent or trustee, or in any other manner whatever, according to the best of my knowledge, information or belief, and that I will give a just and true answer to all lawful questions that may be asked me touching the same; and all this I declare without any equivocation or mental reservation whatever—So help me God."  

which said oath or affirmation, the receiver of tax returns for the several counties are hereby authorized and required, respectively to administer gratis.

Sec. 8. And be it further enacted, That if any person or persons shall neglect or refuse to give in a return of his, her or their taxable property, or shall be convicted of fraud, or making a false return thereof, he, she, or they shall be liable to pay to the clerk of the Inferior court of the county, a fine of ten dollars for every hundred dollars valuation, so neglected or concealed, one half whereof for the use of the county, under the direction of the inferior court, and the other half for the use of the informer or in formers, to be recovered in any court having cognizance of the same.

Sec. 9. And be it further enacted, That all attorneys or trustees of or for any person or persons living without the limits of this State, shall make true returns as aforesaid, within the district wherein such trustee, attorney, or agent resides;* and that such attorney, or attorneys, trustee or trustees, shall be subject and liable to pay the tax to become due by this act, or which may be due by any former tax law or laws, for such land or lands, slave or slaves, out of his, her or their own proper estate, notwithstanding such attor-

* See act of 1809, No. 457, requiring that non-residents, shall return their lands in the county where the same may lie.
ney or attorneys, trustee or trustees, may renounce or disclaim acting as such before the said taxes are levied, unless such attorney or attorneys, 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 with a design to avoid the payment thereof:—Provided always, That if such attorney or attorneys, trustee or trustees, shall within one year next after making such oath, again become attorney or attorneys, trustee or trustees, or act as such, he or they shall be liable to pay the said tax, as herein directed, any thing herein contained to the contrary notwithstanding; and for levying whereof, the same remedy shall be, and is hereby given, as for levying the tax to become due by virtue of this act, on the proper estate or estates, of such attorney or attorneys, trustee or trustees, or other person or persons acting as such.

Sec. 10. And be it further enacted by the authority aforesaid, That in case any land or other taxable property shall be found by the receivers to belong to any person or persons, residing without the limits of this State, and who have no attorney or attorneys, trustee or trustees, legally constituted in this State, or which have not been returned to any receiver appointed to the county where such lands are, then, and in such case, the receivers shall be, and they are hereby authorized and required to charge 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 liable thereafter 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 deducted, into the treasury: Provided, the owner or owners, his or her agent or attorney, shall not within twelve months after such sale apply for the surplus; and it shall be the duty of every tax collector, and he is hereby required, on the day on which he shall come to a final settlement with the treasurer, or on the day when he is required by law to close his accounts, to make a return on oath, which shall be certified and vouched for by at least two justices of the peace for the county, of all 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 tax collector and his security shall be subject to a penalty of two thousand dollars, to be recovered in any court having cognizance thereof, to the use of the person or persons grieving thereby.

Sec. 11. And be it further enacted, That all persons whatever, who are possessed of any lands or slaves within this State, in his or their own right, or in the right of any

F 2.
other person, any ways liable to pay tax by virtue of this act, shall pay in their taxes to the collectors that may be appointed to receive the same; in the manner hereinafter directed, on or before the first day of February next, and the respective collectors' receipts shall be held and taken as satisfactory; and if on the said first day of February, any person or persons shall be in default, the collector of the county where such default shall happen, shall immediately proceed against such defaulters by distress and sale (after due notice given of such sale, which in no case shall be less than twenty days advertisement, in one of the public gazettes of the State, and stating the amount of 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 taxes due with costs; but no sale of lands shall be made or be valid, unless two months notice thereof be given by advertisement in one of the gazettes of the State, which shall be regularly published until the day of sale; and in all cases to make titles to the purchasers of the property sold as aforesaid, and the said collectors respectively, shall, on or before the first day of June, in the year of our Lord one thousand eight hundred and six, 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 parts of such lands for sale as may be reasonably expected to produce the amount of tax due by the owner thereof, and if he shall not have a bid for such part of the said lands, he may then offer a larger quantity until he can produce bids to the amount of the taxes due; and that no sales of lands hereafter made by tax collectors of more than one tract or grant, belonging to or sold as the property of one person, or one company or society of persons, where such tract first sold shall have produced or amounted to the taxes due by such person, or on all the lands returned or represented as the property of such person or persons, shall be deemed and considered valid; but such sales are hereby declared to be null and void.

SEC. 12. And be it further enacted, That when any of the receivers of returns or collectors of taxes, shall or may discover that any land or slaves, or other taxable property hath not been returned as in this act is pointed out, he or they shall summon three free-holders, residents of the district where such lands may lie, or property be, to ascertain the quality of such lands or other property, and double the tax thereon, for which amount the collector is hereby empowered and required to levy, sell and convey in the manner herein already mentioned:—Provided always nevertheless, That all lands or other property vested in commissioners or trustees for public use, shall not come within the purview of this act:—And provided also, That no sale which shall be made under this act, of the property of orphans (having no guardian or trustee) shall have any effect.

And whereas, it has happened and may frequently happen, that between the day of receiving the returns, and the day appointed for the payment of the said tax, many per-
sons have left the district in which they reside, and have been returned by the collectors as insolvents, who had no property upon which the collector could levy and restrain:—

Sec. 13. Be it therefore enacted by the authority aforesaid, That the collector in every county shall be obliged to lay before the grand jury of each county, a list of such insolvents as may be in such county or counties, on oath, who shall allow or disallow the same.

Sec. 14. And be it enacted, 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 property goods and chattels of such executor or administrator, and if any person or persons, between the time of rendering the account of his, her or their estate to the receiver aforesaid, and the time of his, her or their paying in the said tax, shall be about to depart the county in which he, she or they may have immediately then preceding resided, the said collector or collectors, is, and they are hereby directed and required forthwith to levy the same, notwithstanding the day of payment may not then have arrived, unless such person or persons shall and do find security to be approved of by the said collector or collectors, respectively, for the payment thereof, at the day herein appointed.

Sec. 15. And be it further enacted, That all deeds of gift, conveyances, mortgages, sales and assignments of goods, lands, tenements and chattels of any kind, of any person, whatsoever, made with an intention to avoid the aforesaid taxes, are hereby deemed and declared null and void; and in case any person who has mortgaged estate, real or personal, shall neglect or refuse to pay the tax of the same, the mortgagee shall be liable to pay the same.—Provided, That no such sale for taxes under this act, shall tend to affect the state's title to any property mortgaged or secured thereto.

Sec. 16. And be it further enacted, That the treasurer for the time being, be, and he is hereby empowered and required to grant executions against all former collectors of taxes, who are or may be defaulters, immediately after the passing of this act; and he is hereby required and directed to proceed and to 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 receivers of tax returns.
(No. 175.)

Where no property is found in one county, it may be taken in another under certain restrictions.

Collector's fee for advertising & selling.

Persons refusing or neglecting to give in a list of their taxable property, penalty for & how to be recovered.

Provido.

Sec. 17. And be it further enacted, That where the collector of the county finds no property real or personal therein, of persons in arrear, to satisfy the tax due by this act, such collector is hereby authorized and required 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 cent. on the amount of all sales.

Sec. 18. And be it further enacted, That every person or persons refusing or neglecting to give in a list of his, her or their taxable property, agreeably to the directions of this act, shall forfeit and pay for every such neglect, the sum of one dollar for every free male above the age of twenty one years; and the sum of one dollar for every negro; the sum of eighty cents on every hundred dollars value of every lot, wharf, or other lands not herein already enumerated; and on all buildings within the limits of any town, village or borough within the same, to be paid by the master or owner thereof, and to be recovered by bill, plaint or information, before any court of record; the one half thereof to go to the informer and the other half to the use of the county where such information is made, except where the prosecution is carried on by presentment, and in that case, the whole shall be applied to the use of the county;—Provided always, That such information or presentment be made within twelve months after such neglect or default.

Sec. 19. And whereas divers persons, non-residents of this State, import large quantities of goods, wares and merchandize, and evade the payment of taxes, by not being in this State, at the time usually prescribed for making returns for taxes; for remedy,

Be it enacted, That any non-resident who shall expose to sale any goods in this State, shall on his arrival, or within seven days after entering the same, make returns, 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.

Sec. 20. And be it further enacted, That it shall be the duty of the judges of the Superior courts at their next term, after the returns of the receiver of taxable property, shall have been made agreeably to this act, to give it in charge to the grand juries of the several counties, that they do present all such persons as may be defaulters under this act.

Provided nevertheless, That where any person or persons who may be a defaulter, shall
before any information or presentment be made against him or them, go to the clerk of
the Superior court of his county, and give in a list of his property upon oath, in the
same manner as ought to have been given to the receiver, such person or persons shall be
exonerated from the pains and penalties of this act, and each person shall pay to such
clerk, for taking such list, the sum of fifty cents, and every such clerk shall return to
the collector of his county, on or before the first day of December, one thousand eight
hundred and five, a true list of such property, and also transmit to the treasurer a return
thereof, on or before the first day of February following.

Sec. 21. And be it further enacted by the authority aforesaid, That the tax imposed
by this act, shall be paid and collected in specie, bank bills of the United States, or of
the different branches thereof; Governor's President and Speaker's warrants, agreea-
ably to the order of the present legislature, and nothing else; and no replevin shall lie, or
any judicial interference he had in any levy and distress for taxes under this law, but that
the party injured be left to his own proper remedy in any court of law.

And whereas, in conformity to the tax law of one thousand seven hundred and ninety-
five; many persons had returned their lands in the county where they lie, but have since
taken advantage of the law of one thousand seven hundred and ninety-six, and paid the
taxes in the counties where they reside, and the collectors still stand charged with the
amount of the returns so made.

Sec. 22. Be it enacted, That the treasurer be, and he is hereby directed and author-
ized to credit any tax collector, with the amount of returns made of land by persons resi-
ding 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 collec-
tor of the county where the owner, trustee, agent, attorney or guardian may reside,
requiring such collector to shew whether the taxes have or have not been paid to him,
and if not, the said collector is authorized and required to proceed against such owner,
agent, trustee or guardian as in cases of default.

Sec. 23. And be it further enacted by the authority aforesaid, That any receiver ma-
kimg a false return, expressive of more or other than is to him given, shall forfeit and
pay to the party aggrieved a sum equal to double the amount of the taxes 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 ag-
grrieved, for every such offence, four-fold on the sum so unlawfully received, to be reco-

* See act of 1805, No. 192, repealing this clause, and vesting the power in clerks of the Inferior court—and
see act of 1807, No. 296, repealing that part of this section, making it the duty of Grand Juries to present
defaulters.
verified 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.

SEC. 24. And be it further enacted, That in case any collector of taxes for any county in this State, shall not settle his accounts with the treasurer, and pay in the amount of his collection, by the time pointed out by this act, the treasurer shall publish in one of the gazettes of this State, a notification, requiring all and singular the tax collectors who may be in arrears, to come forward and settle their accounts, and pay the balance they may respectively owe, into the treasury within two months from the date of such notification, which shall be regularly published six weeks successively, stating the sums due by such collectors, their names and securities; and in case of failure to make settlement, and pay in the monies as aforesaid, the treasurer is authorized and directed to issue his execution against every collector so in default, directed to all and singular the sheriffs of this State, and transmitted to the sheriff of the county for which the collector is appointed, who is required to levy the same immediately, if there is any property of the defendant's 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 sums due, or the legality of the execution.

SEC. 25. And be it further enacted, That the collectors to 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 each 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 said county, who shall add the same to the digest previous to such collectors 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 digest to the treasurer and receiver as aforesaid, he shall forfeit double the amount so received, to be recovered by execution to be issued by the treasurer as in cases of default, on information thereof to the treasurer.

SEC. 26. And be it further enacted, That all former collectors in default, shall within sixty days after the passing of this act; return a digest to the treasurer, and another to the receiver of all monies received, or which they may receive from defaulters as aforesaid, in the manner herein pointed out, and on failure thereof, shall be subject to execution, and the penalties which collectors under this act are subject to.

SEC. 27. And be it further enacted, That on the first Monday in January annually, the justices of the Inferior courts and justices of the peace of the respective counties of
this State, shall be, and they are hereby authorized and required to elect the receiver or receivers of the returns of taxable property, (as the case may be) for the time being, and collectors of taxes in their respective counties.

SEC. 28. And be it further enacted, That it shall be the duty of the sheriffs of the respective counties of this State, and they are hereby authorized and required, when a sale shall have taken place under and by virtue of an execution issued by the treasurer of the State, under the directions of this act, against any defaulting tax collector, and the property of such defaulting tax collector, shall have been sold for monies due the State, to deliver the possession of the property so sold, to the purchaser or purchasers thereof; and if the said defaulter or any other person or persons who may be in possession of the said property so sold, shall refuse to deliver up the same upon being called on by the sheriff of the county for that purpose, it shall be the duty of such sheriff, and he is hereby required to dispossess the said defaulting tax collector, or any other person or persons who may be in possession of the property sold, and deliver the same to the purchaser or purchasers thereof, their agent or attorney, for which purpose if needful, he shall call on the commanding officer of the militia of the county, where the property is situated, to render the necessary assistance, who is hereby required to order out the same.

And whereas the tax act of the year one thousand eight hundred and two, requires non-residents either by themselves, or their agents, to give in their returns and pay their taxes, in the respective counties in which their lands lie: And whereas the tax law of one thousand eight hundred and three, intended in this regard to remove difficulties and inconvenience, about which latter act considerable doubts are entertained.

SEC. 29. Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the agents, attorneys, or representatives of non-residents to give in returns and pay taxes for the lands of such non-residents in the county where such agent, attorney or representative may reside, and where the provisions of the tax acts for the years 1802, and 1803, so far as respects the returns for non-residents have not been complied with, the agents, attorneys, or representatives of such non-residents, are hereby authorized to pay to the tax collector of the county where such agent, attorney, or representative may reside, all taxes due on the lands of such non-residents, for the said years 1802 and 1803, and the tax collectors are hereby directed so receive the same.\(^{\text{3}}\)

SEC. 30. And be it further enacted, That it shall be the duty of the sheriffs in each county, to receive from the tax collector therein, all executions that may be tendered to

---

\(^{3}\) See act of 1802, No. 467, requiring lands to be given in by non-residents or their attorneys, in the county where the land lies.

---
(No. 175.) [Law]

him for taxes, and to levy and collect the same, and to make due returns to the said collector within thirty days after the receipt of each execution, where personal property is levied on, and where it shall be real estate sixty days; for which the said sheriff, shall receive such pay as by law is directed in cases of tax collectors executions, levies, and sales, and in case of default or neglect of duty, the justices of each inferior court shall from time to time, on the application of the tax collector, make such rules and regulations as shall cause a due execution of the collection of the general and county tax in each county as aforesaid.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

(No. 176.)

AN ACT.

To amend an Act, entitled "An Act, for regulating the inspection of Tobacco." [Law]

WHEREAS it has been found by experience, that the laws heretofore passed, are not sufficient to guard against the fraud and imposition, which too frequently takes place in the execution of the inspection laws, and that the prices allowed for storing tobacco is not sufficient to reward or compensate the different proprietors for the trouble and expense of keeping the ware-houses in sufficient repair.

SEC. 1. BE it therefore 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 inspector or inspectors, picker or pickers, belonging to any ware-house shall presume to purchase or manufacture any tobacco, within the time for which he or they are appointed, and being thereof convicted upon indictment in the superior court of the county, shall be incapable of ever after serving as inspector or picker, (as the case may be) in this State, and shall moreover be fined in a sum not exceeding five hundred dollars, one half to the informer, who shall prosecute, and the other half to the county.

SEC. 2. And be it further enacted, That each inspector and picker, before entering on the duties of his appointment, shall take and subscribe the following oath respectively, viz:—
INSPECTOR’S OATH.

I DO solemnly swear, that I will diligently and carefully view, examine and inspect all tobacco delivered me for inspection at the ware house, 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, and merchantable, and clear of trash; and that I will cause to be burnt all tobacco which may be refused within two days after such refusal, and that I will not change, alter or give out any tobacco, other than such hogsheads 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, and that I will not purchase or manufacture any tobacco during the time that I am appointed inspector, either directly or indirectly. So help me God.

PICKER’S OATH.

I DO solemnly swear, that I will carefully pick such refused tobacco that I may have charge of, and will faithfully, and truly make a return of the net proceeds thereof, without waste or embezzlement to my knowledge, that I will not purchase any tobacco during the time that I am appointed picker, and that I will not be concerned in the manufacturing of tobacco, either directly or indirectly. So help me God.

Sec. 3. And be it further enacted, That the proprietors or owners of each ware house, shall be entitled to demand and receive for the storage of each hogshead of tobacco inspected at their ware house, the sum of thirty one and a quarter cents: Provided the said hogsheads does not lay longer in said ware house than one year; and for every month after the year, the owners or proprietors shall be entitled to charge, demand and receive the sum of eighteen and three quarter cents, which duty of storage shall be paid to the inspectors before the tobacco is removed from the ware house, and the inspectors shall pay over when demanded, to the proprietors or owners, the amount by them so received.

Sec. 4. And be it further enacted, That the inspectors of ware-houses shall be liable for any loss, damage or injury, which the owner of any hogshead of tobacco deposited in the ware house may sustain, at the suit of the party injured, unless it shall be made appear by the defendant that the loss, damage or injury was sustained by unavoidable accident. And if any loss, damage or injury shall be suffered or sustained by the inspectors, from any neglect or omission by the proprietors, in not providing good and secure houses for the safe keeping of all tobacco deposited, the said proprietors shall be liable for such loss, damage or injury to the inspectors.

G 2
Sec. 5. And be it further enacted, That all former acts, or parts of acts, contrary or repugnant to this act, be and they are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 2, 1805.

JOHN MILLEDGE, Governor.

(No. 177.)

AN ACT

To amend an act, passed the seventeenth day of December, 1793, and an act passed the tenth day of December, 1803, regulating quarantine in the port of Savannah, and other places within the limits of the said city of Savannah.

WHEREAS it is highly expedient that the corporation of the city of Savannah should exercise the power of compelling vessels coming from ports or places, suspected to be infected with contagious or malignant diseases, to perform quarantine; and whereas doubts have arisen whether the said corporation is invested with such power under existing laws, for the removal of which doubts,

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That from and after the passing of this act, it shall be lawful for the corporation of the city of Savannah, whenever they shall have reason to suspect that any vessel or vessels, person or persons, has or have sailed, or come from any port or place infected, or supposed to be infected with any malignant or contagious disorder, by resolution or order to require and compel the said vessel or vessels, so arriving, or person or persons to come to anchor, or stop at any place by said resolution or order pointed out, until an examination is made by the health officer as to the state and condition of the said vessel or vessels, person or persons, and until sufficient purification shall have taken place, and a certificate of the health officer obtained to that effect.

Sec. 2. And be it further enacted by the authority aforesaid, That all and every part or parts of the above recited acts, not repugnant to this act, shall be and is hereby declared to be in full force.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 2, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To alter and amend an act, entitled, "An Act for the better regulation of the town of Sunbury."

WHEREAS the justices of the peace in the county of Liberty have neglected to hold an election for commissioners of the town of Sunbury, to the great injury of the said town—for remedy whereof,

Sec. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, That so soon as may be, after the passing of this act, the justices of the inferior court for the county of Liberty, shall be authorized and required to call an election for that purpose, giving ten days notice of the same at the most public place in said town.

Sec. 2. And be it further enacted, That in case of failure at any future period to elect commissioners on the day pointed out by the above recited act, it shall be the duty of the inferior court, on being informed of such failure, to advertise an election as aforesaid, which shall be held and conducted in the same manner, and under the same regulations, as elections are by law held in like cases, any thing to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 2, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To authorize and empower the Mayor and Aldermen of the city of Savannah, to assess and levy a tax for the purpose of establishing a regular watch in the said city.

WHEREAS the present manner of guarding the city of Savannah under the patrol law, is found by experience not to afford the necessary protection, and to operate unequally and injuriously on the inhabitants—for remedy whereof,
(No. 179.)

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is enacted by the authority of the same, that it shall and may be lawful for the mayor and aldermen of the city of Savannah, as speedily as may be after the passing of this act, to raise and establish a regular watch, to consist of such number of men as they shall deem sufficient for the security and protection of the said city, which watch shall be under the superintendence, control and direction of the mayor and aldermen, or such other person or persons as they shall or may nominate and appoint to superintend and direct the same.

SEC. 2. And be it further enacted by the authority aforesaid, that for the purpose of paying and maintaining the said watch, it shall and may be lawful to and for the mayor and aldermen of the said city, and their successors in office, to assess and levy, and they are hereby authorized and empowered to assess and levy an annual tax on all persons and property within the said city liable to pay tax by the general tax laws, which tax shall be assessed and levied in such manner as the said mayor and aldermen shall deem most advantageous and least inconvenient or burdensome to the citizens.

SEC. 3. And be it further enacted, that from and after the establishment of the said watch, the operation of the patrole laws in the said city of Savannah shall cease and determine.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 2, 1805.

JOHN MILLEDGE, Governor.

(No. 180.)

AN ACT

For the better regulation of the town of Darien. *

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, that the town of Darien, laid out on the river Alatamaha, in the county of McIntosh, shall be, from and after the passing of this act, vested in five commissioners, and that William A. Dunham, Virgil H. Vivion, John L. K. Holzendorf, George Street and Scott Cray, be appointed commissioners thereof, who, or a

* See act of 1808, No. 387, further to regulate.
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 said town, by him to be recorded in the office of the surveyor general of this State.

Sec. 2. And be it further enacted, That in case of death, resignation, 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.

Sec. 3. And be it further enacted, That the commissioners so appointed, shall have full power and authority, over all streets, allies, lanes and wharves, and to make such bye-laws and regulations, and inflict and impose such fines and forfeitures as shall be conducive to the good order and government of the said town, provided such bye-laws and regulations be not repugnant to the laws and constitution of the State.

Sec. 4. 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 Darien, for raising such sum or sums of money as the said commissioners or a majority of them shall judge necessary for and towards carrying this act into execution; and in case of a refusal or neglect to pay such rate or assessment, the same shall be levied and recovered by warrant of distress, and sales of the offenders goods, under the hands and seals of the said commissioners or a majority of them.

Sec. 5. And be it further enacted, That the commissioners or a majority of them are hereby authorized and empowered to appoint a clerk, treasurer and constables, (affixing the salaries and fees of such officers respectively) as shall appear to them requisite and necessary, for carrying into effectual execution all the bye-laws, rules and ordinances they may make, for the good order and government of the said town and the persons residing therein.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 2, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To establish a warehouse and inspection of Tobacco on lands of John D. Terrell on Tugaloe river, in Franklin county.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That there shall be an inspection of tobacco and a warehouse established on lands of John D. Terrell, on Tugaloe river, in Franklin county, on the Bluff which borders on the Indian shoal below Mullin's ford, the place to be called Wilton.

Sec. 2. And be it further enacted, That James H. Little, Thomas P. Carnes, Larkin Cleveland, and John D. Terrell, be appointed to lay off the same; which said warehouse shall be subject to such rules and regulations as other warehouses in this State now are, or hereafter may be.

ABRAHAM JACKON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To repeal an Act, entitled "An Act to establish an academy, or seminary of learning at Sunbury, in the county of Liberty so far as respects commissioners.

WHEREAS the said act authorized an addition of two commissioners to the former number, in consequence of which, great injury will result to the institution.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That from and after the passing of this act, the number of commissioners shall be but five, and that those five now in office, or a majority of them, shall have all the powers to act in all things respecting said academy, that were given the former seven commissioners.
Sec. 2. And be it further enacted, That so much of the before recited act, as may (No. 182.) militate against this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT*  

To authorize the justices of the inferior court of Franklin county, to lay an extra tax for the purpose of building a court-house and jail in said county, and making permanent the seat of the public buildings in said county.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the justices of the Inferior court for the county of Franklin, are hereby authorized to impose a proportionate extra tax on the inhabitants of said county, annually for the term of three years in succession, not exceeding one moiety of the annual general tax, which said tax shall be collected in the same manner as the general tax; out of which sum, the tax collector shall be entitled to receive two and one half per centum for his services and the monies so arising from the extra tax, as aforesaid, shall be appropriated as a part of the county funds, for the special purpose of building a court house and jail in said county.

Sec. 2. And be it further enacted, That the justices aforesaid, shall within six months from the passing of this act, let the said buildings by public outcry to the lowest bidder, at the place contemplated, for said buildings to be erected, which shall be at Carnesville, after giving twenty days public notice, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

* See act of 1806, No. 224, altering and repealing this act.
AN ACT

To increase the funds of the Independent Presbyterian Church in the city of Savannah.

Preamble.

WHEREAS the Independent Presbyterian Congregation of the city of Savannah, did, under the provincial government, obtain in the said city a lot, known in the plan of said city by letter K. to build thereon a church to be denominated the Independent Presbyterian Church, which was accordingly built and remained dedicated to the service of the Almighty God, until the same was destroyed by fire.

And whereas, there is not at present any successors of the original trustees of said congregation alive, authorized to take upon themselves the charge and care of said church lot, and execute religious objects and desires of said congregation, excepting Barrach Gibbons, esq. who has the uncontroled government, management and disposition thereof.

BE it therefore enacted, That Joseph Bryan, and Josiah Gibbons Telfair, be, and they are hereby appointed as trustees in aid and addition to the said Barrach Gibbons, to continue in office, to encrease the funds and to rebuild the church on lot K. to be denominated and known by the Independent Presbyterian Church in the city of Savannah.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To alter and change the name of Thomas Kyes, to that of Thomas Allen.

Preamble.

WHEREAS by the petition of William Allen, it doth appear that he hath lately intermarried with Sarah Kyes, the mother of a male child, known by the name of Thomas Kyes, of which child he is the reputed father: And whereas it is the wish of said Allen, that the name of the said child, be altered and changed to that of Thomas Allen.

* See act of 1806, No. 249, section 6th repealing this act.
BE it therefore enacted by the Senate and House of Representatives of the State of (No. 185.) Georgia, in General Assembly met, and it is enacted by the authority of the same, That from and after the passing of this act, the said child now called Thomas Kyes, shall be called and known by the name of Thomas Allen.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT (No. 186.)

To alter and change the name of Daniel Sharp, to Daniel Nunez.

WHEREAS Daniel Sharp of Burke county, by his petition to the legislature, setting forth that he is the son of Mary Sharp, deceased, by his reputed father Samuel Nunez, and praying that he as well as his wife Nancy may bear his name.

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, it shall be lawful for the said Daniel Sharp, and his wife Nancy, to take, be called, and known by the name of Daniel Nunez and Nancy Nunez.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To authorize the justices of the inferior court of the county of Wilkes, to levy and collect an extra county tax, for county purposes.

WHEREAS the public jail of Wilkes county stands in need of considerable repairs, and the provision heretofore made for the poor of said county has proved to be insufficient—for remedy whereof,

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the inferior court of the county of Wilkes be, and are hereby authorized to levy an extra tax upon the inhabitants of the said county, equal to one seventh part of the general tax for the year 1805, which said county tax, shall be collected by the collector of said county for the year aforesaid, and by the said collector shall be paid to the said inferior court, for the purposes and uses herein after mentioned, viz:—So much of the said money as shall be necessary to put the said jail in a complete state of repair, shall by the said court be applied for that purpose, and the remainder of the money so collected and paid over, shall by the said court be applied to the maintenance and support of the poor of said county.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To secure to churches or religious societies, the lots of land conveyed to them for erecting churches and meeting houses.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That all deeds of conveyance heretofore made, and which may hereafter be made by any person or persons, for any lots of land within this State, to any church or religious society, or to trustees for the use of any church or religious society, for the purpose of erecting churches or meeting houses, are and shall be.
deemed and taken to be good and valid, and available in law, for the intents, uses and purposes contained in such deeds of conveyance: and all lots of land so conveyed, shall be fully and absolutely vested in such church or religious society, or in their respective trustees, for the uses and purposes in the said deed expressed; to be holden to them or their trustees for their use, by succession, according to the mode of church government, or rules of discipline exercised by such churches or religious societies respectively.

**SEC. 2.** And be it further enacted by the authority aforesaid, That all trustees, to whom conveyances are or shall be made for the purposes herein before expressed, shall be subject to the authority of the church or religious society, for which they hold the same in trust, and may be expelled from the said trust, by such church or society, according to the form of government or rules of discipline by which they may be governed. And every church or religious society shall be, and they are hereby authorized and empowered to fill up all vacancies which may happen in the said trusts, by death, removal, expulsion or otherwise; and when any vacancy shall be filled up, the same shall be certified under the hand or hands of the person or persons presiding in the said society, and according to the form of government or discipline practised by the said church or society; which certificate shall express the name of the person appointed to fill the vacancy, and the name of the person in whose place he shall be appointed, and the said certificate being recorded in the office of the clerk of the superior court of the county in which the land lies; the persons so appointed to fill such vacancy, shall be as fully vested with such trust, as if a party to and named in the original deed.

**ABRAHAM JACKSON,** Speaker of the House of Representatives.

**JARED IRWIN,** President of the Senate.

Assented to, December 3, 1805.

**JOHN MILLEDGE,** Governor.

---

**AN ACT**

For the better regulation and government of the town of Sparta, in the county of Hancock.

**SEC. 1.** Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That Thomas Lan-
(No. 189.)

Be it enacted, That Archibald Martin, James H. Jones, Samuel Hall and Willie Abercrombie, be, and they are hereby appointed commissioners of the town of Sparta, 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.

Sec. 2. And be it further enacted, That the said commissioners shall hold their respective appointments hereby given, until the first Monday in January, in the year 1807, at which time, and on every subsequent first Monday in January thereafter, the citizens of Sparta, entitled to vote for members of the general assembly, shall convene at the court house in said town, and there, between the hours of ten and two o'clock of the same day, choose by ballot five freeholders as commissioners of said town, and they, or a majority of them, shall have, and are hereby vested with full power and authority to make such bye-laws and regulations, and impose such fines and forfeitures as in their judgment shall be conducive to the good order and government of the said town of Sparta: Provided, That such bye-laws and regulations be not repugnant to the laws and constitution of this State.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT

(No. 190.)

To alter and change the names of Betsey Burton, Sally Burton, and Matilda Burton, minors.

WHEREAS Solomon Page, hath set forth, that he is the reputed father of Betsey Burton, Sally Burton and Matilda Burton, and being desirous that they should bear his name:

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 from and immediately after the passing of this act, that it shall be lawful for the said Betsey Burton, Sally Burton and Matilda Burton, minors, to take, and be called, and known by the names of Betsey Page, Sally Page and Matilda Page.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.
AN ACT
(No. 191.)

To authorize the justices of the inferior court of the county of Bryan, to levy a county tax, not exceeding one third part of the general tax, and to authorize the said court to collect the monies arising from the rents of the glebe land in said county, and to appropriate the same to the defraying county expenses.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met and by the authority of the same, That the justices of the inferior court of the county of Bryan, or a majority of them, be, and they are hereby authorized and empowered to levy a county tax on said county, not exceeding the one third part of the general tax, and the tax collector of said county shall collect said tax in the same manner, and shall receive the same compensation, in proportion as he does the general tax.

SEC. 2. And be it further enacted, That the said justices of the said court, be, and they are hereby authorized and empowered to collect and receive all or any monies that is or may become due said county, arising from the rents of the glebe lands as aforesaid.

SEC. 3. And be it further enacted, That the said justices of the said inferior court, be authorized to dispose of the monies arising from the tax and rent aforesaid, to the defraying the county expenses, to wit: clerks of the courts, sheriff, repairing a court house, jail, bridges and poor.

SEC. 4. And be it further enacted by the authority aforesaid, That all laws or parts of laws heretofore passed, that militates against this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 4, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To amend and continue in force "An Act to raise a tax for the support of government for the year one thousand eight hundred and five," until the meeting of the next General Assembly, and from thence until the same shall be repealed.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the act to raise a tax for the support of government, for the year one thousand eight hundred and five, with the amendments hereinafter expressed, be, and the same is hereby declared to be in force until the meeting of the next General Assembly, and from thence until the same shall be repealed.

SEC. 2. And be it further enacted by the authority aforesaid, That the clerks of the superior courts shall not be at liberty to receive any return of taxable property as directed in the before recited act; but it shall be the duty of the clerks of the inferior courts in the different counties, at any time before a digest of the taxes shall be completed, (and not after) on application on oath, which shall be the same and administered by the said clerk, as pointed out in the act aforesaid, and shall keep a regular list of the names and property of the person or persons so giving in, and by him to be returned in the digest deposited in his office, and a certified copy to the receiver of tax returns by him to be entered in the books to be put in the hands of the collector and deposited in the controller's office.*

SEC. 3. And be it further enacted by the authority aforesaid, That there shall be a tax of two and an half per cent,† levied and collected on the amount of capital of any bank or banks, office or offices of discount and deposit within this State, and the further sum of one half per cent, on the amount of bills issued from any such bank or office of discount and deposit, over and above the amount or capital as aforesaid, which shall be returned on oath by the cashier or directors thereof, and collected and paid into the treasury of this State, by the tax collector of the county in which such bank or office of discount and deposit is or may be established, in the same manner as pointed out in and by the aforesaid act, and if the cashier or directors of any such bank or office of discount and deposit, shall neglect or refuse to give in the amount of capital, or bills as aforesaid, it shall be the duty of the receiver of tax returns and the collector of taxes, to proceed against such cashier or directors in the same manner as against persons in

* See act of 1808, No. 340, section 1, supplemental to this section.
† See act of 1806, No. 222, reducing this tax upon bank stock, to 31 1-4 cents per hundred dollars, on the amount of capital—provided the directors will return the same to the receiver, and see act also of the same year, No. 267, section 6, establishing unconditionally this sum as a tax on said bank.
default, or who have neglected or refused to return the amount of taxable property by
him, her or them claimed, and if no property can be found belonging to the proprietors
or share holders of such bank or office of discount and deposit, whereof the amount of
tax can be levied as returned by the cashier or directors, or assessed by the receiver of
tax returns in case of default, the cashier and directors of such bank or office of discount
and deposit are hereby declared and made liable and answerable in their own private
capacity, and the tax collector is hereby authorized and required immediately to pro-
cceed by levy and sale, as pointed out by the aforesaid act, against the private property
such cashier and directors, until the whole amount is collected.

SEC. 4. And be it further enacted, That the collectors of taxes for the counties of
Wayne, Wilkinson, and Baldwin, shall give bond with sufficient security as follows:

For the county of Wayne, in the sum of one thousand dollars; for the county of
Wilkinson, in the sum of four thousand dollars; and for the county of Baldwin in the
sum of five thousand dollars, and shall subscribe and take the oath as laid down by the
said tax act, and the receivers of tax returns for the said counties, shall give bond and
sufficient security in the sum of two thousand dollars, to be taken by the justices of the
inferior courts of their respective counties, which said tax collectors and receivers shall
be appointed by the justices of the inferior courts of the said counties, on the first Mon-
day in January next, and all lands lying within the said counties, shall be subject to the
said taxes as other lands of the same quality in the adjacent counties.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 4, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To repeal the latter part of the second section of the act to make distribution of the late
cession of land obtained from the Creek nation by the United States' commissioners,
in a treaty entered into the 16th day of June, 1802, and the 3d section of an act to
compel trespassers on the lands south of the Oconee, lately ceded by the Creek Indians,
to return within the settled limits of the State.

Be it enacted by the Senate and House of Representatives of the State of
Georgia, in General Assembly met, and by the authority of the same, That the latter
part of the second section of the act to make distribution of the late cession of land obtained from the Creek nation, by the United States' commissioners, in a treaty entered into at or near Fort Wilkinson, on the sixteenth day of June, 1802, that is to say, "reserving nevertheless, to the fortunate drawers, respectively, of the tracts or sections of land adjacent to such fractional parts of surveys or islands, a preference for twelve months from and after the completion of the drawing of the lottery contemplated by this act, and the right to purchase such fractional parts of surveys or islands at such rates as may be stipulated by law, except such islands as contain above one hundred acres, which shall be drawn for in the manner pointed out by this act;" and the third section of the act to compel trespassers on the lands south of the Oconee to return within the settled limits of the State, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 5, 1805.

JOHN MILLEDGE, Governor.

AN ACT

(No. 194.)

To authorize the justices of the inferior court of the county of Greene, to lay an extra tax for the purpose of erecting a court-house and jail, and establishing the site thereof in the town of Greensborough.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the justices of the inferior court for the county of Greene, are hereby authorized and required to impose a proportionate extra tax on the respective inhabitants of said county, annually for the term of three years in succession not exceeding the one half of the annual general state tax of each inhabitant, which said tax shall be collected in the same manner and under the same restrictions, as are laid down for the collection of the general tax of this State, and when a sum so collected shall amount to five hundred dollars, it shall be the duty of the justices aforesaid, to contract with some fit and proper person or persons, to build a convenient court-house, and a sufficient jail in said county, and the monies so arising from the extra tax as aforesaid, shall be appropriated for the special purpose of paying for and completing the aforesaid buildings.
Sec. 2. And be it further enacted, That the site of the said court house and jail, shall be, and the same is hereby established in the town of Greensborough.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 5, 1805.

JOHN MILLEDGE, Governor.

AN ACT*

To amend an Act, entitled "an Act to regulate escheats."

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the court of ordinary when any alien, resident or non-resident, shall depart this life, intestate and without heirs in this State or the United States, to cause the estate and effects of such alien, without delay, to be safely collected, and a just and true inventory and appraisement thereof to be made, and after giving twenty days notice by advertisement in one of the public gazettes of this State, and at two or more public places in the county where such alien shall die, shall cause the said estate to be sold at public auction, and the proceeds of such sale to be paid into court, to be applied and disposed of in manner hereinafter mentioned.

Sec. 2. And be it further enacted by the authority aforesaid, That after such sale as above mentioned, shall have taken place and the proceeds paid into court, it shall be the duty of the said court of ordinary, and the said court is hereby required to cause public notice to be given by advertisement for the creditors of such deceased, to come forward within twelve months after the publication of such notice, and prove their debts to the satisfaction of the said court; and after the expiration of the said twelve months, the said court shall proceed to examine and ascertain the total amount due such creditors, and shall pay and satisfy each of the said creditors in whole or in part, as the estate of the deceased will admit, and the overplus, if any, shall be, after such payment as aforesaid, shall be disposed of as is directed by the escheat law.

* This act and the act of 1801, amended and explained by act of 1810, No. 556. 

I 2
Sec. 3. And be it further enacted, That the several escheators of this State, who have or may hereafter have or receive any monies arising from the sales of such estates as aforesaid, shall upon the requisition of the court of ordinary of the county, pay such monies into the said court within twenty days after he shall be required so to do by the said court; and in default thereof, shall forfeit and pay double the sum which such escheator shall have received and have in his hands as aforesaid, to be recovered by action of debt in any court having jurisdiction thereof.

Sec. 4. And be it further enacted, That the act "to regulate escheats," so far as the same militates with this act be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.  
JARED IRWIN, President of the Senate.  

Assented to, December 5, 1805.  

JOHN MILLEDGE, 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 John Boykin, sen'r.

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 so much of the before recited act as respects the banishment of John Boykin, sen'r. of Screven county, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.  
JARED IRWIN, President of the Senate.  

Assented to, December 5, 1805.  

JOHN MILLEDGE, Governor.
AN ACT  

To alter and amend an act respecting Vendue-Masters, so far as to authorize the appointment of another Vendue-Master in the city of Augusta, and in the town of St. Mary.

WHEREAS it is represented to the legislature, that it is necessary to increase the number of Vendue-Masters in the city of Augusta, and in the town of St. Mary.

BE IT therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That henceforward the said city of Augusta and town of St. Mary, shall be entitled to have two Vendue-Masters, to be appointed by joint resolution of both branches of the legislature, and who shall in all respects proceed and conduct themselves in conformity to the acts heretofore passed for regulating vendues, for and during the time they may be in office.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 5, 1805.

JOHN MILLEDGE, Governor.

AN ACT  

To alter and amend an Act, entitled an Act to carry into effect the sixth section of the third article of the constitution, and to amend an Act entitled an Act to carry into effect the sixth section of the fourth article of the constitution, touching the distribution of intestate estates, directing the manner of granting letters of Administration, letters Testamentary, and Marriage Licenses, and to prevent entails, passed on the 16th day of February, 1799.

SEC. 1:  

BE IT enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That a court of ordinary be held in every county of this State, on the first Monday in January next, and on the first Monday in every second month thereafter; and if it shall be thought necessary by such court, at any term 

Court of ordinary to sit every two months, commencing on the first of January 1806.
thereafter, it may adjourn to the first Monday* in the month thereafter; except the county of Camden, where it shall be the duty of the justices of the inferior court to hold a court of ordinary immediately after the adjournment of the inferior court of said county, and to adjourn said court of ordinary to such time as they may deem necessary.

SEC. 2. And be it further enacted, That no administrator shall be allowed to sell any slave or slaves, belonging to the estate of his intestate, but where the other personal estate, together with the hire of such slave or slaves for twelve months, shall be insufficient to discharge the debts, due by the estate, or where one or more slaves shall be subject to distribution, and an equal division thereof cannot be made in kind, it shall be lawful for the court of ordinary, by which administration was granted, to direct the sale of such slave or slaves, Provided always, that such distributee, or his, her or their guardian shall receive twenty days notice, in writing, previous to the granting of such order, to shew cause if any he or they can, against such sale.

SEC. 3. And be it further enacted; That from and after the passing of this act, it shall be the duty of all administrators, of sales to be made by them, to put up the property to be sold in such manner and quantity as shall be deemed most advantageous to said estate.

SEC. 4. And be it further enacted by the authority aforesaid, That the said courts of ordinary upon application made by any administrator, guardian or distributee, of any estate, after the expiration of two years from the date of such letters of administration, shall appoint three or more freeholders of the county in which such application shall be made, whose duty it shall be to divide the said estate, subject to distribution into as many parts or shares as there are distributees, and assign, by lot or otherwise, as to them shall seem proper, one of the said parts or shares to each distributee, or his, her or their guardian, or legal representative, the said distributee or his or their guardian or legal representative first giving bond and approved security to the said administrator, to refund his or her proportionable part, of any debt which may be afterwards established against the said estate, and the costs attending the recovery of such debt, Provided always, the party so applying shall give to all the parties in interest, written notice thereof twenty days before the meeting of the court at which the said application is made. And provided also, That the person so making distribution, shall be previously sworn to make the same according to justice and equity, without favor or affection to any of the parties, to the best of their skill and understanding.

SEC. 5. And be it further enacted, That whenever securities for executors, administrators or guardians, conceive themselves in danger of suffering thereby, and petition the court of ordinary for relief, the said court shall cause the executor, administrator,
or guardian, to be summoned to appear before them at the next sitting thereof and shall make such order, and give such relief in the case, by counter security or otherwise, as to the said court shall seem just and equitable.

SEC. 6. And be it further enacted, That when it shall be made to appear to the satisfaction of the court of ordinary, that any executor or executors of an estate are in insolvent circumstances, and that the estate is likely to be wasted by the improper conduct of such executor or executors, it shall be the duty of said court, by order, to compel such executor or executors to give bond with approved security for the faithful execution of the trust reposed in him, her or them, by the said will, and in case of failure to comply with such order, to grant letters of administration, with the will annexed to such person as would be entitled thereto if no such executor had been appointed.

SEC. 7. And be it further enacted by the authority aforesaid, That where there has been a contract or contracts in writing for the sale of land, and the party to whom titles are to be made dies before such titles are executed, it shall and may be lawful for the court of ordinary to order the title or titles to be made to the heirs general of the party deceased.

SEC. 8. And be it further enacted, That where any person or persons shall depart this life after having entered into any written agreement for the conveyance of any real estate, the obligee shall also have departed this life, the executors of the obligor shall in like manner make and execute a conveyance or conveyances to the heirs of the obligee.

SEC. 9. And be it further enacted by the authority aforesaid, That it shall be the duty of all ministers of the gospel, judges, justices of the inferior courts, or justices of the peace, who shall hereafter join together any person in the bonds of matrimony, to make a return on the marriage license of the actual intermarriage of the parties, and the day in which the same was solemnized, to the clerk of the court of ordinary, whose duty it shall be to enter the same in a book to be kept by him for that purpose, for which he shall be entitled to ask and receive the sum of twenty-five cents, which shall be paid when such license shall be granted; which register, or a certified copy thereof, shall be admitted as evidence of such marriage in any court where the solemnization of such marriage shall be called in question.

SEC. 10. And be it further enacted by the authority aforesaid, That this act shall not affect or operate on any administration heretofore granted.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 6, 1805.

JOHN MILLEDGE, Governor.

* See act of 1810, No. 519, directing how suits are to progress in such cases— and for other purposes.
AN ACT

To give further time to the commissioners of the town and academy of Washington, to carry into effect a lottery, for the benefit of that academy, as pointed out by an act passed the 12th day of December, 1804.

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the time given the commissioners of the town and academy of Washington, for the purpose of establishing a lottery to raise the sum of two thousand dollars, for the benefit of said institution, be, and the same is hereby extended until the first day of October, 1807; any thing to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 6, 1805.

JOHN MILLEDGE, Governor.

AN ACT

Authorizing the Inferior Courts in each county within this State, to establish ferries and bridges, and such rates for crossing thereat, as to them may appear reasonable, and to authorize the erection of a toll-bridge on Canouchee, in Liberty county.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That the Inferior Courts in the several counties in this state, are hereby empowered, if they should deem it necessary, on application being made, to authorize the establishment of such ferries or bridges, as they may think necessary, other than where ferries and bridges have been already established by law, and to allow such rates for crossing thereat, as are usual or customary on water courses of the same width; Provided nevertheless, that the legislature shall at all times retain the power of making such alterations in the establishments made by the justices of the inferior courts, as to them may seem proper.

SEC. 2. And be it further enacted by the authority aforesaid, That it shall be the duty of any person who may obtain such establishment, order or leave, to keep a good and sufficient ferry-boat or bridge, and to give due attendance thereat, and if any dam-
age should happen to any person or persons by reason of the insufficiency of such flat or bridge, the non-attendance or neglect of the ferryman or keeper of such bridge, the person so aggrieved or damaged, shall and may have and maintain an action against the owner of such ferry or bridge.

Sec. 3. And be it further enacted, That any two of the justices of the district in the county where such ferry or bridge may be established, on complaint to him or them by any person, that may have sustained damages by reason of non-attendance, neglect or insufficiency of the flat or bridge, to an amount not exceeding thirty dollars, which information shall be made on oath, to cause the owner of such ferry or bridge, to appear at the next justices court of the district where such ferry or bridge may be, to answer the plaintiff's complaint, which shall be fully set forth in the warrant, and also the day on which such injury took place; and the justices before whom the same may be tried, shall cause five disinterested persons, to be empanelled and sworn as jurors, to whom such case shall be submitted, and their verdict shall be the judgment of the court, and such proceedings shall be had thereon, as in other cases; Provided that when any person considers himself aggrieved or hath sustained damages, to an amount exceeding thirty dollars he, she or they so considering themselves aggrieved or damaged, may have and maintain in the superior or inferior courts of the county, an action against the owner of such ferry or bridge, and shall recover thereon, the amount which the jury trying the cause may assess.

Sec. 4. And be it further enacted That the inferior court of Liberty county, be and they are hereby authorized to permit the erection of a toll bridge over the river Canouchee, at the place known by the name of Well’s ferry, on Nathan Smart’s land as to the said court shall seem most proper, and to fix the rates of toll, which shall be paid by passengers; and the owner or the proprietor of such bridge, shall be subject to the same restrictions and regulations as are herein before prescribed, for the owners or proprietors of ferries or bridges; Provided, That nothing herein contained shall be construed to extend to defeat the claim of any person to the land on either side of said river.

Sec. 5. And be it further enacted by the authority aforesaid, That no ferry shall be established on any stream or watercourse, over which bridges are now erected, at the expense of any county or counties; Provided nothing herein contained shall extend or be construed to extend, to prevent the erection of bridges at public expense, at places other than those where bridges are now established.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN President of the Senate.

Assented to, December 6, 1805.
JOHN MILLEDGE, Governor.
AN ACT

To divorce James Brown and Abigail his wife.

Whereas it appears that the parties in the above recited case, have had a fair trial in the superior court, and a verdict hath been obtained authorizing a total divorce therefore.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and after the passing of this act, the matrimonial connexion or civil contract of marriage made between the said James Brown and Abigail his wife, shall be completely annulled, set aside and dissolved, as fully and effectually, to all intents and purposes, as if no such contract had ever heretofore been made or entered into between them.

Sec. 2. And be it further enacted, That the said Abigail Brown is hereby declared a feme sole, and she shall not in future be allowed on any pretence whatever, to charge the said James Brown, his heirs, executors or administrators, or his or their estate, with any debts or dues, of her contracting, or with actions of or for damages, for or on account of any tort, trespass or damages whatever, which shall be hereafter committed or done by the said Abigail Brown.

Sec. 3. And be it further enacted, That the said Abigail Brown and James Brown in future, be deemed and considered as distinct and separate persons, altogether unconnected by any mystical union or civil contract heretofore entered into between them: Provided, that the said Abigail Brown, shall be entitled to all the estate, real and personal, not now disposed of, that she brought into the family at the time of their intermarriage.

Abraham Jackson, Speaker of the House of Representatives.

Jared Irwin, President of the Senate.

Assented to, December 6, 1805.

John Milledge, Governor.
AN ACT

To establish the number of commissioners for the town of Milledgeville, and to extend and define their powers.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That from and after the passing of this act, the number of commissioners for the town of Milledgeville, shall not exceed five, and that they be appointed by joint ballot of both branches of the legislature, and they or a majority of them shall be, and they are hereby vested with all the powers heretofore vested in the seven commissioners appointed by an act of the last General Assembly of this State.

Sec. 2. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the said commissioners shall be, and they are hereby authorized and empowered to contract for the building a State-House, (which shall be of brick and according to the plan approved of by this legislature) in the town of Milledgeville, to such person or persons, and upon such terms as they in their judgment may think fit; provided the expense of said building shall not exceed sixty thousand dollars; the said commissioners taking bond with good security from the person contracting, in the sum of forty thousand dollars, for the faithful execution and performance of the work, on or before the first day of October, 1807.

Sec. 3. And be it further enacted by the authority aforesaid, That the said commissioners shall have the superintendance of all the public property within the limits of the town of Milledgeville, and shall make such regulations for the security and preservation thereof, as they may deem most conducive to the welfare of the said town, so that the same be not contrary to the constitution or laws of the land.

Sec. 4. And be it further enacted by the authority aforesaid, That the said commissioners be, and they are hereby authorized and empowered to lay off lots in addition to those already laid off in the said town of Milledgeville, and to sell such as in their judgment the public interest may require, provided they do not exceed one hundred, in the same manner, upon the same terms, and subject and liable to the same provisions and conditions, as in the act of the last legislature, is set forth for regulating the sales of the lots in said town.

Sec. 5. And be it further enacted by the authority aforesaid, That all monies, bonds or notes, arising from the sale of lots in the said town of Milledgeville,

* Authorized by act of 1810, No. 333, to sell twelve more lots, and the mode of payment pointed out.
shall be, by the commissioners aforesaid, deposited with the treasurer of this State, whose duty it shall be safely to keep the same, subject to the further order of the legislature of this State.

Sec. 6. And be it enacted, That if accommodations in the judgment of the commissioners, can be had for the members of the next legislature, and the State-House in such state as to admit the next session to be held thereat, it shall be the duty of the commissioners to notify his Excellency the Governor thereof, and his Excellency by proclamation to require the meeting of the next General Assembly thereat.

Sec. 7. And be it further enacted by the authority aforesaid, That so much of the act entitled an act to make the town of Milledgeville the permanent seat of government of this State, and to dispose of a certain number of lots therein, passed the 12th December, 1805, as militates against this act, be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 5, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To revise and amend an Act, entitled an Act, to alter and amend an Act, to empower the inferior courts of the several counties within this State, to order the laying out the public roads, and to order the building and keeping in repair, the public bridges, passed at Louisville, 10th December, 1805, so far as respects the counties of Bryan, Liberty, McIntosh, Glynn and Camden.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That all owners, managers or employers of male slaves, within their several districts or divisions, shall when summoned, deliver to the person summoning him, her or them, a list in writing of all male slaves from the age of eighteen to fifty years, signed by such owner, manager or employer, under a penalty of one hundred dollars; which list, the person or persons summoning, shall deliver to the commissioners or surveyors of such districts or
divisions, on or before the day to which they are summoned to appear. And the said commissioners are empowered to swear any owner, manager, employer, or summoner, giving, receiving or delivering such list, to the truth thereof; and of such service having been duly made; and the person or persons summoning as aforesaid, shall be exempt from his or their personal labor or attendance in such districts or divisions, for that tour of duty.

Sec. 2. Be it further enacted by the authority aforesaid, That in case any person or persons appointed to summons as aforesaid, shall neglect or refuse so to do, such person or persons shall severally forfeit the sum of thirty dollars for every such offence.

Sec. 3. And be it further enacted, That the cut-off in the county of M'Intosh, known by the name of the general's cut; shall henceforth be deemed and considered as a part of the public highway, and that the commissioners of said county are hereby authorized to apportion such number of hands from the district or districts of said county, as they in their judgment shall deem expedient, to open and keep in repair the said cut-off, for the convenience of the passage and repassage of boats.

Sec. 4. Be it enacted by the authority aforesaid, That captain John Holmes, John Gignilliat, esq. John Grantham, captain Sneed, John Fort and Thomas Armstrong, be, and they are hereby appointed commissioners of roads for said county, whose duty it shall be, immediately after the passing of this act, to convene agreeable to law, as pointed out in the before recited act, and proceed to lay out a road as follows, to wit: beginning at the causeway, on New-Hope creek, on the south side of the south branch of the Atalanta, taking the most direct route, so as to intersect the post-road at captain Tyson's, leading from Fort Barrington to St. Mary; Provided nevertheless, that nothing herein contained, shall be construed to prevent the working on, and improving the road at present leading to Fort-Barrington, at the discretion of the commissioners or a majority of them, who shall observe and conform to the several sections of this and the before recited act, regulating commissioners in laying off districts, and apportioning the labor, as herein before pointed out.

Sec. 5. And be it further enacted, That all persons liable to perform road duty, residing or being on any island, that the commissioners, in the county having jurisdiction over them, shall order and compel them to perform the duty required of them, on such district of road, as they may deem proper, and where the distance from their residence to the district to which they have to repair shall exceed ten miles by water or land, that then, and in that case, they shall be allowed one day for going to, and returning from such place of working.

Sec. 6. And be it further enacted, That nothing herein contained, shall be construed to compel white male inhabitants, so far as it respects the county of Camden to perform personal labor on any road whatsoever; but to attend armed and accoutred as militia (No. 203.)
(No. 203.) men, and be subject to such rules, orders and regulations, as the commanding officer of the battalion may prescribe or deem necessary; except such as the commissioners may appoint as overseers, to manage and superintend labor on said roads.

Persons to be appointed as constables in said districts.

SEC. 7. And be it further enacted by the authority aforesaid, That the commissioners of each district, or a majority of them, shall have full power and authority to appoint any person or persons within their respective districts, who shall act as constables in executing warrants under their hands and seals, for the recovery of fines and forfeitures incurred by this act, who shall receive the same compensation as is allowed in such cases to constables by law; and if any person so appointed, shall refuse or neglect to perform the duties required of him as constable, that for each and every refusal or neglect, they shall severally forfeit the sum of thirty dollars.

Repealing clause.

SEC. 8. And be it further enacted by the authority aforesaid, That the amendment of the road act, passed the 12th day of December, 1804, at Louisville, be, and the same is hereby repealed; and that so much of the act passed the 10th of December, 1803, as is contrary to this act, be also repealed, so far as respects the aforesaid counties.*

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT

(No. 204.) To amend an act to carry into effect the sixth section of the third article of the Constitution of this State.

WHEREAS the constitution of this State, in the said sixth section of the third article declares, That, "the powers of the 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," &c.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority thereof, That in case either

* See act of 1806, No. 268, amending all the road acts with regard to these counties and repealing all others:
party in the said courts of ordinary, shall or may be dissatisfied with any decision thereof, then, and in all such cases, such dissatisfied party may, within four days after the adjournment of the said court, be allowed to enter an appeal, by paying all costs which may have accrued, and giving security to the clerk of the said court of ordinary for such further costs as may accrue by reason of such appeal, which appeal so entered, shall be by the said clerk transmitted to the clerk of the superior court of the county in which such proceedings may take place, at least ten days before the next superior court of said county; and which said superior court shall determine thereon at such term, according to law and right, and letters testamentary, or of administration, shall not be granted or issued until the decision of such appeal by the said superior court; but the said court of ordinary may, pending such appeal, grant temporary letters to collect the estate of the deceased.

Sec. 2. And be it further enacted by the authority aforesaid, That no letters testamentary,* or of administration, shall be granted to any person or persons who is or are not a citizen or citizens of the United States, residing in the State of Georgia.

Sec. 3. And be it further enacted, That all acts heretofore passed, militating against this act, shall be, and the same are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.
(No. 205.) Ejectment or any other suit or action whatsoever, at any time hereafter, to be sued or brought for the recovery of any lands or tenements, by occasion or means of any title which may hereafter descend, happen or fall, shall be sued and taken within seven years next 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. Provided nevertheless, That if any person or persons that is or shall be entitled to such suit or action, be, or shall be at the time of right or title first descended, accrued, come or fallen within the age of twenty one years, feme covert, non compos mentis, or imprisoned, that then such person or persons shall be at liberty, notwithstanding the said seven years are expired, to bring such action or suit, so as that the same be brought within three years after his, her or their coming to or being of full age, discover or sane memory or at large, and at no time after the said three years.

SEC. 2. And be it further enacted by the authority aforesaid, That all actions of trespass, detinue and trover; all actions of debt, whether upon specialty or simple contract; all actions of assault, menace and battery, wounding and imprisonment, or any of them which shall be sued or brought at any time after the passing of this act, shall be commenced and sued within the time and limitation hereinafter expressed and not afterward:—That is to say, the said actions of trespass, assault, battery, wounding, imprisonment or any of them, within one year next after the cause of such action or suit hath accrued, and not after. And the said actions of detinue, trover, debt, (other than upon judgments) within four years next after the cause of such actions or suits have accrued, and not after. And the said actions of debt upon judgments obtained in courts, other than the courts of this State, within five years next after the judgment shall have been obtained, and not after. And the said actions upon the case for words, within one year next after the words spoken, and not after. Provided nevertheless That if any person or persons who is or shall be entitled to any such actions of detinue, trover, debt, (other than upon judgments) be, or shall be at the time of any such action given or accrued within the age of twenty one years, feme covert non compos mentis, or imprisoned, that then such person or persons shall be at liberty, notwithstanding the times of limitation shall have expired, to bring such actions or suits, so that the same be brought within two years next after the coming to, or being of full age, discover of sane memory or at large, and at no time after the said two years. And provided also, That if any person who is or shall be entitled to any such actions of trespass, assault, menace, and battery and imprisonment, be, or shall be at the time any such action shall have accrued, within the age of twenty one years, feme covert non compos mentis, or imprisoned, then such person or persons shall be at liberty, notwithstanding the time herein before limited for the bringing of such action shall have expired, to bring such actions or suits, so that the same be brought within one year next after the coming to, or being of full age discover, of sane memory or at large, and at no time after the said one
year; and that the commencing an action or actions within the time limited, and afterwards discontinuing or becoming non-suit in the same, shall not defeat the operation of this act.*

SEC. 5. And be it further enacted by the authority aforesaid, That when any person or persons shall remove his property without the limits of this State, or absconds or conceals himself so that his creditors cannot commence an action, that the person so removing his property or absconding himself, shall not be entitled to the benefit of this act, but shall be answerable for any just demand against him, her or them; and this act shall be deemed, held and taken as a public act, and the judges of the superior and justices of the inferior courts and justices of the peace within this State, shall be bound thereby, although the same shall not be pleaded.

SEC. 4. And be it further enacted, That all actions upon the case, other than for words which shall be said or brought, at any time after the passing of this act, shall be commenced and sued within four years next after the cause of such action or suit hath accrued, and not after.

SEC. 5. And be it further enacted by the authority aforesaid, That the act entitled, "An Act for limitations of actions, and for avoiding suits in law," passed the twenty sixth day of March, 1767, be, and the same is hereby repealed.†

ABRAHAM JACKON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

---

AN ACT‡

To amend the several acts regulating roads in this State, so far as respects the operation of said acts in the county of Burke.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and

---

* The latter clause of this section, repealed by act of 1806, No. 223.
† See act of 1805, No. 225, repealing this section, and reviving the act of 1767; again.
‡ See act of 1807, No. 297, in addition to this act.
(No. 206.) after the passing of this act, it shall be the duty of the justices of the inferior court of the county of Burke, to appoint overseers of the road in such manner that there shall be one overseer to each road in every captain's district.

Sec. 2. And be it further enacted, That the power heretofore exercised by the said justices of the inferior court, of apportioning the hands liable to work upon roads, shall be vested in, and exercised by the justices of the peace in each district.

Sec. 3. And be it further enacted, That it shall be the duty of the justices of the peace, in every district where any doubt shall exist as to the number of hands which may be in the possession or employ of any person liable to work upon any road or roads, to give fifteen days notice in writing, at the place of holding court in such district, previous to the holding of the said court, directing and requiring all owners or persons having any such slave or slaves in his, her or their possession, to attend at the said place of holding court, then and there, on oath, to render an account of every slave in his, her or their possession, liable to work upon roads, and in default of such attendance, the said justices may impose a fine not exceeding one dollar for each hand liable to work upon said road, to be levied and collected by execution against the goods and chattels of such person in default. Provided always, that such defaulter may render an excuse, upon oath, before either of the said justices, and if deemed sufficient, the said fine so imposed, shall be remitted; and that it shall be the duty of the said justices which shall be judged of by the said justices to furnish the said overseers in their districts with lists of the hands liable to work upon the road for which he may be appointed. And the fines when collected shall be applied to county purposes.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

(No. 207.) An Act

For the better selection and drawing Grand Jurors for the several counties in this State.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That it shall be the duty of the justices of the inferior courts of each county, together with the Sheriff
and clerk, or a majority of them, to convene at the court house of their respective counties, on the first Monday in June next, and biennially on the first Monday in June thereafter, whose duty it shall be to select from the books of the receiver of tax returns, for their respective counties, fit and proper persons to serve as grand jurors; and shall make a list of persons so selected, and transmit it under their hands to the next superior court of their respective counties; and it shall be the duty of the judge then presiding to cause the clerk of the said superior court to make out tickets with the names of the persons so selected, which ticket shall be put in a box to be provided by the clerk at the public expense, which box shall have two apartments marked number one and two, and the clerks of said courts shall immediately after receiving such lists, fairly enter the same in a book for that purpose, to be provided at his own expense, distinguishing in separate columns, the persons liable to serve as grand jurors, and those for the trial of civil and criminal causes, as pointed out by law; which said box shall be locked and sealed up by the judge, and placed in the care of the clerk, and the key in the care of the sheriff, and no grand jury shall be drawn and impannelled, but in the presence of the judge in open court, nor shall any clerk of the court, or other person having the custody of the jury box, presume, on any pretence whatever, to open the said jury box, transpose or alter the names, except it be by the direction of the judge in open court, attending for the purpose of drawing jurors, under the penalty of being dealt with in the manner pointed out by law for malpractice in office.†

Sec. 2. And be it further enacted, That the said judge, in open court, shall unlock and break the seal, and cause to be drawn out of the apartment of the said box marked number one, not less than twenty three, nor more than thirty six names to serve as grand jurors, which names so drawn out shall, after an account is taken of them, at each time of drawing, be carefully deposited in the other apartment of such box marked number two; and when all the names shall be drawn out of the apartment number one as aforesaid, they shall then commence drawing from the apartment number two, and return them into number one, and so on alternately; but no name so deposited shall on any pretence whatever, be destroyed, except it is within the knowledge of the judge that the said juror is either dead, removed out of the county or otherwise disqualified by law, or the sheriff certify the same.

Sec. 3. And be it further enacted, That if it shall so happen, that there should be a failure of the court in consequence of the non-attendance of the judge, then and in that case, the jurors being summoned, shall stand over to the next succeeding term in the

(No. 207.) What to meet for that purpose and the manner of doing it.

Jury box not to be interrupted.

Judges of the inferior court to draw in open court the grand jurors.

How it is to be done.

In failure of a court, jurors to stand over to the next court.

* Selections to be made annually in the counties of Wayne and Camden—See act of 1810, No. 516.
† By act of 1810, No. 510, the justices of the inferior court in the counties of Twiggs, Telfair, Laurens, Wilkinson, Pulaskie and Montgomery, are authorized to draw grand and petit jurors for their respective counties.
(No. 207.)

manner as suitors and witnesses do in like cases. Provided always, that if the said justices, sheriff and clerk aforesaid, shall fail to make such selection on the day aforesaid, that then it shall be the duty of the said justices, sheriff and clerk aforesaid, or a majority of them, to make such selection at or before the next superior court thereafter, which shall be held in their respective counties.

SEC. 4. And be it further enacted, That so much of an act, entitled, "An Act to amend an act, entitled an act, to revise and amend the judiciary system of this State," passed at Louisville, the 16th day of February, 1799, as militates against this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

(No. 208.)

AN ACT.

To incorporate a company for the improvement of that part of the Oconee river, between the Big Shoals, at John Barnett's, and the town of Milledgeville.

Whereas the improvement of the inland navigation of every country, is of primary importance to its inhabitants, and as few countries enjoy greater natural advantages than this state, for the extension of commerce, and it being conceived, that the clearing out and removing the obstructions in that part of the Oconee river, from the Big Shoals, at John Barnett's, to the town of Milledgeville, would greatly conduce to the convenience and interest of the inhabitants, settled in the north and northwestern parts of this State.

SEC. 1. BE IT ENACTED, by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That a company shall be established, the capital stock whereof shall not exceed fifty thousand dollars, di-

* See act of 1803, No. 359, incorporating a company and allowing a lottery for the above purpose.—See also act of 1810, No. 527, incorporating another company for the same purpose.

A company established to improve the navigation of the Oconee, the amount of
vized into two thousand shares, each share being twenty-five dollars, and that subscrip-
tions towards constituting the said stock, shall, on the first Monday in January next, be
open at Hancock, Green, Clarke, Jackson, and Franklin court-houses, Washington in
Wilkes, and Milledgeville, under the superintendence of such persons as the corpora-
tion may appoint for that purpose; which subscriptions shall continue open until the whole
of the said stock shall have been subscribed.

Sec. 2. And be it further enacted, That it shall be lawful for any person, copartner-
ship, or body politic, to subscribe, as he, she or they shall think fit, for such or so many
shares not exceeding fifty; and that the sums respectively subscribed, shall, be payable
in gold, silver or bank bills of the United States, to be paid at four several payments, at
the distance of twelve calendar months from each other, the first whereof shall be paid
at the time of subscribing.

Sec. 3. And be it further enacted, That all those who shall become subscribers to the
said company, their successors and assigns, shall be, and are hereby created and made
a corporation and body politic, by the name and style of the Oconee Navigation Company,
and by that name shall be, and are hereby made able and capable in law, to have, pur-
chase, receive, possess, enjoy and retain to them and their successors, lands, rents, ten-
ements, hereditaments, goods, chattels, and effects, of what kind, nature or quality soev-
er; and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, plead
and be impleaded, answer and be answered, defend and be defended, in courts of re-
cord or other place whatsoever: and also to make, have and use a common seal, and
the same to break, alter and renew, at their pleasure; and also to ordain, establish and
put in execution, such by-laws, ordinances and regulations, as shall seem necessary and
convenient, for the government of the said corporation, not being contrary to the laws of
this state, or to the constitution thereof, (for which purpose, general meetings of the sub-
scribers to the said stock, shall, and may be called by the directors, and in the manner
hereinafter specified) and generally to do and execute all and singular the acts, matters and
things, which to them shall appertain to do; subject nevertheless, to the rules, regula-
tions, restrictions, limitations and provisions hereafter prescribed and declared.

Sec. 4. And be it further enacted That for the well ordering of the
affairs of the said corporation, there shall be ten directors, for whom there
shall be an election on the first Monday of January in each year, by the stock-holders or
proprietors of stock in the said corporation, and by a plurality of votes, actually given,
and those who shall be duly chosen at any election, shall be capable of serving as direc-
tors, by virtue of such choice, until the end and expiration of the first Monday of Janu-
ary next ensuing, the time of such election, and no longer, and the said directors at their
first meeting, after such election, shall choose one of their number as president.
SEC. 5. Provided always, and be it further enacted, That as soon as the sum of two thousand dollars shall have been actually received on account of subscriptions to said stock, notice thereof shall be given by persons under whose superintendence the same shall have been made in one of the public gazettes of this State, and the said persons shall at the same time and in like manner, notify a time and place at the distance of thirty days from the time of such notification, for proceeding to the choice of directors: And it shall be lawful for such election to be then and there made, and the persons then and there chosen shall be the first directors, and shall be capable of serving, by virtue of such choice until the end and expiration of the first Monday in January next ensuing, the time of making the same, and shall forthwith thereafter commence the operations of the said corporation. And provided further, That in case it should at any time happen, that an election for directors should not be made upon any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

SEC. 6. And be it further enacted, That the directors for the time being, shall have power to appoint such officers and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively, as shall be reasonable, and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

SEC. 7. And be it further enacted by the authority aforesaid, That when the said corporation shall have so removed the obstructions in that part of the Oconee river, between the town of Milledgeville and the Big Shoals at John Barnett's that boats carrying a burthen of eight crop hogsheads of tobacco, when the water is at its common height, shall safely pass up and down from the Big Shoals, at John Barnett's, to the town of Milledgeville, then the said corporation and not before, shall have power to levy and receive a toll on all articles carried up and down the said river, which shall not exceed the following rates, viz:

For every hogshead of tobacco, - - - - Fifty cents.
For every barrel of flour, - - - - Eighteen and three quarter cents.
For every bale of cotton, - - - - Twenty-five cents.
For every hundred weight of all other articles except lumber, Twelve & a half cents.
And for every thousand feet of lumber, - - - Twenty-five cents.

And shall also levy a toll in proportion to the distance from any other place on the said river, between the said town of Milledgeville and the Big Shoals at John Barnett's
and if any person passing up and down the river as aforesaid, with any boat or other vessel with goods or any articles on board, and shall refuse to pay the toll aforesaid, or any other rates the said corporation may establish, not exceeding those aforesaid, then, and in that case, the said corporation shall have power, and are hereby authorized to seize and detain the same until the customary toll shall be paid.

Sec. 8. And be it further enacted, That the following rules, restrictions, limitations and provisions, shall form the fundamental articles of the constitution of the said corporation, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she or they shall hold, in the proportions following, that is to say: for one share and not more than four shares, one vote: for five shares, and not more than nine, two votes: for ten shares, three votes: and for every five shares above ten, one vote exclusive of the three to which he, she or they may be entitled by the ten shares. None but a stockholder shall be eligible as a director. No director or president shall be entitled to any emolument, unless the same shall be allowed by a majority of the stockholders at a general meeting.

Not less than five directors shall constitute a board for the transaction of any business, of whom the president shall be one, except in cases of sickness, or necessary absence, in which case his place shall be supplied by another director.

A number of stockholders not less than twenty-five, shall have power any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least twenty days notice in one of the public gazettes of this State, and specifying in such notice the object or objects of such meeting.

Every treasurer before he enters on the duties of his office, shall be required to give bond with two or more securities, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition of his good behaviour and faithful performance of the trust reposed in him, the stock of the said corporation shall be assignable and transferrable according to such rules as shall be instituted in that behalf by the laws and ordinances of the same.

Yearly dividends shall be made of so much of the profits of the stock as shall appear to the directors advisable, and once in every two years, the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of all debts due or owing, and all monies received or expended.

Sec. 9. And be it further enacted by the authority aforesaid, That Samuel Gardner, B. Harris, Joseph Cooper, Jehue Smith, Joel Early, John Stewart, Joseph Philips, Frederick Beall, James Terrel, Henry Hartford, Charles Daugherty, Bedford Brown, John Floyd, Thomas Napier, Francis Boyaken, John Dawson, Thomas Terrel, Francis Wil-
(No. 208.) Lis, Archibald M. Devereaux and Samuel Tinsly, are hereby appointed superintendents to open the subscriptions and conduct the business of the said corporation, until organized according to the prescriptions and limitations of this act,

Duration of corporation, 30 years.

Sec. 10. And be it further enacted, That the said company shall remain, and continue a body politic, under the restrictions, limitations and provisions aforesaid, for thirty years, to commence from the day when the corporation shall order the reception of the toll, according to the conditions of this act.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

(No. 209.)

AN ACT

To appoint commissioners for the better regulation and government of the town of Washington, and for incorporating the same.

Sec. 1. Be it enacted by the Senate and House of Representatives in General Assembly met, That the following persons, to wit; Francis Willis, James Corbett, Felix H. Gilbert, Thomas Terrel, and William Sansom, be, and they are hereby appointed commissioners of the town of Washington; 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.

Sec. 2. And be it further enacted, That the said commissioners shall hold their respective appointments hereby given them, until the first Monday in January, 1807, at which time and on very subsequent year thereafter, the citizens of Washington, entitled to vote for members of the general assembly, shall choose by ballot five persons to succeed them as commissioners of said town, and they shall have, and they are hereby vested with full power and authority to make such bye-laws and regulations, and inflict or impose such pains, penalties and forfeitures, and doing other incorporate acts, as in their judgments shall be conducive to the good order and government of the said town of Washington, Provided, that such bye-laws and regulations be not repugnant to the laws and constitution of this state.
Sec. 3. And be it further enacted, That any two or more justices of the peace for said county of Wilkes, are hereby authorized and required to preside at such elections for commissioners aforesaid. Provided always nevertheless, That nothing herein contained shall be so construed as to prevent the election of the commissioners herein before named; and any person or persons who may hereafter be elected commissioners of said town, shall be re-eligible at the next or any subsequent election, after the expiration of the time for which he or they may be elected as commissioners, under this act.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To organize the counties of Baldwin and Wilkinson.

Whereas it is necessary and expedient, that the counties of Baldwin and Wilkinson, be organized as speedily as possible.

Sec. 1. 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 Samson Harris, Archibald M. Devereaux, Benjamin Tarver, Stephen Nobles and Edmund Lane, be and they are hereby appointed justices of the inferior court of the county of Baldwin; and that Samuel Beckum, William Randolph, Lewis Lanier, William O'Neal and Thomas Gilbert, be and they are hereby appointed justices of the inferior court of the county of Wilkinson; and the vacancies occasioned thereby, shall be filled by appointment of his Excellency the Governor; which justices and courts shall have, and are hereby vested with the same power and authority as the other justices and inferior courts of this State.

Sec. 2. And be it further enacted by the authority aforesaid, That the said justices of the said inferior courts or a majority of them be, and they are hereby vested with full power and authority, to decide and fix upon some convenient place, as nearly central as circumstances will admit whereat the superior and inferior courts of such county shall be held.
Sec. 3. And be it further enacted, That the justices of the said several inferior courts or a majority of them, shall assemble at such place as shall be appointed by them for holding courts in the said several counties, on the first day of April next, and after publicly administering to each other by virtue of a commission to them to be directed for that purpose by his excellency the governor, the oaths prescribed by the constitution for justices of the inferior courts; they shall proceed to define the militia company districts, which shall not exceed five in each of the said counties, and having so defined the said militia company districts, shall proceed to nominate and appoint two justices of the peace in each company district, and shall transmit such their appointment to his excellency the governor without delay, who is hereby authorized and required to issue commissions to the persons so appointed.

Sec. 4. And be it further enacted, That it shall be the duty of the justices of the said several inferior courts of the said counties of Baldwin and Wilkinson, or any two or more of them, as soon as may be convenient after they shall be qualified as aforesaid, to give notice by public advertisement, at the places appointed for holding courts in the said counties, and at two or more of the most public places in the said counties, of an election to be held twenty days after such notice given, for clerks of the superior and inferior courts, sheriff, coroner, and county surveyor, of the said several counties, which election shall be opened and held by three or more of the said justices of the inferior courts, or justices of the peace of the said counties, and shall be conducted in the same manner as other elections of county officers in this State.

Sec. 5. And be it further enacted, That superior and inferior courts shall be held in each of the said counties twice in every year, at the time hereinafter mentioned, that is to say: the superior court of the county of Baldwin, shall be held on the second Monday in February, and the second Monday in August in every year; and the superior court for the county of Wilkinson, on the fourth Monday in January, and on the fourth Monday in June in every year; and the inferior court of the county of Baldwin, on the fourth Monday in May, and the fourth Monday in October in every year; and the inferior court of the county of Wilkinson, on the first Monday in June and the first Monday in November in every year, until otherwise directed by the legislature; which said several counties shall be attached to, and form parts of the circuits or districts hereinafter mentioned, that is to say: the county of Baldwin to the western district, and the county of Wilkinson to the middle district; the judges of which said districts are hereby fully authorized and empowered to hold and preside at the several superior courts herein before mentioned, to be attached to their respective districts.

Sec. 6. And be it further enacted, That each of the said several counties shall be entitled to elect and return one senator and one representative to the legislature.
Sec. 7. And be it further enacted, That the citizens, inhabitants of the said counties, shall be entitled to elect officers of the militia, in such manner as is pointed out by the militia law, which militia shall be added to, and form a part of (that is to say) the militia of the county of Baldwin, shall form a part of the second brigade of the third division; and the militia of the county of Wilkinson, shall form part of the second brigade of the second division.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To be entitled an act to repeal an act entitled "An Act respecting vendue masters," passed in the year 1797, so far as respects the vendue master in the town of Washington, in the county of Wilkes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the above recited act, as respects the town of Washington, in Wilkes county, be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

* See act of 1806, No. 218, amendatory of this act, so far as relates to the place for holding elections for county officers in Baldwin, and the duty of the inferior court, relative to drawing grand and petit jurors for each of the said counties.
AN ACT

To add a part of Glynn county, to the county of Wayne, and to add a part of the county of Wayne, to the county of Camden, and to organize the said county of Wayne.

SEC. 1. Be it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That all that part of Glynn county be added to the county of Wayne, which lies westwardly of the following boundaries and limits, to wit: beginning at the south side of the Alatamaha river on the main post-road, leading from Fort-Barrington to the town of St. Mary; thence along the said road until it intersects the line dividing Camden and Glynn counties; thence from said intersection, until it strikes the Great St. Tilla river, at a place known by the name of Fort-McIntosh, on said river; thence up the main south branch of the Great St. Tilla, until it strikes the outer boundary line of Wayne county—thence along the said line until it strikes the Alatamaha river; thence down the said river to the place of beginning, which shall form the county of Wayne; and all that part of the county heretofore known as Wayne, lying south of the south branch of the Great St. Tilla within the outer boundary line aforesaid, shall be added to, and form a part of Camden county.

SEC. 2. And be it further enacted, That all persons liable to perform road duty, residing in the county of Wayne, together with all persons in the county of Glynn, liable as aforesaid, residing within ten miles of said road, leading from Fort-Barrington to St. Mary, dividing the counties of Glynn and Wayne, shall, and are hereby made liable, at the discretion of the commissioners of said road, to work on and improve the same. Provided nevertheless, that nothing herein contained shall be construed to authorize the justices holding land courts, in the county of Camden, to issue any land warrant or warrant to any person or persons, or to authorize any person or persons to obtain a grant on head rights, or in any other way, in that part of the county heretofore called Wayne.

SEC. 3. And be it further enacted, That John Grantham, John Johnson, John Fort, William O'Neal and Matthew Jones, be, and they are hereby appointed justices of the inferior court of the county of Wayne, whose duty it shall be, or a majority of them, to fix upon some place as nearly central as conveniency will admit of; that the superior and inferior courts, and all elections for representatives to the state legislature and county officers, shall be held at the house of William Collins; and the said justices or any two of them, are hereby required, after giving fifteen days notice of the time and place, shall proceed to hold an election for county officers, and make a return to his excellency the Governor, agreeable to law, whose duty it shall be to commission the same.

SEC. 4. And be it further enacted, That the judge of the eastern district is hereby authorized and empowered to hold a superior court in said county, on the last Monday in
February, and the third Monday in October, in each year; and the justices of the inferior court are hereby required to hold an inferior court in said county on the last Mondays in December and June, in every year.

Sec. 5. And be it further enacted, That the said county of Wayne, shall be entitled to one senator and one representative to the state legislature, the election for which shall be held at the same time, and conducted in the same manner, as by law is directed for like elections for other counties within this State; and that the citizens residing in the said county, liable to bear arms shall be entitled to elect officers of the militia in such manner as is pointed out by the militia law of this State, which militia shall be added to, and form a part of the first brigade of the first division.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To authorize certain commissioners, to sell and dispose of the fractional parts of surveys of land in the counties of Wilkinson, Baldwin and Wayne.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all the fractional parts of surveys of land reserved to the State by the several laws, making distribution of the lands lately acquired from the Creek nation of Indians, by a treaty entered into at or near Fort-Wilkinson, on the 16th day of June, 1802, and lying and being on the Oconee river, and on the temporary boundary line, shall be sold in separate lots, to the highest bidder, in the town of Milledgeville, in the following manner, to wit: the commissioners hereafter to be appointed, shall by advertisement, to be published sixty days in the Gazettes of Petersburg, Washington, Wilkes county, Sparta, Augusta and Savannah; in which advertisements shall be particularly specified the day or days on which the fractions, in each district, will be sold, and the terms of sale; proceed to sell the same, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, commencing by the sale of the first or lowest fraction on the Oconee.
(No. 213.) river, in the first district in Wilkinson county, and continuing upwards in a regular progression to the line of the second district, and in like manner on the temporary line beginning at the lower extremity, and continuing upwards as aforesaid; and that the fractional parts of surveys in the county of Wayne, shall be sold in the same manner aforesaid; beginning on the highest fractional survey on the St. Mary river, and continuing in regular progression on the line dividing Wayne county from Glynn and Camden until the whole are sold; which rule shall be observed in the sale of the fractions in all the other districts of Wilkinson, Baldwin and Wayne counties.

Sec. 2. And be it further enacted by the authority aforesaid, That three commissioners shall be appointed by joint ballot of the legislature, and they or a majority of them, shall be sufficient to carry this act into effect, who shall before they enter on the duties required of them by this act, give bond with two or more sufficient securities to his excellency the Governor for the time being and his successors in office in the sum of thirty thousand dollars each for the due and faithful performance of the trust reposed in them, which bond shall be taken by his excellency the Governor or by any two of the justices of the inferior court of the county where such commissioners may reside, and immediately transmitted to the executive department, and shall moreover take & subscribe the following oath, viz. I, A, B, do solemnly swear (or affirm as the case may be,) that I will faithfully discharge the duties imposed upon me by this act, and that I will make due returns of all bonds and other securities to the treasury of this State, which come into my hands as commissioner aforesaid.—So help me God.

Sec. 3. And be it further enacted by the authority aforesaid, That the commissioners shall take bonds of the purchasers payable in four equal annual installments, together with a mortgage on the land, which bonds and mortgages may be given by the person or persons purchasing, his or their attorney or agent duly authorized to execute the same, and shall be taken in the name of, and made payable to his excellency the Governor, for the time being, and his successors in office, and by the commissioners shall be deposited in the office of the treasurer within sixty days after the time the sales are completed, and each commissioner shall receive as a compensation three dollars per day while in actual service.

Sec. 4. And be it further enacted, That the commissioners aforesaid, shall take bond and mortgage of all and every purchaser, payable in the following manner, that is to say: one fourth part thereof in twelve months after the said purchase, which said fourth part shall be paid in gold or silver; one fourth part at the end of twelve months thereafter; one fourth part at the end of twelve months thereafter; and the remaining fourth part thereof at the end of twelve months thereafter; which said three last payments, shall in like manner, be paid in gold or silver.
SEC. 5. And be it further enacted by the authority aforesaid, That it shall be the duty of his excellency the Governor, to cause grants to be made out for all the fractional parts of surveys of land in the counties of Wilkinson, Baldwin and Wayne, leaving a blank for the name of the person to whom the same shall issue, which grants shall be put into the hands of the commissioners appointed to dispose of the fractions aforesaid, and by them filled up and delivered to the purchaser, on the purchaser's paying the sum of four dollars and twenty-five cents on such grant, which shall be received by the commissioners, and by them paid into the treasury, for the purpose of defraying the different fees of office agreeable to the existing fee bill. And it shall be the duty of the surveyor-general and secretary of state, to insert the name of each purchaser in the record of such plat and grant remaining in the said offices; and it shall be the duty of the commissioners, to lay a correct statement of their proceedings, under this act, before the next legislature.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT*

To alter and amend an act entitled an act, to revise and amend the several militia laws of this State and to adapt the same to the act of the Congress of the United States.

WHEREAS the twenty-second section of the above recited act requires a regimental court of enquiry to be held once a year in each county; and whereas great detriment will result to those counties, where two or more are required to compose a regiment, in consequence of such requisition.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That where two or more counties are required to compose a regiment, the regimental court of enquiry be abolished, and battalion courts of enquiry be instituted, composed of the commanding officer of the battalion, and at least five commissioned officers; and in case the commander of the battalion does not attend, the senior captain shall take presidency; which said courts shall possess all the powers of a regimental court, as in counties furnishing a full regiment.

* This act, except as respects patroll duty, repealed by act of 1807, No. 313, section 34.

Grants to be made out in blank and filled up by the commissioners to the purchasers:

Purchasers to pay $4 25 cents for office fees.

Commissioners to report their proceedings to the legislature.

Preamble.

In regiments where two or more counties compose them battalion courts of enquiry instituted—and to have the same powers of regimental courts.
SEC. 2. And be it further enacted, That the respective battalion courts of inquiry, shall annually appoint by ballot, a clerk, who shall be subject to the same duties, and liable to the same penalties relative to the battalion, as though he had derived his appointment from the regimental courts of inquiry.

SEC. 3. And be it further enacted, That in future all subaltern officers in this State, shall, upon all courts of enquiry and courts martial, be entitled to take a seat, as is practised in the army of the United States.

And whereas, by the said recited act, a part of the duties required of the brigade inspectors and adjutants (other than the adjutant general) is in practice found to be inconvenient and expensive, and directs the performance of duties, not properly attached to those officers.

SEC. 4. BE it therefore enacted, That in future the brigade inspectors shall not be bound to attend any regimental or battalion muster, except those in the counties where they may respectively reside; and that the adjutants shall not be required to attend company musters, but shall attend the regimental and battalion musters, of the regiments to which they are attached; and shall perform such other duties as are required of them by said recited act, all of which they shall perform without pay.

SEC. 5. And be it further enacted, That all able bodied free male inhabitants, between the age of eighteen and forty-five years, as well aliens as others, shall after ten days residence in any captain’s company, be bound when called on, to perform militia duty, in the same manner as citizens are bound by said act.

SEC. 6. And be it further enacted, That all fines inflicted by regimental and battalion courts, shall be collected by the provost-marshal, by warrant under the hand and seal of the officer presiding at such courts, and shall be entitled to like costs as are allowed constables for such duty, and all fines inflicted by company courts, shall be collected by a sergeant of such company, by warrant, under the hand and seal of the officer presiding at such court, and shall be allowed such costs as constables are entitled to for like services.

SEC. 7. And be it further enacted by the authority aforesaid, That all former acts or parts of acts, contrary or repugnant to this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To appropriate moneys for the political year, 1806.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority aforesaid, That for the support of government, for the political year, 1806, the following sums of money be appropriated, viz. The salary of the Governor, shall be two thousand five hundred dollars per annum; the secretaries of the executive department, not exceeding two, five hundred dollars each; the secretary of state, two hundred dollars per annum; the treasurer, twelve hundred dollars; the surveyor-general, two hundred dollars; the comptroller-general, four hundred dollars; the clerk of the House of Representatives, three hundred dollars; the secretary of the senate, three hundred dollars; the judges of the superior court, fourteen hundred dollars each; the attorney-general, and two solicitors-general, one hundred and fifty dollars each; which said several sums shall be, and they are hereby appropriated for their use; to be paid yearly by warrant from the governor, on the treasury, out of the taxes to be received for the years eighteen hundred and four, and eighteen hundred and five.

SEC. 2. And be it further enacted, That the sum of fifteen thousand dollars be appropriated as a contingent fund, subject to the order of the governor.

SEC. 3. And be it further enacted, That for the like compensation to the members of the House of Representatives and Senate, the sum of three dollars each per day, during their attendance, and the sum of three dollars for every twenty miles in coming to, and returning from the seat of government; and the sum of four dollars each, to the president of the senate and speaker of the house of representatives, during their attendance, and the sum of four dollars each, for every twenty miles in coming to, and returning from the seat of government; to the clerk of the house of representatives and secretary of the senate, during the sitting of the legislature, four dollars per day each; the sum of fifty dollars each for stationary &c. to two engrossing clerks of the senate, and two of the house of representatives, four dollars each per day during their attendance; to the messenger and door-keeper of the senate, and messenger and door-keeper of the house of representatives, three dollars each per day; to Edmund Booker Jenkins, clerk of the committee of finance, forty dollars; to Joseph Worsham, clerk of the committee on the state of the republic, forty dollars; to the adjutant-general, three dollars per day, while in actual service; to the commissioners of the lottery, three dollars each per day, and the sum of three dollars each for every twenty miles in coming to and returning from the seat of government; to the commissioners of Milledgeville, that is to say: John Harbert, one hundred and thirty-nine dollars and fifty cents; to Howell Cobb, one hundred and two dollars; to Littleberry Bostick, Governor's salary,

Treasurer,

Secretaries and secretary of state.

Treasurer, comptroller, clerks of senate and house of representatives.

Attorney solicitors.

Contingent fund.

Members,

President & Speaker.

Clerk of senate & house of representatives per day.

Engraving clerks.

Other officers of the legislature.

Adjutant-general.

Commissioners of the lottery.

Commissioners of Milledgeville.

And to sundry other persons.
(No. 215.) eighty-two dollars and fifty cents; to Archibald M. Devereaux, one hundred and five dollars; to Oliver Porter, sixty dollars, and to George M. Troup, the sum of eighty-eight dollars; to Benjamin Easley, and his chain carriers, for laying out the town of Milledgeville, the sum of two hundred and fifty-four dollars; to Samuel Tinsley, secretary to the commissioners, one hundred and twenty-six dollars; and to the said commissioners for printing, twenty-two dollars; to Abraham Jones, the sum of two hundred and eighty three dollars, agreeably to a concurred resolution; to Joseph Law, the sum of one hundred and thirty-eight dollars, agreeably to a concurred resolution; to William Johnston, the sum of three hundred and ninety-three dollars and twenty-seven cents, agreeably to a concurred resolution, which said several sums hereby appropriated for their use, and shall be paid out of any monies which now are or hereafter may be in the treasury, not otherwise specially appropriated.

Sec. 4. And be it further enacted, That the sum of fifteen thousand dollars be appropriated, and subject to the order of the commissioners of Milledgeville, to enable them to contract for the erection of a state-house, at Milledgeville; which said sum shall be paid out of any monies which now are, or hereafter may be in the treasury, not otherwise specially appropriated.

Sec. 5. And be it further enacted, That the following sums be appropriated to the use of the several persons herein after named, and payable as above mentioned—that is to say: to Burke Chisolm, drawer of the lottery, two dollars per day, and Peter Pharr, messenger to the commissioners of the lottery, two dollars per day; to Ambrose Day, fifty dollars, agreeably to a concurred resolution; to John Nicholson, one hundred dollars, agreeably to a concurred resolution; to Nathaniel Twining, twenty-five dollars, for distributing the laws and journals in the counties of Bryan, Liberty, McIntosh, Glynn and Camden, agreeable to contract; to John Bostick, the sum of sixty-nine dollars, and Jacob Robinson, fifty-four dollars, they being employed by the treasurer in destroying paper medium, &c. agreeable to a resolution; and to Ambrose Day, for printing notices, eight dollars fifty cents; to Lyon and Morse, for like services, four dollars and seventy-five cents; and to D. L. Ryan, for ditto, eight dollars and seventy-five cents.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.
AN ACT*

To amend an act entitled, "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 inveighing and carrying away slaves from their masters, owners or employers."

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority aforesaid, That after the passing of this act, if any slave who shall be in the lawful business or service of his or her master, owner, overseer, or other person having the charge, care and management of such slave, shall be beaten, bruised, wounded, maimed or disabled, by any person or persons not having sufficient cause for so doing, every person and persons so offending shall be liable to indictment in the superior court in the same manner as though such beating, bruising, wounding, maiming, or disabling had been committed on a white person, and on conviction, shall be subject to such fine or punishment as the said court shall indict; and such offender or offenders shall also be liable to answer to the owner, master or other person having the charge of such slave, in an action of damages for the injury and loss which such owner, master or other person shall or may sustain by such beating, bruising, wounding, maiming or disabling his or her slave as aforesaid, any thing in the said act for ordering and governing slaves, to the contrary notwithstanding: Provided always, that upon the trial of such indictment or action, the jury shall be judges of the sufficiency of the cause of such beating, wounding, or maiming aforesaid.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

*See act of 1806, No. 248, relative to governing slaves &c.
AN ACT.

To dispose of, and distribute the late cession of lands, obtained from the Creek Nation, by the United States, in a treaty concluded at the City of Washington, on the fourteenth day of November, in the year one thousand eight hundred and five.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That the territory lately acquired from the Creek Nation, as described by the articles of convention made between Henry Dearborn, on the part of the United States, and Uche Hargo, William McIntosh, Tuskeneachan Chapeo, Tuskeneach Enchan Thlueco, of the Creek Nation of Indians, duly authorized and empowered by the said nation, shall be laid off in the following manner, viz.:—The dividing line between the counties of Baldwin and Wilkinson, shall be extended south forty-five degrees west, to the Ocmulgee river; and all that part of the lately acquired territory lying above said line, shall be attached to, and considered as a part of the county of Baldwin; and all that part lying below said line, shall be attached to, and considered a part of the county of Wilkinson, except the reserve made in the aforesaid articles of convention.

SEC. 2. And be it further enacted by the authority aforesaid, That the said territory shall be divided into thirty-eight districts, as nearly equal as they can be conveniently made by running parallel lines south forty-five degrees west, and others intersecting them at right angles; which said lines shall be run by such person or persons as the surveyor-general may appoint, not being a district surveyor.

SEC. 3. And be it further enacted by the authority aforesaid, That the land contained in the several districts, shall be divided by lines running parallel with the dividing lines of districts, and by others crossing them at right angles, so as to form tracts of forty-five chains square, containing two hundred two and an half acres each, plainly and distinctly marked in a manner different from the mode heretofore prescribed for marking lines in this State, to be pointed out by the surveyor-general.

SEC. 4. And be it further enacted, That the fractional parts of surveys, which may be created by the natural or artificial boundaries of said territory, shall be set apart for the redemption of the public debt under the direction of a future legislature.*

SEC. 5. And be it further enacted, That a number of surveyors equal to the number of districts, shall be appointed by joint ballot of the legislature, in one general ticket; and the person having the highest number of votes shall be entitled to first choice of districts, and in that order, agreeably to the number of votes each surveyor, so appointed, may receive.

* See act of 1808, No. 338, appropriating the proceeds of the sale of fractional surveys, for the purpose expressed in this section.
Sec. 6. And be it further enacted, That if two or more persons shall have an equal number of votes, then and in that case, it shall be determined by lot, under the superintendence of the surveyor-general, which person or persons shall be entitled to choice of districts.

Sec. 7. And be it further enacted, That no ticket shall be counted, unless it be filled with the number of names from among the candidates, equal to the number of districts.

Sec. 8. And be it further enacted, That if any person shall offer and be elected a surveyor, who shall hereafter be found deficient in the qualification necessary to a due execution to the duties required by this act, it shall be deemed a forfeiture of his bond, and himself and securities immediately liable therefor.

Sec. 9. And be it further enacted by the authority aforesaid, That the respective surveyors shall give bond in the penalty of ten thousand dollars to his excellency the governor, and his successors in office, with such security as he, or a majority of the justices of the inferior courts of the respective counties where the said surveyors may reside, shall approve of, for the faithful discharge of the trust reposed in them, and duties required of them by this act, which bond shall be taken by the governor or the aforesaid justices, and deposited in the executive office.

Sec. 10. And be it further enacted by the authority aforesaid, That it shall be the duty of the surveyors appointed in pursuance of this act, to make the surveys of the districts to which they may be appointed in their own proper person, to mark or cause to be marked, plainly and distinctly upon trees, if practicable, otherwise stakes may suffice, all lines which he may be required to run, for the purpose of making the surveys in their respective districts immediately after the boundary and district lines shall have been run by the proper authority, to cause all such lines to be measured with all possible exactness, with a half chain, containing two perches of sixteen feet and one half each, consisting of fifty equal links, which shall be adjusted by a standard to be kept for that purpose in the surveyor-general's office, to take as accurately as possible the meanders of all water courses, which shall form natural boundaries, to any of the surveys—to note in field books to be kept by them respectively, the names of the corner and other station trees, which shall be marked and numbered in such manner as the surveyor-general shall direct; also all rivers, creeks, and other water courses, which may be touched upon or crossed, in running or measuring any of the lines aforesaid—transcripts of which field books after being examined with the originals by the surveyor-general and certified and signed on every page by the district surveyor returning the same, shall be deposited in the surveyor-general's office, there to be preserved as a record—to make a return within ninety days after the running the boundary and district lines as aforesaid, of a map of the district to which they may respectively be appointed, in which shall be

(No. 217.)

To be determined by lot, in case of a tie.

No ticket to be counted, unless it contain the number of names equal to the number of surveyors.

Any person elected, incapable of the duties of this act, to forfeit his bond.

Surveyors to give bond and security to the governor in the sum of 10,000 dollars.
correctly delineated, represented and numbered in such order as the surveyor-general shall prescribe; all surveys within such district, and also, return at the same time a detached plat of every such survey of land, certified and signed by them—which plat shall be filed among the other records in the surveyor-general's office, and from which a copy shall be made to be annexed to grants, and to conform to such instructions as they may receive from the surveyor-general, from time to time during their continuance in office, and progress in the duties thereof, not militating with this act.

Sec. 11. And be it further enacted by the authority aforesaid, That the surveyors shall receive two dollars and seventy-five cents for every mile which shall be actually run or surveyed, as a full compensation for all the duties required of them by this act, out of which sum they shall defray the expenses of chain-men, axe-men, and every other expense incidental to the said business; and his excellency the governor is hereby authorized and required to issue his warrant on the treasurer in favor of each and every surveyor, immediately after the boundary and district lines are completed, to the amount of one hundred and fifty dollars, to enable them to proceed without delay, to the execution of their duties, for the balance of which by this law they may be entitled, they shall receive a warrant in like manner, on producing to his excellency the governor, a certificate from the surveyor-general, setting forth that such surveyor has completed the duties assigned him, and made his return conformably to this act.

Sec. 12. And be it further enacted by the authority aforesaid, That the surveyors, who may be employed in dividing the said territory into counties and districts shall receive the same compensation for each mile run and surveyed, as is allowed by this law for other surveyors out of which, all expenses incidental thereto, must be paid, without any additional charge on the State, and his excellency the governor is required to grant his warrant on the treasurer for compensating that service, so soon as he shall be advised by the surveyor-general of its completion.

Sec. 13. And be it further enacted by the authority aforesaid, That the said land shall be distributed by lot, in the manner following, to wit:—After the surveying is completed, and the returns made to the surveyor-general, his excellency the governor shall cause tickets to be made out, whereby all the numbers of surveys, in the different districts shall be represented, which tickets shall be put into a box to constitute prizes, with others to be denominated blanks; of which blanks the number or amount shall be determined by subtracting the number of prizes from the whole number of draws to which the said lottery shall be subject, upon the following principles, that is to say:—every free male white person, twenty-one years of age and upwards, being a citizen of the United States, and an inhabitant of this State, three years immediately preceding the passage of this act, and paid a tax towards the support of government, (including
such as may be absent on lawful business) shall be entitled to one draw,* every free, (No. 293.) male person of like description; having a wife or legitimate child or children, under the age of twenty-one years, shall be entitled to two draws—all widows with like residence, shall be entitled to one draw—all free female white persons, who have arrived to the age of twenty-one years or upwards, who have resided in this State as above, and are unmarried shall be entitled to one draw—all families of orphans residents as aforesaid, under the age of twenty-one years, whose father is dead, shall be entitled to one draw—and all families of orphans consisting of more than one; who have neither father nor mother living, shall have two draws; but if only one, then such orphan shall be entitled to one draw, which shall be given in, in the county and district where the eldest of said orphans or orphan resides. — Provided nevertheless, That the person or persons who drew a prize or prizes in the late land lottery, shall be excluded from any participation in the present lottery.

SEC. 14. And be it further enacted, That lists of persons entitled to draw in conformity to the provisions of this act shall be taken and made out within three months from the passing of this act, by such fit and proper person or persons as the inferior court of each county in this State, shall or may appoint for that purpose, not exceeding two to each battalion district, and it is hereby declared to be the duty of the said inferior courts respectively, to make such appointments for the purposes aforesaid, to attend at the place of holding justice's courts in each captain's district, on as many several days as the said inferior courts may deem necessary, and appoint for that purpose; and it shall be the duty of such person or persons, so appointed, to take and make out such lists, and to give at least ten days notice of such attendance; in the aforesaid captain's districts, and the names of persons so entitled to draws, with the number of draws to which they may be entitled, shall be entered in alphabetical order, in a book to be provided for that purpose, which lists or books shall, immediately after the same shall be completed, and transcripts thereof deposited in the office of the clerks of the superior courts, be transmitted by the said person or persons to his excellency the governor. And the said persons thus appointed by the inferior courts, shall, before they enter upon the execution of the duty required of them by this act, take and subscribe the following oath, to wit: — "I, A. B. do solemnly swear or affirm (as the case may be) that I will not receive or register any name, except the person giving in, shall first take the oath prescribed by this act—So help me God." Which oath any justice of the inferior court is hereby required to administer; and the said person or persons appointed to take the lists as aforesaid, shall administer to all applicants for draws, other than widows, the following oath, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I am a citizen of the United States, and have resided in this State three years, immediately preceding the

* See act of December 1806, No. 261, amendatory of this act, and dispensing with the payment of taxes and making provision for persons laboring under accidents or misfortunes.
passing of this act, and am now an inhabitant of this district, that I am twenty one years of age; that I have a wife, child or children, (as the case may be) that I have not given in my name for any draw or draws in the present contemplated lottery in any other part of this State; that I have not drawn a tract of land in the former lottery, and that the orphan or family of orphans, whom I now return, is, or are entitled to a draw or draws under this act, to the best of my knowledge—So help me God." And to all widows the following oath: "I, A. B. do solemnly swear or affirm, (as the case may be) that I am a widow, that I have resided the three last years in this State, and am now resident in this district; that I have not put in my name for a draw in the present lottery in any other part of this State, and that I have not drawn land in the former lottery, to the best of my knowledge and belief—So help me God."

**SEC. 15. And be it further enacted,** That the person or persons appointed by the inferior court to receive and enter the names of applicants entitled to draws in the present lottery, shall receive for each draw so entered, twelve and an half cents. And his excellency the governor is hereby authorized and required forthwith to issue his proclamation, and cause the same to be published in one of the gazettes of the cities of Savannah and Augusta, and in those of Louisville, Sparta, Washington and Petersburg, setting forth the outlines of this act, and requiring all persons interested therein, to exhibit their claims in the counties of their respective residence.

**SEC. 16. And be it further enacted,** That as soon as the lists of persons entitled to draws in the lottery as aforesaid, shall have been received at the executive department, his excellency the governor shall cause tickets to be made out for carrying the said lottery into effect, in the following manner, that is to say: Blank pieces of paper equal in number to the whole number of draws to which the lottery may be subject, and as equal in size as possible, shall be prepared, and on them shall be written separately, the names of the several persons entitled to draws aforesaid, and the designatory remarks which may appear against each name; and the pieces of paper so written on, shall be deposited in one wheel, and the blanks and prizes on pieces of paper, also as equal in size as possible, shall be deposited in another wheel; and from each wheel as nearly at the same time as can be, one ticket shall be taken and delivered to the managers appointed to superintend the drawing of said lottery, whose duty it shall be to have the name, if a prize should be drawn against it, entered in a book to be provided for that purpose, and opposite thereto, the number of the lot so drawn, and the number of the district, and the name of the county in which the same may be. And that his excellency the governor shall cause one months notice of the day the drawing of the lottery will commence, to be given in the several Gazettes aforesaid.

**SEC. 17. And be it further enacted,** That where vacancies may happen by death resignation or otherwise, of any district surveyor or surveyors appointed in pursuance of this act, the governor is authorized and required to fill up such vacancy or vacancies. And in case
any surveyor shall fail to execute the trust reposed in him either from inattention or
otherwise, in such manner as in the opinion of the governor may render doubtful the finishing
the surveys within the time limited, he shall have power to declare such ap-
pointment vacant, and to fill up the same as in case of other vacancies.

**Sec 18. And be it further enacted by the authority aforesaid,** That the surveyors to
be appointed in pursuance of this act, shall before they proceed to the duties of their ap-
pointments, take and subscribe the following oath or affirmation, to wit: "I , do
solemnly swear or affirm (as the case may be) that I will well and faithfully to the utmost
of my skill and abilities discharge the duties of surveyor for district No. , agreeably
to the requisitions of this act—So help me God." Which oath the surveyor general is au-
thorized and required to administer. And all chain men to be employed in pursuance of
this act, shall before they enter severally upon their duty, take the following oath or affir-
mation, to wit. I , do solemnly swear or affirm (as the case may be) that I will to
the utmost of my skill and judgment, measure all lines which I shall or may be employed
on as a chain carrier, as accurately, and with as little deviation from the courses pointed
out by the surveyor as possible, and give a true account of the same to the said surveyor
—So help me God.” Which oath the district-surveyors are hereby empowered and re-
quired to administer.

**Sec 19. And whereas it may so happen,** that persons may have surveyed lands
in the aforesaid cession contrary to law, and on which grants may have issued:

Be it therefore enacted by the authority aforesaid, That all such surveys or grants, are
hereby declared to be null and void, to all intents and purposes, as though the same had
never been made or issued; nor shall any survey or grant in the aforesaid cession, be
admitted to a jury, as evidence of the title to the lands in this act described, except
those obtained by virtue and under the authority of this act, any law to the contrary
notwithstanding.

**Sec 20. And be it further enacted,** That all persons against whose names lands
may be drawn in pursuance of this act, shall be entitled to receive grants for the same,
vesting in them fee simple titles, on paying into the treasury of this State, the sum of
six dollars per hundred acres, in lieu of all fees of office and other charges for survey-
ing and granting the said lands. Provided nevertheless, That if any person or persons
entitled to such grant or grants, shall fail to pay the aforesaid sum, and take out such
grant or grants, within twelve months from the completion of the lottery, the same shall re-
vert to and be vested in this State, and appropriated for the redemption of the public debt.*

**Sec 21. And be it further enacted by the authority aforesaid,** That all returns made
contrary to the true intent and meaning of this act, are declared to be fraudulent, and

*See act of 1808, No. 327, extending the time.
(No. 217.) all grants issued in consequence of any draw made in the contemplated lottery, on such fraudulent return, is hereby declared to be null and void, and the land so granted shall revert to, and become the property of this State.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

(No. 218.)

AN ACT

To amend an act, entitled "An Act to organize the counties of Baldwin and Wilkinson."

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted, That an election shall be held in the county of Baldwin, at the house of George Hill, commonly called Hillsborough, on the second Monday in July next, for the election of clerk, sheriff, coroner and county surveyor, for the said county, at which election all free white male citizens who have arrived to the age of twenty one years, who were resident in, and citizens of the said county, on the first day of June, one thousand eight hundred and six, shall be entitled to a vote; which election shall be opened and conducted in the manner prescribed by the act regulating elections in this State.

SEC. 2. And be it further enacted, That it shall be the duty of the justices of the inferior court, sheriff and clerk of the superior courts of Baldwin and Wilkinson counties, as soon as possible after the said officers are commissioned, to proceed to select the grand and petit jurors for the counties aforesaid; and shall also proceed to draw the said jurors for the next term of the said courts, and cause them to be subpoenaed, at least four days before the meeting of the said courts, any thing in the act entitled "An act for the better selection and drawing of grand jurors for the several counties in this State," or any law, usage or custom to the contrary notwithstanding.

SEC. 3. And be it further enacted, That this act shall continue and be in force until the first Monday in June next, and no longer.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to June 26, 1806.

JOHN MILLEDGE, Governor.
AN ACT

Securing upon certain conditions to Joseph Hill, his heirs or assigns, the exclusive right to erect a bridge over Ogechee river, at, or near the place where a bridge was heretofore erected, by Wade Hampton and James Gunn.

Whereas by an ordinance passed the sixth day of December one thousand seven hundred and ninety, the exclusive right to erect a bridge over Great Ogechee river in the county of Chatham, at the place where the ferry was then kept, was vested in Wade Hampton and James Gunn, esquires, in which it was also provided "that the said bridge be completed on or before the last day of December, one thousand seven hundred and ninety-two and rebuild when necessary and keep the said bridge in good and sufficient repair." And whereas the said bridge, although built agreeably to the directions of the aforesaid in part recited ordinance, has been suffered to decay, and has long since been entirely insufficient for the purposes intended, and the parties interested therein have wholly neglected to repair the same, by which the intention of the legislature hath not been carried into effect, and the right intended to be secured to the said Wade Hampton and James Gunn, and their heirs and assigns, become void.

Sec. 1. 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 all rights and emoluments vested by the aforesaid ordinance of the sixth day of December, one thousand seven hundred and ninety, in Wade Hampton and James Gunn, and their heirs or assigns, so far as respects the said bridge on Great Ogechee river in the county of Chatham, and the emoluments arising therefrom, be, and the same are hereby declared to be null and void.

Sec. 2. And be it further enacted by the authority aforesaid, That the exclusive privilege of erecting a bridge over the river Great Ogechee, at or near the place where the ferry is now kept, in the county of Chatham, is hereby fully and absolutely vested in Joseph Hill, who at present resides at, and keeps the said ferry, his heirs and assigns, with the right of building the same, either with wood or stone, on the following terms and conditions, viz.—That the said Joseph Hill, his heirs or assigns, shall erect the said bridge in a complete and substantial manner, at least sixteen feet in width, and capable of sustaining and passing all carriages in common use, within three years from the date hereof, and rebuild the same when necessary and keep the said bridge in good and sufficient repair forever: To hold the same and all emoluments arising therefrom, to the said Joseph Hill his heirs and assigns.

Sec. 3. And be it further enacted, That the said Joseph Hill shall also have to him, his heirs and assigns, one quarter of an acre of the public land, on the south side of the said bridge.
(No. 219.) ferry, to be put and kept in good order and repair, by the said Joseph Hill, within three months after the date hereof, and at all times thereafter, 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 by the surveyor of Chatham county when required by the said Joseph Hill, his heirs, executors, administrators or assigns, and after ten days notice of the time of making such survey being given to the inferior court of Chatham county.

SEC. 4. And be it further enacted, That the said Joseph Hill, his heirs, executors, administrators or assigns, be entitled to receive, and may legally demand, during the continuation of the said bridge, a toll equal to that heretofore granted to the said Wade Hampton and James Gunn, 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.

SEC. 5. And be it further enacted, 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 Great Ogeechee, within five miles, either above or below the said bridge, which is hereby exclusively vested in the said Joseph Hill, his heirs and assigns: Provided, That such bridge shall not be so constructed as to impede the navigation of said river—but that it shall be a draw-bridge, so as to admit vessels that are usually employed in the said river to pass and repass the same.

SEC. 6. BE it further enacted, That this act shall be deemed, adjudged and taken to be a public act, and shall be judicially taken notice of as such, by all judges, justices and other persons whatsoever without specially pleading the same.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.
AN ACT

For amending an act, entitled "An act for regulating 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 the 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."

WHEREAS the increase of the trade of the city of Savannah and the increased number of shipping entering the port of Savannah, render it necessary to extend the provisions of the second section of the act, entitled "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 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," passed the 12th day of March, 1774.

SEC. 1. BE it therefore 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, all and every vessel lying in the river Savannah, above four mile point, and not loading at any wharf, shall be properly moored, head and stern, as near the north side of the river as possible; and that no vessel, not loaded, shall be permitted to be, for the purpose of loading or taking in their loading, in the middle of the said river on any pretence whatever, but that whilst taking in her loading, or whilst unloading as aforesaid, in any part of the said river Savannah, above four mile point as aforesaid; all and every vessel shall do the same at some one of the wharves of the said city of Savannah, or five fathom hole, or at any other which may be hereafter built or erected between the said four mile point and the said city of Savannah, as the case may be; and shall be subject to and liable for the usual and customary rates of wharfage therefor.

SEC. 2. And be it further enacted by the authority aforesaid, That all and every master or commander of any vessel, who shall neglect or refuse to comply with the provisions of this act, shall forfeit and pay the sum of four hundred dollars, to be sued for and recovered by action of debt, in the name of the person choosing to prosecute for the same, in any of the courts of this State, having competent jurisdiction, one half whereof shall be appli-
(No. 220.) ed to the use of the informer, and the other half to be paid to the commissioners of pilotage of the port of Savannah, to be applied to the purpose of improving the navigation of the river Savannah.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

(No. 221.)

AN ACT

To make permanent the site for the public buildings in the county of Tattnall, and to appoint commissioners for that purpose.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Clement Bryan, William Williams, Shadrach Standley, Jesse Bird, sen. and John Watts, be, and they are hereby appointed commissioners for fixing on the site of the court-house and jail in the county of Tattnall, and that they, or a majority of them, shall, within twelve months after the passing of this act, meet at the present temporary court-house of said county, and fix upon the place for the permanent seat of the public buildings of said county, which shall be as near the centre of said county, as shall be expedient.

Sec. 2. And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, after having agreed upon the permanent site for the public buildings of the county aforesaid, shall have full power and authority to purchase or otherwise procure titles in fee simple, in trust for the aforesaid county, not less than six, or more than one hundred acres of land; and after having made choice of so much of said land as may be thought necessary for the public buildings, to lay off in lots and dispose of the same, as in the judgment of the said commissioners or a majority of them shall think will be most conducive to the interest of said county; and the said commissioners or a majority of them are hereby authorized and required to contract for, and cause to be built, a court-house and jail of such dimension and on such plan as they shall deem most convenient to answer the end proposed, of which said contract for erecting said buildings the said commissioners or a majority of them, shall give at least thirty days public notice thereof.
Sec. 3. And be it further enacted, That the justices of the inferior court of said county shall be, and they are hereby authorized and empowered to lay a tax on the inhabitants and taxable property of the same, which tax shall not exceed one fifth of the general tax, and the monies arising therefrom, or so much thereof as will be sufficient to defray the expenses of the public buildings, shall be paid into the hands of the commissioners of the same, to be applied to and for that express purpose.

Sec. 4. And be it further enacted, That the superior and inferior courts shall be held in the two story house at Cox's old mills, in the county aforesaid, until the aforesaid public building shall be completed, and no longer.

Sec. 5 be it enacted by the authority aforesaid, That all laws and parts of laws, herefore passed, which militate against this law, be, and they are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

AN ACT

To amend an act, entitled "An Act, to amend and continue in force, an act to raise a tax for the support of government, for the year 1805, until the meeting of the next General Assembly, and from hence until the same shall be repealed"—passed at Louisville, the 4th of December, 1805.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority aforesaid, it is hereby enacted, That the tax imposed by the aforesaid act, upon the branch bank of the United States, at Savannah, be reduced to thirty-one and a quarter cents, per hundred dollars, upon the amount of capital of said bank, on the first day of January last.*

* See act of December, 1806, No. 267, section 6, making this sum of 31 1/4 cents on every hundred dollars amount of capital, the unconditional tax on any banking in this State.
Provided, The directors or cashier of said bank shall render on oath to the receiver of tax returns a true account of the capital of said branch bank, on the said first day of January last, within sixty days from the passing of this act, and in default of making such return, the tax imposed by the above recited act, shall be levied and collected as directed therein.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

AN ACT

To pardon Sally Nelson.

WHEREAS at a superior court held in and for the county of Jackson, for April term, in the year of our Lord, one thousand eight hundred and six, a certain Sally Nelson was convicted of the crime of murder, and received sentence of death, to be executed on the nineteenth day of May, in the said year of our Lord, one thousand eight hundred and six—but, on the petition of sundry persons, inhabitants of said county, and others, to his excellency the Governor, praying a respite for the said Sally Nelson, which was granted until the nineteenth day of December next.

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 said Sally Nelson, be, and she is hereby declared to be fully, and entirely pardoned, exonerated and discharged from the pains and penalties of her said conviction.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.
AN ACT

To alter and repeal "An Act to authorize the Justices of the Inferior court of Franklin county to levy an extra tax for the purpose of building a court-house and jail in said county, and making permanent the seat of the public buildings in said county."

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the justices of the inferior court of the county of Franklin, are hereby authorized to impose a proportionate extra tax on the inhabitants of said county annually, equal to one half of the general tax, until they shall have collected a sum of money sufficient to defray the expenses of building a court-house and jail in said county; which said tax shall be collected in the same manner as the general tax; out of which sum the tax-collector shall be entitled to receive two and one half per centum for his services; which said tax when collected shall be set apart for the special purposes above mentioned.

SEC. 2. And be it further enacted, That the justices aforesaid, shall, within four months from the passing of this act, let the said buildings to the lowest bidder, at the place contemplated for the creation of said buildings, which shall be at the town of Carnesville, or the nearest adjacent situation thereto, to which sufficient titles can be obtained.

SEC. 3. And be it further enacted, That the law heretofore passed on that subject, be, and the same is hereby repealed.*

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

AN ACT

To alter and repeal certain parts of an act, entitled "An Act, for the limitation of actions, and for avoiding suits of law, and to repeal the act passed on that subject, the 20th day of March, 1767, for the better and more effectually quieting men's possessions and estates, and for avoiding suits of law;" passed the 7th of December, 1805.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, Persons commencing actions before, and discontinuing or being

* See act of 1806, No. 232, on this subject, and repealing all other laws.
(No. 225.)
non-suit, after the term of limitation is expired, allowed six months for one time only, to renew his action. Act of 1767, revived, and 5th section of the act of 1805 repealed.

That when any action shall be instituted within the time limited in the said recited act, and the plaintiff be non-sued, or shall discontinue the same after the term of limitation is expired, that he shall be permitted to renew his action within six months thereafter, for one time only, and not after. And so much of the second section of the said act as is repugnant hereto, be, and the same is hereby repealed.

SEC. 2. And be it further enacted, That the above recited act passed in one thousand seven hundred and sixty-seven, be, and the same is hereby declared in full force, as to all actions and causes of actions which originated under it. And that the fifth section of the recited act passed in 1805, be, and the same is hereby repealed.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

(No. 226.)

To authorize certain commissioners therein named, to define, ascertain and new mark the dividing line between the counties of Elbert and Franklin.

WHEREAS the line dividing the counties of Elbert and Franklin, has never been properly defined and ascertained—and difficulties having already arisen for the want of such ascertaiment: For remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatizes of the State of Georgia, in General Assembly met, That Richardson Hunt and William Pulliam, citizens of the county of Elbert and John Martin and James Little, citizens of the county of Franklin, shall be commissioners for and on the part and behalf of the counties aforesaid, who shall be invested with full power and authority to define and ascertian the said line, and plainly to mark the same: which line when so marked as aforesaid, by the commissioners aforesaid, or a majority of them, shall be deemed, held and taken, as the true line of division between the said counties.

See act of 1806, No. 264, reviving the act of 1767, and declaring it in full force from the 1st February, 1793, and repealing all others militating against the true intent and meaning of said act of 1806.
Sec. 2. And be it further enacted, That the said commissioners shall receive as a compensation for their services, the sum of three dollars each per day; which shall be paid by the inferior court of each of the aforesaid counties, out of the county funds.

Sec. 3. And be it further enacted, That in case of the death, disability, or refusal to act, of any of the aforesaid commissioners, the justices of the inferior court of the county in which the same may happen, shall immediately proceed to fill such vacancy.

Sec. 4. And be it further enacted, That the said commissioners shall make return of their proceedings to the inferior courts of their respective counties, on or before the last day of July next.

Sec. 5. And be it further enacted, That all laws heretofore passed on that subject, be, and the same are hereby repealed.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 24, 1806.

JARED IRWIN, Governor.

AN ACT:

For the better regulation and government of the town of Watkinsville, in the county of Clarke.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Bedford Brown, Edward Bond, and Robert Echols, shall be commissioners of said town, and their successors in office, shall have full power and authority to pass all bye-laws and regulations which may be necessary for the improvement and repairing of the streets of the said town, and the preservation of the public springs—Provided, That such bye-laws and regulations, shall not be repugnant to the constitution and laws of this State, and that no penalty thereby imposed shall extend

* See act of 1807, No. 303, repealing this and all other acts on the subject, and appointing other commissioners.
(No. 227.) to corporeal punishment (except to people of color)—And provided also, That the said commissioners shall not impose any tax upon the citizens of the said town which shall exceed one dollar on each poll within the term of one year.

Sec. 2. And be it further enacted, That the said commissioners shall continue in office until the first Monday in January, one thousand eight hundred and eight, and on the first Monday in every year thereafter, on which day all the free male white citizens of the said town who have given in their taxable property, and who are entitled to vote for members of the General Assembly, shall assemble at the court-house in said town, and by ballot elect other commissioners, who shall continue in office for one year; at which election, two justices of the peace for the said county shall preside: Provided nevertheless, That the said commissioners shall be re-eligible to the said appointment.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 24, 1806.

JARED IRWIN, Governor.

AN ACT

(No. 228.) To regulate the town of Jefferson, in the county of Jackson, and to make permanent the seat of the public buildings of said county.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That Buckner Harris, David Witt, John Allen, Thomas Hyde, and Stewart M'Cravy, Esquires, shall be commissioners of said town, and their successors in office, shall have full power and authority to pass all bye-laws and regulations which may be necessary for the improving and repairing of the streets of the said town, and the preservation of the public springs—Provided, That such bye-laws and regulations be not repugnant to the constitution and laws of this State, and that no penalty thereby imposed shall extend to corporeal punishment (except on slaves or persons of colour)—And provided also, That the said commissioners shall not impose any poll tax upon the citizens of the said town which shall exceed one dollar, within the term of one year.
AN ACT*

To regulate the town of Lexington.

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same it is hereby enacted, That Mathew Gage, George Philips, John Gresham, Thomas W. Cobb, and George Pascal, and their successors in office, shall be commissioners of the said town, and shall have full power and authority to pass all bye-laws and regulations which may be necessary for the improving and repairing of the streets of said town, and the preservation of the public spring—Provided, That such bye-laws and regulations shall not be repugnant to the constitution and laws of this State, and that no penalty thereby imposed shall extend to life, limb, or corporeal punishment on white persons: And provided also, That the said commissioners shall not impose any poll tax upon the citizens of the said town, which shall exceed one dollar within the term of one year.

* This act amended by act of 1807, No. 302.
Sec. 2. And be it further enacted, That the said commissioners shall continue in office until the first Monday in January, 1808, on which day, and on the first Monday in January in every year thereafter, all the free male white citizens of the said town, who shall have given in their taxable property, and who shall be entitled to vote for members of the General Assembly, shall assemble at the court-house in said town, and by ballot elect five other commissioners, who shall continue in office for one year, at which election any two of the justices of the inferior court, or justices of the peace of said county shall preside: Provided nevertheless, That the said commissioners shall be re-eligible to the said appointments.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 28, 1806.

JARED IRWIN, Governor.

AN ACT

To authorize the trustees of the University, through the aid and assistance of certain commissioners herein named, to establish a lottery, for the purpose of raising three thousand dollars, to purchase a library for the use of the University.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That it shall, and may be lawful for the commissioners herein after named, to establish a lottery, whereby they may be enabled to raise the sum of three thousand dollars, for the purpose of purchasing a library for the use of the University of this State, under such schemes and regulations as they, or a majority of them may deem necessary and proper to carry into effect the above recited object.

Sec. 2. And be it further enacted, That Thomas Cumming, John Murray, John Willson, the elder, John Twiggs, and Thomas Flournoy, be, and they are hereby appointed commissioners to carry into effect the aforesaid lottery.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 28, 1806.

JARED IRWIN, Governor.
AN ACT

To amend an act, entitled, "An Act to empower the inferior courts of the several counties in this State, to order the laying out of public roads, and to order the building and keeping in repair of public bridges," so far as respects the county of Effingham.

SEC. 1. Be it enacted, That all overseers of roads, who shall refuse or neglect to do their duty as is directed by this act, or shall not keep the roads and bridges over small water courses, and cause-ways over swamps and low lands in repair, or let them remain un-cleared or out of repair, for and during the space of thirty days, unless hindered by extreme bad weather, such overseer shall forfeit for every such offence the sum of two hundred dollars—one moiety thereof to the informer, and the remainder to the use of the county, to be recovered by warrant or execution to be issued by the inferior court of the county where such default shall happen; which court is hereby authorized and empowered to examine into such default in a summary manner, after having given twenty days notice to such overseer, to come forward and exculpate himself from such charge.

SEC. 2. And be it further enacted, That this act shall be in force in the county of Effingham only.

SEC. 3. And be it further enacted, That the fifth section of the above recited act, so far as respects the county of Effingham, be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 28, 1806.

JARED IRWIN, Governor.

AN ACT

To make permanent the seat of the public buildings in the county of Franklin and to appoint commissioners to erect the said buildings.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Carnesville, in the county of Franklin, shall be the permanent seat of the public buildings thereof.

Carnesville permanent site of the public buildings.
SEC. 2. And be it further enacted, That James Terrel, Obediah Hooper, Joseph Chandler (of Broad river) Frederick Beall, and Benjamin King, be, and they are hereby appointed commissioners to erect said building, and they or a majority of them, are hereby fully authorized and required, after giving twenty days notice, at three or more of the most public places in the county, shall contract for, or let the building of the court-house and jail, of such dimensions, and on such plan as they shall deem most convenient to answer the end proposed, at the place aforesaid.

SEC. 3. And be it further enacted, That the said commissioners, or a majority of them, are hereby authorized and empowered to draw on the funds of the said county for such sums of money as may be necessary to defray the expense of said buildings.

SEC. 4. And be it further enacted, That all laws or parts of laws, heretofore passed, that militates against this act, be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 29, 1806.

JARED IRWIN, Governor.

AN ACT.

To authorize the justices of the inferior court of Hancock county to levy an extra tax for the purpose of building a new jail, and making such repairs to the court-house of said county, as may appear necessary.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted, by the authority of the same, That the justices of the inferior court of Hancock county shall be, and they are hereby authorized to levy an extra tax on all persons and property in said county, liable to taxation, for the purpose of building a new jail, and making such repairs to the court-house of said county as may appear necessary and proper—Provided, the amount so levied shall not exceed one third part of the general tax—And provided also, that the said levy shall not be continued more than three years.
PASSED IN THE YEAR 1806.

SEC. 2. And be it further enacted, That the collector of tax for said county shall collect and return to the court the amount so levied, to be by them applied to the purposes aforesaid, after deducting the lawful per cent. for collecting the same.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 29, 1806.

JARED IRWIN, Governor.

AN ACT

To regulate the election of Aldermen for the city of Savannah, and the city officers, and to repeal the laws heretofore passed on that subject.

WHEREAS by the present mode of electing aldermen for the city of Savannah, a great number of citizens are wholly disfranchised, deprived of the inestimable privilege of voting for their representatives, and subject to penal laws, arbitrary fines and taxes, imposed upon them without their consent, in direct violation of the fundamental principles of the constitution.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the present mayor and aldermen of the said city, shall continue in office until the first Monday in September next, and from thence until their successors shall be duly elected and qualified, according to the directions of this act.

SEC. 2. And be it further enacted by the authority aforesaid. That on the said first Monday in September next, and on the first Monday in September in every year thereafter an election shall be held in the court-house in Savannah, for aldermen to represent the several wards of the said city, by three or more justices of the peace, or justices of the inferior court, not being candidates, whose duty it shall be to preside at, and superintend the said election; and it shall be the duty of the sheriff of the said city to attend the said election, with two or more constables to keep and preserve order.

* See act of 1807, No. 314 amendatory of this act.
Sec. 3. And be it further enacted, That the said election shall be by the citizens, inhabitants of the said city, who shall have resided therein six months previous to the day of election, and who are entitled by law to vote at elections, for representatives on members of the legislature of this State, and the said election shall be opened, conducted and closed in the same manner as is established by law for elections of members of the legislature.

Sec. 4. And be it further enacted, That at the said elections, the said electors shall elect from among the citizens generally, one alderman for each of the wards of the said city and shall at the same time elect a city-marshal, sheriff, clerk of the council, clerk of the mayor's court and clerk of the market, which said officers shall give such security for the faithful execution of their duty, as the said corporation shall require and approve.*

Sec. 5. And be it further enacted, That all acts, and parts of acts, heretofore passed, so far as the same militate with this act, be and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 29, 1806.

JARED IRWIN, Governor.

AN ACT.

To amend an act, entitled "an act, to carry into effect the 9th section of the third article of the constitution."

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the divorces recognized by this act shall be absolute, and totally dissolve the marriage contract, or conditional, and only separate the parties from bed and board, and provide for separate maintenance and support of the parties, and their issue.

* See act of 1808, No. 325, altering this mode of election and placing it in the hands of the Mayor and Aldermen of the city of Savannah.
Sec. 2. And be it further enacted, That all cases of divorce which shall come before the superior court, shall be tried by a special jury,* who shall enquire into the situation of the parties before their intermarriage, and also at the time of trial, and in all cases where they shall determine in favor of a conditional divorce; they shall by their verdict or decree make provision out of the property of which the husband may be possessed, for the separate maintenance and support of the wife and the issue of such marriage, which verdict or decree, the said court shall cause to be carried into effect according to the rules of law, or according to the practice of chancery, as the nature of the case may require.

Sec. 3. And be it further enacted, That in all cases where the verdict shall be for an absolute divorce, the party whose improper or criminal conduct shall authorize such divorce, shall not be permitted to marry again during the life of the other party, and in case of such second marriage, the party so offending shall be subject to the pains and penalties enacted against bigamy—Provided always, That where the marriage is declared void for such causes existing before such intermarriage as are recognized by the ecclesiastical courts, the said parties may marry again, any thing herein before contained to the contrary notwithstanding.

Sec. 4. And be it further enacted, That in all cases where the special jury shall have brought in a verdict for an absolute divorce, and the General Assembly shall refuse to pass a law to carry the same into complete effect, it shall be lawful for either party to apply to the superior court of said county, after giving thirty days notice in writing, of such application to the adverse party, if within the State; and if out of the State, three months notice, in one of the public gazettes—and it shall be the duty of such court to appoint three commissioners, who shall enquire into the situation of the parties before their intermarriage, and also at the time of such enquiry; and shall determine upon the support or provision which may be necessary for the separate maintenance of the wife, having due regard to her situation before marriage, and also the situation of the husband at the time of such enquiry—and the said three commissioners, before they proceed to make the enquiry, shall take and subscribe before one of the justices of the inferior court, or justices of the peace of said county, the following oath or affirmation, viz:—I, A, B, do solemnly swear or affirm, that I will, without prejudice or partiality, faithfully enquire, and justly decide upon the case now submitted to me, and that I will make my report or decree thereon according to the principles of justice and equity, to the best of my skill and understanding; So help me God. And it shall be the duty of such commissioners to report their decision or decree in the premises to the next superior court of the county aforesaid; which shall cause the same to be entered as the judgment of said court, subject nevertheless to be altered or modified by.

*See act of 1810, No. 519, prescribing the oath to be taken by such jury.
the said court, Provided, application be made to the next superior court of said county for that purpose, stating the grounds upon which such application is founded, and in such case it shall be the duty of the said superior court to refer the said decree, or report to the same commissioners, with two additional commissioners, who shall take the oath herein before prescribed, and shall proceed to re-examine the said decree, and report their decision or decree in the premises, to the next superior court of said county; which shall be entered as the judgment or decree of said court.

SEC. 5. And be it further enacted, That all commissioners appointed under and by virtue of this act, shall have power to compel the attendance of such witnesses, as may be deemed necessary by the parties, before them, at such time and place as they may appoint for their meeting; and shall also have competent power and authority to administer an oath to such witnesses, and shall take down the testimony of such witnesses in writing, which shall be annexed to their decree, and be deposited in the clerk’s office.

SEC. 6. And be it further enacted, That in all cases where provision is made for the separate maintenance of the wife according to the provisions of this act, the husband shall not be subject to any contract made thereafter by such wife, but in all & every such case, the wife shall be subject to the payment of her own debts, out of her separate maintenance, during the time that such separation, and separate maintenance shall continue.

SEC. 7. And be it further enacted, That in all cases of divorce, the issue of such marriage shall not be bastardized, but shall be capable of taking by descent of distribution from either of their said parents.

SEC. 8. And be it further enacted, That in all cases of applications for a divorce, the party applying shall render a schedule on oath, of the property owned or possessed by said parties at the time of such application, or if the parties have separated, at the time of such separation, which shall be filed of record by the clerk of the superior court, and after all just debts shall be paid, shall be subject to a division or equal distribution between the children of such parties, except the jury before whom the same may be tried, shall think proper to allow either party a part thereof.

SEC. 9. And be it further enacted, That so much of the before recited act, as is repugnant to this act, be and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
EDWARD TELFAIR, President of the Senate.

Assented to, December 5, 1806.

JARED IRWIN, Governor.
AN ACT

To repeal an act, entitled "An Act to incorporate Vann's Creek Baptist Church, in Elbert county."

WHEREAS the said church, by their petition presented to the present General Assembly, praying a repeal of the aforesaid act:

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 above recited act, and every part thereof, be and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 5, 1806.

JARED IRWIN, Governor.

AN ACT

To incorporate the Red's Creek Baptist Church, in Columbia county.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That Loveless Savidge, James Simms, Archibald Odom, David Walker and John Collier, and their successors in office, shall be and they are hereby declared to be a body corporate, and known by the name of the Incorporated Red's Creek Baptist Church.

SEC. 2. And be it further enacted, That the said Loveless Savidge, James Simms, Archibald Odom, David Walker and John Collier, and their successors in office, shall be vested with all such property, both real and personal, as has, shall or may be bestowed on said society, or church, by gifts, grants, or otherwise in trust, for the use and benefit of the said society, or church.

SEC. 3. And be it further enacted, That the aforesaid society, or church, or a majority of them, shall, at any time they may deem proper, proceed to elect other persons as
trustees in the room of the aforesaid Loveless Savidge, James Simms, Archibald Odom, David Walker and John Collier or either of them, or their successors in office, previously thereto, giving at least thirty days notice of such intention, to said society, or church.

Sec. 4. And be it further enacted, That the aforesaid trustees, and their successors in office, shall be, and they are hereby declared to be a body corporate, and capable of suing and being sued, of pleading and being impleaded, and of using all legal measures for the recovery and defending any property which the said society, or church may have, hold, claim or enjoy.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 5, 1806.

JARED IRWIN, Governor.

AN ACT

To amend the acts for regulating Vendues—so far as to authorize a Vendue-Master for the Town of Milledgeville.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted, That there shall be a vendue-master for the town of Milledgeville, who shall be appointed by concurred resolution of both branches of the Legislature, and who shall in all respects proceed and conduct himself in conformity to the several acts heretofore passed for regulating vendues, during the time he may continue in office.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 5, 1806.

JARED IRWIN, Governor.
AN ACT

To change the time of holding the Superior Court in the counties of Oglethorpe, Clarke and Jackson.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That immediately from and after the passing of this act, the times of holding the superior court, in said counties, shall be as follows, viz.—In the county of Oglethorpe, on the second Monday in March and September—in the county of Clarke, on the third Monday in March and September; and in the county of Jackson, on the fourth Monday in March and September.

SEC. 2. And be it further enacted, That the grand and petit jurors and witnesses, summoned to appear before such courts, and all writs and recognizances returnable on the days, upon which said courts would have been held under the laws heretofore in force, shall be returnable to the several days herein before specified for holding of the said courts in the aforesaid counties—any law, usage or custom, to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 5, 1806.

JARED IRWIN, Governor.

AN ACT

To empower the Inferior court of Jefferson county to levy an extra tax, for the purpose of building a new Jail in said county.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the inferior court of the county of Jefferson, be, and they are hereby authorized to levy an extra tax on all persons and property in said county, liable to taxation, for the purpose of building a new Jail therein—Provided always, nevertheless, That the said tax shall not exceed more than one fourth of the general tax, nor continue in force for more than three years.
Sec. 3. And be it further enacted by the authority aforesaid, That the tax-collector for said county, shall collect and return to the justices of the inferior court of Jefferson county, aforesaid, the amount so levied, to be by them applied to the purposes aforesaid, after deducting the lawful per cent. for the collection thereof.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To authorize the Inferior Court of the county of Clarke to levy an extra tax, for the purpose of enlarging or re-building the Court-House in said county.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the justices of the inferior court of the county of Clarke, are hereby authorized and required, to impose a proportionate extra tax on the respective inhabitants of said county, annually, for three years in succession, not exceeding the one third of the annual general state tax of each inhabitant—which said tax shall be collected in the same manner, and under the same restrictions as are laid down for the collection of the general tax of this State; and the monies so arising from the extra tax as aforesaid, shall be appropriated for the special purpose of enlarging or rebuilding the courthouse of said county of Clarke.

BENJAMIN WHITAKER, Speaker of the House of Representatives,

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.
AN ACT

To authorize the justices of the inferior court of Washington county, to levy an extra tax, for the purpose of repairing the court-house and jail of said county, so far as may appear necessary.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the inferior court of Washington county, shall be, and they are hereby authorized to levy an extra tax on all persons and property in said county, liable to taxation, for the purpose of repairing the court-house and jail, so far as may appear necessary and proper—Provided, the amount so levied, shall not exceed one fourth part of the general tax.—And Provided also, That the said levy shall not continue for more than three years.

Sec. 2. And be it further enacted, That the collector of tax for said county, shall collect and return to the court the amount so levied, to be by them applied to the purpose aforesaid, after deducting the usual per cent, for collecting the same.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To authorize the justices of the inferior court of the county of Columbia, to levy an extra tax, in aid of the county funds, for the purpose of building a court-house in said county.

Sec. 1. 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 the justices of the inferior court for the county of Columbia, are hereby authorized to levy an extra tax on the inhabitants of said county, annually, not to exceed one fourth part of the general tax, which said tax shall be collected in the same manner.
(No. 243.) as the general tax, out of which sum the tax-collector shall be entitled to receive two and one half per centum for his services—and the monies so arising from the extra tax aforesaid, shall be appropriated, in aid to the county funds, for the special purpose of building a court-house in said county.

SEC. 2. And be it further enacted, That the justices aforesaid shall within six months from the passing of this act, let the building of the said court-house, by public outcry, to the lowest bidder, at the place contemplated for building said court-house, after giving twenty days public notice, at three or more of the most public places within the county.*

SEC. 3. And be it further enacted, That this act shall be and continue in force until there shall be a sufficient quantum of monies raised, in aid of the county funds, to complete the building of said court-house, and no longer.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

(No. 244.) To appoint commissioners, for the purpose of carrying into effect the building the court-house and jail for the county of Wayne.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That Solomon Gross, Francis Smallwood, John Mundon, William Clement and William Knight, be, and they are hereby appointed commissioners, with full and ample powers, to point out and fix upon the most suitable and convenient place in the said county of Wayne, for erecting a court-house and jail thereon, and such place to be agreed on by them, or a majority of them, shall, and the same is hereby declared to be the permanent seat of the court-house and jail of said county of Wayne.

* See act of 1807, No. 310, amendatory of this act.
PASSED IN THE YEAR 1806.

SEC. 2. And be it further enacted, That the aforesaid commissioners are hereby authorized and empowered to contract with some person or persons, as the case may be, upon the best terms for the building said court-house and jail of said county of Wayne.

SEC. 3. And be it further enacted, That until such court-house and jail shall be completed, the inferior and superior courts and elections for said county, shall be held at the house of Francis Smallwood.*

SEC. 4. And be it further enacted, That the aforesaid commissioners, or a majority of them, are hereby authorized and empowered to collect and receive all monies which may be appropriated for that purpose—any law, custom or usage, to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To authorize certain commissioners therein named, to new mark and ascertain the dividing line between the counties of McIntosh and Liberty.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That John Stacy, of Liberty county, and Leonard Jourdine, of McIntosh county, shall be, and they are hereby appointed commissioners, to ascertain and new mark the dividing line between the said counties of Liberty and McIntosh, in the following manner, to wit:—Commencing at the head or main source of Bull-Town Swamp, then running a north west course, until by a right angle they shall strike the Alatamahha river at Oswald's bluff. And the said commissioners for their services shall be allowed three dollars per day each, and their choppers one dollar each per day, while performing that duty, to be paid jointly out of the funds of said counties of Liberty and McIntosh.

* See act of 1806, No. 382, amending this act, and removing the courts and elections to Capt. Wm. Clements.

R 2
SEC. 2. And be it further enacted, That in case of failure of either of the above commissioners, the inferior court of the county where they reside, shall fill the vacancy occasioned thereby; and the report of said commissioners shall be to the inferior courts of said counties, to be entered of record, for the information of the inhabitants thereof.

SEC. 3. And be it further enacted by the authority aforesaid, That in case of disagreement between the commissioners as to running said line, or either party shall refuse to act, that then, and in that case, it shall and may be lawful for the commissioner of either of the said counties, after giving thirty days notice to the commissioner of the other county, to proceed to run and new mark the line dividing said counties; which shall be deemed, held and taken as the true line.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To appoint commissioners for the better regulating and government of the town of Milledgeville, and for incorporating the same.

SEC. 1. Be it enacted by the Senate and House of Representatives in General Assembly met, That the following persons, to wit: David Fluker, Jett Thomas, Uriah Thwett, John W. Devereaux and Thompson Bird, be, and they are hereby appointed commissioners of the town of Milledgeville, 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.

SEC. 2. And be it further enacted, That the said commissioners shall hold their respective appointments, hereby given to them, until the first Monday in January, eighteen hundred and eight, at which time, and on every subsequent year thereafter, the citizens of Milledgeville, entitled to vote for members of the General Assembly, shall choose by ballot, five persons to succeed them as commissioners of said town, and they shall have
and are hereby vested with full power and authority to make such bye-laws and regulations, and inflict or impose such fines, penalties and forfeitures, and doing other incorporate acts, as in their judgment shall be conducive to the good order and government of the said town of Milledgeville:—Provided, That such bye-laws and regulations be not repugnant to the laws and constitution of this State.

'Sec. 3. And be it further enacted, That any two or more justices of the peace, for said county of Baldwin, are hereby authorized and required to preside at such elections for commissioners aforesaid—Provided always nevertheless, That nothing herein contained shall be so construed as to prevent the election of the commissioners herein before named; and any person or persons who may hereafter be elected commissioners of said town, shall be re-eligible at the next or any subsequent election after the expiration of the time for which he or they may be elected as commissioners under this act.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

The more effectually to ensure the testimony of witnesses going beyond seas, or removing without the jurisdiction of the State, and aged and infirm persons.

WHEREAS no provision is made by the laws of this State for taking the examination of witnesses, going beyond seas, or removing without the jurisdiction of this this State, or who from infirmity may be unable to attend the court, in suits or actions, there pending, by which serious injuries result to the citizens thereof.

SEC. 1. 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 in case either plaintiff or defendant, may deem any witness or

* See act of 1807, No. 271, amendatory of this act.—See also, act of 1810, No. 535, amendatory, and defining, specifically the powers of the commissioners.

(No. 216.)

Proviso.

Two or more justices of the peace to preside at said elections.

Proviso.

(No. 227.)

Preamble.

Witnesses going beyond seas or the limits of this state, or infirm to be examined by order of court.
witnesses material, on any cause or causes pending in any of the courts of law in this State, and who are going beyond seas, removing without the jurisdiction of the State aforesaid, or from age or other bodily infirmity, may be unable, personally to attend the said court, in what manner. In application by petition to the judge of the superior court, if the action is there pending, or in his absence to one, or more justices of the inferior court, stating the grounds for such application, to which petition the party so applying shall annex an affidavit, stating the materiality of the witness or witnesses, that he, she, or they, are removing without the jurisdiction of the State aforesaid, or going beyond seas, or from age, or bodily infirmity, are unable to attend court; and that he cannot with safety proceed to trial without such testimony. And it shall be the duty of the judge, justice or justices to grant the prayer of the petitioner, and fix a day on which he, or they will attend to receive and take the examination of such witness or witnesses, and when he or they shall have so taken and received the testimony aforesaid, the same shall be sealed up, and directed to the clerk of that court, in which the suit or action may be then pending:—Provided always, The adverse party have at least three days notice, for every twenty miles, he, she, or they, may reside from the place of taking such examination.—And provided also, That in case the person or persons, whose testimony shall have been taken, return or be able to attend such court, that then, and in that case, such written testimony shall not be received or read.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To amend and explain an act, entitled "An act to revise and amend an act, to incorporate the town of St. Mary's" so far as respects the second and ninth sections of the said act.

WHEREAS in and by the said act, it is among other things, enacted, "That any two justices of the peace for the county of Camden, shall, without loss of time after the passing of this act, and on the second Monday in October annually thereafter, give ten days public notice in two or more places," and whereas doubts have arisen respecting the construction of the said clause, in the second section of the said act, as to the true intention of the legislature.
SEC. 1. 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 true intent and meaning of the said section was, and is, to hold the election for council-men, on the second Monday in October, ten days previous and public notice being first given.

AND WHEREAS in and by the ninth section of the said incorporating act, power is vested in the corporation to elect commissioners of pilotage, and to prescribe such rules and regulations for their government, as they may see fit—thereby precluding that body from having any control over the conduct of pilots, or passing such bye-laws and regulations, which to them might seem proper—which is absolutely inconsistent, unreasonable and unjust.

SEC. 2. Be it therefore enacted by the authority aforesaid, That the said intendant & council, are hereby authorized and required to appoint a board of commissioners of pilotage, for the port and district of St. Mary’s—who shall hold their appointments during good behaviour, unless sooner removed by sentence on impeachment; and the said commissioners shall have power to appoint any number of pilots they may see fit for the same, and to prescribe any such rules and regulations as they may deem expedient therefore—which rules and regulations shall be binding on all pilots and those that act under them, any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To incorporate the Presbyterian Church of the city of Savannah.

WHEREAS a number of the inhabitants of the city of Savannah and county of Chatham, have by their memorial represented to the legislature, that on the 16th day of January, 1756, a certain lot of land, situate and being in the city of Savannah, and known by the letter K. was granted to James Powell, Robert Bolton, James Miller, Joseph
Gibbons, William Gibbons, Benjamin Farley, William Wright, David Fox and John Fox, their heirs and assigns forever in trust nevertheless, and to the intent and purpose that a meeting-house or place of public worship for the service of Almighty God, should be erected thereon, for the use of such persons as were then residing, or might thereafter reside in the district of Savannah, as were professors of the doctrines of the church of Scotland, agreeable to the Westminster confession of faith, with a proviso in the said grant contained, that such meeting-house or place of worship not be erected on the said lot within the time therein limited, then the said lot should revert to the grantors; that a meeting-house was built within the time limited, and the professors of the Presbyterian religion, held, occupied and used the same as their place of public worship, until the said meeting-house was destroyed by fire, in the month of November, 1796, and the said lot was afterwards disposed of by the then trustees, on building leases, and hath ever since been held by the lessees—that in the year 1800, the professors of the said Presbyterian religion, were enabled by subscription to build a church on their other lot in the said city of Savannah, known by the letter Q, which is their present place of worship, and have prayed that a certain act of the legislature relative to the said church be repealed, and that they, the said memorialists, may be made a body corporate, and trustees appointed for the said Presbyterian church or congregation:

SEC. 1. BE it therefore enacted by the Senate and House of Representatives, of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That Thomas Newell, Charles Harris, Francis Courvoisie, John G. Williamson, John Scriven, Barrack Gibbons, Thomas F. Williams, Fingal T. Flyming and Benjamin Maurice, and their successors in office, be, and they are hereby declared to be a body corporate, by the name and style of "The Trustees of the Presbyterian Church of the city of Savannah."*

SEC. 2. AND be it further enacted, That the said Trustees and their successors in office, shall be invested with all manner of property, real and personal, all monies due, and to grow due, donations, gifts, grants, privileges and immunities whatsoever, which shall or may belong to the said Presbyterian Church, at the time of the passing of this act, or which shall, or may at any time, or times hereafter, be granted, given, conveyed, or transferred to them, or their successors in office—to have and to hold the same, to the said trustees, and their successors in office, to the only proper use, benefit and behoof of the said church forever. And the said Trustees and their successors in office, may have and use a common seal, and shall be, and they are hereby declared to be capable, by the name and style aforesaid, of suing and being sued, impleading and being impleaded, in any court or courts of law or equity, and of using and taking all lawful and necessary

*See act of 1807, No. 306, amending this act and pointing out the manner of electing their Trustees.
ways and means for recovering or defending any property whatever, which the said church may have, hold, claim or demand, or the rents, issues and profits thereof, or of any part thereof.

Sec. 3. And be it further enacted, That the above named Trustees shall continue in office until Easter Monday, in one thousand eight hundred and eight—and that on the said Easter Monday, one thousand eight hundred and eight, annually thereafter, the members of the said church shall convene at the said church, between the hours of ten and two o'clock, and then, and there elect, from among the said members nine fit and discreet persons, as trustees of the said church, who shall be vested with all necessary powers, to carry the several purposes intended by this act into full effect.

Sec. 4. And be it further enacted, That nothing herein contained shall be construed to vest in the said trustees, any right or title, or color of right or title to any estate or property whatsoever, real or personal, other than such as doth, or may rightfully or lawfully belong to the said Presbyterian church or congregation, hereby made a body corporate.

Sec. 5. And be it further enacted, That it shall not be lawful for the said trustees or their successors in office, at any time or times, hereafter, to grant, bargain, sell, alien, or convey, any real estate whatsoever, belonging to the said church, to any person or persons, under any pretence, or upon any consideration whatsoever, so as to dispose of the fee simple thereof.

Sec. 6. And be it further enacted, That an act entitled "An act to increase the funds of the Presbyterian Church of the city of Savannah," be and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives;

EDWARD TELFAIR, President of the Senate;

Assented to, December 8, 1806.

JARED IRWIN, Governor.
AN ACT

To limit the jurisdiction of the Mayor's court in the city of Savannah, and to alter the times of holding the same.

WHEREAS the frequent sittings of the Mayor's court in the city of Savannah, and the small sums of which it has cognizance under the existing laws, hath been found to operate grievously and oppressively on the inhabitants of the said city.—For remedy whereof,

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of same, That from and after the first day of January next, the said court shall not take cognizance of any cause in which the plaintiff's demand shall not exceed thirty dollars.

Sec. 2. And be it further enacted, That from and after the said first day of January next, the said court shall be held quarterly, on the days and times hereinafter mentioned, that is to say:—On the third Tuesday in March, the third Tuesday in June, the third Tuesday in September, and the third Tuesday in December, in every year.

Sec. 3. And be it further enacted, That all acts heretofore passed, so far as the same militates with this act, be, and the same are hereby repealed.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 29, 1806.

JARED IRWIN, Governor.

AN ACT

To authorize the Judges of the superior courts of this State, to alternate in their districts.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted that

* See act of 1807, No. 292, extending the jurisdiction of this court to 100 dollars, and making monthly sessions of the same, and repealing this act.
it shall and may be lawful for the judges of the superior courts in this State, and they are hereby authorized to alternate in their districts from and immediately after the first day of January next, any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to December 8, 1806:

JARED IRWIN, Governor.

AN ACT

For the better regulation and government of the town of Athens, and to incorporate the same.

SEC. 1. Be it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That William Malone, Stephen Thomas, and Hope Hull, be appointed commissioners of the town of Athens, and that they or a majority of them shall, immediately after the passing of this act, convene and proceed to the appointment of a secretary, and such other officers as they may deem necessary to carry this act into execution.

SEC. 2. And be it further enacted, That the said commissioners shall hold their respective appointments hereby given them, until the first Monday in January, eighteen hundred and eight, at which time, and on every subsequent year thereafter, the citizens of the town of Athens, entitled to vote for members of the General Assembly of this State, shall choose by ballot, three persons to succeed them as commissioners of said town, and they shall have, and they are hereby vested with full power and authority, to make such bye-laws and regulations, and inflict or impose such fines, penalties and forfeitures, and to do such other incorporate acts, as in their judgment shall be conducive to the good order and government of the said town of Athens—Provided, That such bye-laws and regulations be not repugnant to the constitutional laws of this State.

SEC. 3. And be it further enacted, That any two or more justices of the peace for said county of Clarke, are hereby authorized and required to preside at such elections.
for commissioners aforesaid—Provided always, That nothing herein contained, shall be so construed as to prevent the election of the commissioners herein before named; and any person or persons, who may hereafter be elected commissioners of said town, shall be eligible at the next, or any subsequent election, after the expiration of the time for which he, or they may have been elected as commissioners under this act.

BENJAMIN WHITAKER, Speaker of the House of Representatives,

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To extend the operation of the laws of this State, over the persons resident in Wafford's settlement, and to organize the same.*

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That immediately from and after the passing of this act, that the land included in Wafford's settlement, as defined and marked by the Cherokee nation of Indians, by their agents James Vann and Katahee, in conjunction with James Blair, Esq. on the part of the United States, be added to and become a part of the counties of Franklin and Jackson, and that the line dividing the said counties, be extended in the same direction until it shall intersect the external boundary of Wafford's settlement.

SEC. 2. And be it further enacted, That it shall be the duty of the inferior courts of said counties to organize the persons resident within the said lines, and each and every person, and persons residing within the said district, are hereby declared to be subject to the full force and operation of the laws of this State, and entitled to all the rights, privileges, and immunities of free citizens of this State.

SEC. 3. And be it further enacted, That for quieting and securing the said persons in the enjoyment of their habitations and lands, it shall not be lawful for the land courts of said counties, to grant any land warrant to be located between the line run and marked

* See act of 1807, No. 299, suspending this law, and see act of 1808, No. 361, repealing the suspending law, and consequently restoring this to its force. See also act of 1810, No. 490, amending this act, and annexing this settlement to Jackson county.
AN ACT
To authorize Pleasant Walton, to erect a Mill on Little River.

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 be lawful for Pleasant Walton, of the county of Lincoln, to erect a Mill at his mill-seat, on Little River near his plantation—Provided nevertheless, That the same does not interfere with the rights of any other person; any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.
from and after the passing of this act, all, and every person or persons whatsoever, who are citizens of this State, may, on application to the judge of the superior court, be admitted to practice as an attorney—Provided, such person shall produce satisfactory evidence of his moral rectitude, and shall undergo an examination in open court, upon a day assigned for that purpose, by the judge; any law, usage or custom, to the contrary notwithstanding.

Sec. 2. And be it further enacted, That the rules of court relative to the admission of Attorneys, which requires the applicant to study any particular length of time in the office of any judge or practitioner of law, be, and the same is hereby declared to be abrogated and void.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To regulate the navigation of the Savannah River, between the cities of Savannah and Augusta, so far as respects the patroons of boats.

WHEREAS it is found from experience to be highly improper and inexpedient for the boats employed in the carrying trade between the cities of Savannah and Augusta, to be commanded by, and under the care of slaves:—for remedy whereof:

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of January next, it shall not be lawful for any negro slave or other person of colour, to have the command of, or to act as patroon of any boat carrying goods, wares, and merchandize, or produce, from either of the said cities to the other.

Penalty for violating this law.

Sec. 2. And be it further enacted, That persons transgressing this act, shall be liable to indictment in the superior courts of this State, and on conviction thereof, shall forfeit
and pay the sum of two hundred dollars; one half thereof to the use of the informer, and the other half to the use of the county where such conviction shall take place. And the party so offending, shall moreover be liable for all losses which may happen to the owners of property on board such boats, the usual dangers of the river, and other exceptions not excepted.

Benjamin Whitaker, Speaker of the House of Representatives.

Edward Telfair, President of the Senate.

Assented to, December 8, 1806.

Jared Irwin, Governor.

AN ACT

To alter and amend the second and fourth sections of an act, entitled, "An Act for the establishing and regulating patroons, and for preventing any person from purchasing provisions or any other commodities from, or setting such to any slave, unless such slave shall produce a ticket from his or her owner, manager or employer."

Whereas the fines imposed by said act for the refusal and neglect of patrol duty, is found from experience to be inadequate to the purposes therein intended—For remedy whereof,

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That any person liable to do and perform patrol duty, as prescribed in the above recited act, who shall refuse or neglect to do and perform the same, shall forfeit and pay a sum not exceeding five dollars for each offence, to be adjudged by a majority of the militia officers of the company district where the offence shall be committed, and levied by distress and sale of the offenders goods, under the hand and seal of the captain or commanding officer of such company, to be paid over to the inferior court, for the use of the poor of the county where such offence shall be committed; unless sufficient excuse be made to the officers of such company on their next ensuing muster day. And it shall be the duty of the commanders of patrols, to make a just and true return of all defaulters in their respective districts to the captain or commanding officer of the company, on the muster day after they shall have been appointed. And if any person shall have been regularly appointed to command

Persons liable to do patrol duty, and neglecting or refusing to do the same, to be fined not exceeding 5 dollars.

How collected.

Commanders of patrols to make return of defaulters to captains of companies.

Penalties of commanders of patrols for neglecting of duty.
(No. 258.)

the patrol, agreeable to the above recited act, who shall refuse to accept of such command, or after acceptance thereof, shall refuse or neglect to do his duty, such person so offending, shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be adjudged by a majority of the officers of the company, and levied by distress and sale of the offender’s goods, under the hand and seal of the captain or commanding officer of the company, and paid over to the inferior court, for the use of the poor of the county where such offence shall be committed.

Sec. 2. And be it further enacted, That any thing in the above recited act which militates against this act, be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To amend an act, entitled, “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.”

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is enacted by the authority of the same, That the several crimes and offences hereinafter particularly enumerated, are hereby declared to be felony; that is to say:—If any slave, free negro, Indian, mulatto or mustizo, (Indians in amity with the United States excepted) shall be guilty of homicide of any sort, upon any white person, except by misadventure, or if a slave, 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 any rape on any white person whomsoever, every such offender or offenders, his and their aiders and abettors, shall upon conviction thereof, suffer death; or if any slave, free negro, Indian, mulatto, or mustizo, (except as before excepted) shall wilfully and maliciously kill any slave, free negro, Indian, mulatto, or mustizo, 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 inveigle, delude or entice any slave or slaves to run away, whereby the owner or owners of such slave or slaves, shall, might, or would have lost or been deprived of such slave or slaves, every such slave, free negro, indian, mulatto or mustizo, and his and their accomplices, aiders and abettors, shall upon conviction as aforesaid, suffer death, or such other punishment as the justices and jury shall in their discretion think fit—Provided, That such slave, free negro, indian, mulatto, or mustizo as aforesaid, shall have actually prepared provisions, arms, ammunition, horses, or any flat, canoe or other vessel, or done any other overt act, whereby their intentions shall be manifested.

Sec. 2. And be it further enacted by the authority aforesaid, That the trial of any such free negro, indian, mulatto or mustizo as aforesaid, shall be had, held and conducted in the same manner, and be governed by the same rules and regulations, as to evidence and punishment, as in and by the act aforesaid is directed for the trial and punishment of slaves.

Sec. 3. And be it further enacted, That the twelfth clause and such other parts of the said act, and all other acts, so far as the same are contrary to this act, be, and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To compensate the Justices of the Inferior Courts.*

WHEREAS arduous duties are imposed upon the justices of the inferior courts of the several counties in this State, for which no compensation is allowed:—And

* See act of 1809, No. 451. repealing this act.
(No. 259.) WHEREAS it is declared in the 4th section of the 3d article of the constitution, that the justices of the inferior courts may be compensated in such manner as the legislature may by law direct:

SEC. 1. 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 there shall be a tax levied on all suits which may be commenced after the date herof in the superior and inferior courts of the several counties of this State, in the following manner, that is to say:—On all suits not exceeding one hundred dollars, the sum of one dollar; on all suits exceeding one hundred dollars, and not exceeding three hundred dollars, the sum of one hundred and fifty cents: on all suits exceeding three hundred, and not exceeding five hundred dollars, two dollars: on all exceeding five hundred dollars, the sum of three dollars: and on all actions of ejectment, the sum of two dollars; which said several sums shall be paid by the parties cast in such suits, & shall be taxed in the bill of cost, and collected in the same manner as other costs of such suits.

SEC. 2. And be it further enacted, That all monies which shall be collected or received by any of the officers of the said courts, on account of the aforesaid tax upon suits, shall be paid to the justices of the inferior court of the county in which such proceedings shall have taken place, as a compensation for their services; and all and every officer of the said courts who shall neglect or refuse to pay over such money, after an order shall be made for that purpose by such court, shall be deemed guilty of contempt, and may be proceeded against by attachment.

SEC. 3. And be it further enacted by the authority aforesaid, That the aforesaid monies shall be equally divided between the said justices of the inferior court.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1896.

JARED IRWIN, Governor.
AN ACT

To establish the fees of the public officers of this State, on all grants that may be issued in the counties of Baldwin and Wilkinson, under the act of the General Assembly of this State, passed at Louisville, the 26th of June, 1806.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is enacted by the authority of the same, That for each grant issued in the counties of Baldwin and Wilkinson for the lands obtained by treaty, entered into by Henry Dearborn, secretary at war, for the use of Georgia, and the Creek nation of Indians, on the fourteenth of November, eighteen hundred and five, the secretary of State, shall be entitled to receive sixty cents—the comptroller-general fifty cents—the secretaries to the executive department, eight cents each—the treasurer, eight cents—and the comptroller-general eight cents; which shall be in full for the services by them performed, in granting said land. And the governor is hereby authorized, quarter yearly to draw a warrant on the treasury in favor of the aforesaid officers, for the said several sums, as they become due.

BENJAMIN WHITAKER, Speaker of the House of Representatives,

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To revise and amend "An Act to distribute and dispose of the late cession of land obtained from the Creek Nation of Indians, by Henry Dearborn, Secretary at War, being specially authorized therefor, by the President of the United States, in a treaty concluded at the City of Washington, on the fourteenth day of November, one thousand eight hundred and five"—so far as it respects the persons that were entitled to draws in the present contemplated Land Lottery, agreeably to the requisitions of this act, and were prevented from giving in their names, from sickness and other casualties, or who have not paid taxes in conformity to the said act.

WHEREAS it doth appear by the petition of sundry persons to this legislature, stating that they were absent from this State, prevented by sickness or other unavoidable

T 2
SAWS OF GEORGIA,

(No. 261.) misfortunes from giving in their names for draws in the present contemplated Land Lottery—for remedy whereof,

Persons who from sickness or other cause did not give in for a draw in the contemplated Lottery—how and before whom to give in.

The duty of the Justices of the inferior court.

The non-payment of taxes no bar to a draw.

Sec. 2. And be it further enacted, That all male persons over the age of twenty-one years, having all the requisitions, as specified in the aforesaid act, other than having paid taxes, shall be admitted to have a draw or draws in the contemplated land lottery, without having paid taxes; any thing in the said act to the contrary notwithstanding. And his Excellency the Governor is hereby required to give the outlines of this act, in one or more of the public gazettes of this State, so soon as it shall receive his assent and signature.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.
AN ACT

To relieve certain fortunate drawers in the late Land Lottery.

HEREAS by an act, supplementary to an act, entitled "An Act to make distribution of the late cession of lands obtained from the Creek Nation, by the United States' commissioners, in a treaty entered into at or near Fort Wilkinson, on the sixteenth day of June, eighteen hundred and two," it is enacted that monies directed to be paid into the treasury in lieu of office fees in pursuance of the act, entitled "An Act to alter and amend an act to make distribution of the late cession of lands obtained from the Creek Nation, by the United States' commissioners, in a treaty entered into at, or near Fort Wilkinson, on the sixteenth day of June, eighteen hundred and two," passed at Louisville, the eleventh day of May, eighteen hundred and three, "shall be paid within the term of twelve months from and after the completion of the lottery contemplated by the aforesaid act, and in default thereof, such lots of land, on which the whole of the monies shall not then be paid, shall revert to and become the property of this State, and sold in like manner as fractional parts of surveys.'

AND WHEREAS many persons who have been fortunate drawers in the aforesaid lottery, have failed and omitted to take out their grants, within the time prescribed by the said law;—for remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of same, That the term allowed for receiving monies on grants in lieu of office fees, in pursuance of the aforesaid act, shall be and the same is hereby continued and extended to the tenth day of November next, any law to the contrary notwithstanding.—Provided nevertheless, That nothing herein contained shall authorize the governor to issue any grant, to persons who may have given in their names, and drawn land, contrary to the provisions of the aforesaid act.

AND WHEREAS the commissioners of the lottery, in transcribing the names of the fortunate drawers, into the book deposited in the executive chamber, in some few instances have, by mistake entered the names of persons who were not fortunate drawers in lieu of those who were; by reason whereof those legally entitled, although they hold the land, cannot obtain grants therefor, without provision is made by law for that purpose.—

Be it therefore enacted, That in each and every such case, his Excellency the Governor, be, and he is hereby authorized and required, to cause such grant or grants to

* See act of 1807, No. 307, extending the time still further.
issue, in the name of the real fortunate drawer, his heirs, or devisees, according to the justice of the case; and all grants which have issued in consequence of such mistake, shall be, and are hereby declared to be null and void—Provided nevertheless, if the holders of such grants shall return the same to the executive chamber, his Excellency the Governor shall cause the true name to be inserted therein, and in the records of the different offices, free from all additional charge; which grants shall be good and valid in law, any thing herein contained to the contrary notwithstanding.

SEC. 2. And be it further enacted by the authority aforesaid, That it shall be the duty of the clerks of the superior courts of the several counties within this State, to cause a correct list of the persons whose names were entered, as being entitled to draws in the late land lottery, to be laid before the grand juries of their respective counties, at the next term of the superior court to be held therein, whose duty it shall be to examine and report to the court, the names of all persons who were not entitled, under said act, to a draw, or draws in the said lottery, and the court shall direct the clerk to transmit a correct list of all such persons to his Excellency the Governor, whose duty it shall be, to cause the same to be compared with the list of the fortunate drawers, and if it should be found that any person or persons, have drawn a tract or tracts of land, on such fraudulent return, the grant which may have issued, is hereby declared null and void, and the same hereby set apart for the redemption of the public debt—Provided, That his Excellency the Governor, shall immediately cause a list of the names of all persons who shall appear to have made such fraudulent returns, to be published thirty days, in one or more of the public gazettes of this State, requiring such person or persons to file in his office, such testimony as he, she, or they may think proper to substantiate his, her, or their claim; which shall, by his Excellency the Governor, be laid before the next legislature, by them to be admitted, or otherwise acted on as they shall deem proper.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 3, 1806.

JARED IRWIN, Governor.
AN ACT

To sell and dispose of the fractional parts of surveys of land, in the counties of Baldwin and Wilkinson, reserved to the State, by an act of the General Assembly, passed at Louisville, the 16th day of June, 1805.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, it is hereby enacted, that all the fractional parts of surveys of lands reserved to the State by the late land law, making distribution of the lands lately acquired from the Creek nation of Indians, by a treaty concluded at the City of Washington, the 15th day of November, 1805, by Henry Dearborn, secretary at war, being specially authorized therefor, by the President of the United States; and lying and being on the rivers Ocmulgee and Oconee, and also on the present and former temporary boundary lines, shall be sold in separate lots, to the highest bidder, in the town of Milledgeville, in the following manner, to wit:—The commissioners hereafter to be appointed, shall by advertisement to be published immediately after the completion of the contemplated lottery, by first giving sixty days notice in the gazettes of Petersburg, Washington, (Wilkes county,) Sparta, Augusta, Louisville and Savannah: in which advertisement shall be particularly specified, the day or days on which the fractions in each county, and in each district, will be sold, and the terms of sale, proceed to sell the same between the hours of ten o'clock in the forenoon, and three o'clock in the afternoon, commencing by the sale of the first or lowest fraction in the fork of the Ocmulgee and Oconee rivers, in Wilkinson county, and continuing up the Oconee river, in a regular progression, to the mouth of Toulou Hatchie, the former boundary line; thence up that line, to where the lines that divides the counties of Wilkinson and Baldwin crosses the same, thence beginning again at the fork of the said rivers and proceed to sell the first or lowest fraction, not heretofore sold, on the Ocmulgee river; thence up the Ocmulgee river in the like progression as on the Oconee river, to where the dividing line of Wilkinson & Baldwin counties strikes the said river, then in the same progression up the said river, in Baldwin county, to the mouth of the Ulcofonhattie, where the present temporary boundary line leaves the said river, thence on the said line to where it will intersect the former boundary line, at the High Shoals of the Appalachee; thence on that line, through Baldwin county, to the line that divides the said county from Wilkinson, which includes all the fractions that may be created in pursuance of the late land law.

SEC. 2. AND BE IT FURTHER ENACTED by the authority aforesaid, That three commissioners shall be appointed by joint ballot of the legislature, and they, or a majority of them, shall be sufficient to carry this act into effect; who shall before they enter on the duties required of them by this act, give bond with two or more sufficient securities, to

The fractions created by surveying the late sections, to be sold.

The manner of selling.

—Commissioners to be appointed and their duty.

—Commissioners to give bond and security and to take an oath.
his Excellency the Governor, for the time being and his successors in office, in the sum of thirty thousand dollars each, for the due and faithful performance of the trust reposed in them, which bond shall be taken by his Excellency the Governor, or by any two of the justices of the inferior court of the county where such commissioners may reside, and immediately transmitted to the executive department; and shall moreover take and subscribe the following oath, viz:—I, A. B. do solemnly swear, or affirm (as the case may be) that I will faithfully discharge the duties imposed on me by this act; and that I will make due returns of all bonds and other securities, to the treasurer of this State, which come into my hands, as commissioner aforesaid—So help me God.

SEC. 3. And be it further enacted by the authority aforesaid; That the commissioners shall take bond of the purchasers, payable in four equal annual instalments, together with good and sufficient security; which bond and security may be given by the person or persons purchasing, his or their attorneys or agents, duly authorized to execute the same, and shall be taken in the name of and made payable to his Excellency the Governor, for the time being, and his successors in office, and by the commissioners shall be deposited in the office of the treasurer, within sixty days after the time the sales are completed; and each commissioner shall receive as a compensation, three dollars per day, while in actual service.

SEC. 4. And be it further enacted, That the commissioners aforesaid shall take bond and security of all and every purchaser, payable in the following manner, that is to say: one fourth part thereof in twelve months after the said purchase—one fourth part at the end of twelve months thereafter—one fourth part at the end of twelve months thereafter—and the remaining fourth part thereof, at the end of twelve months thereafter—which said payment shall be made in gold or silver—and said commissioners shall not be more than seventy-six days on such sales (Sundays excepted.)

SEC. 5. And be it further enacted by the authority aforesaid, That it shall be the duty of his Excellency the Governor, to cause grants to be made out for all the fractional parts of surveys in the counties of Baldwin and Wilkinson as aforesaid, leaving a blank for the name of the person to whom the same may issue—which grants shall be put into the hands of the commissioners appointed to dispose of the fractions aforesaid, and by them filled up and delivered to the purchasers, on the purchasers paying the sum of four dollars and twenty-five cents on each grant which shall be received by the commissioners, and by them paid into the treasury. And it shall be the duty of the surveyor-general, and secretary of State, to insert the name of each purchaser in the record of such plat and grant remaining in the said offices. And it shall be the duty of the commis-
sioners to lay a correct statement of their proceedings under this act, before the next legislature.—Provided nevertheless, That the said grants shall express in the face of them that the land therein granted shall be subject to the payment of the purchase money due the State therefore, in preference to all other liens whatsoever, whether by judgment, existing before, or entered after the date of such grant, but the said land shall not be sold to satisfy the first, second and third instalments, unless the legislature shall expressly direct the sale thereof.*

Sec. 6. And be it further enacted by the authority aforesaid, That if the purchaser of any of the fractions, as aforesaid, in the counties of Baldwin and Wilkinson, shall neglect, or fail within one month after the same may become due, to pay the first, or any of the succeeding instalments, it shall be the duty of the treasurer to issue an execution for the amount of the debt, and interest that may be then due, directed to the sheriff where such purchaser, or his securities may reside, which shall be levied on their goods and chattels, lands and tenements, and all the property of which the purchaser is possessed, at the time of giving such bond, shall be bound—and when any such purchaser shall be in default, for any one of the instalments, execution shall issue against such purchaser and his securities, and all the property of which such securities shall be possessed at the time such execution shall issue, shall be bound for the whole of the purchase money, which may then or thereafter become due.—And the money so collected by the sheriff, except the costs, shall be paid into the treasury within three months after the execution shall have issued; but if the money should not be collected as aforesaid, then the execution shall be, by the sheriff, returned to the treasurer, within the time above expressed; but should the sheriff refuse, or neglect to return the money, or the execution, as aforesaid, it shall then be the duty of the treasurer to issue his execution against the sheriff, and his securities, for the amount of the said execution, or executions, put into his hands, directed to the coroner of the county, where such sheriff or his securities may reside; whose duty it shall be to levy, collect, and return the same, within three months thereafter.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

* See act of 1810, No. 548, to amend this section. See also act of 1810, No. 552, directing the sale of fractions in the 7th district of Baldwin, and other lands. And see also resolution of 1810, directing the disposition of extra fractions in the 8th district of Wilkinson.
AN ACT

To revise and continue in force, "An Act for the limitation of actions, and avoiding suits in law," passed the 26th day of March, one thousand seven hundred and sixty-seven; and to amend the fifth and ninth sections of said act.

THE ACT

Sec. 1. 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, the act for the limitation of actions and avoiding suits in law, passed on the twenty-sixth day of March, one thousand seven hundred and sixty-seven, shall be, and is hereby revived and declared to be in full force and operation, from the first day of February, one thousand seven hundred and ninety-three, until this act shall be repealed. And no deduction in any calculation of time shall be made in the construction of said act after the aforesaid first day of February, 1793.

Sec. 2. 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 account, actions of debt, action of trespass for assault, menace, battery, wounding or imprisonment, actions on 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 where the defendant shall remove out of the jurisdictional limits of this State, 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, discovered, or of same memory at large or the return of the defendant into the same as by other persons having no such impediment should be done—Provided nevertheless, That all notes and instruments of writing, not under seal, bearing date after the passing of this act, shall be of the same dignity with specialties, and subject to the same limitations, heretofore in force in the case of specialties, any thing in the 5th and 9th sections of the said act to the contrary notwithstanding.

Sec. 3. And be it further enacted, That all acts or parts of acts, which militates against the intent and meaning of this act, be and the same are hereby repealed.

Sec. 4. Provided nevertheless, and be it further enacted, That the limitation laws of this State, shall not take effect in the county of Walton; nor impede the citizens in the

* See act of 1809 No. 437, amending and explaining this section and limiting the time of action, on bonds or instruments and under seal, notes and open accounts.
recovery of their just rights, until the term before expressed is elapsed, after the line of demarcation is run and plainly marked between this State and North-Carolina, any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To establish the salaries of the public officers of this State, for the political years one thousand eight hundred and eight, and one thousand eight hundred and nine, and from thence until the same shall be repealed, and for defining the fees of malicious prosecutions.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That the public officers of this State, shall receive as a salary or compensation for their services, during the political years one thousand eight hundred and eight, and one thousand eight hundred and nine, the following sums, that is to say:—The governor, two thousand dollars per annum; the secretaries of the executive department, not exceeding two, five hundred dollars each per annum; the treasurer, twelve hundred dollars per annum; the comptroller-general, six hundred dollars per annum; the secretary of State, two hundred dollars per annum; the surveyor-general, two hundred dollars per annum; the secretary of the Senate, three hundred dollars per annum; the clerk of the House of Representatives, three hundred dollars per annum; the judges of the superior courts, fourteen hundred dollars each per annum; and the attorney and solicitors-general, one hundred and fifty dollars each per annum; which said several sums shall be paid to the said officers quarter yearly, out of any monies which may be in the treasury not otherwise specially appropriated.

SEC. 2. And be it further enacted, That in all cases of presentment or indictment, the party presented or indicted, shall not be subjected to the payment of the fees or prosecutor to pay cost, where prosecution is malicious.
AN ACT

To regulate the weighing of Cotton, and other commodities in this State.

WHEREAS it has lately become customary with the merchants and others, in the principal commercial towns and cities, within this State, to make certain deductions from the weight of all bales, bags or packages of cotton, and other commodities purchased from the good citizens of this State, and also to make charges for the weighing thereof; which custom operates injuriously to the people of this State—for remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That from and after the first day of January next, it shall not be lawful for any person or persons who shall weigh or purchase any bale, bag or package of cotton, or tierce or half tierce of rice, boxes or barrels of indigo, to make the deduction of two pounds per bale, bag or package of cotton, or tierce or half tierces of rice, boxes or barrels of indigo, or any other deduction whatever; nor shall it be lawful for any person to ask, demand, or receive more than six and a quarter cents for weighing any such bale, bag or package of cotton, tierce or half tierce of rice, box or barrel of indigo.
Sec. 2. And be it further enacted, That it shall not be lawful for any person or persons, in the cities of Savannah and Augusta, to weigh any bale, bag or package of cotton, tierce, or half tierce of rice, box or barrel of indigo, without first taking and subscribing the following oath, before some one of the justices of the inferior court, or justice of the peace of the said counties—I, A. B. do solemnly swear, or affirm (as the case may be) that I will justly, and without partiality, weigh all bales, bags or packages of cotton, tierces or half tierces of rice, boxes or barrels of indigo, that may be brought to me for that purpose, and mark the true weight thereon, without any deduction whatever, and render a true & accurate account thereof to the parties concerned, if required; so help me God.

Sec. 3. And be it further enacted, That each and every person who shall offend against the provisions of this act, shall forfeit and pay for every such offence, the sum of twenty dollars, for each bale, bag or package of cotton, tierce or half tierce of rice, box or barrel of indigo; to be recovered in any court having jurisdiction thereof; one moiety thereof to the party injured or the informer, and the other to the county.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To appropriate monies for the political year eighteen hundred and seven, and to levy and collect a tax on all banks, or offices of discount and deposit within this State, and to amend the tax act.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted That for the support of government for the political year one thousand eight hundred and seven, the following sums of money be, and the same are hereby appropriated, that is to say:—The salary of the governor, shall be two thousand five hundred dollars; the secretaries of the executive department, not exceeding two, five hundred dollars each; the secretary of State, two hundred dollars; the treasurer, twelve hundred dollars; the surveyor-general, two hundred dollars; the comptroller-general, four hundred dollars;
the clerk of the House of Representatives, three hundred dollars; the secretary of the Senate, three hundred dollars; the judges of the superior courts, fourteen hundred dollars each; the attorney-general and two solicitors general, one hundred and fifty dollars each; which said several sums shall be, and they are hereby appropriated for their use, to be paid quarter yearly, by warrant from the governor, on the treasury, out of any monies not otherwise specially appropriated.

Sec. 2. And be it further enacted, That the sum of fifteen thousand dollars, be, and the same is hereby appropriated as a contingent fund, subject to the orders of the governor.

Sec. 3. And be it further enacted, That for the compensation to the members of the House of Representatives and Senate, the sum of three dollars each per day, during their attendance, and the sum of three dollars for every twenty miles in coming to, and returning from the seat of government; and the sum of four dollars each to the president of the Senate and the speaker of the House of Representatives, during their attendance, and the sum of three dollars each for every twenty miles in coming to, and returning from the seat of government; to the clerk of the House of Representatives and secretary of the Senate, during the sitting of the legislature, four dollars each per day, and the sum of dollars each, for contingent expenses, &c. &c. to two engrossing clerks of the Senate, and two of the House of Representatives, four dollars each per day, during their attendance; to the messenger and door-keeper of the Senate, and messenger and door keeper of the House of Representatives, three dollars each per day; to Edmund Booker Jenkins, clerk of the committee of finance, forty dollars; to William Marbury, clerk of the committee on the state of the republic, forty dollars; to the adjutant-general, three dollars per day while in actual service; to the commissioners for the sale of the fractional parts of surveys of land in the counties of Wilkinson, Baldwin and Wayne, their secretary and cryer, three dollars per day each, while in actual service; to Edmund Lane, clerk to the committee of enquiry, forty dollars; to Graystock Roberts, for his attendance on the said committee, the sum of twenty dollars; to Mixfield Kennedy, the sum of fourteen dollars six and a quarter cents, agreeably to a concurred resolution; to Jett Thomas, Esq. the sum of ten thousand dollars, agreeably to a contract entered into by the commissioners of Milledgeville, for the building of the State-House, and the further sum of five thousand dollars, subject to the draft of the commissioners of Milledgeville, for carrying on said building, if they shall deem it necessary; to Jacob Robinson, one hundred and five dollars, in full for his services as a brigade major, agreeably to a resolution of this house; to Joseph LeMastor, the sum of seventy dollars, and to Wm. Barnett, the sum of forty-five dollars, agreeably to a concurred resolution in full for their services; to Dennis Ryan, fifty dollars, for printing seven hundred bonds and seven hundred mortgages, agreeably to a contract made with the commissioners for the sale of the fractional surveys; to the engrossing clerks, door-keepers
and messengers of each branch, three dollars for every twenty miles going home, which said several sums shall be paid out of any monies which now are, or may hereafter come into the treasury.

Sec. 4. And be it further enacted by the authority aforesaid, That it shall be the duty of the receivers of tax returns, to make out three digests, and to deposit one with the comptroller-general as heretofore, and the other two with the clerk of the inferior court, and it shall be the duty of the clerk, on application of the tax collector, (he first receipting for the same) to deliver one of said digests to enable him to collect the taxes therein contained.

Sec. 5. And be it further enacted by the authority aforesaid, That all the property of the tax collector, and his securities, for which they, or either of them were possessed, at the time of entering into bond, shall be bound from the signing the same, for the amount which may be due the State.

Sec. 6. And be it further enacted by the authority aforesaid, That there shall be annually levied, collected and paid into the treasury of this State, agreeably to the manner pointed out in and by an act of the General Assembly, entitled, "An Act to amend and continue in force an act to raise a tax for the year one thousand eight hundred and six, until the meeting of the next General Assembly, and from thence until the same shall be repealed, passed on the fourth of December, eighteen hundred and five, a tax of thirty-one and a quarter cents on every hundred dollars, on the amount of the capital of any bank, or office of discount and deposit, to be returned in manner pointed out, in and by said act, which shall be collected annually, until the same shall be repealed by law.

Sec. 7. And be it further enacted, That there shall be annually levied and collected upon all stallions or covering horses, let to mares for hire, a tax equal to the season or price of one mare let to such stallion or covering horse.

Sec. 8. And be it further enacted, That in all cases where any stallion or covering horse shall be sent into this State to be let to mares by citizens or persons resident without the limits of this State, it shall and may be lawful for, and it hereby declared to be the duty of the tax collector of the county where such stallion or covering horse shall be let to mares, to levy and collect the said tax, at any time after the commencement of the season, and before the close of the same.*

Benjamin Whitaker, Speaker of the House of Representatives.
Edward Telfair, President of the Senate.

Assented to December 8, 1806.

Jared Irwin, Governor.

* See act of 1807, No. 296 re-enacting these amendments with other amendments, and continuing the act of 1804, as the tax act for 1808.
AN ACT

To amend the several acts, regulating roads in this State, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne.*

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That the commissioners or surveyors of the several districts or divisions heretofore appointed by virtue of an act passed at Louisville, the tenth day of December, eighteen hundred and three, 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 the counties of Bryan, Liberty, McIntosh, Glynn, Wayne and Camden, as are already laid out, opened, & erected cleared, and to lay out, open erect and clear any other that may hereafter be found necessary.

SEC. 2. And be it further enacted, That all male white inhabitants (except permanent residents of the town of Sunbury) free negroes and mulattoes, and all male slaves from the age of eighteen to forty-five years, shall be, and they are hereby declared to be obliged to appear and work upon the several roads, creeks, causeways, water passages and bridges, within the several districts or divisions to which such male white inhabitants free negroes and mulattoes respectively belong, and all male slaves shall be allotted (according to their place of residence) pursuant to the mode herein after pointed out, or such white male inhabitants, free negroes and mulattoes, and owners, managers and 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 practitioners of physic or teachers of schools to personal working or attendance on the roads, causeways, bridges and water passages, within the several districts or divisions wherein such persons shall or may reside.

SEC. 3. And be it further enacted, That the commissioners or surveyors so appointed, or a majority of them, shall, and they have full power and authority to appoint one or more person or persons, within their several districts and divisions, to summons all such persons as are obliged to work within the said districts or divisions, at such time of the year, and for as many days as they may think convenient and necessary (not exceeding six days at one time, or twelve days in one year) to repair, erect, open, clear and work upon the several roads, bridges, causeways, water passages and water courses within the same; and said summoner or summoners, before entering on the duties of his or their appointment, shall take the following oath, to be administered by one of the com-

See act of 1808, No. 378 amending this act so far as respects the county of Wayne—And see act of 1809, No. 483, also amending this act so far as respects the county of Camden.
missioners or surveyors of said district, viz: I, A. B. do solemnly swear (or affirm) that I will faithfully discharge the duties of summoner of the district to which I am appointed, and that I will receive no return from any owner, manager or other person unless such owner, manager or other person take the oath prescribed by law—So help me God. And the several owners or managers of male slaves, within their several districts, shall, when summoned, deliver to the person summoning, a list in writing or print, on oath of all such male slaves as by this act are liable to work, which shall be as follows, viz: I, A. B. do solemnly swear (or affirm) that the list which I now give in, is a just and true return of all the male slaves subject to road duty, under my control either as owner, executor, administrator, agent or manager to the best of my knowledge and belief—So help me God.—Which oath the said summoner is hereby authorized and empowered to administer. And for the refusal of such owner or other person, in his or her behalf, to give in a list of all such slaves on oath, as by this act are liable to work, shall forfeit the sum of three hundred dollars, to be recovered in any court having cognizance thereof, to be levied of the goods and chattels of such owner, and which shall come to trial at the first term after commencing the suit.

SEC. 4. And be it further enacted, That the person or persons summoning as aforesaid, shall be exempt from his or their personal labor in such districts or divisions; 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 thirty dollars for every such offence, to 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 said district.

SEC. 5. And be it further enacted, That the commissioners or surveyors, shall give at least ten days notice to all persons subject to work within their respective districts or divisions, of the time and place of attendance, with such tools as they may deem necessary; and if any person subject to work as aforesaid, shall fail to attend agreeably to such notice, together with all slaves liable to work on the roads by this act, owned by them, or under their care and management, they shall be subject to the following fines, to wit: For the non-attendance of every free person, the sum of two dollars per day; except such persons as have personally to work on said road or roads who shall not be subject to pay more than one dollar for each day in default; and for every slave the sum of one dollar per day, to 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 of the county wherein such offender or offenders property shall or may be found, whose duty it shall be to execute the same without delay, and the said constable shall be entitled to the same fees as are allowed for executing other processes of a similar nature; and in all cases where the fines accruing and imposed by this act, shall exceed the sum of thirty dollars against any one offender, it shall be the duty of the said commissioners or
a majority of them, and they are hereby authorized, required and directed to issue separate and distinct executions against such offender's goods and chattels for the amount of the fine incurred by the default of each and every slave of such offenders severally; which said fines when levied, shall be paid by the said constable to the commissioners, 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 received by them to the board of commissioners, 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 parts thereof, at the annual meeting of the board; unless the party making such default, shall, within ten days thereafter, make such excuse on oath, as may be deemed satisfactory to the commissioners of their respective districts or divisions.

Sec. 6. 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, if required, 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.

Sec. 7. 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 to, and returning from working and appearing as aforesaid on the same, or within twenty four hours after such person or persons shall be discharged from working upon such roads, under the penalty of ten dollars; and the service of such warrant or summons on any person, is hereby declared to be null and void to all intents and purposes; and during the time aforesaid, not any implement, for any cause, matter or things whatever, 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 and accoutrements except as aforesaid, every such person shall forfeit and pay the sum of ten dollars.

Sec. 8. And be it further enacted, That the commissioners 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; 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 a majority of them, upon report thereof by the overseer or overseers, shall fine every person so
offending, in a sum not exceeding two dollars for each day he shall so refuse or neglect; and if any person or persons, chosen overseer as aforesaid, shall refuse to do and perform the duty thereof, such person or persons, shall, at the discretion of the said commissioners, or a majority of them, be fined ten dollars for every such offence.

SEC. 9. And be it further enacted, That if any person or persons as aforesaid, shall hinder or forbid any traveller from going through, or passing over any roads, bridges, rivers or creeks, in any division or district, 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 any use of trees or timber, wood or earth, in or near the same, for mending and repairing the said roads or bridges, or any causeways whatsoever, within the same, such person or persons shall forfeit a sum not exceeding thirty dollars; and the commissioners are required to allow a reasonable compensation of which they, or a majority of them shall judge, for the trees or timber to the owners thereof, for the purpose of keeping in repair the several roads, bridges and causeways, to be paid out of any fines collected by virtue of this act.

SEC. 10. And be it further enacted, That the several commissioners nominated and appointed, shall meet yearly, and at such time and place within the county, as the commissioners of the several divisions may appoint, giving at least twenty days notice in their respective districts, of the time when, and place where such meeting will be held; and a majority of the commissioners so convened, shall form the board, and then and there determine all matters relating to the several roads, bridges, rivers, creeks, causeways and 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 commissioners, and to appoint the time of working within their respective divisions or districts, and also to appoint other commissioners 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; in the event of their not being a majority of commissioners to form a board, those present shall give ten days notice of the time and place of another meeting.

SEC. 11. And be it further enacted, That any commissioner or surveyor appointed, or to be appointed, who after accepting of such appointment, shall not daily and every day, attend upon the roads within their respective districts or divisions, during the time of working on the same, or whenever thereunto required by a majority of the commissioners of such division or district, or who shall refuse or neglect to do or perform the duties required of them by this act, such commissioner or commissioners, shall at the discretion of the board of commissioners, forfeit and pay a sum not exceeding thirty dollars.
(No. 268.)

Persons obstructing the roads compelled to remove the same or subject to a fine of $30 and the obstruction bared to his expense.

§ 12. And be it further 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) alter, or in any wise damage, by stopping of water, or by any means whatever, obstruct any of the roads, bridges, rivers or creeks in any division or district already laid out, or that may hereafter be laid out, 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 and repair the same; and in case of 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 expense 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 expense shall, on refusal of payment, be levied on the goods and chattels of such offender, as in this act is directed.

Section 13. And be it further enacted, That if at any time after the passing of this act, any number of persons shall wish or desire a new public road to be laid out, opened cleared and kept in repair, such person shall communicate their wish or desire by petition to the board of commissioners or surveyors, at their annual meeting, therein giving a full and accurate description of the road they wish laid out, with the place from whence, and whither they wish it to lead, and through what district or districts such road is intended to run:—And Provided, the prayer of such petitioners shall be deemed just and reasonable by the commissioners or surveyors, or a majority of them then present, they are hereby required and empowered 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 district or division, who shall 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 commissioners or surveyors, or a majority of them, may at their discretion, allot the same to such other district or districts as may appear to them most equal and fair.

§ 14. And be it further enacted, That all public roads laid out, or to be laid out, or now in use, or which shall be hereafter laid out, shall be cleared of all trees, grubs and bushes, at least twenty feet wide, and such limbs of trees as may incommode horsemen or carriages, shall be cut away:—

AND WHEREAS it may not be practicable for the several persons subject to work by this act, to erect bridges over the several creeks and rivers which may be in their several districts or divisions, by working thereon in the mode pointed out by this act.
Sec. 15. Be it further enacted, That the commissioners or surveyors of such districts or divisions, by the consent of the justices of the inferior court, are hereby empowered to contract and agree with any person or persons willing to undertake the same, and the expenses thereof to be defrayed out of the county funds; and whenever it shall be necessary to erect or repair any bridge between two counties, the commissioners of the districts adjoining such bridge in both counties, by the consent of the justices of the inferior court of each county, are hereby empowered to contract and agree with any person or persons willing to undertake the same, and the expenses thereof to be at the joint expense of each county, to be defrayed out of the county funds.

Sec. 16. And be it further enacted, That if at any time after the passing of this act, any person or persons, should wish or desire to have a private path for the convenience of his or their settlement to the nearest public road or landing place, such person or persons shall communicate their wish or desire to the board of commissioners at their annual meeting, therein giving a full and accurate description of the road they wish laid out, with the place from whence, and whither they wish it to lead; and the board are hereby empowered to determine on said petition, and if deemed reasonable, to order the laying out the same, at the joint proportional labor and expense of those who may apply for, and use the same in common, of which proportional labor and expense the board are hereby declared to be sole judges.

And whereas, the inhabitants within that part of Camden known by the name of Little Satilla Neck, are subject to great inconvenience from their remote situation from the main public road.—*

Sec. 17. Be it further enacted by the authority aforesaid, That William Scott, Nathan Adkinson and Benjamin Turner, be, and they are hereby appointed commissioners to lay out a road from Nodding's point to the public road leading from Barrington, to St. Mary's, taking such direction as they in their judgment may think proper, which shall be worked upon by the inhabitants, within those limits, for the space of two years only, and governed by the same rules and regulations, that are required by this act. Provided nevertheless, That nothing herein contained shall be construed to exempt the inhabitants within such limits, from working on any public road which may be assigned them by the proper authority, after the expiration of the aforesaid two years from the passage of this act.

Sec. 18. And be it further enacted by the authority aforesaid, That Captain Charles Dewitt, William McKee, John Snead, Samuel Burnett and James Alney, Esqrs., be, and they are hereby appointed commissioners of the road leading from the town of Brunswick to Fort Barrington, until the same shall intersect the main post road, leading

* This section continued in force for one year by act of 1808, No. 380.