A DIGEST OF THE LAWS OF THE STATE OF GEORGIA.

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

AND THE PRINCIPAL ACTS OF 1799:

IN WHICH

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

ALSO THE CONSTITUTION OF 1798.

IT CONTAINS

As well all the Laws in force, as those which are deemed useful and necessary, or which are explanatory of existing Laws; together, with the TITLES OF ALL THE OBSOLETE AND OTHER ACTS.

AND CONCLUDES:

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

Together with a copious Index to the whole.

BY ROBERT & GEORGE WATKINS.

Philadelphia:

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1800.
ADDRESS

TO THE PUBLIC.

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

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

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

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

Although

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

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

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

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

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

Augusta, 1 July, 1799.
HAVING been frequently consulted by Mess. Robert and George Watkins, during the progress of the following work, we do certify, that in our opinion, it is correct, will be of great utility, and merits the public attention.

George Walton,
William Stith, Jun.
Seaborn Jones,
George Walker.

Augusta, Nov. 15, 1798.

Entered,

IN conformity to the act of the Congress of the United States, intitled "An Act for the encouragement of Learning, by securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of such copies during the times therein mentioned."
THE DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the Earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great-Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

A He
DECLARATION OF

He has refused his assent to laws the most wholesome and necessary for the public good:

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidably to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such disolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.
He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock-trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond the seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once, an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.
DECLARATION OF

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren: We have warned them from time to time, of attempts made by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the World, for the rectitude of our intentions, do, in the name, and by authority of the good people of these Colonies, solemnly publish and declare—That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great-Britain, is, and ought to be, totally dissolved; and that as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

NEW HAMPSHIRE.

Josiah Bartlet, William Whipple, Matthew Thornton.

Massachusetts
INDEPENDENCE.

MASSACHUSETTS BAY.  

SAMUEL ADAMS,  
JOHN ADAMS,  
ROBERT TREAT PAINE,  
ELBRIDGE GERRY.

RHODE ISLAND, &c.  

STEPHEN HOPKINS,  
WILLIAM ELLERY.

CONNECTICUT.  

ROGER SHERMAN,  
SAMUEL HUNTINGTON,  
WILLIAM WILLIAMS,  
OLIVER WOLCOTT.

NEW YORK.  

WILLIAM FLOYD,  
PHILIP LIVINGSTON,  
FRANCIS LEWIS,  
LEWIS MORRIS.

NEW JERSEY.  

RICHARD STOCKTON,  
JOHN WITHERSPOON,  
FRANCIS HOPKINSON,  
JOHN HART,  
ABRAHAM CLARK.

PENNSYLVANIA.  

ROBERT MORRIS,  
BENJAMIN RUSH,  
BENJAMIN FRANKLIN,  
JOHN MORTON,  
GEORGE CLYMER,  
JAMES SMITH,  
GEORGE TAYLOR,  
JAMES WILSON,  
GEORGE ROSS.

DELAWARE.  

CAESAR RODNEY,  
GEORGE READ.

MARYLAND.  

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

VIRGINIA.
DECLARATION OF, &c.

VIRGINIA.

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

NORTH CAROLINA.

WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

SOUTH CAROLINA.

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

GEORGIA.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

THE
THE CONSTITUTION
OF THE
State of Georgia.

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

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

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

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

L The

* This Constitution gave place to the Constitution of 1776.—p. 29.
I. The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

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

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

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

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

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

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

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

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

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

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

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

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

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

V. The two counties of Glynn and Camden shall have one representative each, and also they, and all other counties that may hereafter be laid out by the house of assembly, shall be under the following regulations, viz.: At their first institution, each county shall have one member, provided the inhabitants of the said county shall have ten electors; and if thirty, they shall have two; if forty, three; if sixty, four; if eighty, six; if an hundred and upwards, ten; at which time two executive counsellors shall be chosen from them, as is directed for the other counties.

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

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

The house of assembly shall also have power to repeal all laws and ordinances they find injurious to the people: And the house shall chuse its own speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies; and shall have power of adjournment to any time or times within the year.

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

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

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

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

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

XIII. The manner of electing representatives shall be by ballot, and shall be taken by two or more justices of the peace, in each county, who shall provide a convenient box for receiving the said ballots; and on closing the poll, the ballots shall be compared in public, with the list of votes, that have been taken, and the majority immediately declared; a certificate of the same being given to the persons elected, and also a certificate returned to the house of representatives.

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

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

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

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

XVI. The continental delegates shall be appointed annually by ballot, and shall have a right to sit, debate and vote, in the house of assembly, and be deemed a part thereof, subject however to the regulations contained in the twelfth article of the confederation of the United States.

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

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

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

XIX. The governor shall, with the advice of the executive council, exercise the executive powers of government, according to the laws of this State and the constitution thereof; save only in the case of pardons, and remission of fines, which he shall in no instance grant; but he may reprieve a criminal, or suspend a fine, until the meeting of the assembly, who may determine therein as they shall judge fit.

XX. The governor, with the advice of the executive council, shall have power to call the house of of assembly together, upon any emergency, before the time which they stand adjourned to.

XXI. The governor, with the advice of the executive council, shall fill up all intermediate vacancies that shall happen in offices 'til the next general election: And all commisions, civil and military, shall be issued by the governor, under his hand, and the great seal of the State.

XXII. The governor may preside in the executive council at all times, except when they are taking into consideration, and perusing the laws and ordinances offered to them by the house of assembly.

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

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

XIV. The governor's oath:

'I, [name], do solemnly promise and swear, that I will, during the term of my appointment, to the best of my skill and judgment, execute the said office faithfully and conscientiously, according to law, without favor, affection, or partiality; that I will, to the utmost of my power, support, maintain, and defend the State of Georgia, and the constitution of the same; and use my utmost endeavors to protect the people thereof in the secure enjoyment of all their rights, franchises and privileges; and that the laws and ordinances of the State be duly observed, and that law and justice in mercy be executed in all judgments. And I do further solemnly promise and swear, that I will peaceably and quietly resign the government to which I have been elected, at the period to which my continuance in the said office is limited by the constitution: And no person to hold more than one office of profit.

Powers of governor and executive council.

May convene the assembly.

Fill up all vacancies in office and issue all commissions.

Governor when to preside in council.

How chosen and when eligible.

His residence.

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

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

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

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

XXV. The executive council shall meet the day after their election, and proceed to the choice of a president out of their own body—they shall have power to appoint their own officers, and settle their own rules of proceedings.

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

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

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

XXVIII. A committee from the council, sent with any proposed amendments to any law or ordinance, shall deliver their reasons for such proposed amendments, sitting and covered; the whole house at that time, except the speaker, uncovered.

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

XXX. When any affair that requires secrecy shall be laid before the governor, and the executive council, it shall be the duty of the governor, and he is hereby obliged to administer the following oath, viz.

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

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

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

XXXII.
XXXII. In all transactions between the legislative and executive bodies, the same shall be communicated by message, to be delivered from the legislative body to the governor, or executive council, by a committee; and from the governor to the house of assembly, by the secretary of the council; and from the executive council, by a committee of the said council.

XXXIII. The governor, for the time being, shall be captain general and commander in chief over all the militia, and other military and naval forces belonging to this State.

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

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

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

The second Tuesday in March, in the county of Effingham;
The third Tuesday in March, in the county of Burke;
The fourth Tuesday in March, in the county of Richmond;
The next Tuesday in the county of Wilkes;
And Tuesday fortnight, in the county of Liberty;
The next Tuesday in the county of Glynn;
The next Tuesday in the county of Camden;
The like courts to commence in October, and continue as above.

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

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

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

XL. All causes, of what nature soever, shall be tried in the supreme court, except as hereafter mentioned; which court shall consist of the chief justice, and three
three or more of the justices residing in the county; in case of the absence of the
chief justice, the senior justice on the bench shall act as chief justice, with the clerk
of the county, attorney for the state, sheriff, coroner, constable, and the jurors.
And in case of the absence of any of the aforementioned officers, the justices to
appoint others in their room pro tempore. And if any plaintiff or defendant in civil
causes shall be dissatisfied with the determination of the jury, then, and in that case,
they shall be at liberty within three days to enter an appeal from that verdict, and
demand a new trial by a special jury, to be nominated as follows, viz. each party,
plaintiff and defendant, shall choose six, six more names shall be taken indifferently
out of a box provided for that purpose, the whole eighteen to be summoned, and
their names to be put together into the box, and the first twelve that are drawn
out, being present, shall be the special jury to try the cause, and from which there
shall be no appeal.

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

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

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

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

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

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

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

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

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

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

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

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

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

LV. A court house and jail shall be erected at the public expense in each county, where the present convention, or the future legislature shall point out and direct.

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

LVII. The great seal of this State shall have the following device: on one side a scroll, whereon shall be engraved, The Constitution of the State of Georgia; and the motto, Pro bono publico;—on the other side, an elegant house, and other buildings, fields of corn, and meadows covered with sheep and cattle; a river running through the same, with a ship under full sail, and the motto, Deus nobis hae otin fecit.

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

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

* See act of 1785, No. 307.
LX. The principles of the habeas corpus act shall be a part of this constitution.

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

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

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

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

An act for the better settling of Intestate Estates.

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

II. The condition of this obligation is such, That if the within bounded A. B. administrator of all and singular the goods, chattels and credits of C. D. deceased, do make or cause to be made a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hands, possession or knowledge of him the said A. B. or into the hands and possession of any other person or persons for him, and the same so made do exhibit or cause to be exhibited into the registry of court, at or before the day of next ensuing; (2) and the same goods, chattels and credits, and all other the goods, chattels and credits of the said deceased at the time of his death, which at any time after shall come to the hands or possession of the said A. B. or into the hands and possession of any other person or persons for him, do well and truly administer according to law: (3) And further, do make or cause to be made, a true and just account of his said administration, at or before the day of And all the rest and residue of the said goods, chattels and credits which shall be found remaining upon
" upon the said administrator's account, the same being first examined and allowed of " by the judge or judges for the time being of the said court, shall deliver and pay unto " such person or persons respectively, as the said judge or judges by his or their de- " cree or sentence, pursuant to the true intent and meaning of this act, shall limit " and appoint. (4) And if it shall hereafter appear, that any last will and testament " was made by the said deceased, and the executor or executors therein named do " exhibit the same into the said court, making request to have it allowed and appro- " ved accordingly, if the said A. B. within bounden, being thereunto required, do " render and deliver the said letters of administration (approbation of such testament " being first had and made) in the said court, then this obligation to be void and of " none effect, or else to remain in full force and virtue."

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

V. Provided always, That all ordinaries and every other person who by this act is enabled to make distribution of the surplusage of the estate of any person dying intestate, shall distribute the whole surplusage of such estate or estates in manner and form following, that is to say, (2) one third part of the said surplusage to the wife of the intestate, and all the residue by equal portions, to and amongst the children of such persons dying intestate, and such persons as legally represent such children, in case any of the said children be then dead, other than such child or children (not being heir at law) who shall have any estate by the settlement of the intestate, or shall be advanced by the intestate in his life time, by portion or portions equal to the share which shall by such distribution be allotted to the other children to whom such distribution is to be made: (3) And in case any child, other than the heir at law, who shall have any estate by settlement from the said intestate, or shall be advanced by the said intestate in his life time by portion not equal to the share which will be due to the other children by such distribution as aforesaid; then so much of the surplusage of the estate of such intestate, to be distributed to such child or children as shall have any land by settlement from the intestate, or were advanced in the life time of the intestate, as shall make the estate of all the said children to be equal as near as
can be estimated: (4) But the heir at law, notwithstanding any lands that he shall have by descent or otherwise from the intestate, is to have an equal part in the distribution with the rest of the children, without any consideration of the value of the land which he hath by descent, or otherwise, from the intestate.

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

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

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

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

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

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

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

III. And to the intent that no sheriff, gaoler, or other officer may pretend ignorance of the import of any such writ; (2) Be it enacted by the authority aforesaid, That all such writs shall be marked in this manner, Per Statutum tricesimo, primo Caroli Secundi Regis, and shall be signed by the person that awards the same; (3) and if any person or persons shall be or stand committed or detained as aforesaid, for any crime, unless for felony or treason plainly expressed in the warrant of commitment, in the vacation time, and out of term, it shall and may be lawful to and for the person or persons so committed or detained (other than persons convicted or in execution by legal process) or any one on his or their behalf, to appeal or complain to the lord chancellor or lord keeper, or any one of his majesty’s justices, either of the one bench or of the other, or the barons of the exchequer of the degree of the coif; (4) and the said lord chancellor, lord keeper, justices or barons or any of them, upon view of the copy or copies of the warrant or warrants, of commitment and detainer or otherwise upon oath made, that such copy or copies were denied to be given by such person or persons in whose custody the prisoner or prisoners is or are detained, are hereby authorized and required, upon request made in writing by such person or persons, or any on his, her or their behalf, attested and subscribed by two witnesses who were present at the delivery of the same, to award and grant an habeas corpus under the seal of such court.
court whereof shall then be one of the judges, (5) to be directed to the officer or officers in whose custody the party so committed or detained shall be returnable immediate before the said lord chancellor or lord keeper, or such justice, baron, or any other justice or baron of the degree of the coif of any of the said courts; (6) and upon service thereof as aforesaid, the officer or officers, his or their under officer or under officers, under keeper or under keepers, or their deputy in whose custody the party is so committed or detained, shall within the time respectively before limited, bring such prisoner or prisoners before the said lord chancellor or lord keeper, or such justices, barons or one of them, before whom the said writ is made returnable, and in case of his absence before any other of them, with the return of such writ, and the true causes of the commitment and detainer; (7) and thereupon within two days after the party shall be brought before them, the said lord chancellor or lord keeper, or such justice or baron before whom the prisoner shall be brought as aforesaid, shall discharge the said prisoner from his imprisonment, taking his or their recognizance, with one or more surety or sureties, in any sum according to their discretions, having regard to the quality of the prisoner and nature of the offence, for his or their appearance in the court of king's bench the term following, or at the next assizes, feotions or general gaol delivery of and for such county, city or place where the commitment was, or where the offence was committed, or in such other court where the said offence is properly cognizable, as the case shall require, and then shall certify the said writ with the return thereof, and the said recognizance or recognizances into the said court where such appearance is to be made; (8) unless it shall appear unto the said lord chancellor or lord keeper, or justice or justices, or baron or barons, that the party so committed is detained upon a legal process, order or warrant, out of some court that hath jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said justices or barons, or some justice or justices of the peace, for such matters or offences for which by the law the prisoner is not bailable.

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

V. And be it further enacted by the authority aforesaid, That if any officer or officers, his or their under officer or under officers, under keeper or under keepers, or deputy, shall neglect or refuse to make the returns aforesaid, or to bring the body or bodies of the prisoner or prisoners according to the command of the said writ, within the respective times aforesaid, or upon demand made by the prisoner or person in his behalf, shall refuse to deliver, or within the space of six hours after demand shall not deliver to the person so demanding, a true copy of the warrant or warrants of commitment and detainer of such prisoner, which he and they are hereby required to deliver accordingly; all and every the head gaolers and keepers of such prisons, and such other person in whose custody the prisoner shall be detained, shall for the first offence forfeit to the prisoner or party grieved the sum of
one hundred pounds; (2) and for the second offence the sum of two hundred pounds, and shall and is hereby made incapable to hold or execute his said office; (3) the said penalties to be recovered by the prisoner or party grieved, his executors or administrators, against such offender, his executors or administrators, by any action of debt, suit, bill, plaint or information, in any of the king's courts at Westminster, wherein no effoine, protection, privilege, injunction, wages of law, or stay of prosecution by non vult ulterius prosequi, or otherwise, shall be admitted or allowed, or any more than one imparlance; (4) and any recovery or judgment at the suit of any party grieved shall be a sufficient conviction for the first offence; and may after recovery, or judgment at the suit of a party grieved for any offence after the first judgment, shall be a sufficient conviction to bring the officers or person within the said penalty for the second offence.

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

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

VIII. Provided always, That nothing in this act shall extend to discharge out of prison any person charged in debt, or other action, or with process in any civil cause, but
but that after he shall be discharged of his imprisonment for such his criminal offence, he shall be kept in custody according to law for such other suit.

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

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

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

XII. And for preventing illegal imprisonments in prisons beyond the seas, be it further enacted by the authority aforesaid, That no subject of this realm that now is, or hereafter shall be an inhabitant or resident of this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, shall or may be sent prisoner into Scotland, Ireland, Jersey, Guernsey, Tangier, or into parts, garrisons, islands or places beyond the seas, which are or at any time hereafter shall be within or without the dominions of his majesty, his heirs or successors; and that every such imprisonment is hereby enacted and adjudged to be illegal; and that if any of the said subjects now is or hereafter
hereafter shall be so imprisoned, every such person and persons so imprisoned, shall and may for every such imprisonment maintain by virtue of this act an action or actions of false imprisonment, in any of his majesty’s courts of record, against the person or persons by whom he or she shall be so committed, detained, imprisoned, or transported, contrary to the true meaning of this act; and against all or any person or persons that shall frame, contrive, write, seal or counter-sign any warrant or writing for such commitment, detainer, imprisonment or transportation, or shall be advising, aiding or assisting in the same, or any of them; (5) and the plaintiff in every such action shall have judgment to recover his treble costs, besides damages, which damages so to be given, shall not be less than five hundred pounds; (6) in which action no delay, stay or stop of proceeding by rule, order or command, nor no injunction, protection or privilege whatsoever, nor any more than one imparlance shall be allowed, excepting such rule of the court wherein the action shall depend, made in open court, as shall be thought in justice necessary, for special cause to be expressed in the said rule; (7) and the person or persons who shall knowingly frame, contrive, write, seal or counter-sign any warrant for such commitment, detainer or transportation, or shall so commit, detain, imprison or transport any person or persons contrary to this act, or be any ways advising, aiding or assisting therein being lawfully convicted thereof, shall be disabled from thenceforth to bear any office of trust or profit within the said realm of England, dominion of Wales, or town of Berwick upon Tweed, or any of the islands, territories or dominions thereunto belonging; (8) and shall incur and sustain, the pains, penalties and forfeitures limited, ordained and provided in and by the statute of provison and praemunire made in the sixteenth year of king Richard the second; (9) and be incapable of any pardon from the king, his heirs or successors, of the said forfeitures, losses or disabilities, or any of them.

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

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

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

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

The penalty.

Parsons receiving earnest upon contracts to be transported, excepted.

Parsons convicted of felony, & praying transportation, excepted.

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

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

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

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

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

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

THE
THE CONSTITUTION
OF THE
State of Georgia.

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

ARTICLE I.

Sect. 1. The legislative power shall be vested in two separate and distinct branches, to wit, A senate and house of representatives, to be styled "The General Assembly."

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

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

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

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

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

Sect. 7. No person shall be a member of the house of representatives, who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, and two years an inhabitant of this State; and shall be an inhabitant.
DIGEST OF THE

habitants of that county for which he shall be elected, and have resided therein three months immediately preceding his election: and shall be possessed, in his own right, of two hundred acres of land, or other property to the amount of one hundred and fifty pounds.

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

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

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

Sect. 11. The meeting of the general assembly shall be annual, on the first Monday in November, until such day of meeting be altered by law.

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

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

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

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

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

Sect. 16. The general assembly shall have power to make all laws and ordinances which they shall deem necessary and proper for the good of the State, which shall not be repugnant to this constitution.

Sect. 17. They shall have power to alter the boundaries of the present counties, and to lay off new ones, as well out of the counties already laid off, as out of the other territory belonging to the State. When a new county or counties shall be laid off
off out of any of the present county or counties, such new county or counties shall have their representation apportioned out of the number of the representatives of the county or counties out of which it or they shall be laid out; and when any new county shall be laid off in the vacant territory belonging to the State, such county shall have a number of representatives not exceeding three, to be regulated and determined by the general assembly.—And no money shall be drawn out of the treasury, or from the public funds of this State, except by appropriations made by law.

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

ARTICLE II.

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

Sect. 2. The house of representatives shall, on the second day of their making a house, in the first, and in every second year thereafter, vote by ballot for three persons, and shall make a lift, containing the names of the persons voted for, and of the number of votes for each person; which lift the speaker shall sign in the presence of the house, and deliver it in person to the senate: And the senate shall, on the same day, proceed by ballot to elect one of the three persons having the highest number of votes; and the person having a majority of the votes of the senators present, shall be the governor.

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

Sect. 4. In case of the death, resignation or disability of the governor, the president of the senate shall exercise the executive powers of government, until such disability be removed, or until the next meeting of the general assembly.

Sect. 5. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall be elected; neither shall he receive, within that period, any other emolument from the United States or any of them, or from any foreign power. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear, (or affirm as the case may be) that I will faithfully execute the office of governor of the State of Georgia, and will to the best of my abilities, preserve, protect and defend the said State, and cause justice to be executed in mercy therein, according to the constitution and laws of the same."

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

Sect.
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Sect. 7. He shall have power to grant reprieves for offences against the State, except in cases of impeachment; and to grant pardons in all cases after conviction, except for treason or murder, in which cases he may reprieve the execution and make a report thereof to the next general assembly, by whom a pardon may be granted.

Sect. 8. He shall issue writs of election to fill up all vacancies that happen in the senate or house of representatives; and shall have power to convene the general assembly on extraordinary occasions; and shall give them, from time to time, information of the state of the republic; and recommend to their considerations such measures as he may deem necessary and expedient.

Sect. 9. In case of disagreement between the senate and house of representatives, with respect to the time to which the general assembly shall adjourn, he may adjourn them to such time as he may think proper.

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

Sect. 11. The great seal of the State shall be deposited in the office of the secretary, and it shall not be affixed to any instrument of writing without it be by order of the governor or the general assembly; and the general assembly may direct the great seal to be altered.

ARTICLE III.

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

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

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

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

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

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

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

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

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

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

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

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

Sect. 8. This constitution shall take effect, and be in full force, on the first Monday in October, next after the adoption of the same; and the executive shall be authorized to alter the time for the sitting of the superior courts, so that the same

* See act of 1789, No. 429.
fame may not interfere with the annual elections in the respective counties, or the meeting of the first general assembly.

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

WILLIAM GIBBONS, PRESIDENT.

ATTEND,

D. LONGSTREET, Secretary.

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

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

Article 1. The senate shall be elected annually on the first Monday in November until such day of election be altered by law; and shall be composed of one member from each county, to be chosen by the electors thereof.

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

Article 3. The election of members for the house of representatives shall be annual on the first Monday in November; and shall be composed of members from each county in the following proportions:

Camden, two; Glynn, two; Liberty, four; McIntosh, two; Bryan, two; Chatham, four; Effingham, two; Scriven, two; Montgomery, two; Burke, three; Richmond, two; Columbia, two; Wilkes, three; Elbert, two; Franklin, two; Oglethorpe, three; Greene, three; Hancock, three; Washington, three; Warren, three.

Article 4. At the general election for members of assembly in the year 1797, the electors of the present counties shall elect three persons to represent them in a convention for the purpose of taking into consideration the further alterations and amendments necessary to be made in the constitution, who shall meet at the town of Louisville the second Tuesday in May thereafter: a majority of the said convention shall have power to proceed to, and agree on, such alterations and amendments as they may think proper.

Article 5. The meeting of the general assembly shall be annual on the second Tuesday in January; a majority of whom shall have power to proceed to business.

Article
Article 6. That Louisville be the permanent seat of government; and that the governor, secretary of the state, the treasurer, the auditor, and the surveyor-general, remove their offices thereto, as soon as may be convenient, previously to the next meeting of the general assembly.

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

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

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

N. W. JONES, President.

Attest,
Thomas Johnson, Secretary.

THE CONSTITUTION
OF THE
State of Georgia.

ARTICLE I.

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

Sect. 2. The legislative power shall be vested in two separate and distinct branches, to wit: A senate and house of representatives, to be titled "The General Assembly."

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

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

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

Sec. 6. The senate shall have the sole power to try all impeachments:—When sitting for that purpose, they shall be on oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present:— Judgment, in cases of impeachment, shall not extend further than removal from office, and disqualification to hold and enjoy any office of honour, trust or profit, within this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment, according to law.

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

Sec. 8. No person shall be a representative who shall not have attained to the age of twenty one years, and have been seven years a citizen of the United States, three years an inhabitant of this State, and have usually resided in the county in which he shall be chosen, one year immediately preceding his election (unless he shall have been absent on public business of this State or of the United States;) and shall be possessed, in his own right, of a settled freehold estate of the value of two hundred and fifty dollars, or of taxable property to the amount of five hundred dollars, within the county, for one year preceding his election; and whose estate shall, on a reasonable estimation, be competent to the discharge of his just debts, over and above that sum.
Sect. 9. The house of representatives shall chuse their speaker and other officers.

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

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

Sect. 12. The meeting of the general assembly shall be annual on the second Tuesday in January, until such day of meeting be altered by law; a majority of each branch shall be authorized to proceed to business; but a smaller number may adjourn from day to day and compel the attendance of their members in such manner as each house may prescribe.

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

Sect. 14. No senator or representative shall be liable to be arrested during his attendance on the general assembly, or for ten days previous to its sitting, or for ten days after the rising thereof, except for treason, felony, or breach of the peace; nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place elsewhere; but shall nevertheless be bound to answer for perjury, bribery or corruption.

Sect. 15. Each house shall keep a journal of its proceedings, and publish them immediately after their adjournment, and the yeas and nays of the members on any question, shall, at the desire of any two members, be entered on the journals.
Sect. 16. All bills for raising revenue or appropriating monies shall originate in the house of representatives; but the senate shall propose or concur with amendments as in other bills.

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

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

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

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

Sect. 21. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that at which the two branches shall be sitting; and in case of disagreement between the senate and house of representatives, with respect to their adjournment, the governor may adjourn them.
Sect. 22. The general assembly shall have power to make all laws and ordinances which they shall deem necessary and proper for the good of the State, which shall not be repugnant to this constitution.

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

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

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

ARTICLE II.

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

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

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

Seet. 4. In case of the death or resignation, or disability of the governor, the president of the senate shall exercise the executive powers of government until such disability be removed, or until the next meeting of the general assembly.

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

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

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

Sect. 8. He shall issue writs of election to fill up all vacancies that happen in the
senate or house of representatives; and shall have power to convene the general as-
sembly on extraordinary occasions; and shall give them, from time to time, information
of the state of the republic, and recommend to their consideration such
measures as he may deem necessary and expedient.

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

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

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

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

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

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

Sect. 1. The judicial powers of this State shall be vested in a superior court, and in such inferior jurisdictions as the legislature shall, from time to time, ordain and establish. The judges of the superior courts shall be elected for the term of three years, removable by the governor on the address of two thirds of both houses for that purpose, or by impeachment and conviction thereon. The superior court shall have exclusive and final jurisdiction in all criminal cases, which shall be tried in the county wherein the crime was committed, and in all cases respecting titles to land, which shall be tried in the county where the land lies; and shall have power to correct errors in inferior judicatures by writs of certiorari, as well as errors in the superior courts, and to order new trials on proper and legal grounds: Provided, That such new trials shall be determined, and such errors corrected, in the superior court of the county in which such action originated. And the said court shall also have appellate jurisdiction in such other cases, as the legislature may by law direct, which shall in no case tend to remove the cause from the county in which the action originated; and the judges thereof, in all cases of application for new trials, or correction of errors, shall enter their opinions on the minutes of the court. The inferior courts shall have cognizance of all other civil cases, which shall be tried in the county wherein the defendant resides, except in cases of joint obligors, residing in different counties, which may be commenced in either county; and a copy of the petition and process, served on the party or parties residing out of the county in which the suit may be commenced, shall be deemed sufficient service, under such rules and regulations as the legislature may direct. But the legislature may, by law, to which two-thirds of each branch shall concur, give concurrent jurisdiction to the superior courts. The superior and inferior courts shall sit in each county twice in every year, at such stated times as the legislature shall appoint.

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

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

Sect. 4. Justices of the inferior courts shall be appointed by the general assembly, and be commissioned by the governor, and shall hold their commissions during good behaviour, or as long as they respectively reside in the county for which they shall be appointed, unless removed by sentence on impeachment, or by the governor, on the address of two-thirds of each branch of the general assembly. They may be

Judicial power.

Superior court judges elected for three years—how removable.

Their powers and jurisdiction.

Jurisdiction of the inferior courts.

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

The judges to be allowed adequate salaries.

State's attorney and solicitors.

Justices of the inferior courts, how appointed.
DIGEST OF THE

May have a

compensation.

Justices of the
peace to be no-
minated by the
inferior courts.

Their jurisdic-
tions.

Court of ordi-
nary.

Appeal to the
superior court.

Marriage li-
ences.

Writs of man-
damus, prohibi-
tion, &c.

The laws, civil
and criminal, to
be revised and
digested.

Causes may be
managed with
or without
counsel.

Divorces.

Clcksof the su-
perior and infe-
rior courts.

Sheriffs.

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

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

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

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

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

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

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

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

ARTICLE IV.

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

Sect. 2. All elections by the general assembly shall be by joint ballot of both branches of the legislature; and when the senate and house of representatives unite for the purpose of electing, they shall meet in the representative chamber, and the president of the senate shall in such cases preside, receive the ballots, and declare the person or persons elected. In all elections by the people, the electors shall vote 

Sect. 3. The general officers of the militia shall be elected by the general assembly, and shall be commissioned by the governor. All other officers of the militia shall be elected in such manner as the legislature may direct, and shall be commissioned by the governor; and all militia officers now in commission, and those which may be hereafter commissioned, shall hold their commissions during their usual residence within the division, brigade, regiment, battalion, or company to which they belong, unless removed by sentence of a court martial, or by the governor, on the address of two-thirds of each branch of the general assembly.

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

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

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

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

Former convictions on impeachments.

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

Habeas corpus.

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

Freedom of religious worship.

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

Slaves not to be imported.

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

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

Religious establishment prohibited.

The arts and sciences to be promoted.

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

Persons in office how long to continue.

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

Sect. 15. No part of this constitution shall be altered, unless a bill for that pur-
pose, specifying the alterations intended to be made, shall have been read three times
in the house of representatives, and three times in the senate, on three several days
in each house, and agreed to by two thirds of each house respectively; and when
any such bill shall be passed in manner aforesaid, the same shall be published at least
six months previous to the next ensuing annual election for members of the general
assembly; and if such alterations, or any of them so proposed, shall be agreed to in
their first session thereafter, by two-thirds of each branch of the general assembly,
after the same shall have been read three times, on three separate days, in each re-
spective house, then and not otherwise, the same shall become a part of this con-
stitution.

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

IN TESTIMONY WHEREOF, we, and each of us respectively, have hereunto set our
hands, at Louisville, the seat of government, this thirtieth day of May, in
the year of our LORD one thousand seven hundred and ninety eight, and in the
twenty-second year of the Independence of the United States of America; and
have caused the great seal of the State to be affixed thereto.

JARED IRWIN, President, and delegate from Washington.

ATTEST,
JAMES M. SIMMONS, Secretary.

An Act for regulating the militia of this province, and for the secu-

A. D. 1755.

An Act for regulating the militia of this province, and for the secu-
rity and better defence of the same.

January 24, 1755.
Obsolete.

An Act for stamping, imprinting, emitting, and making current the sum
No. 2.
of seven thousand pounds Sterling in paper bills of credit, to be let
out at interest on good securities, at six per cent. per annum, and for
applying the said interest.

February 17, 1755.
Obsolete. 

DIGEST OF THE

A. D. 1755. An Act for inflicting and imposing penalties upon any person or persons that shall publish and declare that the acts of the general assembly of the province of Georgia are not of force.

February 17.
Obsolete.

No. 4. An Act for raising and granting to his majesty a sum of money to defray the expenses of the courts of oyer and terminer, and other contingencies of government.

February 21.
Obsolete.

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

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

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

March 7.
Obsolete.

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

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

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

WHEREAS many inconveniences may attend the want or neglect of recording in the public offices of this province all conveyances of land, negroes, and other chattels or mortgages of the same, Be it enacted, That all conveyances of lands, tenements, negroes, and other chattels, or hereditaments whatever

* Re-enacted with alterations by act of 1768, No. 188.
forever or mortgages of the same, that were made before the passing this act, shall be registered in the register of the records office of this province within three months after the publishing this act, except such as have been or may be hereafter executed in Europe, which shall be registered as directed in this act, within a twelve month and a day, and except such as have been or may be hereafter executed in the West-India islands or on the American continent north of South-Carolina, which shall be registered as directed by this act within six months, and such as may be hereafter made within this province be registered within the space of sixty days from the date of the several deeds, conveyances, or mortgages, in failure of which, all such as are lawfully and regularly registered as aforesaid, shall be deemed taken and construed to be prior and shall take place and be recoverable in law before any and every deed, conveyance, or mortgage which has not been lawfully registered as above, any law, custom, or usage to the contrary notwithstanding.

II. And in order to discourage and deter all and every person and persons from making any fraudulent conveyances or mortgages, Be it further enacted, That if any tender or mortgage of lands, tenements, negroes or other chattels or hereditaments within this province shall presume to execute a second or other deed of conveyance or sale of the same lands, tenements, negroes, or other chattels or hereditaments other than the first vendee of such lands, tenements, negroes or other chattels or hereditaments, or a second or other deed of mortgage without having taken notice in the said deed of mortgage of the first or prior mortgage or mortgages with which the said lands, tenements, negroes or other chattels or hereditaments stand charged at the time of executing the said deed; all and every person and persons so offending shall be tried and punished, and be subject to the like forfeitures and penalties as the laws of that part of Great Britain, called England, have provided against all such persons as shall execute deeds of mortgage without taking notice of all prior mortgages made.

III. And be it further enacted, That all wills or testaments conveying properties in this province, that have been formerly made and not recorded in the former office, be registered in the register of records office of this province within three months after the passing of this act, except such as have been or may be made in Europe, all which shall be registered as aforesaid within a twelve month and a day, otherwise they are deemed and construed to be void; and all wills and testaments hereafter to be made within this province, shall be registered as above within three months from the death of the testator, in failure of which the said wills or testaments shall be deemed and construed to be void and of no effect.

IV. And be it further enacted, That all deeds of conveyance, mortgages, wills or writings that have been regularly entered in the former office of record of this province shall be deemed lawful to all intents and purposes, any thing in this act or any other act contained to the contrary notwithstanding.

DAVID DOUGLAS, Speaker.

March 7, 1755.

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

March 7, 1755.

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

March 7, 1755.
Rendered obsolete by the revolution.
† See U. S. Confl. art. 3, feft. 3, defining treason.

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

March 7, 1755.
Repeated by act of 1759, No. 47.

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

December 13, 1756.
Obsolete.

No. 13. An Act for the ease of dissenting protestants within this province who may be scrupulous of taking an oath in respect to the manner and form of administering the same.

Preamble. WHEREAS many inconveniencies may arise in this province through the scruples of divers protestant dissenters within the same, of good estates and abilities, who refuse to take an oath by laying their hand on the Holy Evangelists, whereby the public is deprived of their services as jurymen. And whereas acts of toleration and indulgence to protestant dissenters have been found of beneficial tendency to other his majesty’s provinces, and may in a particular manner be so to this infant province: In order that such dissenting protestants may be enabled and compelled to serve on all juries, and to give evidence in all cases; and that the acts of such protestant dissenters may be valid and effectual in respect of the manner and form of taking and administering oaths, Be it enacted, That immediately after passing this act, any person who shall appear in any of the courts of judicature, or before any judge or magistrate in this province, either as juror, witness, party, or otherwise, in
in any cause, civil or criminal, and shall make and distinctly repeat a solemn and conscientious declaration and affirmation according to the form of his profession in any matter, cause or thing wherein an oath is required by law, in the following words: "I A. B. do swear, in the presence of Almighty God, as I shall answer at the great and awful day of judgment, that (as the case may be) So help me God." And such solemn and conscientious declaration and affirmation shall be deemed, held, adjudged, and taken to be valid and effectual to all intents, constructions and purposes whatsoever, in the same manner as if such person had taken an oath on the Holy Evangelists of Almighty God; and that all and every such person and persons as shall be convicted of falsely and corruptly affirming and declaring any matter or thing which (if the same had been an oath taken on the Holy Evangelists) would by law amount to wilful and corrupt perjury, shall incur the same penalties, dis abilities and forfeitures as persons convicted of wilful perjury do incur by the laws of Great Britain.

WILLIAM LITTLE, Speaker.

J. Reynolds.

December 13, 1756.

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

December 13, 1756.
Obsolete.

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

December 14, 1756.
Obsolete.

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

February 8, 1757.
Obsolete.

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

February 8.
Obsolete.
A. D. 1757. An Act for raising and granting to his majesty a sum of money to defray the expences of holding the courts of oyer and terminer, and some other expences of government.

February 3.
Obsole.

No. 19.

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

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

II. And be it further enacted, That all bonds, specialties, letters of attorney, and other powers in writing, which shall be produced in any court, or before any magistrate in this province, the execution whereof being proved by one or more of the witnesses thereunto, by affidavit or affidavits, or solemn affirmation in writing, before any governor or commander in chief, chief justice, mayor, or other chief magistrate, of any of his majesty's provinces, cities, towns, or places, where such bonds, letters of attorney, or other writings, are or shall be made or executed, and accordingly certified and transmitted under the common or public seal of such province, courts, cities, towns or places, where the said bonds, letters of attorney, or other writings, are so proved respectively, shall be taken and adjudged as sufficient in law as if the witnesses therein named had been present, and such certification shall be sufficient evidence to the court and jury for the proof thereof; Provided, That in every such affidavit or affirmation there shall be expressed the addition of the party making such affidavit or affirmation, and the particular place of his or her abode.

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

* See 6 and 6 sect. of act of 1785, No. 317, on the same subject.
or other estates, and be certified to have been proved as aforesaid, or shall be proved in this province before any justice of the peace, by one or more of the witnesses therefo-
to, shall be good and effectual in law, to all intents, constructions, and purposes whatsoever, the same as if the said constituent or constituents had, by their own deeds and conveyances, actually and really sold and conveyed the same; Provided always, That no sale of lands, tenements, hereditaments, made by virtue of such power or powers of attorney or agency as aforesaid, shall be good and effectual, unless such sale be made and executed while such power is in force, and all such powers shall be accounted, deemed, and taken to be in force, until the attorney or agent shall have due notice of a countermand, revocation, or death of the constituent.

WILLIAM LITTLE, Speaker.

John Reynolds.
February 8, 1757.

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

February 8.
Obsolete. See act of 1786, No. 358.

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

February 8.
See act of 1761, No. 74.

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

July 19, 1757.
Obsolete.

An Act for the better settling the province of Georgia.

July 19.
This act is in its nature temporary.—Obsolete.
DIGEST OF THE

A.D. 1757. An Act for preventing the enemy from being supplied with cattle or other provisions from this province.

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


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

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

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

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

July 28.

Repealed by act of 1791, No. 459.

An Act to prevent private persons from purchasing lands from the Indians, and for preventing persons trading with them without licence.

Whereas the safety, welfare, and preservation of this province of Georgia, doth, in great measure depend on the maintaining a good correspondence between his majesty's subjects and the several nations of Indians in amity with the said province: And whereas many inconveniences have arisen, from private persons claiming lands, included in the charter granted to the late honorable trustees for establishing the colony of Georgia by his present majesty, and since reinvested in the crown, under pretence of certain purchases made of them from the Indians, which have given occasion for disputes with those people; for remedy whereof, and for preventing any differences or disputes with the Indians for the future, and also for preventing persons trading with them without licence, Be it enacted, That from and after the fifteenth day of February, one thousand seven hundred and fifty-eight, if any person or persons whatsoever shall attempt to purchase or contract for, or cause to be purchased or contracted for, or shall take or accept of a grant or conveyance of any lands, or tracts of land, from any Indian, or body of Indians, upon any pretence whatsoever, (except for the use of the crown, and that by permission for this purpose first had and obtained from his majesty, his heirs or successors, or his or their governor or commander in chief of the said province for the time being) every such purchase, contract, grant, and conveyance, shall be, and is and are hereby declared to be null and void, to all intents and purposes whatsoever; and all and every person and persons so offending shall, for every such offence, forfeit the sum of one thousand pounds, sterling money of Great Britain, the one half thereof to his majesty, his heirs and successors, for the use of the province, and the other half to him or them who shall sue for the same, by action of debt, or information, in the general court of this province, in which no affoign, protection, privilege, or wager of law, or more than one impalance, shall be allowed.

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

DAVID MONTAIGUT, Speaker.

PATRICK HOUSTOUN, President.

HENRY ELLIS.

February 15, 1758.

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

† Now applied to the use of the State. See act of 1784, No. 287.
A. D. 1758. An Act for better regulating the market in the town of Savannah.
No. 32. March 15.
Obsolet.

No. 33. An Act to explain and amend an act passed in the last session of the present general assembly of this province, entitled, "An Act for the security and defence of the province of Georgia by erecting forts in the several parts thereof, and for appointing commissioners to carry the same into execution."
March 15.
Obsolet.

No. 34. An Act to amend and continue an act, entitled, An act for regulating the militia of this province, and for the security and better defence of the same.
March 15.
Obsolet.

No. 35. An Act to encourage white tradesmen to settle in the several towns within the province of Georgia, by preventing the employing negroes and other slaves being handicraft tradesmen in the said towns.
March 15.
Rendered obsolet by the change of government.

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

Parishes laid off and described.

BE it enacted, That the several districts and divisions of the said province shall, from and after the seventeenth day of March, one thousand seven hundred and fifty-eight, be divided and constituted into eight parishes, that is to say, the town

* See Act of 1765. No. 126. Defining other parishes, and adding to St. James.
† Before the revolution the laws had coercive power on religious service in the church, the revolution changed the ancient order of things in church and state. The people then made a constitution for themselves, in which was destroyed all church supremacy; and all men declared to have liberty to worship in their own way and to be liable to no tax or burden except in their own society. And an act of assembly has since passed, con-
and district of Savannah, extending up the river Savannah, including the islands therein, as far as the south-east boundary of Goschen, from thence in a south-west line to the river Great Ogechee, and from the town of Savannah eastward, as far as the mouth of the river Savannah, including the sea islands to the mouth of the river Great Ogechee, and all the settlements on the north side the said river to the western boundaries thereof, shall be and forever continue a parish, by the name of the parish of Christ Church; the district of Abercorn and Goschen, and the district of Ebenezer, extending from the north-west boundaries of the parish of Christ Church up the river Savannah as far as the Beater-Dam, and south-west as far as the mouth of Horse Creek on the river Great Ogechee, shall be and ever continue a parish, by the name of the parish of Saint-Matthew; the district of Halifax, extending from the north-west boundaries of the parish of Saint-Matthew up the river Savannah from the mouth of Mackeen's Swamp to the head thereof, and from thence to the head of Lambol's Creek, to the river Great Ogechee, shall be and forever continue a parish, by the name of the parish of Saint-George; the district of Augusta, extending from the north-west boundary of the parish of Saint-George, and south-west as far as the river Ogechee, and north-west up the river Savannah as far as Broad-River, shall be and forever continue a parish by the name of the parish of Saint-Paul; the town of Hardwick, and district of Ogechee, on the south side of the river Great Ogechee, extending north-west up the said river as far as the Lower-Indian Trading-Path leading from Mount-Pleasant, and southward from the town of Hardwick as far as the swamp of James Dunham, including the settlements on the north side of the north branches of the river Midway, with the islands of Ossabaw, and from the head of the said Dunham's Swamp, in a north-west line, shall be and forever continue a parish, by the name of the parish of Saint-Philip; from Sunbury, in the district of Midway and Newport, from the southern bounds of the parish of Saint-Philip, extending southward as far as the north line of Samuel Hassings, and from thence south-east to the south branch of Newport, including the islands of Saint-Catharine and Bermuda, and from the north line of the said Samuel Hassings north-west, shall be and forever continue a parish, by the name of the parish of Saint-John; the town and district of Darien, extending from the south boundary of the parish of Saint-John to the river Alatamaha, including the islands of Sapelo and Eastwood and the sea islands to the north of Egg-Island, north-west up the river Alatamaha to the forks of the said river, shall be and forever continue a parish, by the name of the parish of Saint-Andrew; and the town and district

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Continuing all the royal provincial acts, not inconsistent with the principles of the revolution, the constitution and acts of the state. The question now arises, whether the parts of the old acts giving power of afflicting rates, are so consistent or not at this day. The answer is evident, religious associations are voluntary, and may be incorporated, and the legislature may give such power upon their application; but without a special law such affictions cannot be made. Those parts therefore of the ancient acts, must be considered as dead letter; and the genius of our government must prevail. The following are considered, and have often been affected, among the natural rights of mankind: "That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise dimin"
A. D. 1758.
No. 36

St. James.
Church in Savannah and burial place.

Christ Church.
Church in Augusta and burial place thereto. St. Paul.

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

II. And be it further enacted, That from and after the said seventeenth day of March, one thousand seven hundred and fifty-eight, the church already erected in the town of Savannah, and the ground as now used for a cemetery or a burial place thereto, shall be the parish church and cemetery of Christ Church.

III. Repugnant to the form of our government.

IV. And be it further enacted, That from and after the said seventeenth day of March, one thousand seven hundred and fifty-eight, the church erected in the town of Augusta, with the cemetery or burial place thereto belonging, shall be the parish church and burial place of Saint-Paul

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

DAVID MONTAIGUT, Speaker.

PATRICK HOUSTON.

March 15, 1758.

No. 37.

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

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

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

* See acts of 1763, No. 94, and 1768, No. 178, enlarging the cemetery.
† Titles under trustees confirmed by act of 1759, No. 40.
under their authority, (such as hold under regular grants passed under the common seal of the said trustees excepted) do and shall, within three years from and after the twentieth day of March, one thousand seven hundred and fifty-eight, appear before the governor and council of the said province, in their own persons, or by their attorneys or substitutes lawfully constituted, and prove and make good their claims and title to all and every such lot or lots, tract or tracts of land, as they shall so hold, or claim to hold, in manner aforesaid, to the satisfaction of the said governor and council, and all and every such person and persons, having so proved and made good their said claims and titles, and the same being allowed of by the said governor and council, shall and do, within six months next after such allowance, take out the king's grant for the same, in failure whereof, all and every such claim and claims to be void.

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

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

IV. And whereas the records of the first surveys and allotments made of lands in this province are very imperfect, and the surveyor general by that means unable to render an account of such as have so been surveyed and allotted for persons who are dead, or absent from this province, as aforesaid; wherefore, that this business may be the better and more perfectly performed, Be it further enacted, That all and every person and persons now resident in this province, or in the province of South Carolina,
A. D. 1758.
No. 37.
Claimants residing here or in S. Carolina to give in their claims within eighteen months and take out grants.

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

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

DAVID MONTAIGUT, Speaker.
PATRICK HOUSTOUN.

Henry Ellis.
March 15, 1758.

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

December 12, 1758.
Obsolete.

An Act for regulating the affize of bread.

December 12.
Obsolete. See act of 1768, No. 74.
An Act to empower the commissioners of the general loan to stamp, imprint, sign, and pay into the hands of his majesty’s treasurer, the further sum of £799 8 11 in sterling bills of credit, to defray the expense of repairing the church in Savannah; for building a public magazine in the town of Savannah; for securing the light house on Tybee island; and to make good a deficiency of the last public tax destroyed by an accident of fire.

March 27, 1759.
Obsolet.

An act for establishing and confirming the titles of the several inhabitants of this province to their respective lands and tenements.

Forasmuch as many suits and contests may hereafter arise by means of pretended antient titles to lands and tenements derived from and under the late lords proprietors of Carolina, the conditions of which titles have not been complied with, and the lands have since been regranted: For remedy and prevention whereof, and for quieting the estates of the present lawful possessors and avoiding suits in law, Be it enacted, That all and every person and persons that are now possessed of or do hold any lands or tenements whatsoever within the said province of Georgia, by and under grants from the late honorable trustees for establishing the colony of Georgia, or by and under grants from his majesty obtained since the surrender of the charter of the said trustees, are hereby established and confirmed in the possession of their several and respective lands and tenements, and such grants thereof are hereby accordingly ratified and confirmed, and declared to be good and valid to all intents and purposes whatsoever, against all and all manner of persons claiming any estate or interest therein by and under the said lords proprietors of Carolina, or by or under any former grants obtained before the date of his majesty’s charter to the said trustees for establishing the colony of Georgia, any act, law or statute to the contrary notwithstanding.

DAVID MONTAIGUT, Speaker.
PATRICK HOUSTOUN, President.

Henry Ellis.
March 27, 1759.

An act for raising and granting to his majesty the sum of £820 5 6d to defray the expenses of holding the courts of oyer and terminer, and some other expenses of government.

March 27.
Obsolet.

An act for erecting a public magazine.

March 27, 1759.
Obsolet.
An Act for reducing the interest of money in this province.

WHEREAS the high rate of interest in this province of Georgia is a great discouragement to planters and others from improving their landed estates therein, by reason that the profits arising from such improvements do not equal the sum paid for money so laid out and employed; And whereas many planters and others, by failure of crops and other misfortunes, do become unavoidably indebted, and are therefore made chargeable with the said high rate of interest, to the detriment of the said planters and others, and to the great hinderance of the improvement and settlement of the said province; for remedy whereof, and for preventing the like mischief in the future, Be it enacted, That no person or persons whomsoever, from and after the twenty-ninth day of March, in the year of our Lord one thousand seven hundred and fifty-nine, upon any contract that shall be made from and after the said twenty-ninth day of March, shall take, directly or indirectly, for loan of any monies, wares, merchandizes, or other commodities whatsoever, above the value of eight pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, and that all bonds, contracts*, and assurances whatsoever, made after the time aforesaid, for the payment of any principal or money, to be lent, covenanted, to be performed upon, or for any usury, whereupon or whereby there shall be reserved or taken above the rate of eight pounds in the hundred as aforesaid, shall be utterly void; and that all and every person or persons whomsoever, who shall, after the time aforesaid, upon any contract to be made after the said twenty-ninth day of March, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, cheviance, shift, or interest of any wares, merchandizes, or other thing or things whatsoever, or by any deceitful way or means, or by any covin, engine, or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing above the sum of eight pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose for every such offence the treble value of the monies, wares, merchandizes, and

* See act of 1792, No. 475, sect. 38; and note respecting interest on upon accounts or unliquidated demands.
An Act for the better regulating fences in the province of Georgia.

WHEREAS an act passed the seventh day of March, one thousand seven hundred and fifty-nine, in the first section of the first general assembly of this province, entitled "An act to regulate fences in the province of Georgia," has been found very ineffectual for the purposes thereby intended: And whereas the fixing and establishing fit and proper dimensions for all fences and enclosures to be erected and made in and about the several plantations and settlements of this province, would not only prevent the several owners and occupiers thereof, so fenced and enclosed, from receiving any damage from the irruption, straying, or breaking in of cattle, horses, sheep, goats, or swine, but would likewise obviate any doubts or disputes arising or arising as to the strength and sufficiency of such fences and enclosures, in case of any irruption or trespass to be committed within the same: Be it enacted, That from and after the twenty-ninth day of March one thousand seven hundred and fifty-nine, all fences or enclosures, commonly called worm fences, that shall be erected and made around or about any garden, orchard, rice ground, indigo field, plantation or settlement, in this province, shall be six feet high when staked and ridged, and from the ground to the height of three feet of every such fence or enclosure the rails thereof shall not be more than four inches distant from each other; and that all fences or enclosures, that shall consist of palings, shall likewise be five feet high from the ground, and the pales thereof not more than two inches thick; Provided always, That where any fence or enclosure shall be made with a ditch or trench, the same shall be four feet wide, and in that case the fence shall be six feet high from the bottom of the ditch.

II. And be it further enacted, That if any trespass or damage shall be committed in any garden, orchard, rice ground, indigo field, plantation, or settlement, not being fenced and enclosed in manner as herein before is directed by the irruption, breaking in, or straying of any cattle, horses, sheep, goats, or swine, the owner of such cattle, horses, sheep, goats, or swine, shall not be liable to answer for such trespass, or to make good or satisfy any damage or injury that shall happen or be committed by reason thereof; and in case any person or persons shall kill, maim, hurt, or destroy, or cause to be killed, maimed, hurt, or destroyed any cattle, horses, sheep, goats, or swine, to trespassing, straying, or breaking into any garden, orchard, rice ground, indigo field, plantation, or settlement, not fenced and enclosed in manner as by this act is directed, all and every such person and persons shall answer and make good to the owner or owners thereof all such injury and damages as he or they shall sustain thereby.
A. D. 1759.
No. 47.

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

Refusing to appraise shall forfeit forty shillings.

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

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

Act of 1755 repealed.

the same to be recovered, on due proof thereof, before any two justices of the peace for the district where the offence shall be committed, and to be levied by warrant of distrife and sale of the offender's goods.

III. And be it further enacted, That in case any cattle, horses, sheep, goats, or swine, shall break into any garden, orchard, rice ground, indigo field, plantation, or settlement, being fenced and enclosed according to the direction of this act, then, on application of the party aggrieved, it shall be lawful for any of his majesty's justices of the peace in the said province to appoint any three indifferent freeholders to view and appraise the damages so committed and sustained, and the appraisement made and signed by the said freeholders shall be delivered to the said justice, or any other, who is hereby authorized and empowered to cause the * sum so appraised to be levied by warrant of distrife and sale of the offender's goods.

IV. And be it further enacted, That in case any freeholder, appointed by any justice to view and appraise any damage said to be committed, shall neglect or refuse to make such view and appraisement, in manner as directed by this act, every such freeholder so refusing or neglecting shall forfeit and pay, for every such offence, a sum not exceeding forty shillings, to be levied by distrife and sale of the offender's goods to be for the use of the party injured.

V. And be it further enacted, That no planter or other person, not having a lawful fence, shall fix in any of his inclosures any canes or stakes, or any other thing that shall or may kill, maim, hurt, or destroy, any cattle, horses, sheep, goats or swine, under the forfeiture of twenty shillings sterling for every such offence, on being convicted thereof before any justice of the peace of the district or place where such offender shall dwell, upon confession of such offender, or proof by one or more credible witnesses or witnesses upon oath, one half thereof to be paid to the informer, and the other half to the poor of the said district, the same to be levied by distrife and sale of the offender's goods, by warrant of the justice before whom such offender shall be convicted, returning to the owner the overplus, if any, after all charges deducted.

VI. Provided always, and be it further enacted, That in all trials to be had before one or more justices of the peace by virtue of this act, the right of the party to the lands on which the trespass or damage shall be said to be done shall not be brought in question, but the same shall be taken for granted to all intents and purposes whatsoever.

VII. And be it further enacted, That the act for regulating fences in the province of Georgia, passed the seventh March, one thousand seven hundred and fifty-five, in the first session of the first general assembly of the said province, shall be and is hereby repealed, revoked, disannulled, and forever made void.

DAVID MONTAIGUT, Speaker.
PATRICK HOUSTOUN, President.

HENRY ELLIS.

MARCH 27, 1759.

* Not exceeding £30 the jurisdiction of justices of the peace being limited to that sum—See judiciary act of 1797, No. 582. Damages above that sum can now be ascertained only by a jury.
An Act for appointing commissioners to repair and secure the foundation of the light house on Tybee island.

March 27.

Obsolete.

An Act to explain and amend an act, entitled "An act for better regulating the market in the town of Savannah.

March 27.

Obsolete.

An Act to prevent masters of vessels from carrying off persons in debt from this province.

March 27.

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

An Act to continue several acts of the general assembly of this province.*

WHEREAS several useful and necessary laws of this province are near expiring,

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

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

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

* The several acts herein referred to have since expired or been repealed.
A.D. 1759.
No. 51.
An Act to empower the several surveyors to lay out public roads passed 7th March 1759.

Continued until 7th March 1764.

Act to empower the several surveyors to lay out public roads in the province of Georgia, passed the seventh of March one thousand seven hundred and fifty-five; and also an act of this present general assembly entitled, an act for explaining and amending the said act passed 8th Feb. 1757; continued until 7th March 1764.

No. 52.

An Act to oblige male white persons to carry fire arms to all places of public worship, passed the twenty-third of July one thousand seven hundred and fifty-seven, which said act was to be in force for two years from the said twenty-third of July one thousand seven hundred and fifty-seven, shall be, and the same is hereby continued from the expiration thereof until the seventh day of March one thousand seven hundred and sixty-four, and from thence to the end of the then next session of the general assembly, and no longer.

IV. And be it further enacted by the authority aforesaid, That an act of this present general assembly, entitled, an act to oblige the male white persons of the province of Georgia to carry fire arms to all places of public worship, passed the twenty-third of July one thousand seven hundred and fifty-seven, which said act was to be in force for two years from the said twenty-third of July one thousand seven hundred and fifty-seven, shall be, and the same is hereby continued from the expiration thereof until the seventh day of March one thousand seven hundred and sixty-four, and from thence to the end of the then next session of the general assembly, and no longer.

DAVID MONTAIGUT, Speaker.

PATRICK HOUSTOUN, President.

March 27, 1759.

No. 53.

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

March 27.

Obsolet.

No. 54.

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

March 27.

Obsolet—See act of 1797, No. 582, Sec. 63.

No. 55.

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

March 27.

Repealed by act of 1791, No. 459.
An Act for holding special or extraordinary courts of common pleas for the trial of causes arising between merchants, strangers, and mariners.

March 4, 1760.

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

An Act to enable feme coverts to convey their estates, and for confirming and making valid all conveyances and acknowledgments heretofore made by feme coverts.

WHEREAS the usual method of conveying lands and tenements in England by feme coverts is by fine or recovery, which methods have not been practiced in any of his majesty's American colonies;

And whereas, instead thereof it has been customary in the conveyances of lands by husband and wife, for the wife to acknowledge her consent before a judge or justice, being first privately examined by the said judge or justice whether she acknowledged the same voluntarily and freely; be it therefore enacted, That all alienations and conveyances whatsoever, which have at any time heretofore in this province been made, either by husband and wife, having jointly signed a deed of conveyance before witnesses, or by the acknowledgment of the wife of her consent to such a sale of lands and tenements, before any of the then justices or magistrates, shall in such cases be valid in law, and good and effectual against the husband and wife, their heirs and assigns, and against all other persons or persons whatsoever claiming under the said husband and wife, or either of them, to all intents and purposes, as if the same had been done by fine or recovery, or by any other way or means in the law.

II. And whereas it is necessary to secure the property of future purchasers of lands and tenements, as well as to prevent husbands disposing without the consent of the wife, what of right did or would belong to them; and whereas also the method practiced in England in these cases would prove exceedingly troublesome and very expensive to the inhabitants of this province, be it therefore enacted, that from and after the passing of this act, all conveyances of lands and tenements shall be made by deed of bargain and sale, or by deeds of lease and release, or by deed of feoffment, enrolled or registered in the secretary's office of this province, signed and sealed by the party conveying before two or more witnesses, who shall likewise sign their names to the said deed; and where a feme covert has or may have any right in part or the whole of the lands and tenements to be conveyed, and the said feme covert doth willingly consent to part with her right, by becoming a party with her husband in the sale of such lands and tenements, in such cases as these, the said feme covert shall become a party with her husband in the said deed of conveyance, and sign and seal the same before the chief justice or assistant judges, or one of his majesty's

See act of 1768, No. 128, sect. 18.
A. D. 1760.

No. 57.

majesty’s justices of the peace for the parish where such contracts shall be made, declaring before the said judge or justice, that she has joined with her husband in the alienation of the said lands and tenements of her own free will and consent, without any compulsion or force used by her said husband to oblige her so to do; which declaration shall be made in the following words, or in words to the like effect, viz.—

"I A. B. the wife of C. D. do declare, that I have freely, and without any compulsion, signed, sealed, and delivered the above instrument of writing passed between D. E. and C. D. and I do hereby renounce all title or claim of dower that I might claim or be entitled to after the death of C. D. my said husband, to or out of the lands or tenements therein conveyed. In witness whereof, I have hereunto set my hand and seal; and the said judge or justice shall, and is hereby required to endorse upon the deed the acknowledgment of the said femme covert, made before him, and to sign the same, and shall receive two shillings and six-pence sterling fee, for his endorsing and signing the same, and no more.

III And be it further enacted, That all conveyances of lands and tenements, made and executed, and enrolled or registered, according to the intent and meaning of this act, shall and are hereby declared valid in law, and good and effectual against the party conveying, or husband and wife, and their and every of their heirs and assigns, and against all other persons claiming by, from, or under them, or any of them, to all intents and purposes, as if the same had been done by fine or recovery, or by any other way and means, any laws, customs, or usages, to the contrary notwithstanding.

JAMES HABERSHAM.
DAVID MONTAIGUT, Speaker.

Henry Ellis.
April 24, 1760.

No. 58.

An Act for the more easy and speedy recovery of small debts and damages.
April 24, 1760.

Repealed by act of 1789, No. 421.

No. 59.

An Act for ascertaining the qualifications of jurors, and for establishing the method of balloting and summoning of jurors in the province of Georgia.
April 24.

Obsolete.

No. 60.

An Act for raising and granting to his majesty the sum of £1,000 sterling for putting the town of Savannah, and the out forts in the several parishes of this province in a better state of defence.
April 24.

Temporary.
LAWS OF GEORGIA.

An Act for repairing and rebuilding the forts heretofore erected in the several parishes of this province, and for the better securing the town of Savannah by errecting a fort around the magazine, and the block houses within the lines of the said town.

April 24.
Temporary.

An Act to oblige ships and other vessels coming from places infected with epidemical disemapers to perform quarantine.

April 24.
Repealed by act of 1793, No. 485.

An Act for raising and granting to his majesty the sum of £1118 3 8 sterling, that is to say, the sum of £668 3 8 to defray the expenses of holding the courts of oyer and terminer, and some other expenses of government; and the sum of £450 sterling for subsisting two hundred of the militia for the defence of this province.

April 24, 1760.
Obsolete.

An Act for empowering trustees to purchase a house in the town of Savannah for the use of the present, and future governors of this province.

April 24.
* The same purchased accordingly, and since sold by commissioners of Louisville, under ordinance of 1786, No. 312.

An Act for the more effectual putting in force the militia act of this province.

April 24.
Obsolete.

An Act for the better regulating the town of Savannah, *and for ascertaining the common thereunto belonging.

I. RESPECTS the regulation of the town.

II. And be it further enacted by the authority aforesaid, That the common appertaining to the said town, extending southerly from the extremity of the bluff on the river Savannah to the north line of the garden lots, and westerly from the west line of the garden lots, lying east of the said town to the east line of the lots lately laid out between Mulgrove’s creek and the said town, including all the squares, streets,

† See act of 1761, No. 72.
‡ Repealed by act 1787, No. 367—See corporation act of 1789, No. 430.
streets, lanes, and passages, described in the plan of the said town in the surveyor-
genral's office; and which have been heretofore accustomed or made use of by the
inhabitants of the said town, shall be and continue the common property of the lot-
holders in the said town, and shall not be aliened or granted away for any purpose
whatsoever, than by act of the general assembly.

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

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

The refel relates only to the mode of filling vacancies.

DAVID MONTAIGUT, Speaker.

JAMES HABERSHAM.

May 1, 1760.

* Repealed by act 1787, No. 367—See corporation act of 1787, No. 304.
† See act of 1761, No. 78.

No. 67. An Aë to amend an aë, entitled, "An act to prevent masters of vessels from carrying
off persons in debt in this province."
May 1.
Obsoleta.

No. 68. An Aë to amend and continue an aë, entitled, "An aë for establishing and regulating
of patrols."
May 1.
This aë gave place to aë of 1765, No. 137-

No. 69. An Aë for stamping, imprinting, issuing, and making current the sum of £7410 ster-
ing in paper bills of credit, and for applying and sinking the same.
May 1, 1760.
Obsoleta.

No. 70. An Aë to prevent frauds in the making of lumber.
May 1.
Repealed by aë of 1790, No. 445.

No. 71. An Aë to amend an aë, entitled, "An aë for repairing and rebuilding the forts hereto-
fore erected in the several parishes of this province, and for the better securing the
town of Savannah by erecting a fort round the magazine and block houses within the
lines of the said town."
June 4.
Obsoleta.
An Act for establishing a ferry over Great Ogechee river at a place called Pine Bluff, and for vesting the same in John Deveaux the elder, his executors and administrators, for the space of six years.

June 9, 1761.

See Act of 1768, No. 172.

An Act for ascertaining the manner and form of electing members to represent the inhabitants of this province in the commons house of assembly.

June 9.

Obfolute.

* An Act for subjecting and making liable to attachment the estate real and personal of absent debtors, in the custody or power of any person or persons within this province.

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

That A. B. of the parish of ______, is indebted to him in the sum of ______, which sum shall appear by a fair and distinct account, wherein the balance shall be stated, and

* This act is considered in force only in the federal courts of the district of Georgia, being so at the time of passing the judiciary act of the United States, September 24th, 1789, but since re-enacted with amendments by State judiciary act of December, 1797, No. 372.
A.D. 1761.
No. 74.

Attachment against estate of absent debtor, how granted.

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

No person being present, attachment how published.

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

Penalty on refusing.

Judgment by default shall be entered.

and that said A. B. is abscended and gone from this province, or that the said A. B. has been three months out of this province; which said account and affidavit shall be annexed to the said petition, it shall and may be lawful to and for the said chief justice, or either of the justices of the said court, and they are hereby required to grant to such petition or petitioners, his majesty's writ of attachment, directed to the provost marshal of this province, commanding him to attach, without delay, the lands, tenements, goods and chattels, monies, debts, and books of account, being the property of, and belonging to the absent debtor, in the possession, custody or power of any person or persons whatsoever; and the attaching any part thereof in the name of the whole, that is in the possession, custody or power of such person or persons, shall make the whole subject and liable to answer any judgment that shall or may be recovered by virtue of such writ of attachment, and the provost marshal shall summon the person or persons in whose possession, custody or power such lands, tenements, goods, chattels, monies, debts, or books of account, shall be, by delivering to him, her or them a true copy of the said attachment, with a notice thereon indorsed, requiring him, her or them to appear at the return thereof, and shew cause why the said lands, tenements, goods, chattels, monies, debts, or books of account, thereby attached, should not be adjudged the property of, and belonging to such absent debtor; but if no person shall be present at the time of the attaching such lands, tenements, goods, chattels, monies, debts, or books of account, as aforesaid, then, and in such case, the provost marshal shall affix on the door of the court-house in Savannah, and in two or more public places in the district or parish where such lands, tenements, or other things, as aforesaid, shall be attached, a copy of the said writ, with an account of the lands, tenements, or other things attached, and shall give notice thereof also in the gazette, and in case there shall be no gazette, shall publish the same at the watch house, vendue house, or exchange in Savannah, for any person or persons claiming the same, to appear and shew cause as aforesaid; and the person or persons so summoned shall appear as aforesaid, and, and is, and are hereby required to appear accordingly at the return of such writ, or on or before the adjournment day of the ensuing court, and to discover, upon oath, what lands, tenements, goods, chattels, monies, debts, or books of account, he, she, or they, have in his, her or their possession, custody or power, to which the said absent debtor hath any right, title, interest, property, claim, or demand whatsoever: And if such person or persons, after being duly served with the said attachment and notice as aforesaid, and the proof thereof made on oath to the court, shall not appear at the return of the writ, or on or before the adjournment day of the court next ensuing the return thereof, or if, on appearing, shall refuse to discover, upon oath, what lands, tenements, goods, chattels, monies, debts, or books of account, he, she, or they, have in his, her or their possession, custody or power, belonging to such absent debtor, that then, and in such case, the person or persons so summoned shall be condemned for default of appearing, or discovering, upon oath, as the case shall happen, and judgment shall be given against his, her, or their proper goods and chattels, the plaintiff's debt or damage being first legally proved, in like manner as in other
other cases where judgment is given by default; but if any person appearing and declaring any lands, tenements, goods, chattels, effects, or monies to be in his, her or their possession, power or custody, and shall refuse or neglect to pay, or deliver the same to the order of the court, that then judgment shall be given against him, her or them for refusing or neglecting, and execution shall accordingly be awarded against his, her or their own proper lands, tenements, goods, chattels and effects; and if any lands, tenements, goods or chattels shall be actually seised and taken into the possession or custody of the provost marshal by virtue of such writ of attachment; and the person or persons so summoned as aforesaid shall not appear at the return of such writ, or on or before the adjournment day of the ensuing court as aforesaid, then upon his, her or their default, and no person then appearing and claiming the premises seised as aforesaid, the same shall be adjudged and taken to be the property of the absent debtor; but if the person or persons summoned shall appear at the return of the said writ, or within the time limited as aforesaid, and lay claim to such lands or other things so seised and attached, and upon oath, deny the same to belong to the absent debtor; or that he, she or they hath, or have, or at the time of the serving of the said writ of attachment had any lands, tenements, goods, chattels, monies or effects in his, her or their possession, custody, or power, or in trust for or belonging to the absent debtor, and the plaintiff shall rest satisfied thereof, then the attachment shall be discharged, the plaintiff or plaintiffs paying all costs, charges, and damages attending the said attachment; and if the plaintiff or plaintiffs shall not be satisfied, then he, she or they shall be put to plead the same, and the matter shall be tried forthwith by a jury, or at such other court or time as shall be appointed by the court, and the party against whom judgment shall be given, shall pay to the party prevailing such reasonable costs and charges as shall be allowed by the court; Provided always, That the adjournment day of each general court of pleas shall not be more than twenty nor less than ten days after each general court.

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

A. D. 1761.

No. 74.

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

of the court next preceding the determination of the said year and a day, and to execute his writ of enquiry accordingly; but not to sign final judgment till after the expiration of the said year and a day as aforesaid.

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

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

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

A D. 1761.
No. 74.
Right of dower in lands held under attachment how settled.

Real estate not to be sold unless the personal effects of absent debtor insufficient.
Monies arising from sale of lands, &c. subject to order of court.

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

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

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

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

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

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

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

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

XI.
A.D. 1761.

No. 74.

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

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

What notice sufficient to avoid attachment.

Death of absent debtor shall not abate attachment.

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

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

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

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

The rest requiring proof of marshals to give bond and security.—Obsolet.

GREY ELLIOTT, Speaker.

JAMES HABERSHAM, President.

JAMES WRIGHT.

June 9, 1761.
An Act for raising and granting to his majesty the sum of £1160 15, and applying the sum of £119 7 4s, being the surplus of the last year's tax remaining in the hands of the treasurer; and the further sum of £93 9 2s, being arrears due from the several collectors to be paid unto the said treasurer, amounting together to the sum of £1373 11 7s sterling, to defray the charges of holding the courts of eyre and terminer, and some other expenses of government.

June 9.
Obsolete.

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

June 9.
Obsolete.

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

June 9.
Obsolete.

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

WHEREAS, by an act of assembly, passed the first day of May, in the year of our Lord one thousand seven hundred and sixty, entitled "An act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging," the lots herebefore allotted for the use of the public, and on several of which buildings have been erected, were not ascertained, whereby the inhabitants of Savannah may be deprived of the benefits intended them by such allotments, and unnecessary disputes and suits at law may arise for want of such lots being ascertained,

Be it therefore enacted, That the several lots herein after mentioned, and particularly described in the plan of the town of Savannah in the surveyor-general's office of this province, and to which reference may be had, shall be and continue for the uses and purposes to which by this act they are respectively appropriated, and shall not be aliened or granted away to or for any other use or purpose whatever, unless by act of the general assembly, that is to say, the lot D, whereon the church now stands, as also the lot E, whereon the parsonage house now stands, shall be and continue for the uses and purposes to which they are respectively appropriated and allotted, in and by
No. 78.  
A. D. 1761.  

by an act, entitled, "An act for constituting and dividing the several districts and divisions of this province into parishes, and for establishing religious worship therein according to the rites and ceremonies of the church of England, and also for empowering the church-wardens and vestrymen of the respective parishes to assess rates for the repair of churches, the relief of the poor, and other parochial charges;" G, wherein a prison formerly stood, shall be and continue for the use and purpose of a public goal or prison, and for the use of the keeper of the same; the lot H, wherein the courthouse now stands, shall be and continue for the use and purpose of a court-house for this province; the lot S, wherein the filature now stands, shall be and continue for the use of a public filature; the lot V, wherein the State house now stands, shall be and continue for the use and purpose of a State house for this province; as also the water lots at the end of every street, also sixteen acres of land laid out for the use of the public joining the common of the said town, and known by the name of the Spring, shall be held, deemed, and reputed, as public lots and land, and referred for the use of the public only.

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

III. *Regulating the town—Voted in the corporation by act of 1789, No. 439.

GREY ELLIOTT, Speaker.  
JAMES HABERSHAM.

JAMES WRIGHT.
June 9, 1761.

* Repealed by act of 1787, No. 367.

No. 79.  
An act for raising and granting to his majesty the sum of £140 sterlings for erecting a fort and battery on the island of Cockspur in the river Savannah, and the sum of £100 sterlings for erecting a look-out and battery on Midway river, and for empowering commissioners to issue certificates for the said sums, and for sinking the same by a tax of ten shillings sterlings on every £100 value of deer skins and beaver skins exported from, or taken or carried out of this province to any part of his majesty's dominions, except to Great Britain only.

December 19.  
Obsolete.

No. 80.  
An act for erecting a fort and battery on the island of Cockspur in the river Savannah, and a look-out and battery on Midway river.

December 19.  
Obsolete.

A. D. 1762.  
No. 81.  
An ordinance for appointing the honorable William Knox, Esquire, agent assistant to solicit the affairs of this province in Great Britain.

February 19, 1762.  
Obsolete.  

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

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no person shall be entitled to receive any fee, gratuity or reward, for the conducting or piloting any mercantile or trading vessels inwards to, or outwards from, any of the ports or harbors for which a pilot shall be licensed, unless such person has a license for being a pilot, from the governor or commander in chief for the time being, as aforesaid, any law, custom, or usage to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That every pilot or pilots, warranted or to be warranted or licensed as aforesaid, shall enter into bond in the secretary's office of this province with two or more sureties in the penalty of two hundred

* By act of Congress passed August 7, 1789, all pilots are to be regulated by the laws of the respective States till Congress makes further provision.
D I G E S T  O F  T H E

A. D. 1762.
No. 82.

Pilot's oath.
hundred pounds sterling, to his majesty and his successors, for the due execution of their office, and shall take and subscribe the following oath, to be tendered by the said commissioners, or any quorum of them for the time being, before the said pilot or pilots shall be entitled to receive any fee or reward in that capacity, viz. I A. B. appointed pilot for the port and harbor of ———, do solemnly and sincerely swear, that I will well and faithfully execute and discharge the business and duty of a pilot, in the said port and harbor of ———, according to the best of my skill and knowledge, and that I will, at all times, (wind and weather and health permitting) use my best endeavors to repair on board all ships and vessels that I shall conceive to be bound for, coming into, or going out of the said port or harbor of ———; and do further swear, that I will, from time to time, make the best dispatch in my power to carry safely out, or bring over the bar of ———, every ship or vessel committed to my care, and that I will, from time to time, truely observe, fulfil and follow, to the best of my skill, ability and knowledge, all such orders as I shall from time to time receive from the governor or commander in chief for the time being, or from the commissioners, or the major part of them, by the consent, direction, and approbation of the governor or commander in chief for the time being, in all matters and things relating to the business of a pilot.

IV. And be it further enacted by the authority aforesaid, That if any ship or vessel whatsoever, or the cargo and freight therein contained, shall happen to receive any damage, or miscarry, or be lost, through the neglect, insufficiency, or default of or in any of the pilots for any of the said harbors, after such pilot takes charge of the same, the said pilot shall, in such case, on conviction thereof in any court of record in this province, be obliged to answer and make good to the sufferer or sufferers, or to the master of any such ship or vessel, all and every the damages and losses which he or they shall sustain through the said pilots neglect, insufficiency or default, in any manner or wise whatsoever.

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

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

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

Pilot to make good all damages and lost any vessel may receive through his neglect.
perion of the party to refusing, who is thereby to be kept in prison, without bail or
mainprize, until he make full satisfaction for the said penalty, which, when paid or
levied, the commissioners are hereby required to apply towards the fund for keeping
in repair the light house on Tybee island; but if such forfeiture shall happen at Mid-
way, then, and in that case, such forfeiture shall be paid to the commissioners ap-
pointed to erect a look-out and battery on Midway river, and shall be applied to
the keeping in repairs the said look-out and battery.

VI. And be it further enacted by the authority aforesaid, That if any of the pilots for
the ports aforesaid, for the time being, shall be found not sufficiently skilled, or shall
become incapable of acting, or shall be negligent or misbehave in his duty, then, and
in such case, the commissioners for the port or harbor for which such pilot is
licensed, shall apply to the governor or commander in chief, to annul and revoke the
warrant or license of every such incapacitated or offending pilot, who shall thence-
forth be totally suspended, and deemed incapable to receive and take any fee, gratuity
or rewards, for the guiding or piloting of any ships or vessels, inward to, or outward
from, any of the said ports; and that a sufficient number of skilful pilots may not be
wanting at any time, for the service of the said ports and harbors, It is hereby ordered
and required, That upon the death or suspension of any of the said pilots, the com-
missoners shall apply to the governor or commander in chief for the time being, to
issue a new warrant or license to some other person, whom he shall think proper to
fill up the vacancy.

VII. And be it further enacted by the authority aforesaid, That any person, master or
commander, that shall bring any ship or vessel to any of the bars or the coast of any of
the said harbors, and shall refuse to receive on board any warranted or licensed pilot
the said person, master or commander, to refusing and afterwards bringing in the
said ship or vessel into any of the ports aforesaid, shall, and is hereby made liable to
the pilot first offering to come on board such ship or vessel, without the bar, to take
charge thereof as pilot, the same rates, dues and payments as are hereinafter particu-
larly expressed and provided, and to be paid in the same manner as if the said
pilot had actually piloted the same ship or vessel into any of the said ports or
harbors.

VIII. And be it further enacted by the authority aforesaid, That the master or com-
mander of any ship or vessel, for the consideration of the pilotage of the said ship or
vessel inward to, or outward from, any of the ports or harbors aforesaid, shall pay
unto the licensed pilot that shall take charge of the same, the several sums of money,
rates and prices, as in the following table are appointed, as full and ample satisfaction
unto the said pilot for his care and charge in the bringing in or carrying out every such
ship or vessel, according to the draught of water of the said vessel at the time of the said
pilotage.

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<thead>
<tr>
<th></th>
<th>£</th>
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<tr>
<td>Six feet,  inwards or outwards,</td>
<td>0</td>
<td>11</td>
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<tr>
<td>Seven feet,  ditto or ditto,</td>
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<td>Eight feet,  ditto or ditto,</td>
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<td>0</td>
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<tr>
<td>Nine feet,  ditto or ditto,</td>
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A. D. 1762.
No. 82.

DIGEST OF THE

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<th>For ten feet of water inward or outward</th>
<th>£</th>
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<td>Eleven feet, ditto or ditto,</td>
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<td>5</td>
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<td>Twelve feet, ditto or ditto,</td>
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<td>Twelve feet and half, ditto or ditto,</td>
<td>1</td>
<td>15</td>
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<tr>
<td>Thirteen feet, ditto or ditto,</td>
<td>2</td>
<td>0</td>
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<td>Thirteen feet and half, ditto or ditto,</td>
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<td>Fourteen feet, ditto or ditto,</td>
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<td>17</td>
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<td>Fourteen feet and half, ditto or ditto,</td>
<td>3</td>
<td>3</td>
<td>0</td>
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<tr>
<td>Fifteen feet, ditto or ditto,</td>
<td>3</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Sixteen feet, ditto or ditto,</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Seventeen feet, ditto or ditto,</td>
<td>4</td>
<td>10</td>
<td>0</td>
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Masters of vessels coming over the bars when no pilots have been out, to pay only half fees.

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

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

Pilots to see every vessel moored as the master desires.

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

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

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

XII. And be it further enacted by the authority aforesaid, That all and every pilot, in any of the harbors aforesaid, when he has brought any ship or vessel to anchor in any of the aforesaid harbors, shall, and is hereby directed and required to moor such ship or vessel, or to give proper advice and direction for the mooring of the same, and for their safe riding at such moorings, if thereunto required by the master or commander of such ship or vessel.

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

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

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

LEWIS JOHNSON, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.
March 4, 1762.
* Altered by act of 1783, No. 393.
† Made perpetual by act of 1783, No. 279.

An Act to oblige masters of vessels, supercargoes, and other transient persons importing goods and merchandise into this province to pay tax for the same.
March 4.
Obsolete.—This power is vested in the general government by fed. constitution.

An Act for further explaining and amending an act, entitled, "An act to empower the several surveyors therein after named to lay out public roads in the province of Georgia," and to sink wells in the town of Savannah.
March 4.
Obsolete.
A. D. 1762. An Act to explain and amend an act, entitled "An act for the more easy and speedy recovery of small debts and damages."

March 4.

Repealed by act of 1789, No. 421.

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

March 4.

Obsolet.

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

March 4.

Obsolet.

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

Preamble. Whereas there is nothing more acceptable to God than the true and sincere worship and service of him, according to his holy will, and that the keeping holy the Lord's day is a principal part of the true service of God, which in this province is too much neglected by many.

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

II. And be it further enacted, That no tradesman, artificer, workman, laborer, or other person whatsoever, shall do or exercise any worldly labor, business, or work of their ordinary callings, upon the Lord's day, or any part thereof (works of necessity or charity only excepted) and that every person being of the age of fifteen years or upwards, offending in the premises, shall, for every such offence, forfeit the sum of ten shillings; and that no person or persons whatsoever, shall publicly cry, shew forth, or exposè to sale, any wares, merchandizes, fruit, herbs, goods or chattels whatsoever, upon the Lord's day, or any part thereof, upon pain that every person offending, shall forfeit the same goods so cried or shewed forth, or exposèd to sale, or pay ten shillings.

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

IV. And be it further enacted, That no public sports, or pastimes, as bear baiting, bull baiting, foot ball, playing, horse racing, shooting, hunting or fishing, interludes or common plays, or other games, exercizes, sports, or pastimes whatsoever, shall be used.
used on the Lord's day, by any person or persons whatsoever, and that all and every
person and persons offending in any of the premises, shall forfeit for every such offence,
the sum of five shillings sterling.

V. And be it further enacted, That no vintner, innholder, or other person, keeping
any public house of entertainment, shall entertain or suffer any person or persons,
(except strangers or lodgers) in such houses or out-houses to abide or remain; nor
shall they suffer any person or persons whatsoever, in their said houses, out-houses,
yards, orchards, or fields, to abide, remain drinking, or in any manner idly spending
their time on the Lord's day, upon the pains and penalties of five shillings for every
person offending, payable by themselves respectively that shall be found so drinking or
abiding in any such public house, or dependencies thereof as aforefaid, and the
like sum of five shillings to be paid by the keeper of such house, for every person en-
tertained by them.

VI. And, for the better keeping of good orders on the Lord's day, Be it enacted,
That the church-wardens and constables of each parish respectively, or any one or
more of them, shall, once in the forenoon, and once in the afternoon, in the time
of divine service, walk through the town of Savannah, and the respective towns of this
province, to observe, suppress and apprehend, all offenders whatsoever, contrary to
the true intent and meaning of this act, and they shall have power, and are hereby
authorized and empowered, to enter into any public house or tippling house, to search
for any such offenders, and in case they are denied entrance, shall have power, and
are hereby authorized and empowered to break open, or cause to be broke open, any
of the doors of the said house and enter therein, and all persons whatsoever are strictly
commanded and required to be aiding and assisting to any constables or other officers,
in their execution of this act, on the penalty of ten shillings sterling, for every
refusal.

VIII. And be it further enacted, That for the better execution of all and every the
foregoing orders, every justice of the peace within his county or parish, shall have
power and authority to convene before him any person or persons whatsoever, who
shall offend in any of the particulars before mentioned, and upon his own view or
confession of the party, or proof of any one or more witnesses, upon oath, which the
said justices are by this act authorized to administer, the said justice or justices shall
give a warrant under his or their hand and seal, to the constables or church-wardens,
or either or any of them, of the parish or parishes where such offence shall be com-
mited, to seize the said goods, cried, shewed forth, or put to sale, as aforefaid, and
to sell the same; and as to the other penalties and forfeitures, to impose the fine
and penalty for the same, and to levy the said forfeitures and penalties, by way of dis-
treffs, and sale of goods, of every such offender, returning the overplus (if any there
be) after reasonable charges allowed for the distress and sale, and in case of default
of such distress, or in case of insufficiency, or inability of the offender, to pay the
said forfeiture or penalties, that then the party offending, be set publicly in the
stocks for the space of two hours, and all and singular the forfeitures or penalties
aforeaid
A. D. 1762.
No. 88.

Provido.

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

Provido.

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

Perfons served with writs, &c. on Sunday, to be discharged.

Provido.

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

VIII. And be it further enacted, That no person or persons, upon the Lord's day, shall serve or execute, or cause to be served or executed, any writ, process, warrant, order, judgment, or decree, except in causes of treason, felony, or breach of the peace, but that the service of every such writ, process, warrant, order, judgment, or decree, shall be void to all intents and purposes whatsoever, and the person or persons so serving and executing the same, shall be liable to the suit of the party aggrieved, and to answer damages to him for the doing thereof, as if he or they had done the same without any writ, process, warrant, order, judgment, or decree at all, and in cause any person or persons shall be imprisoned, or detained in custody, by any writ, process, warrant, order, judgment, or decree, so served or executed upon the Lord's day, upon motion or petition made to the chief justice, or any one of the assistant justices for the time being, it shall be lawful for the chief justice, or assistant justice or justices, and he or they are hereby authorized and required immediately to order such person or persons to be discharged out of prison and custody, and to be clear not only from such writ, process, warrant, order, judgment, or decree, so served on the Lord's day, but also from all and every other writ, process, warrant, order, judgment, or decree, served or executed upon any person during the time of the said person's being imprisoned or detained upon the account of any such writ, process, warrant, order, judgment, or decree so served or executed on the Lord's day, and such persons shall be allowed by the said chief justice, or assistant justices, such reasonable time as he or they shall think fitting, to return to his home or habitation, free from any arrest or hinderance whatsoever, in civil matters.

IX. And be it further enacted, That if any action, suit, or information, shall be commenced against any person or persons, for what he or they shall do in pursuance or execution of this act, such person or persons so sued may plead the general issue (not guilty) and upon issue joined, give this act, and the special matter in evidence, and if the plaintiff or prosecutor shall become non-suit or suffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover his or their treble
LAWS OF GEORGIA.

WHEREAS in and by an act of the second general assembly of this province, entitled "An Act for regulating the town of Savannah, and for ascertaining the common thereunto belonging, to alien and convey a certain portion of the said common in exchange for other land to the said common adjoining."

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

LEWIS JOHNSON, Speaker.

JAMES HABERSHAM, President.

March 4, 1762.

An Act to enable the commissioners appointed by an act of the general assembly of this province, entitled "An Act for regulating the town of Savannah, and for ascertaining the common thereunto belonging, to alien and convey a certain portion of the said common in exchange for other land to the said common adjoining."

WHEREAS in and by an act of the second general assembly of this province, entitled an act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging, the said common is ascertained and declared to be the common property of the lot-holders of the said town, and not to be aliened or granted away for any purpose whatsoever other than by act of the general assembly: And whereas the exchanging a small part or the said common consisting of about fifteen acres for four garden lots, severally adjoining to other parts of the said common and to become a part thereof, will not only enlarge the common of the said town, but also render it more compleat and uniform, Be it therefore enacted, That from and after the passing of this act it shall and may be lawful to and for the commissioners named and appointed in and by the said recited act of the general assembly, by any fit deed or conveyance in the law, by them or any three of them, to be made and executed to grant, alien and convey unto his Excellency James Wright, Esquire, or to any person or persons for his use, and to his and their heirs and assigns forever, all that part of the said town common on the south-east boundaries of the common of the town of Savannah, adjoining the garden lots number seven, eight, thirteen and fourteen, extending on a direct line twenty-five chains and course of the garden lots to the eastern road, and from the upper westernmost corner of the late trustees gardens in a direct line and course of the garden lots aforesaid, fourteen chains to the eastern road and bounded to the northward by the said trustees gardens, and particularly described by the letters A, B, C and D, in the plan hereunto annexed, containing fifteen acres more or less, he the said James Wright first granting and conveying, or causing to be granted and conveyed unto the said commissioners all those four garden lots containing together twenty acres, more or less, situate southward of the said common, and adjoining thereunto, and particularly described in the said plan to this act annexed, by the numbers nineteen, twenty, thirty-one and thirty-two,

* Further exchange of common—See act of 1766, No. 149.
to hold the same unto the said commissioners and their successors forever, as part
and parcel of the common of the said town of Savannah, for the use of the lot-
holders thereof.

II. And be it further enacted, That from and after the alienation and exchange re-
spectively made of the said part of the said common herein before described for four
garden lots in manner as before mentioned, the said tract of fifteen acres, more or
less, described as aforesaid in the said plan by the letters A, B, C and D, shall and
is hereby declared to be severed from the said common, and become and continue
the absolute property of the said James Wright, or other person, for his use, and
his or their heirs or assigns for ever.

III. And that the said four garden lots before mentioned and described shall from
thenceforth be and continue as part and parcel of the said common of the town of
Savannah, for the use of the lot-holders of the said town, to all intents and purposes
whosoever as any other part of the said common is, according to the true intent
and meaning of this act, any thing in the said recited act contained to the contrary
notwithstanding.

JAMES HABERSHAM, President.

LEWIS JOHNSON, Speaker.

March 4, 1762.

An Act for raising and granting to his majesty the sum of £193 10 s. sterling, and for ap-
plying the same towards the better support and encouragement of pilots for the service of
the province, as therein mentioned.

March 4.

Obsoletè.

An Act to empower the surveyors in the parish of St. John to lay out a new public road
from the town of Sunbury to join the south west road near the plantation of Samuel
Haufings, and to make the inhabitants of the islands to the southward of the river Great
Ogechee liable to work on the public roads in their several parishes; and to appoint two
additional surveyors for the parish of St. John.

March 4.

An Act for building a church in the town of Augusta, and repairing the parsonage house
there, and providing a fund for building and repairing churches and parsonage houses,
and fencing in the cemeteries appertaining thereto in the several parishes within this
province.

March 4.

Obsoletè.

* See act of 1783, No. 282; and note, page 52.
An Act to amend an act to prevent the building wooden chimneys in the town of Savannah, the repair of those already built, and to provide against accidents of fire.

April 7, 1763.

These powers now vested in the corporation.

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

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

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

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

LEWIS JOHNSON, Speaker.
JAMES HABERSHAM, President.

James Wright.
April 7, 1763.

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

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

April 7.
Obsolete.
A. D. 1763. An Act for continuing and amending an act of the general assembly of this province for regulating the affize of bread.

April 7, 1763.
Obsolete.—See act of 1763, No. 174.

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

April 7.
Obsolete.—See acts of 1773, No. 219; and 1787, No. 363.

No. 98. An Act to empower the general court of pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy, and tenancy in common, in this province, and appointing the method of proceeding therein.

April 7.
Re-enacted by act of 1767, No. 166.

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

April 7.
Re-enacted with alterations by act of 1768, No. 188.

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

April 7.
Obsolete.

No. 101. An Act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same.*

I. II. III. IV. Re-enacted with amendments by act of 1765, No. 121.

V. And be it enacted by the authority aforesaid, That if any person or persons after the time of passing this act, shall cut or cause to be fallen or cut down any trees contiguous to the rivers or navigable creeks by this act intended to be kept free and passable for shipping, perriaguas, and large boats, and such trees to

* Amended by act of 1765, No. 121.
An Act to prevent the bringing into and spreading of contagious distempers in this province, and to oblige vessels going out of any port within the same, first to produce for that purpose a passport from the governor or commander in chief for the time being; and also to prevent the harboring of sick sailors and others.

April 7, 1763.

Obsolete.—See act of 1793, No. 485.

An Act to empower the commissioners appointed in and by an act of the general assembly of this province, entitled, "An act for repairing of Christ church in Savannah," to lay out a spot of ground for erecting a parish church thereon, and to remove the present market, and lay out a spot of ground for erecting the same.

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

LEWIS JOHNSON, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.
April 7, 1763.

† Perpetuated by act of 1783, No. 279.
A.D. 1763.
No. 103.

in and by an act passed in the third session of the second general assembly of this province, entitled, "An act for the repairing of Christ church, in Savannah," and they, or any five of them, are hereby empowered, and fully authorized, to cause the buildings and stalls now erected and used for a market, in the center of a square of the said town of Savannah, called Wright's square, to be removed from thence, and in the same place to lay out a sufficient space of ground for the erecting thereon a parish church, which said portion of ground so to be laid out, shall be, and is from henceforth, allotted and appropriated to and for the use and purpose aforesaid.

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

LEWIS JOHNSON, Speaker.
JAMES HABERSHAM, President.

April 7, 1763.

No. 104.

An Act for regulating a work-house for the custody and punishment of negroes.

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

Enacted, That Joseph Ottolenghe, William Ewen, and John Morel, Esquires, Alexander Tyffe and Benjamin Goldwire, shall, and they are hereby nominated and appointed commissioners for the ordering and taking care of the said work-house; which said commissioners, or any three of them, shall have full power and authority to do and transact all and every the matters in and by this act enjoined and directed to be done by them, which commissioners shall be and continue until Easter Monday, in the year one thousand seven hundred and sixty-four; after which time and in the same way as is appointed for chusing parish officers; and the commissioners so chosen, refruing, refusing to act, shall be, and they are hereby made liable to pay the same fine as is imposed on church-wardens refusing to act.

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

Preamble.

Enacted.

Commissioners named, and how appointed.

Penalty on refusing to act.

A master to be appointed by commissioners.
LAWS OF GEORGIA.

tract with such master or warden to have and take such fees, perquisites and advantages out of the profits of the work and labor of such slaves as shall be committed and sent to the work-house, or such other stated salary out of the profits of the same as they shall think reasonable, during the time of his appointment.

III. *And be it further enacted,* That the master or warden of the work-house to be appointed as aforesaid, shall have power and authority, and he is hereby authorized, empowered and directed to set all such negroes (criminals excepted) as shall from time to time be duly sent or committed to his custody to work and labour (if they be able) for such time as they shall continue and remain in the work-house, and to punish them by putting fetters or shackles upon them, and by moderate whipping, not exceeding twenty stripes in one day.

IV. *And be it further enacted,* That the said master and warden of the work-house shall provide, as there shall be occasion, suitable materials for the employment of such negroes as shall be committed to his custody, except as before excepted, and the profits that shall arise by the labor of such negroes so to be employed shall be paid by the said master or warden to the said commissioners, who shall apply the same towards the discharge of the said master's fees or salary, and in providing materials for the said negroes employment.

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

X. *And be it further enacted,* That any person or persons, having stubborn, obstinate, or incorrigible negroes or slaves, may send and commit them to the work-house, there to be kept to hard labor, or otherwise to be corrected as they shall direct; and the master and warden is hereby strictly commanded and required to execute the same, the owner or owners thereof paying for the correction and maintenance of such slave or slaves during his or their confinement, at the following rates, viz. fix pence for each day's maintenance, and one shilling and four pence for each chastisement that the owners may direct.

XI. And in case of the death, absence, or refusal to act, of any of the commissioners named in this act, the acting commissioners, or the majority of them, shall appoint other proper persons as commissioners, in the room of those who may die, be absent, or refuse to act as aforesaid.

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

LEWIS JOHNSON, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.
April 7, 1763.

M

An

* Perpetuated by revival act of 1783, No. 279.
A.D. 1763. An Act for holding special or extraordinary courts of common pleas, for the trial of causes arising between merchants, dealers and others, and ship masters, supercargoes, and other transient persons.*

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

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

III. * Amended by act of 1766, No. 143.
III. And be it further enacted, That if any person summoned on such special jury shall not appear, or on appearance shall refuse to be sworn, that then it shall and may be lawful for the said court to fine every such juror in a sum not exceeding four pounds, and each of the jurors sworn on such trial shall be paid by the party prevailing five shillings, which shall be allowed him in costs; Provided always, That in case a sufficient number of jurors shall not appear for the trial of such cause, that then it shall and may be lawful for the court to order the deficiency to be made up from any persons then present in court, or in Savannah, as they shall judge fit, who shall thereupon be sworn on such jury, and in case of refusal, shall and may be fined as herein before mentioned.

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

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

LEWIS JOHNSON, Speaker.
JAMES HABERSHAM, President.

James Wright,
April 7, 1763.

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

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

Final judgment not entered nor execution issued under three days.

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

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

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

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

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

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

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

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

LEWIS JOHNSON, Speaker.
JAMES HABERSHAM, President.

February 29, 1764.

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

No. 107. An ordinance re-appointing William Knox, Esquire, agent, to solicit the affairs of this province in Great Britain.

February 29. Obsolete.

No. 108. An act for further amending an act, entitled “An act to empower the several surveyors therein named to lay out public roads in the province of Georgia.

February 29. Obsolete.
An Act for further continuing an act, entitled "An act to prevent masters of vessels from carrying off persons in debt from this province."

February 29.

Obsolet.-See act No. 50.

An Act to enable the commissioners appointed in and by an act of the general assembly of this province, entitled "An act for the repairing of Christ church in Savannah," to dispose of such materials as have already been provided for rebuilding the said church in Savannah, and to place out at interest the monies arising by sale thereof together with the monies provided by several acts of assembly for repairing and rebuilding of the said church, and now in the hands of the treasurer.

February 29.

Obsole.

An Act to suppress lotteries, and prevent other excessive and deceitful gaming.*

WHEREAS many good and wholesome statutes of Great Britain have from time to time been enacted and established to prevent lotteries and gaming, and great mischiefs are daily found to arise from such practices, both to trade and the community in general, as many idle, loose, and disorderly persons find means thereby to support themselves in a dishonest, disolute course of life, and the younger sort of people, and others, are frequently drawn in and deceived, to the loss of their time and ruin of their fortunes, Be it therefore enacted, That from and after the passing of this act, if any person or persons shall erect, set up, or expose to be played, drawn, or thrown at, or shall cause or procure to be erected, set up, exposed to be played, drawn, or thrown at, any lottery, under the denomination of a sale or sales of houses, lands, plate, jewels, ships, goods, or other things, or for money, or any undertaking whatsoever in the nature of a lottery, by way of chances, either by dice, lots, cards, numbers, figures, or tickets, or shall make, print, advertise, or publish, or cause to be made, printed, advertised, or published, proposals or schemes for advancing small sums of money, by several persons, amounting in the whole to large sums, to be divided among them by chances of prizes, or shall deliver out, or cause or procure to be delivered out, tickets to the persons advancing such sums, to entitle them to a share of the money so advanced, according to such proposals or schemes, or shall expose to sale any houses, lands, plate, jewels, ships, or other goods or chattels, by any game, method or device whatsoever, depending upon, or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine, engine, or device of chance of any kind whatsoever, or shall be adventurers in, or pay any monies or other consideration, or anyways contribute unto any of the said games, lottery or lotteries, sale or sales, such person or persons, and every

* See an additional act passed in 1765, No. 122; and act of 1777, No. 232.
A.D. 1764. 
No. 111. 
every or either of them, on being convicted thereof, on the oath or oaths of one or
more credible witness or witnesses, or on the confession of the party or parties
accused, shall forfeit and lose the sum of five hundred pounds lawful money of this
province, to be recovered by action of debt, or information, in the general court of
pleas, the one moiety of such forfeiture to be to his majesty, for the support of the
government of this province, and the other moiety to the informer: And all and
every such sale or sales of houses, lands, plate, jewels, ships, goods, and other
things, by any game, lottery or lotteries, machine, engine, or other device whatso-
ever, depending upon, or to be determined by chance or lot, shall, and are hereby
declared to be void to all intents and purposes; and whatever shall be set up, and
exposed to sale, shall be forfeited to such person or persons who shall sue for the same,
by action, bill, plaint, or information, in his majesty's general court of pleas of this
province, wherein no affiain, protection, wager of law, or more than one impor-
tulance, shall be allowed: And in case of any offender against this act, not having suf-
ficient goods and chattels, whereby to levy the penalty hereby inflicted, or not imme-
diately paying the said penalty, or giving security for payment thereof, it shall and
may be lawful for the justice before whom such person or persons shall be convicted
to commit him or them to prison, there to continue and remain for any time not ex-
ceeding twelve months.

II. And be it enacted, That from and after the passing of this act, all bills, bonds,
judgments, mortgages, notes of hand, or other securities or conveyances whatsoever,
given, granted, drawn, or entered into, or executed, by any person or persons whatso-
ever, where the consideration of such conveyance or securities shall be for any mo-
nies or other valuable things whatsoever, won by gaming, or playing at cards, dice,
tables, tennis, bowls, or other game or games, bet or bets, chance or chances of any
kind whatsoever; or by betting on the side or hands of such as do game at any of the
games aforesaid, or for reimbursing or repaying any money knowingly lent or ad-
vanced at the time and place of such play to any person or persons so gaming or bet-
ting as aforesaid, or who shall during such game so play or bet, shall be utterly void
and of none affect to all intents and purposes whatsoever, any statute or uffage to the
contrary thereof notwithstanding; and where such mortgages, securities, or other
conveyances, shall be of lands, tenements, or hereditaments, or shall be such as
incumber or affect the fame, such mortgages, securities, or other conveyances, shall
inure and be to and for the sole use and benefit of, and shall devolve upon such person
or persons so should or might have, or be entitled to such lands, tenements, or here-
ditaments, in case the said grantor or grantors thereof, or the person or persons so
incumbering the same, had been naturally dead, and as if such mortgages, securities,
or other conveyances, had been made to such person or persons so to be entitled after
the decease of the person or persons so incumbering the same, and all grants and
conveyances to be made for the preventing such lands, tenements, or hereditaments,
from coming to, or devolving upon such person or persons hereby intended to enjoy
the same as aforesaid, shall be deemed fraudulent and void, and of none effect.

III.
III. And be it enacted, That any person or persons whatsoever, who, at any time or times, sitting or sittings, within the space of twenty-four hours, by playing at cards, dice, tables, or other game or games, or by betting on the sides or hands of such as do play at any of the games aforesaid, shall lose to any one or more persons or persons so playing or betting, in the whole the sum or value of five shillings, lawful money of this province, and shall pay or deliver the same, or any part thereof, the person or persons so losing, and paying and delivering the same, shall be at liberty, within three months then next following, and not after, to sue for and recover the monies or goods so lost, and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs, by a warrant from a justice of the peace, in nature of a warrant for debt, founded on this act, in case the monies or goods so lost and paid or delivered, shall not exceed the value of eight pounds, lawful money of this province; and in case the monies or goods so lost, and paid or delivered, shall exceed that sum, the loser shall and may recover the same from the winner or winners, with costs, by action of debt, founded on this act, to be prosecuted in his majesty’s general court of pleas in this province, in which action or suit, no esjoygn, protection, wager of law, privilege, or more than one imparlance, shall be allowed; and in which action or suit it shall be sufficient for the plaintiff to allege that the defendant or defendants are indebted to him, or received to the plaintiff’s use, the monies so lost and paid, or converted the goods won of the plaintiff to the defendant’s use, whereby the plaintiff’s action accrued to him according to the form of this act, without setting forth any special matter; and in case the person or persons who shall lose such money, or other things as aforesaid, shall not, within the time prescribed, really, and bona fide, sue, and with effect prosecute, for the monies or other things so by him or them lost and paid, or delivered as aforesaid, it shall and may be lawful to and for any person or persons, by any such action or suit as aforesaid, to sue for and recover the same, with full costs of suit, against such winner or winners as aforesaid, unless such winner or winners, within ten days after the winning such money or things, shall repay or re-deliver to the loser such money or things so won and received as aforesaid, together with such costs of suit as may have accrued before the re-payment or re-delivery of such money or thing, the one moiety of the money or thing so recovered shall be to the use of the person or persons (other than the person losing) who shall sue for the same, and the other moiety to the use of the poor of the parish where the offence shall be committed.

IV. And, for the better discovery of the monies or things so won and received, and to be sued for and recovered as aforesaid, it is hereby further enacted, That all and every the person or persons, who, by virtue of this present act, shall or may be liable to be sued for the same, shall also be obliged and compellable to answer upon oath such bill or bills in equity as shall be preferred against him or them, for discovering the sum or sums of money, or other things, so won and received at play as aforesaid; Provided nevertheless, That, upon the discovery and repayment of the money or other thing so to be discovered and repaid as aforesaid, together with the costs that may have accrued, such person or persons shall be acquitted, indemnified, and discharged.
A. D. 1764.
No. 111.
discharged from any further or other punishment, forfeiture, or penalty inflicted by this act.

V. And be it enacted, That if any person or persons whatsoever, at any time or times after the passing of this act, by fraud, shift, cozenage, circumvention, deceit, or unlawful device, or ill practice whatsoever, in playing at or with cards, or dice, or any of the games aforesaid, or in bearing a share or part in the stakes, wagers, or adventures, or in or by betting on the sides or hands of such as do or shall play as aforesaid, do, or shall win, obtain or acquire to him or themselves, or to any other or others, any sum or sums of money, or other valuable thing or things whatsoever, then every such person or persons so winning, by such ill practice as aforesaid, being convicted thereof, upon an indictment to be exhibited against him or them for that purpose, shall forfeit four times the value of the sum or sums of money, or other things so won as aforesaid, to the person or persons prosecuting, and also shall suffer such corporeal punishment as the court before whom the same shall be tried shall think fit to inflict, not extending to the loss of life or member.

VI. And, for preventing such quarrels as shall or may happen upon the account of gaming, Be it further enacted, That in case any person or persons, upon account of any money won by gaming, playing, or betting, at any of the games aforesaid, shall assault and beat, or challenge or provoke to fight any other person or persons, such person or persons so assaulting, beating, challenging, or provoking to fight, on being thereof convicted, upon an indictment or information to be exhibited against him or them for that purpose, shall forfeit to his majesty, his heirs and successors, the sum of twenty pounds lawful money of this province, for the use of the said province, and shall also suffer imprisonment not exceeding six months, without bail or main-prize.

VII. And whereas the occupiers of many licenfed public houfes, and of other houfes wherein liquors are sold, frequently suffer gaming therein, and apprentices, overfeers, journemen, laborers and servants, by means thereof, not only mispend their time, but are often reduced to poverty and distress, Be it therefore enacted, That from and after the first day of June next, after the passing of this act, if any person or persons licenced to sell any sorts of spirituous liquors, or who shall fell or suffer the same to be sold in his, her or their house or houses, or in any out houfes, grounds, or apartments thereto belonging, shall knowingly suffer any gaming with cards, dice, draughts, shuffle boards, billiard tables, skittles, nine-pins, or at or with any other games, or implements of gaming, in his, her, or their houses, or out houfes, ground, or apartments therunto belonging, by any apprentices, overfeers, journemen, laborers or servants, and shall be convicted of the said offence, or their own confession, or on the oath of one or more credible witnefs or witnefles, (exclusive of the person giving information thereof) before any justice or justices of the peace of the parish or place where the offence shall be committed, within thirty days after such offence, he, she, or they so offending, shall forfeit for the first offence the sum of twenty shillings lawful money of this province, and for every like offence he, she, or they shall be afterwards convicted of, the sum of forty shillings, to be levied by distress and sale of the offender's goods, by warrant from the justice or justices, before
before whom such offender or offenders shall be convicted; one moiety of which said forfeitures shall be paid to the church-wardens and vestry of the parish or place where the offence shall be committed, for the use of the poor there, and the other moiety thereof to the person or persons on whose information such offender shall be convicted; and for want of sufficient distress, it shall and may be lawful for such justice or justices to commit such offender or offenders to prison, not exceeding ten days, or until the money so forfeited shall be paid.

VIII. And be it further enacted, That from and after the said first day of June next, if any apprentice, overseer, journeyman, laborer, or servant, shall game in any house, out house, ground, or apartments thereto belonging, wherein any liquors shall be sold, and shall be thereof convicted, by the oath of one or more credible witnesses or witnesses, or on his or their own confession, every such offender shall forfeit and pay the sum of ten shillings for every such offence, to be levied by distress and sale, and applied as aforesaid; and in case no sufficient distress can be found, shall be committed to prison, not exceeding the space of five days, or until the money so forfeited shall be paid.

IX. And be it further enacted, That it shall and may be lawful to and for any justice or justices of the peace of any parish or place in this province, and he and they and are hereby required, upon complaint on oath of any offence committed against this act, to issue his or their warrant to some constable of the parish where the offence shall be charged to have been committed, or where the offender shall reside, for bringing before him or them, or some other justice of the same parish, the offender or offenders charged with such offence, and such justice or justices are authorized to hear and determine the matter of such complaint, and to proceed to judgment thereupon; and if it shall appear by oath of any credible person, that any one within the said justices jurisdiction, can give material evidence as to any offender against this act, or on behalf of the person accused, and will not voluntarily appear to be examined, such justice or justices may and shall issue his or their summons to convene every such person before him or them to be examined on oath touching the premises, and in case of refusal to be examined, without just cause, it shall be lawful for such justice or justices to fine such person or persons in a sum not exceeding forty shillings, and in default of payment thereof in five days, to commit such person to prison for a term not exceeding ten days, or until the said fine shall be paid, and the expense attending such commitment shall be borne and paid by the party or parties offending against this act, if of ability to pay the same, and if not, the same shall be paid by the public in like manner as is done for conveying criminals to gaol.

X. Provided always, and be it enacted, That in all proceedings puruant to this act, any inhabitant of the parish or place where the offence shall be committed shall be deemed a competent witness, and shall give evidence, notwithstanding his, her, or their being an inhabitant of such parish or place.

XI. And be it also enacted, That if any justice of the peace, or constable, shall receive information from any credible person, or shall himself know, or have reasonable or just cause to suspect, that any such persons as aforesaid are gaming contrary to the

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Certain persons gaming in public houses liable to fine and imprisonment.
intention of this act, in any licensed public house, or other house selling liquors, it
shall and may be lawful for such justice or constable, taking with him two credible
persons, to enter into the same, demand being first made for so doing, and in case of
refusal to break open the doors of such houses, and to search for, seize and apprehend
any person or persons so gaming as aforesaid, in order to his or their being proceeded
against for such offence according to law.

XII. Provided always, and it is further enacted, That any person or persons who
shall think him or themselves aggrieved by the determination of any justice or justices
of the peace, may appeal therefrom to the general court of pleas, and the party appeal-
ing shall give reasonable notice thereof to the prosecutor, and enter into a recognizance
with two sureties for prosecuting the same with effect; and in case the judgment or
conviction of such justice or justices shall be confirmed, the party appealing shall
pay treble costs.

XIII. And be it further enacted, That this act shall be deemed a public act, and
shall be taken as such by all judges, justices, and magistrates, and in all courts within
this province, without special pleading; and shall continue in force for the space of
seven years, and from thence to the end of the next session of the general assembly and
no longer.*

LEWIS JOHNSON, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.

February 29, 1764.

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

An act for granting to his majesty the sum of £2117 13 s. 6 d. sterling for the use and support of the government of Georgia for the year 1764, to be raised at certain rates, and after the method therein mentioned, and for the more effectual collecting of arrears.

February 29.
Obsolet

An act for the punishment of vagabonds† and other idle and disorderly persons, and for erecting prisons or places of security, in the several parishes of this province; and for preventing trespases on lands of the crown, or lands reserved for the Indians, and for the more effectual suppressing and punishing persons bartering with the Indians in the woods.

So much of this act as respects vagabonds, re-enacted with alterations, by act of
1788, No. 391.
Trading with Indians, obsolet—being under the regulation of Congress.

VII.

† Amended by act of 1788, No. 391.
VII. **And be it further enacted by the authority aforesaid,** That if any person or persons, after the passing of this act, shall presume to erect or set up any houses or huts on the lands reserved for the Indians, as hunting grounds, or for their own use, or shall trespass thereon by hunting; such person or persons being thereof convicted, in the manner before mentioned, touching trading or bartering with the Indians in the woods, shall be liable to the same penalty and punishment as in that case is inflicted; and the justice before whom the complaint is made, shall or may order such huts and buildings thereon made or being, to be destroyed, and shall likewise bind over the offender for his appearance at the next sessions, or otherwise commit him to gaol, as before mentioned.

VIII. **Respecting gaols.**

IX. **And whereas** it hath been the common practice of many persons in the back settlements of this province, to seat themselves without authority on lands of the crown, by building huts, clearing of land, and planting thereon, and have also so far assumed to themselves a right to said land, by such seating, building and planting, as to sell the same to the next comer, and from thence removing to some more distant part, have repeated the same practice, to the manifest detriment of such purchasers and others, who would become useful settlers by cultivating and improving the said lands, by authority of the king's grant; for remedy whereof, **Be it further enacted by the authority aforesaid,** That from and after the passing this act, if any person or persons shall be found seating him, her or themselves, on any vacant lands of the crown, building huts or houses, or clearing and planting the same, and not having applied for and obtained such authority for so doing, as the governor or commander in chief of this province in council shall direct, such person or persons so offending shall be deemed idle and disorderly persons, within the true intent and meaning of this act; and on conviction of any such offender or offenders, before any of his majesty's justices of the parish where the offence may be committed, such justice or justices shall, and they are hereby required, by a written order under his or their hands and seals, directed to a lawful constable of the said province, to warn such person or persons so unlawfully settling on the king's lands, to leave the same within three months after such warning given, and in case of refusal, after the expiration of the said term, the person or persons so seated as aforesaid, not having applied for and obtained a proper authority for continuing on the said lands, and prove the same before a magistrate of the said parish, the justice or justices aforesaid may and are hereby required to direct any constable, by warrant for that purpose, to destroy the huts, building, and fences of such offender or offenders against this act, the expense of such warning or removal to be paid by the offending party, if of ability, and upon refusal, to be levied by warrant of distress; but if such offender is not of ability to pay the same, it being duly proved, shall be paid by the public in like manner as for conveying criminals to gaol.
A.D. 1764.
No. 113.
XII. And be it enacted by the authority aforesaid, That this act shall continue and be in force for the term of two years, from the time of passing thereof, and from thence to the end of the next session of the general assembly, and no longer.

LEWIS JOHNSON, Speaker.
JAMES HABERSHAM, President.

February 29, 1764.

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

No. 114.

An Act to direct executors and administrators in the manner and method of returning inventories and accounts of their testators and intestates estates, and for allowing them and all other persons who shall or may be intrusted with the care and management of minors and other estates, to charge commissions thereon.

WHEREAS, for preventing any fraudulent disposition or embezzlement of the estates of persons deceased, it is highly expedient that executors and administrators should be obliged to render true and perfect inventories and appraisements of the estates and effects of their testators and intestates come to their hands and possession; And whereas it is also fit and reasonable, that, as well executors and administrators, as all guardians and trustees, shall have an allowance for their trouble and care in the management of the estates committed to their trust; Therefore be it enacted, That from and after the passing of this act, all and every executor and administrator, who shall, before the ordinary of this province for the time being, or such person as he shall depute or appoint, qualify him, her or themselves, for the administration of the estate and effects of his, her, or their testator or intestate, shall upon oath be bound to produce and shew to the appraisers that shall be appointed by the ordinary for that purpose, or any three or more of them, all and singular the goods and chattels of his, her, or their testator or intestate, as have or shall come into his, her or their, or either of their hands, possession or knowledge, and within sixty days after such his, her, or their qualification, shall cause to be made a true and just appraisement, upon oath, of all and singular the goods and chattels aforesaid, and exhibit, or cause to be exhibited the said appraisement, certified under the hands of any three or more of the appraisers aforesaid, within four months after such his, her, or their qualification, together with a full and perfect inventory of all and singular the rights and credits of the said testator or intestate, whether the same be in ready money, judgments, bonds, or other specialties, or notes of hand, together with a list or schedule

† Executors may be compelled to give security—See act of 1792, No. 476, sec. 1.
‡ Altered to three months by act of 1792, No. 476, sec. 2.
duly of the books of account of such testator, to which books all parties concerned shall, upon request, and at convenient times, have free access; and every such executor and administrator shall be, and they are hereby made chargeable with the real value of the goods and chattels in the said inventory contained, and with so much of the credits only as he, she or they, after due care and proper diligence, shall recover and receive, in like manner as executors and administrators are made chargeable by the common and statute law of England.

II. And be it further enacted, That no letters testamentary or of administration, shall be granted before the persons applying for the same do severally and respectively take the following oath, (mutatis mutandis) You, A. B. (if executor) do swear, that you believe this to be the last will of C. D. deceased; or you, A. B. (if an administrator *) do swear, that C. D. deceased, made no will, as far as you know and believe, and that you will produce to shew and inform the appraisers that shall be appointed by the ordinary, all and singular the goods and chattels of the said C. D. deceased, as already have, or shall, before the day of making the appraisement, come into your hands, possession or knowledge, and that you will well and truly administer all and singular the goods, chattels, rights and credits of the said deceased, and pay his debts and legacies, as far as his estate will extend, and the law charge you; and that you will make a true and perfect inventory of all the rights and credits of the said deceased, whether the same be in ready money, judgments, bonds, or other specialties, or notes of hand, together with a list or schedule of the books of account of such testator and intestate person, and exhibit, or cause to be exhibited, the said inventory and schedule, together with the appraisement of the said deceased's goods and chattels, certified under the hands of three or more of the appraisers aforesaid, into the secretary's office of this province, within the time prescribed by law.

III. And whereas, a custom hath prevailed among executors and administrators, of taking estates, or some part thereof, at the appraisement, when such appraisement hath often been under the real value; for prevention whereof for the future, Be it enacted, That no executor or administrator shall hereafter be permitted to take any estate, or any part thereof, at the appraisement, and that no appraisement to be made as aforesaid shall be binding or conclusive,+ either upon the creditors, legatees, next of kin, or other person interested in such estate, or upon the executors or administrators, but all and every such executor and administrator shall be chargeable and accountable for the true value of such estate, any practice to the contrary notwithstanding.

IV. And be it further enacted, That all intended sales of goods and chattels belonging to testators or intestates, shall be published in two or more public places in the parish where such effects are to be sold, and in the gazette, at least forty days before the day of such intended sale.

* The form of administrator's oath is prescribed by 6th sect. of the act of 1792, No. 476.
+ See 2d sect. of act of 1792, No. 476, to like effect.

A. D. 1764.
No. 114.
Made chargeable with all goods and chattels inventoried.

Oath of persons applying for letters.

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

Sales of goods, &c. how to be published.
V. And be it further enacted, That in case any person in the province shall hereafter happen by his will to appoint his debtor to be his executor, such appointment shall not, in law or equity, be construed or deemed to be a release or extinguishment of any debt due to the testator, unless the testator shall in his will expressly declare his intention to devise, bequeath, or release such debt, any law, usage, or custom to the contrary notwithstanding.

VI. And be it further enacted, That no appraisers, that shall hereafter be appointed to appraise any testator or intestate's goods and chattels, shall enter upon that office before they shall have taken the following oath, before one of his majesty's justices of the peace of this province, who is hereby empowered to administer the same: You A. B. C. D. E. F. do swear, that you will make a just and true appraisement of all and singular the goods and chattels (ready money only excepted) of G. H. deceased, as shall be produced by I. K. the executor or administrator of the estate of the said G. H. deceased, and that you will return the same certified under your hands, unto the said I. K. executor or administrator, within the time prescribed by law.

VII. And be it further enacted, That every person who shall hereafter obtain letters of administration from the ordinary of this province, shall give bond* in the secretary's office, with sufficient security to be approved of by the ordinary, according to the statute of the twenty-second and twenty-third years of King Charles the second, for the better settling of interstates estates.

VIII. And be it further enacted, That no letters of administration shall hereafter be granted by the ordinary of this province to any person or persons whomsoever, as principal creditor or creditors to any intestate, but upon special trust and confidence, and for the benefit of all and singular the rest of the creditors; and that all debts of an equal nature shall be discharged by such administrator or administrators in average and proportion, as far as the estates of the intestate shall extend, and that no preference shall be given among the creditors in equal degree; and that every such administrator and administrators shall be obliged to sue for such debts which he or they may reasonably expect to recover, or, at the request and proper charges of any of the creditors of the intestate, assign and empower them, or any of them, to sue for the debts outstanding to the estate of such intestate, any law, usage, or custom to the contrary notwithstanding.

IX. And, That no creditor or creditors, to be appointed administrator or administrators in trust, as herein before mentioned, may retain, in his or their hands the monies he or they shall receive by virtue of such administration, longer than necessary, Be it further enacted, That every such administrator or administrators shall, within twelve months after the death of his or their intestate, or after his or their obtaining administration thereon, make a dividend of the monies arising from such intestates.

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

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

‡ By the 13th sect. executors and administrators are exempt from suit during that time.
tates estates and effects, to and among the several creditors in like proportion as afo-
mentioned; and in case such estate and effects shall not then be wholly divided, a sec-
ond dividend thereof shall be made within two years from the death of the intestate,
which second dividend shall be final, unless any suit shall be then depending, or any
part of the intestate's estate standing out, or unless some future estate of the intestate
shall afterwards come to the hands of such administrator or administrators, in which
case he or they shall, as soon as may be, convert such future estate into money, and
shall, within three months after, divide the same, to which effect it shall be inserted in
the condition of the bond to be given as aforesaid, on obtaining letters of
administration.

X. And be it further enacted, That every executor and administrator who shall
not, within the time aforesaid, or within such further or other reasonable time as
the ordinary shall think fit to give, make and return into the secretary's office afo-
resaid such inventory and appraisement as is herein before directed to be made and re-
turned, and who shall make default in mentioning or infirting therein all or any of
the credits or effects of his, her, or their testator or intestate, as aforesaid, which came
into their hands to be administered, every such executor and administrator shall be, and
they, and each of them, are hereby made chargeable with, and subject to the pay-
ment of all and singular the said testator's and intestate's debts, legacies, and be-
quests, in the same manner as executors of their own wrong* are subject and
made chargeable by the common or statute law of England.

XI. And be it further enacted, That it shall and may be lawful to and for all and
every executor and administrator, guardian and trustee, for his, her, and their
care, trouble, and attendance, in the execution of their, or either of their several
duties and trusts, to take, receive, or retain, in his or their hands, a sum not exceeding
fifty shillings for every hundred pounds which he, she, or they shall hereafter
receive, except on the appraised value of any estate that shall come into their hands;
and the like sum of fifty shillings for every hundred pounds which he, she, or they shall
pay away in debts, legacies, or otherwise, (excepting also the delivering up any such
estate to the person or persons entitled to the same, during the course and continua-
tion of their, or either of their management or administration) and so in proportion
for any sum less than one hundred pounds; Provided nevertheless, That no execu-
tors or administrators, guardian, or trustee, shall, where they have power so to do,
for his, her, or their trouble, in letting out and lending any sum or sums of money
upon interest, and again receiving the monies so lent and let out, be entitled to re-
ceive, take, or retain any sum exceeding the sum of twenty shillings for every ten
pounds for all sums arising by monies let to interest, so to be by them received, and
in like proportion for a larger or less sum; And provided also, That no executor,
administrator, guardian, or trustee, who is or may be creditors of any testator or
intestate, or to whom is or may be left or bequeathed any sum or sums of money, or

* The 13th sect. explains the manner in which executors and administrators in their own wrong are made
chargeable.
† By act of 1792, No. 476, sect. 1, they are to account annually or forfeit commissions, and liable to suit
for damages.
XII. But, as it may be very difficult to ascertain the proper and adequate allowance to be made in all cases, and as the sums herein before allowed may not be sufficient compensation for the care, trouble, and pains which executors, administrators, guardians, or trustees, may take in the management of their respective trusts, in some particular cases, *Be it further enacted*, That if any executors, administrators, guardians, or trustees, shall have had extraordinary trouble in the management of the estates under their care, and shall not be satisfied with the sums herein before mentioned, such executors, administrators, guardians, or trustees, shall and may be at liberty to bring an action in the general court of pleas for their services, and the verdict of the jury, and judgment of the court thereupon, shall be final and conclusive in such cases; *Provided always*, That no verdict shall be given for more than fifty shillings per cent. over and above the sums allowed by this act.

XIII. *And be it further enacted*, That the commissions given by this act shall be divided amongst executors, administrators, guardians, and trustees, according to the proportion of the services by them respectively performed, to be rated and settled by the chief justice and two of the justices of the general court of pleas, in case the executors, administrators, guardians, and trustees, cannot agree amongst themselves concerning the same.

XIV. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force for the term of seven years, and from thence to the end of the next sessions of assembly, and no longer.*

LEWIS JOHNSON, Speaker.

JAMES HABERSHAM, President.

February 29, 1764.

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

No. 115.

An Act for further amending and explaining an act, entitled "An act for better regulating the market in the town of Savannah."

February 29, 1764.

Now under the direction of the corporation.

No. 116.

An Act for continuing several laws therein mentioned for regulating the militia; for the better ordering and governing negroes and other slaves; for the empowering surveyors to lay out public roads; for laying an impost on shipping; and to prevent horse stealing.

May 29.

Observe.
An Act to prevent the further spreading of the small-pox in Savannah, and in other parts of this province.

May 29.

Obsolete.

An Act to prevent as much as may be the spreading of the small-pox in this province.

December 7.

Obsolete.

An Act for the better strengthening and settling of this province by compelling the several persons who claim to hold lands within the same under any grant or grants from his majesty, witnessed by the governor of South Carolina, to bring or send into this province a number of white persons or negroes in proportion to the lands they claim to hold, agreeable to his majesty's royal instructions for granting lands, and to cultivate and improve the same; and for the better ascertaining the said several tracts of land by regulating the surveys and marking the lines thereof, and recording the several plats in the surveyor general's office; also for registering and docketing such grants in the other proper offices in this province.*

WHEREAS sundry persons hold or claim to hold great tracts and quantities of very valuable lands to the southward of the river Alatamaha within this province by virtue of, or under grants from his majesty, witnessed by the governor of South Carolina, on pretence that those lands were then in the said province of South Carolina.

And whereas it will be highly prejudicial to this province, in case the said grantees do not bring or send into the same a number of white persons, or negroes, in proportion to the lands they hold, or claim to hold as aforesaid, agreeable to his majesty's royal instructions for granting lands, in order to cultivate and improve the same, or other lands within this province. And whereas the surveys or pretended surveys of the said lands or the greatest part thereof were made with so much precipitation, that from various informations received, it appears very few, if any, of the said tracts of land were actually surveyed or the lines run, and trees marked, agreeable to the usual and standing instructions in that particular, and which is absolutely necessary for ascertaining the same, by reason whereof, not only great frauds and abuses may be committed, as well with respect to his majesty's rights, as in diminution of the public

* Query.—Whether the royal assent was ever obtained to this act? See attorney general's reports to congress in 1796, p. 139.
A.D. 1765.
No. 119.

DIGEST OF THE

public or provincial tax, but also for want of the lines being actually run and marked, the taking up and improvement of the other lands contiguous to those granted in Carolina as aforefaid, is greatly obstructed, for few or no lines appearing, and no records or entry of the said plats and grants being made in any of the offices in this province, by which the situation of the said lands may in anywise be discovered or ascertained. The surveyor general and his deputies cannot know how or where to execute or run out such warrants for surveying and laying out the contiguous lands, as are now issued by the governor of this province, to or for any person or persons duly qualified to obtain the same; Wherefore for remedy of all frauds, abuses, injuries, and inconveniences in and about the premises, Be it enacted, That all and every person and persons whatsoever, to whom any lands, now within this province, have been granted by any grant or grants from his majesty, witnessed by the governor of South Carolina, or their heirs and assigns respectively, and all others whatsoever holding or claiming to hold any lands within this province under such grants as aforefaid, shall, and do within six months from and after his majesty's royal approbation of this act, shall be received by the governor or commander in chief of this province for the time being or notified to him and published in the gazette of this province, appear before the said governor or commander in chief in council, in their own proper persons, or by their attorney or attorneys lawfully constituted and appointed, and shall produce his, her and their grant or grants, for any lands so held or claimed to be held by him her or them as aforefaid, and if such grantee or grantees or those claiming under them shall appear personally, then he she or they shall make proof upon oath, and in such other and further manner as may be required to the satisfaction of the said governor or commander in chief and council, that he she or they respectively, have within this province, a family of white persons or negroes, amounting in the whole to the number of one person for every fifty acres of land contained in their respective grant or grants (allowing an hundred acres for the master or head of such family if he shall become to settle within this province) agreeable to his majesty's royal instructions for granting lands to any of his subjects in this province; and shall also prove upon oath and give such further satisfaction and assurance to the said governor or commander in chief and council as they shall require, that the negroes so brought into this province by him her or them are brought bona fide with an intention to settle and improve the lands so held or claimed to be held by him her or them, or to cultivate and improve other lands within this province, and not with any fraudulent or secret intention of moving them or any of them back, or carrying them or any of them out of the said province again, after having obtained an admission or allowance of his her or their qualification in support of the said grant or grants to and for the lands held or claimed to be held by him her or them respectively.

II. And be it further enacted, That if such grantee or grantees, or any or either of them, their heirs or assigns, or any other person or persons whatsoever, holding or claiming to hold any lands within this province, under such grants as aforefaid, shall appear by his or their attorney or attorneys, that then and in such case every such attorney or attorneys, shall and do not only produce the grant or grants of his and
LAWs OF GEORGIA.

their constituent or constituents, but also an affidavit made by such constituent or constituents respectively, in the form following, that is to say: I. A. B. of (inserting the persons name and place of abode) do solemnly and sincerely swear, in the presence of Almighty God, that I have sent into the province of Georgia (inserting the number) slaves my own property, and that the said (inserting the number) slaves are by me bona fide intended to remain and be employed in the cultivation of lands or otherwise in the said province, and that I have not sent the said negroes into that province with a view or secret intention to obtain an admission or allowance of my qualification (as required by the act of assembly of the said province in that case made and provided) in support of my grant from his majesty, witnessed by the governor of South Carolina, for (insert the quantity) acres of land to the southward of the river Alatamaha, in the said province of Georgia, and after having so obtained such admission or allowance of my qualification as aforesaid in support of the said grant, then fraudulently to remove the said negroes or any of them back again, or to carry or send them or any of them out of the said province. So help me God. And which said oath shall be made and taken by every such person and persons as aforesaid, before the chief justice of the said province of South Carolina, for the time being, or one of the assistant judges in the said province, and shall be attested by such judge and have a testimonial under the great seal of the said province in the manner usually done in cases of affidavits, transmitted to be made use of as proof or evidence in other provinces and places: And after being produced before the governor or commander in chief of this province in council as aforesaid, the said affidavit and affidavits shall be lodged and remain with the clerk of the council; and on all future occasions whatsoever shall be deemed, held, and allowed as legal evidence, either for or against the said party in all courts and places whatever within this province; and such attorney or attorneys shall also give such further satisfaction and assurances as the governor or commander in chief and council shall require: Provided nevertheless, That where any of the said grantees or those claiming under them during the time allowed for producing his, her, or their grant or grants and performing the several other matters and things hereby required shall be absent from the said province of South Carolina, in Great Britain or elsewhere, that then such absent person or persons may be permitted to give proof of and in the premises aforesaid, under the mayorality seal of any corporation, or if in any other province, then under the seal of such province, instead of the oath hereby required to be made in, and produced under the seal of the province of South Carolina; and in all other respects to do and perform as is herein required of those who actually reside in South Carolina, and yet appear by attorney, any thing herein contained to the contrary notwithstanding.

III. And be it further enacted, That upon the qualification of any such person or persons as aforesaid for the lands contained in any such grant or grants being admitted and allowed of by the said governor and commander in chief and council, all and every such person and persons shall and do within three months from the time of allowing and admitting such qualification record his, her or their plat or plats, in the surveyor general's office, and register his or their grant or grants in the register's office and
and also enter a docket thereof in the auditor's office in this province; and if any of the said grantees, their heirs or assigns or others claiming by, from, or under them shall refuse or neglect either personally or by his, her or their attorney or attorneys as aforesaid, to produce his, her or their grant or grants, within the said term of six months aforesaid from and after his majesty's royal approbation of this act shall be received by the governor or commander in chief of this province for the time being, or notified to him and published in the gazette of this province as aforesaid, or either personally or by his, her or their attorney or attorneys as aforesaid, to make proof and give such assurance as aforesaid, to the satisfaction of the said governor or commander in chief and council as aforesaid, with respect to their qualification, to have and to hold the lands respectively claimed by them as aforesaid, and to cultivate and improve the same or other lands within this province, or to record their plat or plats, or to register and docket their grant or grants after his, her or their claim or qualification, allowed as aforesaid within the time limited as aforesaid for that purpose; that then in any or either of the said cases of refusal or neglect do any or either of the matters and things herein and hereby required the said grant and grants shall be null and void, and the said lands so held or claimed to be held by such person or persons respectively is hereby expressly declared to be forfeited to and vested in his majesty, his heirs and successors, and shall from thenceforth be deemed held and taken to all intents and purposes as vacant land, and it shall and may be lawful to and for the governor or commander in chief of this province for the time being with the advice of the council to order warrants for surveying and to proceed to grant the same to any person or persons whatsoever pursuant to his majesty's royal commission and instructions for that purpose.

IV. And it is further enacted, That if on producing the said grants or any or either of them it shall appear by the plots annexed to the same and certified by the surveyor general of South Carolina that the said lands have not been actually surveyed and admeasured the lines and trees thereon not being set down and marked according to the direction of the usual and standing instructions given for surveying and admeasuring lands and for marking the lines and returning the plats thereof, or if the said governor or commander in chief and council shall have any other cause or reason to believe the said lands have not been actually admeasured as aforesaid or that any abuse has been committed in the surveying and admeasuring the same, that then and in either and every such case before the said grants are registered and docketed in the offices aforesaid, it shall and may be lawful for the governor or commander in chief in council to order the said lands to be re-surveyed, and every such tract of land shall within six months thereafter be accordingly re-surveyed by the surveyor general of this province or such person or persons as he shall appoint at the expense, costs and charges of the respective grantees or those claiming to hold under them, so that the situation and quantity of land specified in such grant may be known and ascertained, and that all frauds and abuses and other inconveniences may be prevented.

V. And it is hereby further enacted and declared, That if any person or persons whose plat or plats annexed to his, her or their grant or grants shall appear irregular and
AND defective as aforesaid, or who shall for any other cause or reason by order of the governor or commander in chief in council, be directed to get the lands they claim to hold re-surveyed as aforesaid, shall refuse, neglect, or delay to cause and procure such re-survey to be made and returned into the said surveyor general's office within the time limited as aforesaid for that purpose, that then and in every such case the said grant and grants for the lands so held or claimed to be held by such grantee or grantees respectively, and all others claiming to hold by, from, or under them shall be null and void, and the lands so held or claimed to be held by such person or persons respectively, is hereby expressly declared to be forfeited to and re-vested in his majesty, his heirs and successors, and shall from thenceforth be deemed, held and taken to all intents and purposes as vacant land; and it shall and may be lawful to and for the governor or commander in chief for the time being, with the advice of the council, to order warrants for surveying, and to proceed to grant the same to any person or persons whatsoever, pursuant to his majesty's royal commission and instructions for that purpose.*

JAMES HABERSHAM, President.
ALEXANDER WYLLY, Speaker.

March 25, 1765.

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

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

March 25.
Obsolet.

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 in and by an act passed in the second session of the fourth general assembly of this province, entitled "An act to prevent persons throwing ballast or rubbish or falling trees into the rivers and navigable creeks within this province and for keeping clear the channels of the same," It is therein and thereby enacted, That if at any time from and after the passing the said act, any master or owner or any person acting as master or owner of any ship or other vessel whatsoever shall

† See act of 1774, No. 230, sect. 5.
shall cast, throw out or unlade, or if at any time from and after the time aforesaid, there shall be cast, thrown out or unladed from, or out of any ship or other vessel whatsoever being or riding within any port, road, channel, river or navigable creek within this province, any ballast, rubbish, gravel, earth, stone or wreck, but above high water mark (except the same be thrown out for the purpose only of filling up where wharves may be erected under the banks or bluffs of such river or navigable creek) it shall and be lawful for any one or more justices or justices of the peace for the parish or district where or near which such offence shall be committed, upon information made on oath thereof, and he or they are thereby authorized and required to summon or issue out his or their warrant or warrants to apprehend or bring before him or them the master or masters, owner or owners of any such ship or other vessel, or other person or persons acting as such against whom such complaint or information shall be made or given, and upon his or their appearance or making default in appearing to proceed to examine the matters of fact, and upon due proof made either by confession of the party offending, or on view of such justice or justices, or upon the oath or oaths of one or more witnesses or witnesses (which oath or oaths the said justice or justices are hereby required to administer) that any ballast, rubbish, gravel, earth, stome or wreck, hath been cast, unladen or thrown out of or from any ship or other vessel, the master or masters, or person or persons acting as master or masters thereof shall be adjudged, and he and they are hereby respectively declared to be the offenders against the said act, and he and they being by such justice or justices (or by any of the ways or means aforesaid) thereof convicted, shall forfeit and pay for every such offence, any sum not exceeding eight pounds, at the discretion of such justice or justices, the one moiety thereof to the informer, and the other moiety thereof to his majesty for the support of the poor of the parish, wherein such conviction shall be pronounced. And whereas the fine of eight pounds in and by the said act imposed and set, is found greatly deficient for preventing the evil thereby intended to be prevented;

I. Be it therefore enacted, That from and after the passing of this act, if any master or owner or any person acting as master or owner of any ship or other vessel whatsoever, shall cast, throw out, or unlade, or if there shall be cast, thrown out, or unladen from or out of any ship or other vessel, being or riding within any port, road, channel, river, or other navigable creeks within this province any ballast, rubbish, gravel, earth, stome or wreck, but above high water mark (except as in the said act is excepted) every master or owner, or any person acting as such as aforesaid, shall be deemed the offenders, and shall forfeit and pay for every such offence, a sum not exceeding three hundred pounds sterling, to be recovered and applied as herein after directed.*

II. And for the more speedy determination of offences against this act, Be it enacted by the authority aforesaid, That information on oath being made of such offence before the chief justice, or one of the assistant justices of the general court of pleas of this province; the said chief justice and justices, or any or either of them are hereby required and directed, forthwith to issue his or their warrant to apprehend the offender or

* See act of 1774, No. 150, sect. 4.
or offenders, and oblige him or them to find sufficient sureties for their appearance at the court to be holden for that purpose, and to abide the judgment thereof; and in case such offender or offenders shall neglect or refuse to find such security, it shall and may be lawful to and for the said chief justice and assistant justices, or any or either of them, to commit such offender or offenders to the common gaol of Savannah, until the determination thereof; and the said chief justice and justices, or any or either of them are hereby required and directed to order and appoint a court to be held within seven days after such information made for the trial of the matter of fact, and to proceed therein agreeable to an act of the general assembly, entitled "An act for holding special or extraordinary courts of common pleas for the trial of caufes arising between merchants, dealers and others, and ship masters, supercargoes, and other transient persons."

III. And be it enacted by the authority aforesaid, That if any offence shall be committed against this act in any part of this province, where information thereof cannot speedily be made to the chief or assistant justices of the general court, it shall and may be lawful for any justice of the peace in the parish wherein the offence shall be committed to receive such information on oath, and to bind over the offender or offenders, and the informer or informers with sufficient securities to appear as aforesaid, and the said justice is hereby required to transmit such information immediately to the chief or assistant justices who are hereby required to proceed in the same manner as if the fame had been made before him or them.

IV. And be it further enacted by the authority aforesaid, That all forfeitures incurred by virtue of this act, shall be one moiety thereof to the informer and the other moiety thereof to his majesty for the use of this province, to be paid into the hands of the treasurer of the province, and to be applied for clearing and keeping clear the rivers and creeks within the same.*

ALEXANDER WYLLY, Speaker.
JAMES HABERSHAM, President.

James Wright.
March 25, 1765.

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

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

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

A.D. 1765.

No. 721.

by the person losing, within six months.

Not exceeding £8 by warrant of justice of peace.

Above that sum by action in the general court.

After six months any other person may sue for the same.

When recovered how applied,

Sellers of spirituous liquors not to suffer gaming in their houses, &c.

playing or betting in the whole the sum or value of five shillings lawful money of this province, and shall pay or deliver the same or any part thereof; the person or persons so losing and paying or delivering the same, shall be at liberty at any time within six months then next following and not after to sue for and recover the monies or goods so lost and paid or delivered or any part thereof from the respective winner or winners thereof with costs by a warrant from a justice of the peace, in nature of a warrant for debt, founded on this act, in case the monies or effects so lost and paid or delivered, shall not exceed the value of eight * pounds lawful money of this province, and in case the monies or goods so lost, and paid or delivered shall exceed that sum, the loser shall and may recover the same from the winner or winners with costs by action of debt founded on this act, to be prosecuted in his majesty's general court of pleas in this province, to which action or suit, no effoign, prosecution, wager of law, privilege, or more than one imparlance shall be allowed, and in which action or suit it shall be sufficient for the plaintiff to allege that the defendant or defendants are indebted to him, or received to the plaintiff's use the monies or effects so lost and paid, or converted the monies or effects so won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this act, without setting forth any special matter, and in case the person or persons, who shall lose such money or effects as aforesaid, shall not within the time prescribed, really and bona fide sue and with effect prosecute for the monies or effects so by him or them lost and paid or delivered as aforesaid it shall and may be lawful to and for any person or persons by any such action or suit as aforesaid to sue for and recover the same with full costs of suit against such winner or winners as aforesaid, unless such winner or winners within ten days after the winning such money or effects shall re-pay or re-deliver to the loser such money or effects so won and received as aforesaid, together with such costs of suit as may have accrued before the re-payment or re-delivery of such money or effects, the one moiety of the money or effects so recovered, shall be to the use of the person or persons (other than the person losing) who shall sue for them, and the other moiety to the use of the poor of the parish where the offence shall be committed, any thing in the herein before mentioned law to the contrary thereof in any wise notwithstanding.

II. And be it further enacted, That from and after the passing of this act, if any person or persons licensed to sell any sorts of spirituous liquors or who shall fell or suffer the fame to be sold in his, her, or their house or houses, or in any out houses, ground or apartments thereunto belonging shall knowingly suffer any gaming with cards, dice, draughts, shuffle-boards, billiard-tables, skittles, ninepins, or at or with any other games or implements of gaming, in his, her, or their houses, or out houses, grounds or apartments thereunto belonging, by any apprentice, overfeers, journeymen, laborers, or servants, or any other person or persons whatsoever, and shall be convicted of the said offence on their own confession or on the oath of one or more creditable witnesses or witnisses (exclusive of the person giving information thereof) before any justice or justices of the peace of the parish or place where the offence shall be committed

* Justices jurisdiction now limited to thirty dollars, see act of 1772, No. 582.
within thirty days after such offence, he, she, or they so offending shall forfeit for the first offence the sum of five pounds lawful money of this province, and for every like offence, he, she, or they shall be afterwards convicted of, the sum of ten pounds to be levied by distress and sale of the offender's goods by warrant from the justice or justices before whom such offender or offenders shall be convicted, one moiety of which said forfeitures shall be paid to the church-wardens and vestry of the parish or place where the offence shall be committed for the use of the poor there, and the other moiety thereof to the person or persons on whose information such offender or offenders shall be convicted, and for want of sufficient distress, it shall and may be lawful for such justice or justices to commit such offender or offenders to prison, not exceeding thirty days, or until the money so forfeited shall be paid, any thing in the herein before mentioned law to the contrary thereof in any wise notwithstanding.

III. And be it further enacted, That this act shall be deemed a public act, and shall be held and taken as such by all judges, justices and magistrates, and in all courts within this province without specially pleading the same.

IV. And be it further enacted, That this act shall continue and be in force for and during the term of six years, and from thence to the end of the next session of the general assembly, and no longer.*

ALEXANDER WILLY, Speaker.
JAMES HABERSHAM, President.

March 25, 1765.

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

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

March 25.
Obsolete.

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

March 25.
This act gave place to act of 1770, No. 204.

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

March 25.
Obsolete.
An Act to extend and enforce the authority of the several laws therein mentioned to and throughout the territory lately annexed to this province; for dividing the same into parishes, and for adding the island of Jekyl to the parish of Saint James.

WHEREAS his majesty by his proclamation of the seventh of October in the year of our Lord one thousand seven hundred and sixty-three, and also by his late royal commission to his excellency the governor, bearing date the twentieth day of January, one thousand seven hundred and sixty-four, was graciously pleased to annex to this province all that space or tract of land lying and situate between the river Alatamaha, and the southernmost stream of the river Saint Mary; And whereas difficulties may arise touching the present validity of the laws of this province within the said annexed territory: Be it enacted, That from and after the passing of this act, all the laws herein after mentioned and particularized, (Many of which being obsolete, and others since enacted on by the legislature, it is deemed unnecessary to recite them) shall extend to, and be in as full force, power and effect, in, over and throughout the lands lying and being between the southernmost stream of the river Alatamaha, and the most southern stream of the river Saint Mary, including all islands within twenty leagues of the coast, to all intents, constructions and purposes whatsoever, as if the said annexed territory had been a part of this province at the time of making and passing the same, any thing to the contrary in anywise notwithstanding.

II. And whereas it may be necessary for the convenience of the inhabitants, that the lands aforesaid should be divided into parishes, Be it further enacted by the authority aforesaid, That all that space or tract of land lying and being between the river Alatamaha, and the north branch of Turtle river, and from the head of the said last mentioned river in a north west line, shall be and forever continue a parish by the name of the parish of Saint David; and from the north branch of Turtle river to the southern branch of the river Little Sittille, and from the head of the said river Little Sittille, in a north west line, shall be and forever continue a parish by the name of the parish of Saint Patrick; and from the southern branch of the river Little Sittille, to the southern branch of the river Great Sittille, shall be and forever continue a parish by the name of the parish of Saint Thomas; and from the southern branch of the river Great Sittille to the southern branch of the river Saint Mary, and from the head of the said river Saint Mary in a due west line, including all the islands within the said boundary, shall be and forever continue a parish by the name of the parish of Saint Mary.

III. And be it further enacted by the authority aforesaid, That the island of Jekyl shall from henceforth be and forever continue a part of the parish of Saint James.

ALEXANDER WYLLY, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.
March 25, 1765.
An additional Act to an Act, entitled "An act for the better regulating taverns, punch houses, and retailers of spirituous liquors."

March 25, 1765.

Repealed by Act of 1791, No. 459.

An Act to empower commissioners to lease or let for a certain term of years the lot of land commonly called the Spring near Savannah, and to rent the building in Savannah commonly called the Watch House, and to appropriate the monies arising therefrom.

March 25.

An Act to amend an Act, entitled "An act to prevent private persons from purchasing lands from the Indians, and for preventing persons trading with them without license."

March 25.

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

An ordinance for appointing Francis Lee, Esquire, comptroller and collector of the country duties at the port of Sunbury; and for appointing Daniel Nunes, waiter, for the port of Savannah in this province.

March 25.

Obsolete.

An Act for the better ordering the militia of this province.

March 25.

Obsolete.

An Act for raising a fund by an impost on shipping to defray the expense of keeping in repair, or re-building the light house and pilot house on Tybee island.

March 25.

Obsolete.

* An Act to continue several Acts of the general assembly therein mentioned; to prevent masters of vessels from carrying off persons in debt; to continue the several road Acts; and an Act to prevent stealing of horses and neat cattle.

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

* The several Acts herein referred to have either expired, been repealed, or re-enacted.
A D. 1765.

No. 133.

A\[\]ct to amend and continue the said act.

further continued until 11th Nov. 1770.

A\[\]ct to empower surveyors to lay out public roads, passed 1st March, 1735.

Further continued until 11th Nov. 1765.

A\[\]ct to prevent s:\eal\ing of horses and neat cattle, passed 27th March, 1759.

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

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

III. And be it further enacted by the authority aforesaid, That an act, entitled "An act to prevent sealing of horses and neat cattle, and for the more effectual discovery and punishment of such persons as shall unlawfully brand, mark or kill the same," passed the twenty-seventh day of March, one thousand seven hundred and fifty-nine, which was to continue and be in force for five years, and from thence to the end of the then next session of the general assembly, and which was further continued by an act passed the twenty-ninth day of May, one thousand seven hundred and sixty-four, to the first day of January, one thousand seven hundred and sixty-five, and from thence to the end of the then next session of the general assembly, shall be, and the same
sake is hereby further continued to the first day of November one thousand seven hundred and sixty-five, and from thence to the end of the next session of the general assembly, and no longer.

ALEXANDER WYLLY, Speaker.
JAMES HABERSHAM, President.

March 25, 1765.

An Act for granting to his majesty the sum of £1599 7s 1 ½ d sterling for the use and support of the government of Georgia for the year 1765, to be raised at certain rates and after the method therein mentioned, and for the more effectual collecting of arrears.

March 25.
Obsolet.

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

WHEREAS frauds and abuses have been committed in admeasuring and laying out his majesty's lands in this province owing to the practice of bearing the chain by negroes and by white persons not sworn to the faithful performance of that service, on the several surveys which the deputy surveyors are employed in, whereby it often happens that the quantity of land directed to be laid out by the warrant of survey, both in the field far exceed the number of acres represented by the plat returned to be annexed to the grant of such land, and tends to defraud the public of the taxes and his majesty's quit-rents, on the surplus measure of such incorrect and unjust surveys, which abuses, in many instances, is not in the power of the surveyor general, or his deputies, timely to detect: To prevent therefore the like injurious practices for the future, and for the better enabling all surveyors to be exact in their surveys, Be it enacted, That after two months from the passing of this act, no surveyor shall make any survey of his majesty's lands without chain carriers, sworn to measure justly and exactly, according to the best of their knowledge, and to deliver their accounts thereof truly to the surveyor, which oath, every surveyor in the several divisions and parishes of this province is hereby empowered and required to administer accordingly.

II. And be it further enacted, That all deputy surveyors already appointed shall within two months from the passing of this act take the following oath before the governor or commander in chief for the time being; and all deputy surveyors that may hereafter be appointed, shall in like manner take the same oath, before he enters on the execution of his office, viz. "I A. B. do solemnly and sincerely swear in the presence of Almighty God, that I will according to the best of my skill and knowledge, well and faithfully execute the office of a deputy surveyor, and that I will
A. D. 1765. No. 135.

To give bond and security for the due execution of their office, observe the instructions, to be recorded in secretary's office.

Deputy surveyors, making fraudulent surveys to forfeit £100.

How applied.

"will not wittingly or willingly assent to, connive at, permit or suffer any fraud or abuse in admetering or laying out lands for any person or persons whomsoever, and that I will not postpone executing any warrant, or give undue preference unto any person or persons on any account whatsoever, and will in all respects, well and truly observe and follow the several instructions given me from time to time, by his majesty's surveyor general. So help me God."

III. And be it further enacted, That every surveyor before he enters upon the execution of his office, shall give bond to his majesty with one or more approved securities in the penalty of two hundred pounds sterling, for the faithful and honest performance of his office and for the due observance of the instructions given him by the surveyor general, which instructions shall be recorded by the said deputy surveyors in the secretary's office of this province within thirty days after receiving the same.

IV. And be it further enacted, That where any undue or fraudulent survey of lands shall be made, by any surveyor, such surveyor for every such offence, upon due proof thereof upon oath, by one or more creditable witnesses or witnesses, shall forfeit and pay a sum not exceeding one hundred pounds sterling, to be sued for and recovered with full costs of suit, in the general court of pleas of this province, by action of debt, bill, plaint, or information, wherein no wager of law, privilege or protection, shall be allowed, or any more than one impanelment, which penalty so to be recovered, shall be one moiety to the person whomsoever shall make information thereof and sue for the same, and the other moiety to the party or parties aggrieved.

V. And be it further enacted, That this act shall be and continue in force for and during the term of three years, and from thence to the end of the next session of the general assembly, and no longer.*

ALEXANDER WYLIE, Speaker.

JAMES HABERSHAM, President.

James Wright.

March 25, 1765.

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

No. 136.

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

March 25.

Obsolet.
An Act for the establishing and regulating patrols, and from preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager or employer.

Whereas it is absolutely necessary for the security of his majesty's subjects of this province, and for preventing the many dangers and inconveniences that may arise from the disorderly and unlawful meetings of negroes and other slaves within the same, that patrols should be established under proper regulations in such part of the province where the militia is formed and settled. And whereas, it is also proper to prevent dealing and trafficking with slaves, Be it therefore enacted, That immediately from and after the passing of this act, every captain or commanding officer of a company of foot militia throughout this province, is hereby authorized, empowered and required, severally and respectively, to summons together his inferior officers, if any such there be, and they shall in concert subdivide, distinguish his company district into as many other convenient patrol divisions as they shall think most proper and consistent with the extent and situation of their general company district, and so as the riding over any such patrol division may not exceed twelve miles in extent; which said subdivided division, severally and respectively, shall thenceforth be the patrol divisions, unless the same shall be thought necessary to be altered by the officers aforesaid; and wherein the owners of settled plantations, as well as the other inhabitants of any such patrol division, as well as alarm-men as others of horse and foot, between the age of sixteen and sixty years, shall be subject to the patrol duty of that division, and shall, either by themselves in person, or by others employed for that purpose, do their patrol duty regularly and successively, according to the true intent and meaning of this act: And in case any captain or commanding officer shall omit or fail to subdivide and distinguish his company district in manner herein before enjoined, or afterwards at any muster day, or within five days after such muster day, shall neglect to prick off the several patrols as is herein after directed, that then every such captain or commanding officer so failing, shall respectively be subject to, and pay the penalty of five pounds sterling, to be recovered by warrant of distress, under the hand and seal of any justice of the peace of the parish where such offence shall be committed, and sale of the offender's goods; and which sum shall be paid to the commissioners of the roads within such parish, and be by them applied towards repairing the bridges and causeways within the same: And that the owners of settled plantations and inhabitants within each company district may the better know to what patrol division they severally belong, the captains and commanding officers as aforesaid shall, within ten days after making out the same, cause copies thereof, signed by them, to be affixed at the church and meeting house doors, or other public places in their several districts, and shall cause another copy thereof to be entered in a book by the clerk.

This act is amended by act of 1768, No. 187, and is materially connected with act of 1770, for ordering and governing slaves. See No. 204.
A. D. 1765.
No. 137.

Cerntains to keep a special patrol lift to every division.

Of whom composed.

Provido.

Provido.

Provido.

Provido.

Liable to perform duty in turns.

On every muster day a number not exceeding ten persons to be pricked off for patrol duty.

Provido.

Substitutes shall be received if offered.

Provido.

In case of refusal to act or furnish substitute, captains empowered to give 10 per cent. to a sufficient person per night.

clerk of their company, that any person concerned may from time to time have recourse to the same.

II. And as all persons as well women as men who are or may be owners of settled plantations in any parish or district, ought in justice to contribute to the service and security of such parish or district, the town on of which the names of all owners of settled plantations being within the same, as well women as men, and as well alarm-men as others, as also the names of all the male white inhabitants: Provided, That every person having several plantations settled in this province, shall not be subject to or obliged to do patrol duty in those divisions where such plantations lie, other than in such in which he or she shall usually reside. Provided also, That the masters and employers of all white male servants, who by this act are obliged to do patrol duty, shall and they are hereby obliged to do patrol-duty, shall and they are hereby directed and obliged to furnish such servants with a horse, and furniture for such service, and that under the penalty of one pound, to be and applied in like manner as the penalties on captains or commanding officers in this act before mentioned.

III. And be it further enacted by the authority aforesaid, That all persons, male or female, whose names shall be enlisted as aforesaid, shall be liable to perform the patrol duty of their respective divisions severally, successively and in turns; and on every muster day the captains or commanding officers of the several companies of foot militia shall, out of every patrol lift made out as aforesaid, pricked off the names of any number not exceeding ten persons, as well women as men, inhabitants and owners of, and residing upon plantations as aforesaid, all of whom shall, by themselves, or others employed and provided for that purpose, severally and respectively do and perform the patrol duty herein directed, from such muster day until the next ensuing muster day, regularly, equally and successively; the said captains or commanding officers, always choosing, and they are hereby directed to choose the nearest set of inhabitants set down in the patrol lift as aforesaid, to do the duty together, that they may be enabled to meet and assemble with the better conveniency and expedition: Provided always, That it shall and may be lawful for any person or persons liable to do and perform the patrol duty prescribed by this act, and who may not choose to do duty in person to employ a sufficient person to perform and undertake such duty on his, her or their behalf, when their names shall be pricked off as aforesaid.

Provided also, That if any person or persons so liable and pricked off as aforesaid, whether man or woman, (except such woman hath not six working slaves) shall not either by themselves or by a sufficient person on his, her or their behalf as aforesaid, do and perform such duty, or shall refuse to do and perform the same, then and in every such case the captain or commanding officer of such company of foot militia to which such person so neglecting or refusing shall belong, upon the report of the person appointed to command such patrol, shall and is hereby empowered to agree with
with any sufficient person at a certain price, not exceeding ten shillings sterling per night, to do duty for him or her so neglecting or refusing, until he or she shall actually procure some other white person, between the age of sixteen and sixty years, to do patrol duty for him or her; and the rate or price so agreed upon by such captain or commanding officer as aforesaid, shall be paid by the person whose turn or duty shall be so performed to the person performing the same according to his time of service; and in case any person or persons shall fail to pay or satisfy such other person so appointed for him, her or them so neglecting the price agreed upon by the said captain or commanding officer as aforesaid, upon demand thereof, then and in every such case it shall and may be lawful to and for the said captain or commanding officer who agreed with such person, to levy the same on the goods and chattels belonging to the person so failing, by warrant of distress for that purpose, directed to any sergeant of his company or any constable of the parish in which such company shall be established; which sergeant or constable shall be obliged, and he is hereby fully authorized and empowered to execute the same, and shall be allowed for executing the warrant the sum of one shilling, and two-pence per mile for every mile he shall travel, to be computed from the dwelling house of the said constable or sergeant to the dwelling house of the defaulter.

IV. And be it further enacted by the authority aforesaid, That the several captains and commanding officers of the several companies belonging to the town of Savannah, shall make out a general patrol list of their respective companies, (including the horse and alarm-men as also women) except as before excepted, within their division, and shall pricket off from such list the names of ten persons to perform patrol duty in the said town of Savannah, and as far as the outer line of the garden lots of the said town doth extend, which duty shall be done and performed by the said patrols respectively every night in rotation; the several patrols to meet, and the duty to be begun at nine o'clock, and to be continued until day light, and they shall, and are hereby empowered to take up all slaves whatever, which they shall find within the said town or within the limits aforesaid after the hour of nine o'clock at night, who have not a ticket, or letter, or other token to shew the reasonableness of their being out, or who have not a white person in company to give an account of his or their business; and such patrol may correct every such slave or slaves belonging to any person residing within the town of Savannah or within the limits aforesaid, by whipping with a switch, whip or cowkin, not exceeding twenty lashes; but if the slave or slaves so taken up and liable to punishment as aforesaid, shall belong to any plantation or settlement being without the limits aforesaid, such slave or slaves shall be, by the patrol who shall take him, her or them up, deliver to the warden or keeper of the work house as fugitive slaves. Provided always, That nothing in this act contained shall extend or be construed to extend to subject the commander in chief for the time being, or any of the members of his majesty's honorable council and their clerk or officers, or of the commons house of assembly or their clerk or officers, the public treasurer, the powder receiver, the commissary general, nor any judges of the general court, or ministers of the gospel, custom house officers or other officers.
DIGEST OF THE

A. D. 1765.
No. 137.

Captains of patrols how appointed.

Failing to act to be fined not exceeding 20s.

Recoverable by officers warrant for use of poor.
Captains of patrols their powers.

May fine defaulters, &c. in a sum not exceeding 20s. recoverable and applied in like manner.

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

Patrols how to be armed under 1s. penalty, and to be obedient to their officer under penalty of 20s.

cers commissioned by virtue of his majesty's sign manual, the field officers of the several regiments of foot militia in actual commission, or the pilots or ferrymen in any part of this province, to serve upon any patrol duty in any district whatever, any thing herein before contained to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That the captain or commanding officer of every company shall have power in their several districts, from time to time, to appoint one good and discreet person from among the persons so pricked off to do patrol duty as aforesaid, to be their commander, as soon as their names shall be pricked off as aforesaid, and if such person being regularly appointed to command the patrol aforesaid, shall refuse to accept of such command, or after accepting thereof shall refuse or negligently to do his duty as prescribed by this act, such person so offending shall, for every such offence, forfeit and pay a sum not exceeding one pound, to be adjudged by a majority of the commissioned officers of the company out of which such patrol shall be pricked off, and levied in both cases by distraint and sale of the offender's goods, by a warrant for that purpose, under the hand and seal of the commanding officer of such company, to and for the use of the poor of the parish where such offence shall be committed: And that the commander of every patrol may have better authority to keep them in good order and demeanor during their time and term of duty, it shall and may be lawful to and for every such patrol commander, and they are hereby directed, empowered and required, on any default or misbehavior or neglect of duty of any patrol-man, to inflict a fine upon him not exceeding the sum of ten shillings sterling, for the use of the patrolmen respectively, in which such neglect, default or misbehavior shall be committed, to be levied by distraint and sale of the offender's goods, by virtue of a warrant for that purpose, directed to the constable of the district or sergeant of such company, under the hand and seal of the captain or commander of the company from which such patrol, where such neglect, default or misdemeanor may happen or be committed, shall be pricked off, which constable or sergeant shall be obliged, and are hereby severally authorized and empowered to execute the same, and shall be allowed for executing the warrant the sum of one shilling, and mileage as is herein before directed; and every constable or sergeant refusing or neglecting to serve such warrant directed to him, shall be liable to a fine not exceeding forty shillings sterling.

And, that the said patrols may be the better able to suppress any mischievous designs of negroes and other slaves during their time of service, It is hereby further enacted by the authority aforesaid, That every person pricked off or appointed, or undertaking as a proxy, for any other person liable to service in the said patrol in pursuance of, or by virtue of this act, shall provide for himself, and keep always in readiness, and carry with him on his patrol service, one good gun or pistol in order, with fix cartridges suitable for such gun or pistol, and one good cutlass, under the penalty of a sum not exceeding ten shillings, for want of any such arms or ammunition, at such time and places as they shall be appointed by their respective commanders, in their several divisions, to whose orders they shall, on all occasions be respectively obedient during
during their time of service, on pain of incurring a fine not exceeding twenty shillings, to be levied by warrant under the hand and seal of the captain or commanding officer of the company from which such patrol shall be pricked off, as is herein before mentioned.

VII. And be it further enacted by the authority aforesaid, That every patrol shall go to, and examine the several plantations in their divisions, at such times as they in their discretion shall see fit, one night in fourteen at least, and may and shall take up all slaves which they shall see without the fences or cleared ground of their owners plantations, who have not a ticket or letter, or other token to shew the reasonableness of their absence, or who have not some white person in company to give an account of his, her or their business; and such patrol may correct every such slave or slaves by whipping with a switch, whip, or cowslin not exceeding twenty laffes. Provided, That if any patrol-man, not having sufficient cause, shall beat and abuse any slave peaceably and quietly being in his master's plantation, or found any where out of the same, having lawful or other token as is herein before directed, such patrol-man shall for every such offence forfeit and pay the sum of five shillings, and in case of such slave being maimed, disabled or killed, shall be subject to the several penalties inflicted for such offences by the act, entitled "An act for the better governing negroes and other slaves in this province, and to prevent the inveighing or carrying away slaves from their masters or employers." And the said patrols shall have full power to search and examine all negro houses for offensive weapons and ammunition, and on finding any such, contrary to the before recited act, shall proceed as is therein directed; and if any patrol shall see any fugitive slave or slaves endeavoring to avoid them by hiding or running into, or shall hear of such being harbored in any dwelling house of a white person, the commander shall ask leave of the owner of the said dwelling house or of some white person then there, to search for, examine and apprehend the said fugitive slave, or that the said owner should deliver up such slave or slaves; and in case the said owner or other white person so entreated shall refuse to deliver up such fugitive slave or slaves, or to suffer search to be made for them, the said patrol or any other white person having seen such slaves enter, such persons so refusing shall forfeit the sum of five pounds for every such offence.

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

A.D. 1765.
No. 137.

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

Empowered to correct slaves.

Provided. For unreasonable abuse liable to forfeit 5s.

If maimed or killed subject to other penalties.

Patrols to search for offensive weapons and ammunition on finding any how to proceed. See act of 1770, No. 204, 2nd section.

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

Patrols to enter disorderly tippling houses, to correct slaves found there, and if in Savannah may send them to the work house; and may search them for stolen goods.
A.D. 1765.
No. 137.

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

Persons sued for executing this act how to plead.

To recover double costs.

DIGEST OF THE

A.D. 1765.
No. 137.

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DIGEST OF THE

A.D. 1765.
No. 137.

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

Persons sued for executing this act how to plead.

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

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

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

All the rest obsolete.

ALEXANDER WYLLY, Speaker.
JAMES HABERSHAM, President.
March 6, 1766.

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

WHEREAS the preventing frauds and deceits in the packing of beef and pork, and in selling pitch, tar, turpentine and fire-wood, will greatly increase the credit and repute of those commodities of this province, and also be for the particular benefit and emolument of the purchasers or exporters of the same, Be it therefore enacted, That from and after the first day of February next, all and every casks or cafsks in which any beef or pork shall be packed and exposed to sale, within this province, shall be made of sound, dry and well seasoned white oak timber, free from sap, the heads as well as bodies of which cafsks shall be made tight so as to hold pickle, and:
A D. 1766. No. 140.

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

Barrels of pitch, tar, turpentine of what size.

Persons shipping the same unmarked to forfeit £/.

Barrels may be opened on suspicion of fraud.

Pitch condemned to be forfeited.

Provided always, That where any pitch shall be ordered to be cut open as aforesaid, without the consent of the owner or person offering or exposing the same to sale, the same shall be done at the risk of the person who shall cause such pitch to be so cut open, (that is to say,) if such pitch shall not be condemned as fraudulent by the person or persons empowered to view and adjudge the same, that then the person who caused the said pitch to be so cut open and examined shall take to himself every such barrel so cut open, and which shall not be condemned as aforesaid, and shall pay to the owner or person offering the same to sale the current sum or price which good pitch shall
shall then bear at that port or place, any thing herein contained to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That such persons as shall be appointed packers or inspectors by ordinance or other wise of the governor, council, and commons house of assembly, in general assembly met, shall be, and they are hereby directed, before they enter into the execution of their offices, severally and respectively to take the following oath before some justice of the peace for the parish where such port shall be, who shall grant such packer or inspector a certificate thereof: “I A. B. do solemnly swear, that I will faithfully and impartially execute the business
“ and duty of a packer and inspector in the town and port of ______, to the best of
“ my skill and judgment, without favor or prejudice, and without any delay, agreeable
“ to an act of the general assembly of this province, entitled “An Act to prevent
“ frauds and deceits in selling beef, pork, pitch, tar, turpentine and fire-wood.
“ So help me God.”

VII. And be it further enacted by the authority aforesaid, That the packers and inspectors so to be appointed shall receive for their trouble from the seller or owner of any beef, pork, pitch, tar, or turpentine, the sum of six-pence for every barrel of beef or pork, and the sum of two-pence for every barrel of pitch, tar, or turpentine, which they shall view, inspect, mark, brand, as aforesaid; and the said packers and inspectors are hereby severally directed to have and make use of a separate brand with initial letters of the name of such packer and inspector, and, in case of refusal or neglect to do and perform any of the duties by this act required to be done and performed by such packer and inspector, he or they so refusing or neglecting, after he or they shall have accepted such office, shall, for every such offence, forfeit the sum of ten shillings.

VIII. And be it further enacted by the authority aforesaid, That if any packer or inspector shall mark or brand any beef, pork, pitch, tar, or turpentine, not weighing or containing the weights or measures directed by this act, such packer or inspector shall, for every barrel so marked or branded, forfeit the sum of forty shillings sterling, to be recovered and applied as herein after directed.

IX. And whereas many frauds are committed in the sale of fire-wood, Be it further enacted by the authority aforesaid, That from and after the first day of February aforesaid, every cord of fire-wood which shall be sold in this province, shall measure eight feet in length, four feet in height, and four feet in breadth, and in case any person or persons whatever, having any fire-wood sold and delivered them by the cord, as aforesaid, shall suspect a deficiency therein, every such person or persons shall and may apply to any of the packers and inspectors to be appointed as aforesaid to cord and measure the same, and in case any deficiency shall appear, the person or persons selling the same shall for every cord that shall be so deficient, forfeit the sum of ten shillings; and the packer and inspector measuring the same, shall be paid the sum of six pence for every cord so measured by the seller thereof, in case of deficiency, and in case no deficiency shall appear, then to be paid the sum of six pence by the person or persons applying.
X. And be it further enacted by the authority aforesaid, That all the fines and forfeitures by this act inflicted shall be recovered, upon proof of the offence, before any justice of the peace for the parish where the same shall be committed, by warrant under the hand and seal of such justice, directed to any constable of the said parish, and be to the informer.

XI. And be it further enacted, That this act shall be and continue in force for and during the term of three years, and from thence to the end of the next session of the general assembly and no longer.*

JAMES HABERSHAM, President.
ALEXANDER WYLLY, Speaker.

James Wright.
March 6, 1766.

* Perpetuated by act of 1783, No. 279.

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

March 6.
Obsolete.

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

March 6.
Obsolete.

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

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

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

ALEXANDER WYLLY, Speaker.
JAMES HABERSHAM, President.

March 6, 1766.

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

March 6.
Re-enacted with amendments by act of 1773, No. 220.

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

WHEREAS a law has passed in the province of South Carolina, for the establishment of a road and ferry at the plantation of Jermyn and Charles Wright, Esquires, called Rochester, situated on the north side of Savannah river in the said province: \textit{And whereas} it is necessary that a ferry should be established on the south side of the said river, as near opposite the ferry before mentioned as may be, which will tend to the conveniency of, and promote a speedy communication between both provinces, \textit{Be it enacted}, That a public ferry shall be, and the same is hereby

* New vested in Nichol Turnbull. See act of 1776, No. 519.
DIGEST OF THE

A. D. 1766.

No. 145.

Brewton's ferry on Savannah river established.

hereby established upon Savannah river, from the plantation of Miles Brewton, Esquire, to the plantation of Jermyn and Charles Wright, Esquires, called Rochester, on the opposite side of the said river.

The rest of this act is expired or obsolete.

ALEXANDER WYLIE, Speaker.

JAMES HABERSHAM, President.

JAMES WRIGHT.

March 6, 1766.

No. 146.

an act to explain and amend an act for the better regulating taverns, punch houses, and retailers of spirituous liquors.

March 6.

Repealed by act of 1791, No. 459.

No. 147.

An act to punish seamen or mariners, neglecting or deserting their duty on board their respective ships or vessels; and for preventing seamen or mariners from being harbored or running in debt.

WHEREAS masters and commanders of vessels trading to this province are often greatly distressed by the neglect or desertion of their seamen, which is in general occasioned by such seamen being harbored and entertained by and running in debt with the keepers of taverns and tippling houses, and ill disposed persons, to the great detriment and hinderance of trade, for prevention of which evil, be it enacted, That from and immediately after the passing of this act, if any seaman or mariner having entered or shipped himself on board any ship or vessel within this province, or which shall come to the same, and having signed an agreement or contract with the master or commander thereof to proceed upon any voyage therein mentioned, shall absent himself from such ship or vessel for the space of twenty-four hours, without leave had and obtained from the said master or commander, or other chief officer having the command of such ship or vessel, or shall refuse or neglect to perform his duty on board the same, or refuse to proceed the voyage mentioned in such agreement or contract signed as aforesaid, it shall and may be lawful for any justice or justices of the peace, within their respective jurisdictions, upon application being made to him or them by such master or commander, to issue his or their warrant or warrants, to apprehend such seamen or mariners, and upon proof of such absence without leave had and obtained, or of such neglect or refusal as aforesaid, to commit such seaman or mariner to the gaol or work house for any time not exceeding thirty days, any law, usage or custom to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That the charge of apprehending, committing, and maintaining such seaman or mariner, during his confinement as aforesaid, shall be paid by the complainant, which charge he is hereby authorized to deduct out of the wages due or to be due to such seaman or mariner.

III.
III. And be it enacted by the authority aforesaid, That if any person or persons whatsoever after the passing of this act, shall give credit to or trust any seaman or mariner belonging to any ship or vessel within this province, having signed an agreement or contract to proceed therein as aforesaid, for any sum exceeding five shillings, except by leave of the master or commander of such ship or vessel, he, she, or they so giving credit to or trusting such seaman or mariner as aforesaid, shall, for every such offence, lose the monies or goods so credited or trusted.

IV. And be it enacted by the authority aforesaid, That if any person or persons whatsoever after the passing of this act, shall willingly and knowingly retain, harbor, or keep, or shall directly or indirectly suffer to be entertained, retained, harbored or kept, any seaman or mariner belonging to any ship or vessel, and having signed any agreement or contract as aforesaid, in his, her or their house without the leave, privy or consent of the master or commander of such ship or vessel, he, she, or they so offending, shall forfeit the sum of forty shillings sterling for every twenty-four hours such seaman or mariner is harbored, entertained, retained, or kept in his, her, or their house as aforesaid, and such fine or forfeiture shall be recovered by distress and sale of the offender's goods by warrant under the hand and seal of any justice of the peace of the parish where such offence shall be committed, which penalty shall be to his majesty for the use of the poor of the said parish.

V. And be it enacted by the authority aforesaid, That all and every keeper or keepers of taverns or tippling houses or any other person or persons whatsoever, who from and after the passing of this act, shall sell any wine, punch, beer, ale, cyder, or any spirituous liquor whatever, to any seaman or mariner belonging to any ship or vessel, and having signed any agreement or contract as aforesaid, to the amount of more than one shilling and six-pence in any one day, or shall entertain, or suffer any seaman or mariner as aforesaid to drink or tipple in his, her, or their house, or furnish such seaman or mariner with any liquor as aforesaid after the hours of nine of the clock at night, unless with the knowledge or by the leave and consent of the master or commander of the ship or vessel to which such seaman or mariner shall belong, such keeper of tavern or tippling house, or such person or persons so offending, shall, upon proof of such offence, forfeit the sum of twenty shillings sterling, to be recovered and applied as in this act is before directed.

VI. And be it further enacted by the authority aforesaid, That from and after the passing of this act, any and every seaman or mariner, whose agreement or contract entered into with any master or commander of any ship or vessel within this province for the performance of any voyage therein specified, shall be fulfilled and determined, shall and may demand of, and from the said master or commander a certificate thereof, and of his discharge from such ship or vessel, which certificate such master or commander is hereby required to give, under the penalty of five pounds sterling, to be recovered by warrant of distress and sale of the offender's goods, under the hands and seals of any two justices of the peace for the parish where such offence was committed, and be to his majesty, and applied one half to the informer, and the other half to the poor of the said parish; and upon refusal of the
the said master or commander to give such certificate without just cause, any two justices of the peace upon due application and proof thereof, are hereby empowered to give such certificate, which shall be of equal force as if given by such master or commander; and such justices shall receive for every such certificate so given by them as aforesaid the sum of one shilling sterling, to be paid by such master or commander so refusing as aforesaid.

VII. And be it further enacted by the authority aforesaid, That no master or commander of any ship or vessel within this province, shall hire, receive, entertain or ship any seaman or mariner belonging to and pretending to be discharged from any other ship or vessel, unless such seaman or mariner shall have a certificate of his discharge as aforesaid, under the penalty of ten pounds sterling, to be recovered and applied as the penalty in this act inflicted upon masters or commanders refusing to give such certificate.

VIII. And be it further enacted by the authority aforesaid, That if any person or persons keeping or attending any ferry within this province, shall willingly or wilfully transport, or suffer to be transported over such ferry any fugitive seaman or mariner not having a certificate of discharge as directed by this act, shall upon conviction thereof before any one of his majesty's justices of the peace for the parish where such offence was committed, forfeit five pounds sterling, to be recovered by warrant of distress and sale of the offender's goods, and be to his majesty to and for the use of any person or persons informing of and suing for the same.

IX. And be it further enacted, That this act shall be and continue in force for and during the term of three years, and from thence to the end of the next session of the general assembly, and no longer."

ALEXANDER WILLY, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.
March 6, 1765.

* Perpetuated by act of 1783, No. 279.

No. 148. An Act to amend an act for the better ordering and governing negroes and other slaves in this province, and to prevent the inveigling or carrying away slaves from their masters or employers.—March 6.
Obsolet—See act of 1768, No. 171.

No. 149. An Act to enable the commissioners appointed by an act of the general assembly of this province, entitled "An act for regulating the town of Savannah, and for ascertaining the common thereunto belonging," to alien and convey to the Honorable William Simpson, Esquire, his heirs and assigns, for ever, a certain part of the said common, in exchange for part of a lot of land adjoining the same.

WHEREAS in and by an act of the fourth general assembly of this province, entitled "An act for regulating the town of Savannah, and for ascertaining the common thereunto belonging," the said common is ascertained and declared to be
the common property of the lot holders of the said town, and not to be aliened or
granted away for any purpose whatever, otherwise than by act of the general assembly:

And whereas Henry Ellis, Esquire, late governor of this province, had prior to the
passing the said act, that is to say, on or about the seventh day of February, in the
year of our Lord one thousand seven hundred and fifty-eight, obtained his late majesty's
grant, under the great seal of the said province, to him, his heirs and assigns
for ever, for a lot of land, situate part on the bay, and part on the common of the
said town of Savannah, containing one hundred and twenty feet in front, and four
hundred and ninety feet in depth west, and four hundred and sixty-five feet in depth
east: And whereas the same is since by purchase from the said Henry Ellis, Esq.
become vested in the honorable William Simpson, Esq. And whereas part of the said
lot may hereafter be of general benefit for the convenience of a street or passage from
the bay of the said town to the hamlets of Yamacraw and Evenburgh, and would
now, if stopped up or built upon, be of great detriment to the public, and the said
William Simpson being willing to exchange the part of the said lot convenient for
the above intended street or passage for an adequate proportion of land on the common
to the westward of, and adjoining his said lot, Be it therefore enacted, That immedi-
ately after the passing of this act, it shall and may be lawful to and for the com-
missioners named and appointed in and by the said recited act of the gene-
ral assembly, by any fit deed or conveyance in the law by them, or any three of
them, to be made and executed, to grant, alien and convey unto the said William
Simpson, Esq. and his heirs and assigns forever, a part of the said common of Sav-
nannah to adjoin westward the lot of the said William Simpson, and to contain thirty
feet in width and three hundred and fifty feet in depth, and particularly described by
the letters F. G. H. I. in the plan hereunto annexed, he the said William Simpson first
granting and conveying unto the said commissioners a part of his lot as aforesaid, con-
taining forty-seven feet in width, and one hundred and twenty feet in depth, and
particularly described in the said plan hereunto annexed by the letters A. C. E. F. to
hold the same unto the said commissioners, and their successors commissioners forever,
as part and parcel of the common of the said town of Savannah, for the use of the
lot holders thereof.

II. And be it further enacted by the authority aforesaid, That from and after the ali-
enation, conveyance and exchange respectively made of the said part of the said com-
mon, for part of the lot of the said William Simpson, as herein before mentioned,
the said part of the said common, containing thirty feet in width and three hundred
and sixty feet in depth, and described in the plan aforesaid by the letters F. G. H. I.
shall and is hereby declared to be severed from the said common, and become and
continue the absolute property of the said William Simpson, to and for the use of
him, his heirs and assigns for ever; and that the part of the lot of the said William
Simpson, containing forty-seven feet in width, and one hundred and twenty feet in
depth as before mentioned and described, shall, from thenceforth be and continue to
be part and parcel of the said common of the town of Savannah, to all intents, con-
structions, and purposes whatever, and as any other part of the said common is or
may
A. D. 1766.

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

ALEXANDER WYLTY, Speaker.

JAMES HABERSHAM, President.

JAMES WRIGHT.

March 6, 1766.

No. 150. An Act to amend an "Act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging," and also to authorize and empower the church-wardens and vestry of the parish of Christ church to appoint a beadle for purposes herein mentioned.

March 6.

Obsolete.

No. 151. An Act for amending an "Act for regulating the pilotage of vessels into the several ports of this province."

March 6.

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

No. 152. An Act for the better security of the inhabitants of this province by obliging the male white persons within the same to carry fire arms to all places of public worship.

March 6.

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

No. 153. An Act for the relief of debtors who may be confined in gaol, and are unable to support themselves during such their confinement.

WHEREAS it often happens that debtors are confined in gaol, and are, through inability to support themselves during their confinement, reduced to great distress and want, and are also often confined, as well by the obstinacy of their creditors, as by their incapacity to pay their debts:

I. Be it enacted, That immediately from and after the passing of this act, any prisoner or prisoners charged in execution or imprisoned for any sum or sums of money, and being unable to support him, her, or themselves, shall and may petition the chief justice or justices of the general court of pleas of this province, setting forth their inability to maintain themselves during their confinement, and upon such petition the said chief justice or justices may, and are hereby required by order or rule of the court, to cause the prisoner to be brought up, and the several creditors, at whole
whose suit he, she, or they are charged or imprisoned, as aforesaid, to be summoned to appear personally, or by their attorney in court, at a day to be appointed for that purpose, and upon the day of such appearance, if any of the creditors summoned refuse or neglect to appear; upon affidavit of the due service of such rule or order, the court shall in a summary way examine the matter of such petition, and upon such examination the court may, and are hereby required to administer or tender to the prisoner, an oath to the effect following, and in case the person taking such oath, shall have any real or personal estate, debts, credits, or effects, such person shall deliver to the court, before the tender of such oath, an account thereof. "I, A. B. do solemnly swear, in the presence of Almighty God, that I am not possessed of any real or personal estate, debts, credits or effects whatsoever (my wearing apparel, bedding, for self and family, and the working tools or implements of my trade and calling excepted) wherewith to maintain or support myself during my imprisonment, (other than are contained in the schedule now delivered) and that I have not directly or indirectly, since my imprisonment or before, sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, any part of my lands, eusses, goods, flock, money, debts, or other real or personal estate, whereby to have or expect any benefit or profit to myself, or my heirs. So help me God."—And in case the prisoner shall in court take the said oath, and the creditor or creditors so summoned and being in court, as aforesaid, shall notwithstanding, insist upon his or her being detained in prison, such creditor or creditors shall agree by writing, under his, her or their hands, to pay and allow a weekly sum not exceeding seven shillings per week, unto the said prisoner, to be paid weekly, so long as he or she shall continue in prison, at his, her, or their suit, and on refusal of entering into such agreement, or on failure of payment of such weekly sum, the said prisoner shall forthwith and upon application to the court, be discharged by order of the court, and such order shall be a sufficient warrant to the provost marshal, gaoler, or keeper of such prisoner, to discharge the said prisoner, if detained for the causes mentioned in his or her petition, and no other; and he is hereby required to discharge and set him or her at liberty forthwith, the prisoner paying his or her fees, nor shall the provost marshal or gaoler be liable to any action of escape, or other suit or information upon that account. Provided, That this act shall not extend or be construed to extend, to entitle to such maintenance as aforesaid, or to discharge any debtor or debtors whose trade or occupation may or can be carried on, and can find sufficient employment within the limits of the gaol in which he, she, or they may be confined, by means whereof, a sufficient subsistence may or can be earned by him, her or them.

II. Provided also, and be it further enacted, That if any such person who shall take such oath as aforesaid, shall, upon any indictment for perjury in any matter or particular contained in the said oath, be convicted by his or her own confession, or by verdict of twelve men, as he or she may be by force of this act, the person so convicted shall stand in the pillory for the space of two hours, and shall never after have the benefit of this act.
A. D. 1766. III. And be it further enacted, That this act shall be and continue in force for and during the term of one year, and from thence to the end of the next session of the general assembly, and no longer.*

ALEXANDER WYLLY, Speaker.
JAMES HABERSHAM, President.

March 6, 1766.

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

No. 154. An Ordinance directing and empowering the commissioners herein named to purchase a quantity of rice at a certain price, and to retail the same for account of the public.
June 18.
Obsolete.

No. 155. An Act to prohibit for a certain time the exportation of clean rice, rough rice, wheat flour, ship bread, corn and pease, from the province of Georgia.
June 18.
Obsolete.

No. 156. An Act to prohibit the exportation of corn and pease until the first day of September next, and to empower the governor or commander in chief for the time being, by and with the advice and consent of the honorable council, at any time or times hereafter, during the continuance of this act, conditionally to prohibit the exportation thereof.
December 19.
Obsolete.

A. D. 1767.
No. 157. An Act to amend and continue an act for regulating a work house for the custody and punishment of negroes.
March 26, 1767.
Re-enacted by act of 1770, No. 204, 24 Geo.

No. 158. An Act to prevent stealing of horses and neat cattle, and for the actual discovery and punishment of such persons as shall unlawfully brand, mark, kill, or drive the same.
March 26, 1767.
See act of 1773, No. 220.
An Act to empower the commissioners therein named to purchase from Josiah Tatnell, Esquire, his executors or administrators, one hundred and four acres of land, for the purpose of erecting a lazaretto upon Tybee island.

WHEREAS the frequent importation of cargoes of slaves into this province renders it necessary to have some buildings erected in a convenient and safe place, where such slaves can be landed, and, in case of distempers being among them, be properly lodged and attended.

And whereas the general assembly of this province have thought the westernmost point of Tybee island, and within the creek, a proper place for that purpose, which land is the property of Josiah Tatnell, Esquire.

I. Be it therefore enacted, That immediately from and after the passing of this act, it shall and may be lawful for the commissioners herein named, or any three of them, to accept and take from Josiah Tatnell, Esquire, his executors or administrators, a fit deed or conveyance in the law, by him or them to be duly executed, whereby to vest in them the said commissioners, and the survivors and survivor of them, and the heirs of such survivor, in truftr to and for the ufe of the public of this province for ever, one hundred and four acres of land, situate and being upon the island of Tybee, in the said province, and being the westernmost point of the said island, for the purpose of erecting a lazaretto and other buildings, and of which premises the said commissioners, and the survivors of them, and the heirs of such survivor, shall stand feized for the ufe of the public of this province as aforefaid, and, upon receipt of such deed or conveyance, to pay to the said Josiah Tatnell, his executors, administrators or assigns, the sum of seventy pounds lawful money of the said province for the purchase thereof, which sum of seventy pounds the treasurer is hereby directed and empowered to pay to the said commissioners, or any three of them, out of the produce of the tax for the present year.

II. And be it further enacted, That the honorable Noble Jones, Grey Elliot, and Alexander Wyly, Esquires, and Joseph Gibbons, and John Smith, Esquires, be, and they are hereby nominated and appointed commissioners for executing and putting in force this act, according to the true intent and meaning thereof.

ALEXANDER WYLLY, Speaker.
JAMES HABERSHAM, President.

March 26, 1767.
A.D. 1767. An Act to lay a duty upon negroes and other slaves that have been above six months in any of the islands or colonies in America and imported for sale in this province, and for appropriating the same towards the repairing or rebuilding the light house on Tybee island; and to prevent negro convicts being imported into and sold in this province.

March 26.

Obsolet.

An Act to amend an act to empower the several commissioners or surveyors thereafter named to lay out and make such public roads in the province of Georgia as are therein after mentioned and directed, and to continue to work upon, clear, repair and improve the several roads already laid out, and also the rivers and creeks within their several and respective divisions so far as the same respects the male white inhabitants within the town division therein ascertained.

March 26.

Obsolet.

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

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

* The space of time between the first of July, 1775 and the first of February, 1793, is not to be taken into the computation. See act of 1782, No. 270, sect. 9; act of 1788, No. 387, and act of 1790, No. 438, sect. 14.
coming of found mind, enlargement out of prison, or returning from beyond seas, take benefit of and sue for the same, and at no time after the said three years.

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

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

IV. And, to prevent any disputes how claims are to be made to lands, and what claims shall be allowed to be good and effectual in this province, and that the possessors of lands may know how and in what manner other persons having or laying claim to any lands or tenements in their possession must claim the same, and also that persons having right or title to lands or tenements possessed by others may the better know how to claim or demand their right in such case, Be it enacted, That all and every person and persons whatsoever making claim to any lands or tenements in this province, in order to make such claim effectual, shall and are to make the same by action at law, duly entered in the general court of pleas in this province,
A. D. 1767.  
No. 163.  

VI. And be it further enacted, That all actions of trespass, quare clausum fregit; all actions of trespass, detinue, actions of trover and replevin for taking away of goods and cattle, all actions upon account and upon the case, other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants; all actions of debt grounded upon any lending or contract without specialty, all actions of debt for arrearages of rent and all actions of assault, menace, and battery, wounding and imprisonment, or any of them, which shall be sued or brought at any time after the passing of this act, shall be commenced and sued within the time and limitation herein after expressed, and not afterwards, that is to say, the said actions upon the case, and the said actions for account, and the said actions for trespass, debt, detinue, and replevin for goods and cattle, and the said actions of trespass, quare clausum fregit, within three years next after the passing of this act, or within four years next after the cause of such actions or suits, and not after; and the said actions of trespass, assault, battery, wounding, imprisonment, or any of them, within one year after passing this act, or within two years next after the cause of such actions or suits, and not after; and the said actions upon the case for words, within six months after passing of this act, or within six months next after the words spoken, and not after.

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

VII. And be it further enacted, That in all actions of trespass, quare clausum fregit hereafter to be brought, wherein the defendant or defendants shall disclaim in his or their plea, to make any title or claim to the land in which the trespass is by the declaration supposed to be done, and the trespass be by negligence, or involuntary, the defendant or defendants shall be admitted to plead a disclaimer, and that the trespass was by negligence, or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought, whereupon, or upon some of them, the plaintiff or plaintiffs shall be enforced to join issue, and if the said issue be found for the defendant or defendants, or the plaintiff or plaintiffs shall be non-sued, the plaintiff or plaintiffs shall be clearly barred from the said actions, and all other suit concerning the same.
VIII. And be it further enacted, That in all actions upon the case for slanderous words, to be sued or prosecuted by any person or persons in the general court in this province; or in any other court having power to hold plea for the same, after the passing of this act, if the jury upon the trial of the issue in such action, or the jury that shall enquire of the damages, do find or assesse the damages under forty shillings, then the plaintiff or plaintiffs in such action shall have and recover only so much costs as the damages so given or asessed amount unto, without any further increafe of the fame, any law, statute, custom, or usage to the contrary, in any wise notwithstanding.

IX. Provided nevertheless, and be it further enacted, That if any person or persons, that is or shall be entitled to any such action of trespass, detinue, action of trover, replevin, actions of accounts, actions of debt, actions of trespass for assault, menace, battery, wounding, or imprisonment, actions upon the case for words, be or shall be, at the time of any such cause of action given or accrued, fallen or come, within the age of twenty-one years, seme covert, non compos mentis, imprisoned, or beyond seas, that then such perfon or persons shall be at liberty to bring the fame actions, so as they take the same within such times as before is limited, after their coming to or being of full age, of covert of seme memory, at large, or returned from beyond the seas, as by other persons having no such impediment, should be done.

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

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

ALEXANDER WYLLY, Speaker.
JAMES HABERSHAM, President.

March 26, 1767.

A. D. 1767.
No. 163.

In slander, if damages be under £5, no more costs shall be recovered.

Limitations not to affect persons under age of six years.

Time limited to six months after this act for recovery of fines and forfeitures not specially provided for.

This act not to prejudice the claims of Sir Wm. Baker.
A. D. 1767. An Act to prevent the bringing into and spreading of malignant and contagious distempers in this province; to oblige masters or commanders of vessels going out of any port within the same first to produce a passport from the governor or commander in chief; to prevent the harboring of sick sailors and others; and for the regulating and well ordering of the lazaretto upon the island of Tybee.

March 26.

Part obsolete; and the rest repealed by act of 1795, No. 485.

No. 165. An Act for granting to his majesty the sum of £1843 11: 4¼ for the use and support of the government of Georgia for the year 1767, to be raised at certain rates and after the method therein mentioned; and for the more effectual collecting of arrears.

March 26, 1767.

Obsolete.

No. 166. An Act to empower the general court of pleas to grant writs of partition of lands and tenements held in coparcenary, joint tenancy, and tenancy in common, in this province, and appointing the method of proceeding therein.

WHEREAS it would be inconvenient in this province to pursue the method of dividing lands and tenements by writ of partition as practised in Great Britain, and it appears necessary to provide a more easy and less expensive manner of obtaining partitions,

Be it enacted, That, in all cases where any persons being of full age are seised of lands in coparcenary, joint tenancy, or tenancy in common, or where any lands or tenements shall descend or be given to any person or persons whatever in coparcenary, joint tenancy, or tenancy in common, and no provision shall be made, by will or otherwise, how such lands or tenements shall be divided, it shall and may be lawful for such persons being of full age, or either of them, immediately, and also for any one of such coparceners, joint tenants, or tenants in common, who may be under age, when and so soon as he or she shall attain to the age of twenty one years, to apply to the general court of pleas for a writ of partition, (to be divided and framed in the said court according to the nature of the case,) and in case he or she so coming of age shall neglect so to do, within the space of twelve months, that then the guardian or guardians of him, her, or them, remaining under age, shall be, and he, she, or they, is and are hereby empowered, if he, she, or they, shall think fit, to apply to the said court for a writ of partition, of which application twenty days notice shall be given to the other parties concerned, their agents or attorneys, and upon any such application, and affidavit made, of due notice having been given as aforesaid, it shall and may be lawful for the said court to examine the partitioner's title and part or share of the premises to be divided, and thereupon to issue a writ of partition, directed to any eleven persons whom the court shall think fit,
fit, requiring and commanding them, or a majority of them, to make partition accordingly, they being first sworn in court, or before one of the judges, or any magistrate or other person or persons for this purpose nominated and appointed by order of court, duly and impartially to execute such writ; and such partitioners, or persons named in such writ, shall give eight days' notice of the time of executing thereof to all the parties concerned, their attorneys or agents, and thereupon shall proceed to make a just and equal partition and division of all such lands and tenements, either in entire tracts or parcels, as they shall judge to be in proportion to the shares claimed, and most beneficial to the several coparceners, joint tenants, or tenants in common, according to the best of their knowledge, and shall make return thereof, under their hands and seals, to the said court, within three months after the issuing of such writ, there to remain of record, which partition or division so to be made shall, by the judgment of the said court, be final and conclusive to all parties concerned, any law, statute, usage, or custom to the contrary notwithstanding. Provided always, That if the defendant or defendants, or person concerned, or either of them, against whom, or their right or title, any judgment is given, shall within the space of twelve months after such judgment is entered, or in case of infancy coverture, insanity of mind, or absence out of the province, within one year after his, her, or their return, or the determination of such inability, apply themselves to the court where such judgment is entered, by motion, and shew a good and probable matter in bar of such partition, or that the demandant hath not title to so much as he hath recovered, then, and in such case, the court may suspend or set aside such judgment, and admit the tenant and tenants to appear and plead, and the cause shall proceed according to the due course of law, as if no such judgment had been given; and if the court, upon hearing thereof, shall adjudge for the first demandant, then the said first judgment shall stand confirmed, and be good against all persons whatsoever, except such other persons as shall be absent or disabled as aforesaid, and the person or persons so appealing shall be awarded thereupon to pay costs, or if, within such time or times as aforesaid, the tenants or persons concerned, admitting the demandant's title, parts and purparts, shall shew to the court an equality in the partition, the court may award a new partition to be made in the presence of all parties concerned, (if they will appear) notwithstanding the return and filing upon record the former, which said second partition returned and filed, shall be good and firm for ever against all persons whatsoever, except as before excepted.

II. And be it enacted by the authority aforesaid, That the persons making such partitions shall be allowed and paid a reasonable charge for the same; and, in case the party or parties applying for such writ of partition shall neglect or refuse to allow and pay such charge, the same shall upon application be settled and warded by the court.

ALEXANDER WYLLY, Speaker.

JAMES HABERSHAM, President.

JAMES WRIGHT.

March 26, 1767.

An
A.D. 1767. An Act to regulate the making of cypress, oak and pine lumber, shingles, and to ascertain the quality thereof.

March 26.
Repealed by act of 1790, No. 445.

An Ordinance for appointing packers and inspectors for the ports of Savannah and Sunbury; and also cullers and inspectors of lumber for the said ports.

March 26.
Repealed by act of 1790, No. 445.

An Act to oblige the inhabitants of the town of Sunbury to clear and keep clear the several squares, streets, lanes and common within the same; and to exempt the said inhabitants from working upon the roads within the parish of St. John.

March 26.
See act of 1791, No. 450.

An Act for continuing several laws of this province which are near expiring.

WHEREAS several wholesome laws of this province herein after mentioned are near expiring, Be it enacted, That an act passed the seventh day of April, one thousand seven hundred and sixty-three, entitled, an act for holding special or extraordinary courts of common pleas passed in 1763.

The act amending the above act passed in 1765.
An act to prevent damages from dams, &c. passed in 1765.
An act for the punishment of vagabonds, passed in 1764.

An act for the relief of debtors, passed in 1766.

See act of 1770, No. 203, further continuing certain laws.