support themselves during such their confinement, which was to continue and be in force for one year, and from thence to the end of the next session of the general assembly; and also an act, passed the fourth day of March, one thousand seven hundred and sixty-two, entitled, an act to oblige masters of vessels, supercargoes, and other transient persons, importing goods and merchandise into this province, to pay tax for the same, which was to continue and be in force for and during the term of five years from the passing thereof, and from thence to the end of the next session of the general assembly, shall severally and respectively continue and be further in force for and during the term of three years from the passing of this act, and from thence to the end of the next session of the general assembly, and no longer.

ALEXANDER WYLLY, Speaker.
JAMES HABERSHAM, President.

James Wright.
March 26, 1767.

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

March 26.
Repealed by act of 1791, No. 449.

An act for establishing a jurisdiction for the trial of negroes and other slaves, and other persons therein mentioned, directing the mode of evidence and trial, and for the punishment of crimes and offences committed by them; and also for making other necessary regulations relating to such slaves and other persons.

April 11, 1768.
See act of 1770, No. 204.

An act to empower the commissioners therein named to put up to sale, for the benefit of the public, the ferry over Great Ogeechee river, at a place called the Pine Bluff, for a term of five years, and to authorize the said commissioners to inspect and regulate the said ferry.

April 11.
See act of 1773, No. 221.

An act for establishing several ferries in this province, and for vesting the same in the persons therein mentioned.

WHEREAS the establishing of the several ferries herein after mentioned will be greatly to the advantage and convenience of persons travelling through this province, Be it therefore enacted, That immediately from and after the passing of this act, a public ferry shall be, and the same is hereby established, from the town of Ebenezer.
A. D. 1768.

No 173.

Ferry established on Savannah river at Ebenezer, and two ferries over Briar creek, one at a place called Milltown, and the other at the upper public roads; also a ferry from the center of the town of Augusta, upon Savannah river, to the bluff on the opposite shore, in the province of South Carolina; and also a ferry over the river Alatamaha at Fort Barrington.

The remainder of this act is obsolete or expired.

ALEXANDER WYLLY, Speaker.

N. JONES.

No. 174.

Preamble.

Enact.

Bread for sale how to be made.

An Act for regulating the assize of bread.*

WHEREAS the regulating the price and assize of bread is absolutely necessary, to prevent evil disposed persons from taking advantage, for their own gain and lucre, to deceive and oppress his majesty's subjects, and more especially the poorer sort of people are thereby greatly distressed, for remedy whereof, Be it enacted, That, from and after the passing of this act, no person or persons whatsoever shall make for sale, or fell or expose to sale, within this province, any fort or forts of soft bread made of wheat, other than the several sorts herein after mentioned, viz. white, wheaten, and household bread, all which several sorts of soft bread shall be made in their several and respective degrees, according to the goodness and fineness of the several sorts of flour of which the fame ought to be made; and when fine wheat flour is sold in Savannah at any of the rates herein after mentioned, the assize and weight of the said white, wheaten, and household bread, respectively, are, and shall be set and ascertained according to the following table in avoirdupois weight, and so proportionably when fine flour shall be sold in Savannah for more or less money than is specified in the said table, wherein the white loaves shall always be one half, and the wheaten three quarters of the weight of the household loaves.

A Table of the assize of BREAD, in pounds, ounces, and drams, avoirdupois weight.

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* This act appears to have been made principally for Savannah. The town has since been incorporated. See act of 1789, No. 430.
### LAWS OF GEORGIA.

#### TWO PENNY LOAF.

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And so in proportion to the above table when the price of flour shall be more or less than is therein mentioned, or for loaves of other denominations.

II. Requiring prices of flour to be published.—Obsolete.

III. And, to the intent the good design of this act may be effectually complied with, Be it further enacted, That every baker, or other person making bread for sale, or exposing the same to sale, shall mark or imprint, or cause to be fairly marked and imprinted, on every loaf so by him or her made, the price of such loaf, together with the initial letters of his or her name, that the baker and price thereof may be the more distinctly known; and if any baker or bakers, or any other person making bread for sale, or exposing the same to sale, shall not observe the aforesaid by this act, or shall bake or make for sale, or sell or expose to sale, any of the sorts of bread before mentioned, wanting the due weight, or not marked as aforesaid, be, the, or they being thereof convicted, on the oath of one or more credible witnesses, before one or more justices of the peace of the district where such baker, or other person exposing the same to sale, shall reside, shall, for every such offence, forfeit the value of such bread for the use of the poor of the parish where such offence shall be committed, and also pay a farther sum, not exceeding ten shillings, to be levied by distriffs and sale of the offender's goods and chattels, by warrant from the said justice or justices before whom such conviction shall be made, to be given for the use of the informer or informers.

IV.
A. D. 1768.
No. 174.

IV. And be it further enacted, That if any baker or seller of soft bread, as herein before mentioned, shall put, into any such bread by him or her sold, or exposed to sale, any mixture other than what shall be necessary for the well making or baking thereof, to be judged of by the justice or justices trying and examining the same, every such person so offending shall, for every such offence, forfeit all such bread so fraudulently mixed for the use of the poor of the parish where the offence shall be committed, and also a sum not exceeding twenty shillings, for the use of the informing or informers, to be recovered in manner before directed; Provided always, That no person shall be convicted, in manner aforesaid, for any of the offences beforeaid, unless the same shall be prosecuted within three days next after such offence shall be committed.

V. And be it further enacted, That it shall and may be lawful for any justice or justices of the peace, at all times hereafter, in the day time, to enter into any house, shop, stall, bakehouse, or warehouse, of or belonging to any baker or seller of bread, and there search for, view, or try and weigh all and any of the bread mentioned in this act, of such person or persons, or which shall be there found, and if any such bread so found shall be wanting either in goodness of its materials, or not be duly baked, or wanting in its due weight, or not marked as aforesaid, or shall be composed of or made up with any other materials than what is allowed by this act, then, and in every such case, it shall be lawful for the said justice or justices to seize and take the said bread so found, and cause the same to be given and distributed to the poor of the parish where such seizure shall be made; and if any baker or seller of bread, or other person, shall not permit and suffer such search and seizure to be made, or shall oppose, hinder, or resist the same, he, she, or they, so doing, shall, for every such offence, forfeit the sum of five pounds sterling to the use of the poor of the said parish, to be recovered in the same manner and form as before directed.

VI. Provided always, and be it further enacted, That if any person or persons, convicted of any offence against this act, shall think him, her, or themselves aggrieved, he, she, or they, shall or may immediately, or within three days after such conviction, make his or her appeal in writing, to any two justices of the peace, of the district where such conviction shall be made, by whom the same shall be heard and finally determined, within ten days after such appeal made; and if the said person or persons so appealing shall not make good his, her, or their appeal, or prosecute it with effect, the said justices shall award such costs as they shall think reasonable to the prosecutor or informer, and in case such person or persons refuse to pay the said costs, to commit the offender or offenders to the common gaol, unless they give sufficient security, until he, she, or they shall make payment of the said costs, and also the penalty adjudged on the conviction, to the informer; but in case the said appellant or appellants shall make good his, her or their appeal, and be discharged of his, her or their conviction, the like reasonable costs shall be awarded to the appellant or appellants against such informer, to be recovered as aforesaid.

VII. And be it further enacted, That if any action or suit shall be commenced or brought against any person or persons whatever, for doing or causing to be done, any thing
thing in pursuance or execution of this act, or relating thereto, the defendant in every such action or suit may plead the general issue, and give the special matter and this act in evidence, and if the plaintiff be nonsuited, or discontinue his action, or a verdict be given against, or judgment be otherwise given for the defendant, every such defendant shall have and be allowed his double costs.

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

ALEXANDER WYLLY, Speaker.
N. JONES.

James Wright.
April 11, 1768.

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

An Act to prevent as much as may be, the spreading of the small pox in this province.
April 11.
Obsolete.

An Act for granting to his majesty a duty upon raw meat hides, exported from this province, and for preventing the exportation of unmerchantable tanned leather.
April 11.
Obsolete.

An Act to explain an act, entitled "An act for ascertaining the qualification of jurors, and for establishing the method of balloting and summoning jurors in the province of Georgia."
April 11.
Obsolete.

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

WHEREAS the cemetery or public burial ground for the parish of Christ church, notwithstanding the addition made thereunto by an act of the general assembly passed on the seventh day of April in the year of our Lord one thousand seven hundred and sixty-three, is apparently too small to answer the purposes thereby intended, and it appearing necessary to make a further addition thereto, Be it therefore enacted, That immediately after the passing of this act, it shall and may be lawful to

A. D. 1768.
No. 174.
General issue to be pleaded in suits for executing this law.

No. 175.

No. 176.

No. 177.

No. 178.
DIGEST OF THE

A. D. 1768.
No. 178.
Church-wardens empowered to enlarge the cemetery.

No. 179.

An Act for amending an act, entitled, "An Act to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine, and fire wood."

WHEREAS the act of the general assembly, passed the sixth day of March in the year of our Lord one thousand seven hundred and sixty-six, entitled, "an act to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine, and fire wood," is found to be deficient in respect of the regulations therein directed, as to the packing and inspecting beef and pork, for remedy whereof, Be it enacted,

That from and after the first day of May next ensuing, every barrel, in which beef or pork shall be packed, and exposed for sale in this province, shall contain and gauge thirty-two gallons, and be made of seasoned timber, as directed by the said recited act, and shall have on each barrel not less than twelve found and sufficient hoops.

II. And be it further enacted, That from and after the said first day of May, every barrel of beef or pork, packed and sold in the province, shall contain two hundred and twenty pounds weight of wholesome well cured meat in the same, after being salted at least ten days, and carefully packed with a sufficient quantity of dry salt, and well pickled, and not more than one shank, half the neck, and no head, in each barrel of beef, and not more than two heads in each barrel of pork.

III. And be it further enacted, That the brands to be used by the several packers and inspectors, according to the directions of the said act, shall have the name of the parish where the beef or pork is inspected under that of the province, and also the names of the inspectors at full length, and such inspectors and packers are hereby directed to furnish themselves with such brands, and to brand the several barrels of beef and pork by them inspected on the head, according to the directions of, and under the penalty in the said act mentioned and inflicted.

IV. And be it further enacted by the authority aforesaid, That the before recited act, and this act, shall continue and be in force for and during the term of three years and

James Wright.
April 11, 1768.
from thence to the end of the then next session of the general assembly, and no longer, any thing contained in the said recited act to the contrary notwithstanding.*

N. W. JONES, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.
December 24, 1768.

* Perpetuated by act of 1783, No. 279.

† An Act for continuing the several laws therein mentioned. Obsolete. April 11, 1768.

WHEREAS several wholesome laws of this province are near expiring, and it is expedient that they should be further continued, Be it enacted, That an act passed the sixth day of March, one thousand seven hundred and sixty-six, entitled, an act, for amending an act for regulating the piloting of vessels into the several parts of this province, which was to continue and be in force for two years, and from thence to the end of the next session of the general assembly: And also an act for raising a fund by an impost on shipping to defray the expenses of keeping in repair or rebuilding the light house and pilot house on Tybee island, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, which was to continue and be in force for three years, and from thence to the end of the next session of the general assembly; And also an act passed the twenty-fifth of March one thousand seven hundred and sixty-five, entitled, an act to prevent private persons from purchasing lands from the Indians, and for preventing persons from trading with them without license, to continue and be in force for three years, and from thence to the end of the next session of the general assembly; And also an act passed the twenty-fifth of March one thousand seven hundred and sixty-five, entitled, an act to prevent frauds and abuses in admeasuring and laying out of his majesty's lands within this province, which was to continue and be in force for three years, and from thence to the end of the next session of the general assembly; shall severally and respectively continue and be further in force for and during the term of one year from the passing of this act, and from thence to the end of the next session of the general assembly, and no longer.

ALEXANDER WYLLY, Speaker.
N. JONES.

JAMES WRIGHT.
April 11, 1768.

† See act of 1770, No. 203, continuing certain laws.

An Ordinance appointing Benjamin Franklin, Esquire, agent to solicit the affairs of this province in Great Britain. April 11. Obsolete. An
DIGEST OF THE

A.D. 1768. An additional Act to the act of the general assembly, entitled, "An act to empower the several commissioners or surveyors hereafter named to lay out and make such public roads in the province of Georgia as are herein after mentioned and directed, and to continue to work upon, clear, repair and improve the several roads already laid out, and also the rivers and creeks within their several and respective divisions," for dividing the second north-west division of the roads in this province into two parts; for establishing a division upon the north side of Great Ogeechee river, in the parish of St. Matthew; and for empowering the commissioners or surveyors of roads in the third south-west division to lay out a public road within the same, and for appointing additional commissioners or surveyors for the said division.

April 11.
Obsolet.

No. 183. An Act for granting to his majesty the sum of £3375 4 1 for the use and support of the government of Georgia for the year 1768, to be raised at certain rates and after the method therein mentioned; and for the more effectual collecting of arrears.

April 11.
Obsolet.

No. 184. An Ordinance for appointing Robert Nichols, Esq. comptroller and collector of the country duties of the port of Sunbury, in the room of Francis Lee, Esq. deceased.

April 11.
Obsolet.

No. 185. An Ordinance for appointing inspectors of tanned leather at the ports of Savannah and Sunbury in this province.

April 11.
Obsolet.

No. 186. An Act to empower the commissioners appointed in and by an act of the general assembly, entitled "An act to lay a duty upon negroes and other slaves that have been above six months in any of the islands or colonies in America and imported for sale in this province, and for appropriating the same towards the repairing or rebuilding the light-house on Tybee island; and to prevent negro convicts being imported into and sold in this province," to build a new light-house on any part of the land reserved for the use thereof upon the said island; and also for procuring an accurate survey and chart of the sea coasts and inlets of this province; and publishing the same; and for granting to his majesty the sum of £2,200 for the said purposes, and for appointing and empowering commissioners to issue certificates for that sum, and for sinking the same; and for further continuing the acts herein after mentioned.

December 24.
Obsolet.

* The acts continued by this act are: An act for laying a duty upon negroes, &c. and an act for raising a fund by an impost on shipping.—Both obsolet.
LAW OF GEORGIA.

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

WHEREAS the seventh and ninth clauses of the act for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager, or employer, do refer to the act of the general assembly of this province, entitled "An act for the better governing negroes and other slaves in this province," and to prevent the inveigling or carrying away slaves from their masters or employers, of which act his majesty hath declared his royal disallowance, and the several directions therein contained, and to which the said first recited act doth refer, are thereby annulled and of none effect, by which means many inconveniences have arisen; to remedy which, Be it enacted, That immediately from and after passing of this act, it shall not be lawful for any slave, unless in the presence of some white person, to carry or make use of fire arms, or any offensive weapon whatsoever, unless such slave shall have a ticket or license in writing from his master, mistres, or overseer, to hunt and kill game, cattle, or mischievous birds or beasts of prey, and that such license be renewed every week, or unless there be some white person of the age of sixteen years or upwards in the company of such slave when he is hunting or shooting, or that such slave be actually carrying his master's arms to or from his master's plantation by a special ticket for that purpose, or unless such slave be found in the day-time, actually keeping off birds within the plantation to which such slave belongs, loading the same gun at night, within the dwelling house of his master, mistres or white overseer: Provided always, That no slave shall have liberty to carry any gun, cutlafs, pistol, or other offensive weapon, abroad at any time between Saturday evening after sun set, and Monday morning before sun rise, notwithstanding a license or ticket for so doing.

II. And be it further enacted, That in case any or either of the patrols established or to be established within this province, by virtue of the said act, on searching and examining any negro house for offensive weapons, fire arms and ammunition, shall find any such, or in case any person shall find any slave using or carrying fire arms or other offensive weapons, contrary to the intent and meaning of this act, such patrol, or person or persons, may lawfully seize and take away such offensive weapons, fire arms, and ammunition, but before the property thereof shall be vested in the person or persons who shall seize the same, such person or persons shall, within three days next after such seizure, go before a justice of the peace, and shall make oath of the manner of taking thereof, and if such justice of the peace, after such oath made, or upon due examination, shall be satisfied that the said fire arms, offensive weapon, or ammunition, shall have been seized according to the directions, and agreeable to the true
true intent and meaning of this act, the said justice shall, by certificate under his hand and seal, declare them forfeited, and that the property is lawfully vested in the person or persons who seized the same; Provided always, That no such certificate shall be granted by any justice of the peace until the owner or owners of such fire arms, or other offensive weapon, so seized as aforesaid, or the overeer or overeers who shall or may have the charge of such slave or slaves from whom such fire arms or other offensive weapon so taken or seized, shall be duly summoned to shew cause why the same should not be condemned as forfeited, or in case of non-appearance until three days after the service of such summons, and oath made of the service thereof, before the said justice.

III. IV. V. Prohibiting persons trading with negroes without the licence or consent of owners.—Re-enacted with alterations by act of 1770, No. 204, Sect. 31, 32, 33.

VI. And whereas it has been found, that the number of persons exempted in and by the fourth clause in the said act from the patrol duty, renders the said duty very burthenome upon the inhabitants in the town of Savannah, who are by law obliged to perform the same, Be it therefore enacted, That the said fourth clause shall not extend, or be construed to extend, to exempt the several persons therein mentioned, being above the age of sixteen and under the age of sixty, and residing in the town of Savannah, or hamlets of Yamacraw, Ewenburg, and the Trustees Gardens, (the governor or commander in chief for the time being, and ministers of the gospel, only excepted) from being subject to such patrol duty in the said town of Savannah, and hamlets aforesaid, in the same manner, and liable to the same penalties and forfeitures, as in and by the said recited act is particularly mentioned and declared.

VII. And in order to prevent nightly disorders and riots in the town of Savannah, Be it further enacted, That every patrol, appointed and to be appointed to do duty in the said town by virtue of the said act, shall be, and they are hereby empowered, in case of any riot or disturbance being made by any disorderly white person or persons, either in the streets, squares, or lanes of the said town, or in any tippling house, tavern, or punch house, within the same, or within the distrit of the said patrol, calling nevertheless a lawful constable to their assistance, before they shall enter such tippling house, tavern, or punch house, to apprehend and take into custody such white person or persons, and him or them safely to keep until the next morning, except such person or persons shall be apprehended and taken in any such tippling house, tavern, or punch house, in which case the constable so called to the assistance of such patrol, shall continue in the charge of such offender or offenders, when such patrol or patrols shall deliver such offender or offenders to the custody or charge of some one of the constables appointed for the said town, who are hereby directed to take charge of such offender, and convey him or them, at or before the hour of nine in the forenoon of the same day, to some one of the justices of the said town, who, upon proof of such offence, shall, and he is hereby empowered to inflict a fine not exceeding ten shillings, upon such offender or offenders, to be recovered by warrant under the hand and seal of such justice, and applied one half to the patrol who shall apprehend, and the other half to the constable having charge of such offender or offenders.

VIII.
LAWS OF GEORGIA.

VIII. And be it further enacted, That the said before recited act and this act shall continue and be in force for and during the term of one year, and from thence to the end of the next session of the general assembly, and no longer, any thing in the said recited act to the contrary thereof notwithstanding.*

N. W. JONES, Speaker.
JAMES HABERSHAM, President.

December 24, 1768.

* Further continued by act of 1770, No. 203; and further continued by act of 1773, No. 204, for one year, and to the end of the next session of the general assembly, which was held in 1777; and finally made perpetual by act of 1784, No. 287.

An Act to prevent fraudulent mortgages and conveyances, and for making valid all deeds and conveyances heretofore made, with respect to any defect in the form and manner of making thereof, with certain restrictions.*

WHEREAS notorious frauds have been committed by evil disposed and designing persons; who frequently mortgage and borrow money on security of lands and slaves, having before conveyed, sold, or mortgaged the same, and the recording of all deeds and conveyances of lands, tenements, negroes, and other chattels, will greatly tend to the securing the titles of the proprietors or mortgagees, and prevent such frauds for the future, Be it therefore enacted, That all and every deed and deeds of sale, mortgage, or conveyance of any lands, tenements, negroes, or other goods and chattels, heretofore made in this province, and which shall be recorded in the secretary's office of this province, within six months after the passing of this act, except such as have been made and executed in any of the British islands, or in any other of the colonies on the continent of North America, which shall be recorded within nine months, and except also such as have been made and executed in Great Britain or Ireland, which shall be recorded within twelve months; and all deeds of sale, mortgages, or conveyances, made and executed within this province, from and after the first day of January next ensuing, being recorded as aforesaid, within ten days after the execution thereof, shall be deemed, held, and taken as the first deed of sale, mortgage, or conveyance, and shall be allowed, adjudged, and held valid in all courts of judicature within this province, any former or other sale, mortgage, or conveyance, being of the same lands, tenements, negroes, and other goods and chattels, and not recorded as aforesaid notwithstanding.

II. Provided always, and be it further enacted, That nevertheless if it shall so happen there be more than one mortgage at the same time made by any person or persons to any person or persons of the same lands and tenements, negroes, goods or chattels, the several late or under mortgagees, who shall have recorded their mortgages,

* See alterations made by act of 1785, No. 311, as to the recording of deeds and other conveyances of lands and tenements.
DIGEST OF THE

A. D. 1768.
No. 183.

gages, his, her, or their heirs, executors, administrators, or assigns, shall have power
to redeem any former mortgage or mortgages, recorded as aforesaid, upon payment
of the principal debt, interest, and costs of suit, to the prior mortgagee or mortgagees,
his, her, or their heirs, executors, administrators, or assigns, any thing contained to
the contrary thereof in any wife notwithstanding; and all and every person and per-
sons who shall mortgage the same lands, tenements, negroes, goods or chattels, a
second time, the former mortgage thereof being in force and not discharged, and
shall not discover to the second mortgagee the former mortgage in writing, under
his or their hands, shall have no relief, power, or liberty of redemption whatsoever,
in equity or otherwise, of and in the said after mortgage or mortgages.

III. Provided also, and be it further enacted, That nothing in this act contained
shall be construed, deemed, or extended to bar any widow of any mortgagee of lands
or tenements from her dower and right in and to the said lands or tenements, who
did not legally join with her husband in such mortgage, or otherwise lawfully bar or
exclude herself from such her dower or right.

IV. And, to the end that no person may hereafter suffer any inconvenience in
recording their title deeds, by exposing the defects thereof, It is hereby further en-
acted and declared, That no deed of feoffment, bargain and sale, deed of gift, or
other conveyance, of any lands or tenements whatsoever heretofore made, shall be
impeached or set aside in any courts of law or equity for want of attornment or
livery and seisin, or inrolment, or for that such conveyance hath been been made
by way of affigment or endorsement on any other deed or conveyance without other
ceremony, nor for any other defect in the former or in the manner of the execu-
tion of any such deeds or conveyances, or of the endorsements or affignments there-
of, either in the first deed, or in any of the mesne conveyances derived therefrom:
Provided nevertheless, That in case of the validity of such feoffment, bargain and
sale, deed of gift, or other conveyance of lands or tenements, shall be questioned,
the legal and usual proofs shall be made that the rights were and would have been
in the person or persons conveying, if such defects had not happened in the form of
such deeds or conveyances, or in the manner of the execution of the same as aforesaid.

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

N. W. JONES, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.
December 24, 1768.

* Continued for one year by act of 1733, No. 224, and to the end of the next assembly, which was held in
1777, and further continued by act of that year. Being in force in 1776 the same is perpetuated by act of
1784, No. 287.

No. 189.

An Act for the encouraging the cultivation of hemp, flax, and wheat; and for regulating
the inspection of hemp, flax, and wheat flour.

December 24.
Expired.
An Act for granting to his majesty the sum of £3045 16 8½ for the use and support of the government of Georgia for the year 1779, to be raised at certain rates and after the method therein mentioned; and for the more effectual collecting of arrears.

December 24.

Obsolet.

An Act for the better security of the inhabitants, by obliging the male white persons to carry fire arms to places of public worship.†

WHEREAS it is necessary for the security and defence of this province from internal dangers and insurrections, that all persons resorting to places of public worship shall be obliged to carry fire arms:

I. Be it enacted, That immediately from and after the passing of this act, every male white inhabitant of this province, (the inhabitants of the sea port towns only excepted, who shall not be obliged to carry any other than side arms) who is or shall be liable to bear arms in the militia, either at common musters or times of alarm, and resorting, on any Sunday or other times, to any church, or other place of divine worship within the parish where such person shall reside, shall carry with him a gun, or a pair of pistols, in good order and fit for service, with at least six charges of gunpowder and ball, and shall take the said gun or pistols with him to the pew or seat where such person shall sit, remain, or be, within or about the said church or place of worship, under the penalty of ten shillings for every neglect of the same, to be recovered by warrant of distress and sale of the offender's goods, under the hand and seal of any justice of the peace for the parish where such offence is committed, one half to be paid into the hands of the church wardens, or where there is no church wardens to any justice, for the use of the poor of the said parish, and the other half to him or them that shall give information thereof.

II. And for the better and more effectual carrying this act into execution, Be it further enacted, That the church warden or church wardens of each respective parish, and the deacons, elders, or select men, of other places of public worship, shall be obliged, and they are hereby empowered to examine all such male persons, either in or about such places of public worship, at any time after the congregation is assembled, on Christmas and Easter days, and at least twelve other times in every year, and if, upon finding any person or persons liable to bear arms, and bring them to places of public worship as aforesaid, without the arms and ammunition by this act directed, and shall not, within fifteen days after such offence is committed, inform against such person or persons so offending, in order to recover the penalty as aforesaid, such church warden or church wardens, deacons, elders, or selectmen, shall, for every such neglect of duty, or giving information as aforesaid, forfeit and pay the sum of five pounds, to be recovered and applied as in this act is before directed.

III.

† Query—Whether this act can be enforced by any religious association, unless expressly authorised under the present government. See note, page 52.
DIGEST OF THE

A.D. 1770.

No. 191.
Penalty on persons refusing to be examined.

III. And be it further enacted, That any such person or persons thus liable to bring their arms, and being at any church or place of public worship as aforesaid, that shall refuse to be examined in or about such places of public worship, or neglect, on demand of the church warden or church wardens, deacons, elders, or selectmen respectively, to produce and shew his or their arms and ammunition by this act required to be brought by such person or persons, to the intent it may be known whether the same be fit for immediate use and service, such person or persons so refusing or neglecting shall severally, and for every such offence, forfeit the sum of ten shillings, to be recovered and applied in such manner as the penalty for not bringing such arms in and by this act directed.

Continuation of this act.

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

N. W. JONES, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.

February 27, 1770.

* The next session after the expiration of the three years, was held in 1777, consequently this act being in force at the time of the revolution, the same is perpetuated by act of 1783, No. 279, though not particularly named.

No. 192.

An Act to prohibit for a certain time, the exportation of Indian corn.

February 27, 1770.

Expired.

No. 193.

An Act to amend an act, entitled "An act for ascertaining the qualifications of jurors, and for establishing the method of ballotting and summoning jurors in the province of Georgia."

February 27.

Obsolete.

No. 194.

An Ordinance re-appointing Benjamin Franklin, Esquire, agent to solicit the affairs of this province in Great Britain.

February 27.

Obsolete.

No. 195.

An Ordinance for appointing James Kitchen, collector and comptroller of the country duties of the port of Sunbury.

February 27.

Obsolete.
An Ordinance appointing inspectors of hemp, flax, and wheat flour for the ports of Savannah and Sunbury.

February 27.

Obsolete.

An Act to regulate and ascertain the rates of wharfage of shipping and merchandize; and also to ascertain the rates of storage in the several ports of this province; and for the better regulation of wharves and of shipping in the said ports; and for ascertaining the duty of an harbor-master for the port of Savannah.

May 10.

Expired.—See act of 1774, No. 230.

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

WHEREAS in and by an act of assembly passed the ninth day of June, in the year of our Lord one thousand seven hundred and sixty-one, entitled, "An act for amending an act for the better regulating the town of Savannah, and for ascertaining the common thereunto belonging," It was enacted, That the plan to that act annexed should be thenceforth taken for and deemed to be the true plan of the said town, and that the several references made therein to the plan in the surveyor general's office should from thenceforth be taken and deemed to be made to the plan thereunto annexed, any thing in the said act contained to the contrary notwithstanding: And whereas, in the said plan to the said act annexed, the several wharf lots under the bank or bluff of the said town and common of Savannah, and the lines or limits of the said common, were not laid down or ascertained, for want of which many disputes, controversies, and suits of law, may arise: And whereas mistakes were made in the figures respecting the width of several of the streets and lanes in the said town, Be it therefore enacted, That the plan annexed to this act shall from henceforth be held, taken for, and deemed the true plan of the said town and common of Savannah, including the several wharf lots under the bank or bluff of the said town and common, and that the several references made in the said recited acts to the plan in the surveyor general's office shall be henceforth taken and deemed to be made, and shall be made and to the said plan hereunto annexed, any thing in the said acts to the contrary notwithstanding.

II. Regulating town—Repealed by act of 1787, No. 367.

N. W. JONES, Speaker.

JAMES HABERSHAM, President.

May 10, 1770.
WHEREAS several wholesome laws of this province are near expiring, and it is expedient that they should be further continued, Be it enacted, That an act, passed the sixth day of March, one thousand seven hundred and sixty-six, entitled, An act for punishing seamen and mariners neglecting their duty, &c. passed 6th March, 1766.

An act to amend the act for the better regulating the town of Savannah, &c. passed 6th March, 1766.

An act to continue the several laws therein mentioned.

* See act of 1773, No. 224, continuing certain laws.
of the general assembly: And also an act passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, to oblige the inhabitants of the town of Sunbury to clear and keep clean the several squares, streets, lanes, and common within the same; and to exempt the said inhabitants from working upon the roads in the parish of St. John; which was to continue and be in force for and during the term of two years, and from thence to the end of the next session of the general assembly: And also an act passed the twenty-seventh day of March, one thousand seven hundred and fifty-nine, for the better regulating taverns, punch houses and retailers of spiritous liquors, and further continued to the fourth day of March, one thousand seven hundred and sixty-two; and an additional act to the said act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, which were to continue and be in force until the twenty-fifth day of March, one thousand seven hundred and fifty-nine, and from thence to the end of the next session of the general assembly: And also an act passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, to prevent the bringing into and spreading of malignant and contagious distempers in this province; and to oblige masters or commanders of vessels, going out of any port within the same, first to produce a passport from the governor or commander in chief, to prevent the harboring of sick sailors and others; and for the regulating and well ordering the lazaretto upon the island of Tybee; which was to continue and be in force for and during the term of two years from the passing thereof, and from thence to the end of the next session of the general assembly: And also an act passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, to regulate the making of cypresses, oak and pine lumber, shelves and shingles, and for ascertaining the quality thereof, which was to continue and be in force for and during the term of two years, and from thence to the end of the next session of the general assembly: Also an act passed the eighteenth day of November, one thousand seven hundred and sixty-five, for the establishing and regulating patrols, and to prevent any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager, or employer, which was to continue and be in force for and during the term of three years, and from thence to the end of the next session of the general assembly; and further continued by an act passed the twenty-fourth day of December, one thousand seven hundred and sixty-eight, entitled "An act to amend and continue the said recited act," both which acts were to continue and be in force for and during the term of one year, and from thence to the end of the next session of the general assembly: And also an act passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to prevent frauds and abuses in admeasuring and laying out of his majesty's lands in this province, which was to continue and be in force for the space of three years, and from thence to the end of the next session of the general assembly; and afterwards continued by an act, passed the eleventh day of April, one thousand seven hundred and sixty-eight, entitled, An act for continuing the several laws therein mentioned, which was to continue and be in force for and during the term of one year from the passing,
A.D. 1770.
No. 203.
Act to amend the act for regulating the pilotage of vessels, and for preventing persons from purchasing lands from the Indians, passed 6th March, 1766.

Act to amend the act for regulating the pilotage of vessels, passed 6th March, 1766.

Act for establishing a jurisdiction for the trial of negroes and other slaves, passed 11th April, 1768.

Act to prevent frauds and deceits in felling beef, pork, &c., passed 6th March, 1766.

Act to empower the several commissioners or surveyors to lay out public roads, &c., passed 6th March, 1766.

Act to amend the said act passed 20th March, 1767.

Act to prevent stealing horses and neat cattle, &c., passed 20th February, 1767.

The Act, continuing the General Assembly; and after-wards continued by an Act passed the eleventh day of April, one thousand seven hundred and sixty-eight, entitled "An Act for continuing the several laws therein mentioned," which was to continue and be in force for and during the term of three years, and from thence to the end of the next session of the General Assembly; and also an Act passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to amend an Act, entitled "An Act to prevent private persons from purchasing lands from the Indians, and for preventing persons trading with them without license; and after-wards continued by an Act passed the eleventh day of April, one thousand seven hundred and sixty-eight, entitled "An Act for continuing the several laws therein mentioned," which was to continue and be in force for one year, and from thence to the end of the next session of the General Assembly: And also an Act passed the sixth day of March, one thousand seven hundred and sixty-six, to prevent frauds and deceits in felling beef, pork, pitch, tar, turpentine, and fire wood, which was to continue and be in force for and during the term of three years, and from thence to the end of the next session of the General Assembly; and also an Act passed the sixth day of March, one thousand seven hundred and sixty-six, to prevent frauds and deceits in felling beef, pork, pitch, tar, turpentine, and fire wood, which was to continue and be in force for and during the term of three years, and from thence to the end of the next session of the General Assembly: And also an Act passed the sixth day of March, one thousand seven hundred and sixty-six, to prevent frauds and deceits in felling beef, pork, pitch, tar, turpentine, and fire wood, which was to continue and be in force for and during the term of three years, and from thence to the end of the next session of the General Assembly: And also an Act passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to amend an Act, entitled "An Act to prevent private persons from purchasing lands from the Indians, and for preventing persons trading with them without license; and after-wards continued by an Act passed the eleventh day of April, one thousand seven hundred and sixty-eight, entitled "An Act for continuing the several laws therein mentioned," which was to continue and be in force for and during the term of three years, and from thence to the end of the next session of the General Assembly: And also an Act passed the sixth day of March, one thousand seven hundred and sixty-six, to prevent frauds and deceits in felling beef, pork, pitch, tar, turpentine, and fire wood, which was to continue and be in force for and during the term of three years, and from thence to the end of the next session of the General Assembly: And also an Act passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to amend an Act, entitled "An Act to prevent private persons from purchasing lands from the Indians, and for preventing persons trading with them without license; and after-wards continued by an Act passed the eleventh day of April, one thousand seven hundred and sixty-eight, entitled "An Act for continuing the several laws therein mentioned," which was to continue and be in force for and during the term of three years, and from thence to the end of the next session of the General Assembly:
assembly: And also an act passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, entitled "An act for the punishment of vagabonds and other idle and disorderly persons, and for erecting prisons or places of security in the several parishes of this province, and for preventing trespasses on lands of the crown, or lands referred for the Indians, and the more effectual suppressing and punishing persons bartering with the Indians in the woods," which was to continue and be in force for the term of two years from the time of the passing thereof, and from thence to the end of the next session of the general assembly; and afterwards continued by an act passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, entitled "An act for continuing several laws of this province," which was to continue and be in force for and during the term of three years from the passing thereof, and from thence to the end of the next session of the general assembly:—Shall severally and respectively continue and be in force for and during the term of one year from the passing of this act, and from thence to the end of the next session of the general assembly, and no longer.

N. W. JONES, Speaker.
JAMES HABERSHAM, President.

May 10, 1770.
A.D. 1770.

No. 204.

or mestizoe, do apply to the chief justice, or justices of his majesty's general court, by petition, either during the setting of the said court, or before the chief justice, or any of the justices of the same court, at any time in the vacation, the said chief justice, or any of the said justices, shall be, and he and they is and are hereby empowered to admit any such persons so applying to the guardian for any negro, Indian, mulattoe, or mestizoe, claiming his or her freedom, and such guardian shall be enabled, entitled, and capable in law, to bring an action of trespass, in the nature of ravishment of ward, against any person or persons who shall claim property in or shall be in possession of any such negro, Indian, mulattoe, or mestizoe; and the defendant or defendants shall and may plead the general issue on such action brought, and the special matter may and shall be given in evidence, and, upon a general or special verdict found, judgment shall be given according to the very right of the cause, without having any regard to any defect in the proceedings, either in form or substance, and if judgment shall be given for the plaintiff, a special entry shall be made, declaring that the ward of the plaintiff is free, and the jury shall assess damages which the plaintiff's ward hath sustained, and the court shall give judgment and award execution against the defendant for such damages, with full costs of suit; but in case judgment shall be given for the defendant, the said court is hereby fully empowered to inflict such corporal punishment, not extending to life or limb, on the ward of the plaintiff as they in their discretion shall think fit: Provided always, That in any action or suit, to be brought in pursuance of the direction of this act, the burden of the proof shall lie on the plaintiff, and it shall always be presumed that every negro, Indian, mulattoe, or mestizoe, (except as before excepted) is a slave, unless the contrary can be made appear.

II. And be it further enacted, That in every action or suit, to be brought by any such guardian as aforesaid, appointed pursuant to the direction of this act, the defendant shall enter into a recognizance, with one or more sufficient sureties, to the plaintiff, in such sum as the said general court shall direct, with the condition that he shall produce the ward of the plaintiff at all times when required by the court, unless such defendant shall prove upon oath, to the satisfaction of the said court, his inability to produce such ward, and that, whilst such action or suit shall be depending and undetermined, the ward of the plaintiff shall not be abused or misused.

III. And, for the better keeping slaves in due order and subjection, Be it further enacted, That no person whatsoever shall permit or suffer any slave, under his or their care or management, and who lives or is employed in any town in this province, to go out of the limits of the said town or towns, or any such slave who lives in the country to go out of the plantation to which such slave belongs, or in which plantation such slave is usually employed, without a ticket signed or subscribed by the master or other person having the care or charge of such slave, or by some other person by his or their order, direction, or consent; and every slave, who shall be found out of any town in this province, if such slave lives or is usually employed there, or out of the plantation to which such slave belongs, or in which such slave is usually employed, if such
fuch slave lives in the country, without a ticket as aforefaid, or without a white per-
son in his or her company, shall be punished with whipping on the bare back not
exceeding twenty lashes.

IV. And be it further enacted, That if any person or persons shall presume to give
a ticket or license to any slave, who is the property or under the care or charge of
another, without the consent of the owner or other person having the charge of
fuch slave, he, she or they, shall forfeit to the owner a sum not exceeding five
pounds, over and above the damage that may accrue to fuch owner by the absence
of fuch slave.

V. And be it further enacted, That if any slave, who shall be out of the house or
plantation where fuch slave doth live, or is usually employed, or without some white
person in company with fuch slave, shall refuse to submit to the examination of any
white person, it shall be lawful for any fuch white person to pursue, apprehend, and
moderately correct fuch slave, and if fuch slave shall assault and strike fuch white
person, fuch slave may be lawfully killed: Provided always, That proof be made of
fuch assault or striking as aforefaid, to the satisfaction of any two justices of the
peace, and seven freeholders, to be summoned for that purpose; and if fuch proof
cannot be made to the satisfaction of the said justices and freeholders, then, and in
fuch case, the person or persons killing fuch slave shall forfeit and pay to the owner
the value of fuch slave so killed, to be ascertained on oath of the said justices and
freeholders, and to be recovered, if exceeding the sum of eight pounds, in the ge-
neral court of pleas in this province, and if not exceeding the sum of eight pounds,
to be recovered by the said justices, by warrant of distress and sale of the offender's
goods, and in case no goods can be found whereupon to levy such distress, the offen-
der or offenders shall be committed by the said justices to the common gaol, there
to remain until the said value shall be paid, or for any time not exceeding six months.

VI. And be it further enacted, That if any slave, who shall be employed in the
lawful businesses or service of his master, owner, overseer, or other person having the
charge of fuch slave, shall be beaten, bruised, maimed, or disabled, by any person or
persons, not having sufficient cause for so doing, (of which cause any justice of the
peace respectively may judge) every person and persons so offending shall, for every
such offence, forfeit and pay a sum not exceeding five shillings sterling, over and
besides the damages herein after mentioned, to the use of the poor of the parish in
which such offence shall be committed, and if such slave or slaves shall be maimed,
or disabled by such beating, from performing his or her work, such person and per-
sons so offending shall also forfeit to the owner of such slave, his or her lawful
attorney, a sum not exceeding two shillings for every day of his lost time, and also
the charge of the cure of such slave, and satisfaction shall also be made to the owner
for the damage done to such slave, and the damage to be ascertained by two freeholders
of the neighborhood, one to be named by the owner, or his or her attorney, and the
other by the offender; and in case the said offender will not name one freeholder on
his part, then such freeholder to be named by any justice to whom the party aggrieved
shall apply; and the said penalty and damages shall, upon lawful proof thereof made,
be
be recoverable before any one of his majesty's justices of the peace, and such justice, before whom the same shall be recovered, shall have power to commit the offender or offenders to gaol, if he, she, or they, shall produce no goods on which the said penalty and damages may be levied, there to remain until such penalty and damages shall be paid, any law, statute, usage or custom to the contrary notwithstanding.

VII. And whereas the frequent meeting and assembling of slaves, under the presence of feasting, may be attended with dangerous consequences, Be it further enacted, That it shall and may be lawful for every justice assigned to keep the peace in this province, within his respective parish, upon his own knowledge, or information received, either to go in person, or by warrant or warrants directed to any constable or other person, to command to their assistance any number of persons as they shall think convenient, to disperse any assembly or meeting of slaves which may disturb the peace or endanger the safety of his majesty's subjects, and every slave, which shall be found and taken at any such meeting as aforesaid shall and may, by order of such justice, immediately be corrected, without trial, by receiving on the bare back not more than twenty-five stripes with a whip, switch, or cow skin; and such justice, constable, or persons as aforesaid, are hereby authorized and empowered to search all suspected places for arms, ammunition, or stolen goods, and to apprehend and secure all such slaves as they shall suspect to be guilty of any crimes or offences whatsoever, and to bring them to a speedy trial, according to the direction hereafter given by this act; and in case any constable, or other person, shall refuse to obey or execute any of the warrants or precepts of such justices, or any of them, within their several parishes, or shall refuse to arrest the said justice or constable, or any of them, when commanded and required, such person and persons shall forfeit and pay, for every such offence, a sum not exceeding five pounds sterling, to be recovered by a warrant under the hand and seal of any other justice of the peace.

VIII. And be it further enacted, That upon any complaint being made to, or information received by any justice of the peace, of any offence being committed by any slave or slaves within the parish where such justice is empowered to act, such justice shall commit such slave or slaves to the work house, if any, or to the safe custody of any constable of the said parish, and shall without delay, by warrant under his hand and seal, give notice of such commitment to any two or more of the nearest justices, or justices of the peace in the said parish to associate with him, and by the same warrant shall summon a jury of not less than seven of the neighbourhood freeholders to meet together with the said justices, at a certain time and place to be by them appointed, not exceeding three days after the apprehending and committing of such slave or slaves as aforesaid, (unless it shall appear necessary for the said justices, either for want of sufficient and positive proof, or any other sufficient reason, to delay the same) and the justices and jury so assembled shall cause the slave or slaves accused or charged as aforesaid, to be brought before them, and shall hear the accusation brought against such slave or slaves, and his or her defence, and proceed to the examination of witnesses and other evidence, and finally hear and determine the matter brought before them as aforesaid, in the most summary and expeditious manner, and in case
the offender shall be convicted of any crime not capital, the said justices, or any two of them, shall give judgment for the inflicting any corporal punishment, not extending to the taking away life or member, as they in their discretion shall think fit, and shall award and cause execution to be done accordingly; and in case such offender shall be convicted of any crime for which by law he or she ought to suffer death, the said justices, or any two of them, shall give judgment and award execution of their sentence, by directing such manner of death, and at such time as the said justices, with a majority of the jury, shall think most convenient, and which they shall judge most effectual to deter others from offending in like manner: Provided nevertheless, That, in case the owner, trustee, or other person, shall give sufficient security to the said justices for the forthcoming of such negro or negroes, and of all expenses that may attend such delay, then the said execution of such sentence shall not be carried into effect, but be suspended until the said justices, or any two of them, shall, under their hands, lay a full state and report of the cause, evidence, verdict, and judgment thereupon, before the governor or commander in chief for the time being, and his pleasure be known thereon.

IX. And be it further enacted, That, as soon as the justices and jury shall be assembled as aforesaid, in pursuance of the direction of this act, the said jury shall take the following oath; I, A. B. do solemnly swear, in the presence of Almighty God, that I will truly and impartially try the prisoner or prisoners brought upon his, her, or their trial, and a true verdict give according to evidence to the best of my knowledge. So help me God.

X. And, for preventing the concealment of crimes and offences committed by slaves, and for the more effectual discovery and bringing slaves to condign punishment, Be it therefore enacted, That the evidence of any free Indians, mulattoes, mestizoes, or negroes or slaves, shall be allowed and admitted, in all cases whatsoever, for or against another slave accused of any crime or offence whatsoever, the weight of which evidence, being seriously considered and compared with all other circumstances attending the cause, shall be left to the justices and jury.

XI. And whereas slaves may be harbored and encouraged to commit offences, and concealed and received by free negroes, and such free negroes may escape the punishment due to their crimes for want of sufficient and legal evidence against them, Be it therefore further enacted, That the evidence of any free Indian or slave shall in like manner be allowed and admitted in all cases against any free negroes, Indians, (free Indians in amity with this government excepted) mulattoe or mestizeze, and all crimes and offences committed by free negroes, Indians, (except as before excepted) mulattoes, or mestizoes, shall be proceeded and tried by the justices and jury appointed by this act for the trial of slaves in like manner as is hereby directed for the proceedings and trial of crimes and offences committed by slaves, any law, statute, usage, or custom to the contrary, notwithstanding.

XII. And be it further enacted, That the several crimes and offences herein after particularly enumerated are hereby declared to be felony, that is to say: If any slave, free negro, Indian, mulattoe, or mestizeze, (Indians in amity with this govern-
ment excepted) shall be guilty of homicide, of any sort, upon white persons, except by misadventure, or in defence of his or her owner, or other person under whose care and government such slave shall be, or shall raise, or attempt to raise, any insurrection, or commit, or attempt to commit, a rape on any white person whomsoever, every such offender and offenders, his and their aiders and abettors, shall, upon conviction thereof, suffer death; or if any slave, free negro, Indian, mulatto, or mestizoe, (except as before excepted) shall wilfully and maliciously kill any slave, or other person as aforesaid, or shall break open, burn, or destroy, any dwelling house; or break or enter, or do any other mischief, to any rice, corn, or other grain, tar, kiln, barrel or barrels of pitch, tar, turpentine, rosin, or any other goods or commodities whatsoever, or shall steal any goods or chattels whatsoever, or delude or entice any slave or slaves to run away, whereby the owner or owners of such slave or slaves shall, or would have lost or been deprived of such slave or slaves, every such slave and slaves, and his or their accomplices, aiders and abettors, shall, upon conviction as aforesaid, suffer death, or such other punishment as the said justices and jury shall in their discretion think fit: Provided, That such slave shall have actually prepared provisions, arms, ammunition, horse or horses, or any flat, canoe, or other vessel, or done any other overt act whereby such their intention shall be manifested.

XIII. And whereas the detectable crime of poisoning hath frequently been committed by slaves, Be it therefore enacted, That not only such negroes, mulattoes, or mestizoes, as shall administer poison to any person or persons, whether free or bond, but also all and every negro, mulatto, or mestizoe, who shall furnish, procure or convey, any poison, to be administered to any slave or slaves, or to any person or persons as aforesaid, and also all such negroes, mulattoes, and mestizoes, as shall be privy (and not reveal the same) to the furnishing, procuring, or conveying any poison, to be administered to any person or persons as aforesaid, shall be deemed and adjudged, and all and every of them are hereby declared to be felons, and shall suffer death in such manner as the persons appointed by this act for the trial of slaves shall adjudge and determine.

XIV. And, for the encouragement of slaves to make discovery of the designs of others to poison any person, Be it enacted, That every negro, mulatto, or mestizoe, who shall hereafter give information of the intention of any other slave to poison any person, or of any slave that hath furnished, procured, or conveyed, any poison, to be administered to any person, shall upon conviction of the offender or offenders, be entitled to and receive from the public of this province, a reward of twenty shillings, to be paid him or her by the treasurer yearly; and every year, during the abode of such negro, mulatto, or mestizoe, in this province, on the day that such discovery was made, and shall also be exempted from the labor of his or her master on that day; and every justice before whom such information is made, is hereby required to give a certificate of every such information, which certificate shall entitle the informant to the reward aforesaid: Provided always nevertheless, That no slave shall be convicted upon the bare information of any other slave, unless some circumstance or overt act appear, by which such information shall be corroborated to the satisfaction of the said justices and jury.

XV.
XV. And provided also, and be it further enacted, That in case any slave shall be convicted of having given false information, whereby any other slave may have suffered wrongfully, every such false informer shall be liable to and suffer the same punishment as was inflicted upon the party accused, any law, usage, or custom, to the contrary notwithstanding.

XVI. And be it further enacted, That in case any slave shall teach and instruct another slave in the knowledge of any poisonous root, plant, herb, or other sort of poison whatever, he or the offending, shall upon conviction thereof, suffer death as a felon, and the slave or slaves so taught or instructed, shall suffer such punishment not extending to life or limb, as shall be adjudged and determined by the justices and jury before whom such slave or slaves shall be tried.

XVII. And be it further enacted, That no negro or other slaves shall hereafter be suffered or permitted to administer any medicine, or pretended medicine, to any other slave, but at the instance or direction of some white person owning, or having the care and management of the slave to whom the same is to be administered; and, in case any negro or other slave shall offend herein, he or the same, upon complaint and proof thereof made to any justice of the peace, suffer corporal punishment, not exceeding fifty stripes.

XVIII. *And, in order to discourage any owner of slaves from concealing any crime committed by such slaves, to the prejudice of the public welfare, Be it further enacted, That, in case any slave shall be put to death, in pursuance of any sentence awarded by direction of this act, the justices awarding the same, and the whole jury who found him or her guilty, shall appraise and value such slave, so to be put to death, on oath, which appraisement and valuation shall be certified to the treasurer of this province, who is hereby authorized to pay the same to the owner of such slave, or his order; provided such appraisement and valuation does not exceed the sum of forty pounds sterling for any one slave; and, Provided also, That such slave or slaves, at the time of the committing the crime for which he, she, or they shall be so sentenced, shall clearly appear to have been the property of an inhabitant of this province, or of some person having a settled plantation therein, whereon such slave or slaves, at the time the said crime was committed, was or were employed.

XIX. And be it further enacted, That the said justices, or any of them, are hereby authorized, empowered, and required, to summon and compel all persons whatsoever to appear and give evidence upon the trial of any slave; and if any person shall neglect or refuse to appear, or appearing, shall refuse to give evidence, or if any matter, or other person who has the care and government of any slave, shall prevent and hinder any slave under his charge and government from appearing and giving evidence in any matter depending before the justices and jury aforesaid, the said justices may, and they are hereby fully empowered and required, upon due proof made of such summons being served, to bind every such person offending as aforesaid by recognizance, with one or more sufficient sureties, to appear at the next general court,

* This sect. is repealed by act of 1793, No. 497.
A.D. 1770.
No. 204.

Masters concealing a slave accused of a capital crime to forfeit £200, and if of a crime not capital £20.

Duties required of constables in putting the sentences pronounced against slaves in execution.

Slaves not to carry fire arms, &c. except as herein specified.

XX. And be it further enacted, That, in case the master, or other person having the charge or government of any slave who shall be accused of any capital crime, shall conceal or convey away any such slave, so that he cannot be brought to trial and condign punishment, every master, or other person so offending, shall forfeit a sum not exceeding two hundred pounds sterling, if such slave be accused of a capital crime as aforesaid, but if such slave be accused of a crime not capital, then such master, or other person, shall only forfeit a sum not exceeding twenty pounds sterling, to be paid to the treasurer for the use of the public.

XXI. And be it further enacted, That all and every the constable and constables, in the several parishes within this province where any slave shall be sentenced to suffer death, or other punishment, shall cause execution to be done of all the orders, warrants, precepts, and judgments of the justices hereby appointed to try such slaves, for the charge and trouble of which the said constable or constables respectively shall be paid by the public, unless in such cases as shall appear to the said justices, to be malicious or groundless prosecutions, in which cases the said charges shall be paid by the prosecutors for whipping, or other corporal punishments, not extending to life, the sum of five shillings, and for any punishment extending to life, the sum of fifteen shillings, and such other charges for keeping and maintaining such slaves as are by the act for erecting a workhouse appointed, for the levying of which charges against the procurator, the justices are hereby empowered to issue their warrant; and that no delay may happen in causing execution to be done upon such offending slave or slaves, the constable who shall be directed to cause execution to be done, shall be, and he is hereby empowered to press one or more slave or slaves, in or near the place where such whipping, or other corporal punishment, shall be inflicted, to whip, or inflict such other corporal punishment upon the offender or offenders, and such slave or slaves so pressed shall be obedient to and observe all the orders and directions of the constable, by whipping on the bare back not exceeding twenty lashes, which punishment the said constable is hereby authorized and empowered to inflict; and the constable shall, if he presses a negro, pay the owner of the said negro two shillings out of his fee for doing the said execution, and in cases capital shall pay to the negro doing the said execution the sum of two shillings, over and above the said fee to his owner.

XXII. And be it further enacted, That it shall not be lawful for any slave to carry and make use of fire arms, or any offensive weapon whatsoever, unless there be some white person of the age of sixteen years or upwards in the company of such slave when he is hunting or shooting, or unless such slave be found in the day time actually keeping off birds, or killing beasts of prey within the plantation to which such slave belongs, lodging the same gun at night within the dwelling house of his master, mistress, or white overfeer; and in case any person shall find any slave using or carrying fire arms, or other offensive weapon, contrary to the true intention of this
this act, such person may lawfully seize and take away such offensive weapon or fire arms, but, before the property thereof shall be vested in the person who shall seize the same, such person shall, within forty-eight hours next after such seizure, go before the next justice of the peace, and shall make oath of the manner of the taking thereof, and if such justice of the peace, after such oath shall be made, or if, upon any other examination, he shall be satisfied that the said fire arms, or other offensive weapons, shall have been seized according the directions and agreeable to the true intent and meaning of this act, the said justice shall, by a certificate under his hand and seal, declare them forfeited, and that the property is, lawfully vested in the person who seized the same: Provided always, That no such certificate shall be granted by any justice of the peace until the owner or owners of such fire arms, or other offensive weapons so seized as aforesaid, or the overseer or overseers who shall or may have the charge of such slave or slaves from whom such fire arms, or other offensive weapons, so taken or seized, shall be duly summoned to shew cause why the same should not be condemned as forfeited, or until forty-eight hours after the service of such summons, and oath made of the service thereof before the said justice.

XXIII. And be it further enacted, That if any slave shall presume to strike any white person, such slave, upon trial and conviction before the justice or justices, according to the directions of this act, shall, for the first offence, suffer such punishment as the said justice or justices shall in his or their discretion think fit, not extending to life or limb, and for the second offence shall suffer death; but, in case any such slave shall grievously wound, maim, or bruise, any white person, though it shall be only the first offence, such slave shall suffer death: Provided always, That such striking, wounding, maiming, or bruising, be not done by the command and in the defence of the person or property of the owner, or other person having the care and government of such slave, in which case the slave shall be wholly excused, and the owner, or other person having the care and government of such slave, shall be answerable as if the act had been committed by himself.

XXIV. And be it further enacted, That it shall and may be lawful for every person to take, apprehend, and secure any runaway or fugitive slave, and they are hereby directed and required, within forty-eight hours after such taking, apprehending, and securing, (otherwise such person to be constru’d and taken as a harbinger of such runaway or fugitive slave) to send such slave, if convenient, to the master, or other person having the care and government of such slave, if the person taking up or securing such slave knows, or can without difficulty be informed, to whom such slave belongs, or such slave shall be delivered into the custody of the master of the work house of the parish, if any, but if none, to any constable of the said parish, and the master, or other person who has the care or government of such slave, shall pay, for taking up such slave, whether by a free person or slave, the sum of five shillings sterling, and the master of the work house, or constable, upon receipt of every fugitive or runaway slave, is hereby directed and required to keep such slave in safe custody until such slave shall be lawfully discharged, and shall,
shall as soon as conveniently it may be, advertise such slave in the public gazette, and also in the most public place in the parish where such slave shall be taken up, with the best description he shall be able to give, first carefully viewing and examining such slave for any brand or mark, which he shall also advertise, to the intent the owner, or other person who shall have the care or charge of such slave, may come to the knowledge that such slave is in custody; and if such slave shall escape through negligence, and cannot be taken up in three months, the said person shall answer to the owner for the value of such slave, or the damages which the owner shall sustain by reason of such escape, as the case shall happen.

XXV. And be it further enacted, That the said master of the work house, or constable shall, at the charge of the owner of such slave, provide sufficient food, drink, clothing and covering, for every slave delivered into his custody, or, on failure thereof, shall forfeit all his fees, and, for each day after he shall neglect to advertise as before directed, the sum of three shillings.

XXVI. And be it further enacted, That if any person shall take up any runaway slave, and deliver such slave either to the master or other person having the care and charge of such slave, or to the constable of the parish, or the master of the work house, shall be entitled to receive from the owner, or constable of the parish, or the master of the work house, two pence per mile for every mile such slave shall have been brought or sent, to be computed from the place where such slave was apprehended, and, if such slave shall be delivered into the custody of the constable of the parish aforesaid, or to the master of the work house, the person delivering such slave shall give an account of his name, place of abode, and the time and place when and where such slave was apprehended, which account the said constable, or master of the work house, shall enter down in a book to be kept for that purpose, and shall give a receipt for any such slave which shall be delivered as aforesaid into his custody; and the said constable, or master of the work house, is hereby fully authorized and empowered to demand and receive from the owner, or other person having the charge or care of any such slave, for negroes committed from the month of October to March inclusive, for finding necessary clothing and covering, to be the property of the masters, any sum not exceeding eighteen shillings, and several sums following, and no other sum, fee, or reward, on any pretence whatsoever, that is to say: For apprehending each slave, paid to the person who delivered such slave into custody, five shillings; for mileage, paid to the same person, two pence per mile; for a sufficient quantity of provision for each slave, six-pence; for advertising every slave as directed by this act, three shillings and six-pence; for receiving each slave, six-pence; for poundage on money advanced, one shilling in the pound; and the said constable, or master of the work house, shall and may lawfully detain any slave in custody until the fees and expences aforesaid be fully paid and satisfied; and in case the owner of such slave, or his overseer, agent, manager, attorney, or trustee shall neglect or refuse to pay or satisfy the said fees and expences, for the space of thirty days after the same shall be demanded, by notice in writing served on the owner of such slave, or (if the owner is absent from this province) upon his overseer, agent,
XXVII. And be it further enacted, That if any constable, or the master of the workhouse, shall refuse to take into his or their custody, any fugitive slave or slaves, and to do and perform all the several services and duties required by the foregoing clause, such constable, or master of the workhouse, shall forfeit a sum not exceeding twenty pounds sterling, one half to be paid to the owner of such slave, and the other half to the poor of the parish, such fine to be recovered on proof being made of such offence being committed.

XXVIII. And forasmuch as, for want of knowing or finding the owners of any fugitive slave to be delivered to him as aforesaid, the said constable, or master of the workhouse, may not be obliged to keep such slave in his custody, and find and provide provisions for such slave over and beyond a reasonable time; Be it therefore enacted, That if the owner or owners of such fugitive slaves shall not, within the space of six days from the time of advertising, make his, her, or their claim or claims, or it shall not be otherwise made known to the said constable, or master of the workhouse, within the time aforesaid, to whom such committed slave shall belong, the said constable shall commit the said slave to the custody of the master of the workhouse in Savannah, who shall give a receipt for the same, and pay the constable his fees and expenses as directed by this act, and the said master of the workhouse, shall immediately and constantly advertise in the gazette of this province, for the space of eighteen months, and, if not claimed in that time, it shall be lawful for the said master of the workhouse to sell such slave at public outcry, he first advertising such slave, together with the reasons thereof, and, out of the money arising from such sale, to deduct or retain to himself what shall be due for money by him disbursed on the receipt of such slave, and for his fees and provisions, together with the reasonable charges arising by such sale, and the overplus money, if any, shall be rendered and paid by the said master of the workhouse to the treasurer of the province for the time being, in trust nevertheless for the use of the owner or owners of such slave, provided the same be claimed by him, her or them, within one year and a day after such sale, or, in default of such claim within the time aforesaid, to be applied in aid of the general tax for any sum or sums which shall or may have been paid for negroes publicly executed: Provided nevertheless, That on sufficient proof of the property being in any person or persons at any time, the public shall be liable to and pay the same.

XXIX. And be it further enacted, That if any free person, or any slave, shall harbor, conceal, or entertain any slave that shall run away, or shall be charged or accused of any criminal matter, every free negroe, mulattoe, and mestizoe, and every Slaves not claimed within six days after advertising to be committed to the workhouse.

Penalty on constables or the master of the workhouse not performing the duties required in the foregoing clause.

Proviso.

Persons harboring runaway slaves how to be punished.
DIGEST OF THE

A. D. 1770.
No. 204.

Persons maimed, &c. in doing any thing pursuant to the direction of this act to be rewarded by the public.

Penalty on persons giving or selling beer, &c. to slaves without the license of their owners.

Penalty on persons dealing with slaves, &c.

Provided always, That it shall and may be lawful for any slave, who lives or is actually employed in or near any town in the province, to buy and sell fruit, fish, and garden fluff, and to purchase any thing for the use of their owner, manager, or employer,

every slave, that shall harbor, conceal, or entertain any such slave, being duly convicted thereof according to the direction of this act, if a slave, shall suffer such corporal punishment, not extending to life or limb, as the justice or justices who shall try such slave shall in his or their discretion think fit, and if a free person, shall forfeit the sum of thirty shillings for the first day, and three shillings for every day such slave shall have been absent from his or her owner or employer, to be recovered and applied as in this act hereafter is directed.

XXX. And be it further enacted, That if any person shall be maimed, wounded, or disabled, in pursuance, apprehending, or taking any slave, that is a fugitive, or charged with any criminal offence, or in doing any other act, matter, or thing, in obedience to, or in pursuance of the direction of this act, he shall receive such reward from the public as by the general assembly shall be thought fitting and proper, and if any such person shall be killed, such reward shall be given and paid to his heirs, executors, or administrators.

XXXI. And be it further enacted, That if, any retailer of strong liquors, or any other person or persons, shall give or sell to any slave any beer or spirituous liquors whatsoever, without the license or consent of the owner, or such other person who shall have the care and government of such slave, every person so offending shall forfeit a sum not exceeding five pounds sterling for the first offence, and for the second offence ten pounds sterling, and shall be bound in a recognizance in the sum of twenty pounds sterling, with one or more sufficient sureties, before any one of the justices of the peace of the parish where such offence shall be committed, not to offend in like manner, and to be of good behavior for one year, and, for want of such sufficient sureties, to be committed to the nearest common gaol for a term not exceeding three months.

XXXII. And whereas many persons purchase provisions and other commodities, from slaves, by which the owners of such slaves are and may be great sufferers, should such pernicious practices continue, Be it therefore enacted, That immediately from and after the passing this act, any person or persons whatsoever, who shall purchase from, or sell to for money, or barter with any slave or slaves for any fort of provision, or other commodities whatsoever, unless such slave or slaves shall produce a ticket from his, her, or their employer, owner, or manager, allowing such slave or slaves to dispose of such money, or purchase or sell such provision, or commodity, shall, upon conviction thereof, before any one or more justices of the peace, for the parish where such offence shall be committed, forfeit a sum not exceeding ten pounds, to be applied one half to the poor of the said parish, and the other half to the informer, and shall find sufficient security for his, her, or their good behavior for twelve months, and in case of refusal, to pay such penalty or find such security, then, and in such case, he, she, or they, shall be by the said justice or justices, committed to the nearest common gaol, there to be and remain for and during the space of three months: Provided always, That it shall and may be lawful for any slave, who lives or is actually employed in or near any town in the province, to buy and sell fruit, fish, and garden fluff, and to purchase any thing for the use of their owner, manager, or employer,
in open market, under such regulations as are or may be by law made and appointed concerning the market in such town or towns.

XXXIII. And whereas it may in many cases be difficult to procure sufficient evidence or proof of such offence being committed, Be it therefore enacted, That where any slave or slaves shall declare before any one or more justices or justices of the peace, (of the probability of which declaration such justice or justices are hereby allowed to judge) that any person or persons whatever, are or have been guilty of such offences, it shall be taken for granted, (such probability appearing) that such persons are guilty of the said offences, and every such person shall be, and is hereby declared to be liable to the penalties above inflicted on persons so offending, unless such person shall make it appear upon oath, to the satisfaction of such justice or justices, that he or she is not guilty of such offence.

XXXIV. And be it further enacted, That no owner, master, or mistress of any slave, after the palling of this act, shall permit or suffer any of his, her, or their slaves, to go and work out of their respective houses or families, without a ticket in writing, under the pain of forfeiting the sum of thirty shillings sterling for every such offence, to be paid the one half to the justices of the parish for the use of the poor of the parish in which the offence is committed, and the other half to him or them that will inform or sue for the same; and every person employing any slave, without a ticket from the owner of such slave, shall forfeit to the informer fifteen shillings sterling for each day he so employs such slave, over and above the wages agreed to be paid such slave for his work: Provided nevertheless, That the said penalty of fifteen shillings each day, shall not extend to any person whose property in such slave is disputed.

XXXV. And whereas several owners of slaves may permit them to keep canoes, and to breed and raise horses and neat cattle, and so traffic and barter in the several parts of this province, for the particular and peculiar benefit of such slaves, by which means they may have not only an opportunity of receiving and concealing stolen goods, but to plot and confederate together, and form conspiracies, dangerous to the peace and safety of the whole province, Be it therefore enacted, That it shall not be lawful for any slave so to buy, sell, trade, traffic, deal, or barter for any goods or commodities, (except as before excepted) nor shall any slave be permitted to keep any boat, pettiaguas, or canoe, or to raise, breed, or keep, for the use and benefit of such slave, any horses, mares and neat cattle, under pain of forfeiting all the goods and commodities which shall be so bought, sold, trafficked, traded, dealt, or bartered for by any slave, and of all the boats, pettiaguas, canoes, horses, or cattle, which any slave shall keep, raise, or breed for the peculiar use, benefit and profit of such slave; and it shall and may be lawful for any person or persons whatsoever, to seize and take away from any slave, such goods, commodities, boats, pettiaguas, canoes, horses, mares, or neat cattle, and to deliver the same to any justice of the peace nearest to the place where the seizure shall be made, and such justice shall take the oath of such person who shall make any such seizure concerning the manner of seizing and taking the same, and if the said justice shall be satisfied that such seizure hath been made according
according to the directions of this act, he shall pronounce and declare the goods so feized as aforesaid, to be forfeited, and shall order the same to be sold at public outcry, and the monies arising from such sale shall be disposed of and applied as is herein after directed: Provided always, That if any goods shall be seized which came to the possession of any slave by theft, finding, or otherwise, without the knowledge, privity, consent, or conveyance of the persons who have a right to the property or lawful custody of any such goods, the same shall be restored, on such person’s making oath before any justice as aforesaid, who is hereby empowered to administer such oath to the effect or in the following words: I, A. B. do sincerely swear, that I have a just and lawful right or title to certain goods seized and taken by C. D. out of the possession of a slave named E. that I did not, directly or indirectly, permit or suffer the said slave, or any other slave whatsoever, to keep and employ the said goods for the use, benefit, or profit, of any slave whatsoever, or to fell, barter, or give away the same, but that the same goods were in possession of the said slave by theft, finding, or otherwise, or to be kept bona fide for the use of E. F. a free person, and not for the use or benefit of any slave whatsoever, or to help me God; which oath shall be taken as the same shall happen: Provided also, That it shall be lawful for any person, being the owner or having the care and government of any slave, who resides, or is usually employed in any part of this province without the limits of any town, to give license or permission to fell, exchange, or barter, in Savannah, or elsewhere within this province, the goods or commodities of the owner, or other person having the care and government of such slave, provided, that in such license or permission the quantity and quality of the goods and commodities with which such slave shall be entrusted be particularly and distinctly set down and specified, and signed by the owner, or other person having the care or government of such slave, or by some other person by his or their order and direction.

XXXVI. And, as it is absolutely necessary to the safety of this province that all due care be taken to restrain the wandering and meeting of negroes and other slaves, at all times, and more especially on Saturday nights, Sundays, and other holidays, and their using and carrying mischievous and dangerous weapons, or using and keeping of drums, horns, or other loud instruments, which may call together, or give sign or notice to one another, of their wicked designs and intentions, and that all masters, owners, and others, may be enjoined diligently and carefully to prevent the same, Be it enacted, That it shall and may be lawful for any person whomsoever to apprehend and take up any negro, or other slave, that shall be found out of the plantation of his or their master, or owner, at any time, especially on Saturday nights, Sundays, or other holidays, not being on lawful business and with a ticket in their master, or not having a white person with them, and the said slave or slaves met or found out of the plantation of his or their master or mistress, though with a ticket, if he or they be armed with such offensive weapons aforesaid, him or them to disarm, take up, and whip; and whatsoever master, or owner, or overseer, shall permit or suffer his or their slave or slaves, at any time hereafter to beat drums, blow horns, or other loud instruments, or whatsoever shall suffer and countenance any public meetings or
or feallings of strange slaves in their plantations, shall forfeit thirty shillings sterling for every such offence, upon conviction or proof as aforesaid, provided an information or other suit be commenced within one month after the forfeiture thereof.

XXXVII. And be it further enacted, That no slave or slaves shall be permitted to rent or hire any house, room, store, or plantation, on his or her own account, or to be used or occupied by any slave or slaves, and any person or persons who shall let or hire any house, room, or plantation, to any slave or slaves, or to any free person to be occupied by any slave or slaves, every person so offending shall forfeit and pay to the informer a sum not exceeding twenty pounds.

XXXVIII. And whereas it may be attended with ill consequences to permit a great number of slaves to travel together on the high roads without some white person in company with them, Be it therefore enacted, That all and every person and persons whatsoever, who shall hereafter be permitted to travel together in any high road in this province without some white person with them, and it shall and may be lawful for any person or persons, who shall see any men slaves, exceeding seven in number, without some white person with them as aforesaid, travelling or assembling together, in any high road, to apprehend all and every such slaves, and may whip them not exceeding twenty lashes on the bare back.

XXXIX. And whereas the having slaves taught to write, or suffer them to be employed in writing, may be attended with great inconveniences, Be it therefore enacted, That all and every person and persons whatsoever, who shall hereafter teach, or cause any slave or slaves to be taught to write, or read writing, or shall use or employ any slave as a scribe in any manner of writing whatsoever, every such person and persons shall for every such offence forfeit the sum of twenty pounds sterling.

XL. And whereas the inhabitants of this province are liable to have their slaves inveigled, stolen, or carried away, and may receive great prejudice and damage by such unwarrantable and wicked practices, Be it therefore enacted, That all and every person or persons who shall inveigle, steal, or carry away any negro, or other slave or slaves, or shall hire, aid, or counsel any person or persons to inveigle, steal, or carry away, as aforesaid, any such slave or slaves, or that shall aid any such slave in running away or departing from his master’s or employer’s service, or shall give a ticket or pass whereby such slave shall depart from the service of his or her said owner, manager, or employer, shall be, and he and they is and are hereby declared guilty of felony, and, being thereof convicted or attainted, shall stand mute, or will not directly answer to the indictment, or will peremptorily challenge above the number of twenty of the jury, shall suffer death as felons, and be excluded and debarred of the benefit of clergy.

XLI. And be it further enacted, That if any person shall, on the Lord’s day, commonly called Sunday, employ any slave in any work or labor, (works of absolute necessity and the necessary occasions of the family only excepted) every person so offending shall forfeit and pay the sum of ten shillings for every slave he, she, or they, shall so cause to work or labor.
A. D. 1770.
No. 204.

**Murdering of slaves how to be punished.**

**XLII. And whereas** cruelty is not only highly unbecoming those who profess themselves Christians, but is odious in the eyes of all men who have any sense of virtue or humanity, therefore, to restrain and prevent barbarity being exercised towards slaves, Be it enacted, That if any person or persons shall wilfully murder* his own slave, or the slave of any other person, every such person shall, upon conviction thereof by the oath of two witnesses, be adjudged guilty of felony for the first offence, and have the benefit of clergy, making satisfaction to the owner of such slave, and shall be rendered, and is hereby declared altogether incapable of holding any place of trust, or of exercising, enjoying, or receiving the profits of any office, place or employment, civil or military, within this province; but if any person shall offend in like manner a second time, such second offence shall be deemed murder, and the offender suffer death for the said crime, and shall forfeit as much of his lands, tenements, goods, and chattels, as may be sufficient to satisfy the owner of such slave so killed as aforesaid; and in case any person shall not be able to make the satisfaction hereby required on committing the first offence, every such person shall be sent to any frontier garrison of this province, or committed to the gaol at Savannah, and there to remain at the public expense, for the space of seven years, and to serve or be kept to hard labor, and the pay usually allowed by the public to soldiers of such garrisons, or the profits of the labor of the offender, shall be paid to the owner of the slave murdered; and if any person shall, on a sudden heat of passion, and without any ill intent, kill the slave of any other person, he shall forfeit the value of the said slave so killed, to be appraised by any three or more freeholders; and, in case any person or persons shall wilfully cut out the tongue, put out the eye, castrate, or cruelly scald, burn, or deprive any slave of any limb or member, or shall inflict any other cruel punishments, other than by whipping or beating with a horsewhip, cowkin, switch, or small stick, or by putting irons on, or confining or imprisoning such slave, every such person shall, for every such offence, forfeit a sum not exceeding fifty pounds sterling.

**XLIII. And whereas** plantations settled with slaves, without any white man thereon, may be harbors for runaway and fugitive slaves, Be it therefore enacted, That no person or persons hereafter shall keep any slaves, on any plantation or settlement, without having a white man on such plantation or settlement, under pain of forfeiting the sum of five pounds sterling for every month which any such person shall so keep any slaves on any plantation or settlement, without a white man as aforesaid; and every owner of any plantation or settlement, for every twenty-five slaves, of the age of sixteen and upwards which such owner shall have thereon, shall be, and is hereby obliged to retain and keep in his or her service, on such plantation or settlement, one white man capable of bearing arms, under the pain of forfeiting five pounds per month for every white man wanting thereon.

**XLIV. And be it further enacted,** That if any person shall be, at any time sued for putting in execution any of the powers contained in this act, such person shall and may plead the general issue, and give the special matter and this act in evidence, and if the plaintiff be non-suited, or a verdict pafs for the defendant, or if the plaintiff

* The murder of a slave is punishable in like manner as the murder of a white person. See conf. of 1792.
tiff discontinue his action, or enter a noli prosequi, or if upon demurrer judgment be given for the defendant, every such defendant shall have his full costs.

XLV. And be it further enacted, That this act, and all the clauses therein contained, shall be construed most largely and beneficially for the promoting and carrying into execution this act, and for the encouragement and justification of all persons to be employed in the execution thereof, and that no record, warrant, precept, or commitment, to be made by virtue of this act, or the proceedings thereupon, shall be reversed, avoided, or anywise impeached by reason of any default in form.

XLVI. And be it enacted, That all fines and penalties and forfeitures imposed or inflicted by this act, which are not hereby particularly disposed of, or the manner of the recovering directed, shall, if not exceeding the value of eight pounds sterling, be recovered as is directed in and by an act for the more easy and speedy recovery of small debts and damages, in the parish where such offence shall be committed; and in case such fine, penalty, or forfeiture, shall exceed the sum of eight pounds sterling, the same shall be recovered by action of debt, bill, plaint, or information, in the general court of this province; and all the said fines, penalties, and forfeitures, which shall be recovered by this act, and are not before particularly disposed of, shall be one half to his majesty, his heirs and successors, and to be paid to the treasurer, to be applied in aid of the general tax, towards paying for such slaves as are executed by virtue of this act, and the other half to the informer or informers.

XLVII. And be it further enacted, That his majesty's part of the fines, penalties and forfeitures, * which shall be recovered by virtue of this act, shall be paid into the hands of the justices, or in the court where the same shall be recovered, who shall make a memorial or record of the same to the treasurer of this province from the said court of justices, who shall receive his majesty's part of such fines and forfeitures, which memorial shall be a charge on the judges or justices respectively to whom the same shall be paid, and the treasurer of this province for the time being shall and may, and he is hereby authorized and empowered to levy and recover the same by warrant of distress and sale of the goods and chattels of the said judges or justices respectively who shall be charged with the same, in case they or any of them shall neglect or refuse to make such memorial, or record as aforesaid, or send such transcript thereof as is before directed, or shall neglect or refuse to pay the same over to the treasurer within thirty days after the receipt of the same.

XLVIII. And be it further enacted, That this act shall be deemed a public act, and shall be taken notice of without pleading the same before all judges, justices, magistrates, and courts within this province.

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

James Wright.  
N. W. Jones, Speaker.  
James Halershaw, President.

May 10, 1770.

* Now applied to the use of the State. See Revival Act of 1784, No. 287.
† The next session, after the expiration of the five years, was held in 1777. Consequently, this act being in full force at the time of the revolution, the same is perpetuated by act of 1784, No. 287.
A. D. 1770. An Ordinance for re-appointing Benjamin Franklin, Esquire, agent to solicit the affairs of this province in Great Britain, to commence the first day of June next, and to continue for one year.

May 10.

Obsolete.

No. 206. An Ordinance for appointing packers and inspectors for the ports of Savannah and Sunbury; and also cutters and inspectors of lumber in the said ports.

May 10.

Part obsolete; and the rest repealed by act of 1790, No. 455.

No. 207. An Ordinance for appointing Andrew Elton Wells harbor master for the port of Savannah.

May 10, 1770.

Obsolete.

No. 208. An Act for granting to his majesty the sum of £335 9 0s for the use and support of the government of Georgia for the year 1770, to be raised at certain rates and after the method therein mentioned; and for the more effectual collecting of arrears; and for exempting the parishes of Saint David, Saint Patrick, Saint Thomas, and Saint Mary, they not being represented.

May 10.

Obsolete.

A. D. 1773.

No. 209. An Ordinance for re-appointing Benjamin Franklin, Esquire, agent to solicit the affairs of this province in Great Britain.

September 29, 1773.

Obsolete.

No. 210. An Act for granting to his majesty the sum of £5171 15 10s for the use and support of the government of Georgia for the year 1773, to be raised at certain rates and after the method therein mentioned.

September 29.

Obsolete.

No. 211. An Act for granting to his majesty a duty upon raw meat hides, exported from this province; and for preventing the exportation of unmerchantable tanned leather.

September 29.

Obsolete.
An Act to empower the commissioners or surveyors to lay out, make and repair the roads already laid out, or that may hereafter be necessary, and also to clear the rivers and creeks within their respective divisions.

September 29.
Obsolete.

An Act to prevent counterfeiting the paper money of other his majesty's colonies or province in America.*

I. Be it enacted, That if any person or persons after the passing of this Act, shall, within this province, prepare, engrave, stamp, or print, or cause or procure to be prepared, engraved, stamped or printed, the counterfeit resemblance of any paper money which now is, or hereafter may be circulated in payments by legislative authority, in any British colony or plantation in America, with intention that such counterfeit paper shall be passed in payment, whether the same be so passed or not, shall be adjudged a felon, and shall suffer death without benefit of clergy; and if any person or persons shall in this province pay, or tender in payment, any such counterfeited money, knowing the same to be forged or counterfeited, altered or erased, every such person, being lawfully convicted, shall forfeit the sum of two hundred pounds current money of this province, and shall be imprisoned in the common gaol for fix calendar months, and during such imprisonment shall be publicly whipped three times.

II. And be it further enacted by the authority aforesaid, That this Act shall continue and be in force for the term of five years, and from thence to the end of the next session of the general assembly, and no longer.†

WILLIAM YOUNG, Speaker.
JAMES HABERSHAM, President.

James Wright.
September 29, 1773.

* See Act of 1786, No. 349, to prevent counterfeiting paper money of this State.
† This Act being in force at the time of the revolution, the same is perpetuated by Acts of 1783, No. 279, and 1784, No. 287.

An Act for the better ordering the militia:

September 29.
Obsolete.

An Ordinance appointing the Honorable Grey Elliott, Esquire, agent, to solicit the affairs of this province in Great Britain, in case of the absence of Benjamin Franklin, Esq. from Great Britain.

September 29.
Obsolete.
A.D. 1773. An Act to oblige masters of vessels and other transient persons importing negroes or other slaves, goods, wares, and merchandize, to pay tax for the same; and to compel the persons directed to receive the same, to give security for the due performance of their office, and for the monies that may be received by them, by virtue of any act of this province.

September 29, 1773.

Obsolet.

No. 217. An Act to enforce the payment of arrears of taxes due in this province, from persons holding, or claiming to hold lands, by virtue of and under grants, signed by the governor of South Carolina, in the year of our Lord, 1763.

September 29.

Revised and re-enacted with alterations, by act of 1790, No. 444.

No. 218. An Act to prevent mischief arising from the practice of hunting or killing deer by fire light, in the night time.

September 29.

No. 219. An Act to prevent damages arising from dams or banks, and for preventing persons from stopping the natural course or courses of water to the injury of their neighbors.*

WHEREAS it hath become a practice for persons to make dams or banks for the referving or stopping of water, and at unseasonable times to let off the water so stopped or referved to the manifest injury of their neighbors, to prevent, therefore, such injuries for the future, Be it enacted, That from and after the passing of this act, no persons whomsoever shall be permitted or allowed to make or keep up any dams or banks to stop up the natural course of any water or waters, so as to overflow the lands of any other person or persons, without the consent of such person or persons being first had and obtained, nor shall any person or persons whomsoever stop or prevent any water or waters from running off any person or persons field, whereby such person or persons may be prevented from planting in season, or receive any other injury, nor so as to turn the natural course of any water or waters from one channel or swamp to another, to the prejudice of any neighbor or neighbors, or any other person or persons whomsoever.

II. And be it further enacted, That in case any person or persons shall make or keep up any such dams or banks, to the injury of any other person or persons, by overflowing their lands as aforesaid, upon complaint being made thereof by the party injured.

* See act of 1787, No. 363, respecting dams across rice grounds.
injured to any justice of the peace for the district where the offence shall be committed, such justice shall be, and he is hereby fully empowered, authorized and required, to summon five freeholders of the said district, one of whom shall be named by the said justice, and two by each of the parties, and such freeholders being first sworn before such justice to determine the matter justly and impartially, shall forthwith proceed to view the said banks and dams, and the damage complained of, and immediately certify the matter as they shall find it, under their hands, to the said justice, and, in case an award shall be given in favor of the complainant, the said justice shall immediately make an order to cut open the bank or dam in such manner as to prevent any further damage, the expense whereof, and all other expenses attending the prosecution, to be paid by the offender.

III. And be it further enacted, That in case any damage shall have been already sustained by the complainant, either by such banks or dams being kept up, or by letting off any reserved waters, the said freeholders shall, upon view thereof, ascertain and certify the same, under their hands, to the said justice, which damages so ascertained the offender shall immediately pay and satisfy to the party grieved, and, in case of neglect or refusal so to do in ten days, the said damage, if it does not exceed the sum of eight pounds, shall and may be recovered in the same way as debt and damages are directed to be recovered and levied by the act, entitled, “An act for the more easy and speedy recovery of small debts and damages, and, in case the said freeholders shall be of opinion that such damages do not exceed the sum of eight pounds, then such damages shall and may be recovered in any court of record in this province in the usual manner; Provided always, That nothing in this act shall extend, or be construed to subject any person or persons who shall have made or cause to be made, or shall make or cause to be made, any banks or dams, to reserve or stop water, to pay any damages which may be sustained by breaking of the said banks or dams, when occasioned by violent rains or floods, or when there may be an absolute necessity for cutting the said banks or dams to prevent the breaking of the same; and in case any freeholder shall neglect or refuse to obey the summons of the justice, or any other matter herein directed, such freeholder shall (unless he can make a reasonable excuse) forfeit a sum not exceeding five pounds, nor less than forty shillings, to be sued for and recovered by the act, entitled “An act for the more easy and speedy recovery of small debts and damages,” and to be applied, the one half to the informer, and the other half to his majesty, to be paid into the hands of the treasurer, for such use and purposes as the general assembly shall think proper.

IV. And be it further enacted, That the freeholders shall each be allowed for their trouble and attendance herein, the sum of five shillings for each day’s attendance on the same, to be paid by the party or parties offending.

V. And be it further enacted, That in case any person or persons whomsoever shall be sued or impleaded for any matter or thing, committed or done in pursuance of the directions of this act, it shall and may be lawful for such person or persons to plead the general issue, and give this act and the special matter in evidence, and in

A. D. 1773.
No. 219.
Justices of the peace to summon five freeholders to determine matters complained of, &c.

Damages sustained to be ascertained by the freeholders, and paid by the party offending.

Freeholders to be allowed 5£ a day for their attendance.

Persons sued for any thing done in pursuance of this act may plead the general issue.
in case the plaintiff shall become non-suited, suffer a discontinuance, or a verdict shall
pass against him, the defendant shall be allowed double costs.

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

WILLIAM YOUNG, Speaker.
JAMES HABERSHAM, President.

September 29, 1773.
JAMES WRIGHT.

* The next session after the expiration of the three years, was held in 1777, consequently this act being in
force at the time of the revolution, the same is perpetuated by acts of 1783, No. 579, and 1784, No. 287.

An Act to prevent the stealing of horses and neat cattle, and unlaw-
fully branding, marking, killing, or driving the same.

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

II. And be it further enacted, That immediately from and after the passing of this
act, upon the sale or exchange of any horse, mare, gelding, colt, filly, or neat cattle,
the person or persons so selling or exchanging the same, if required by the purchaser,
shall be avouched and tolled, and a certificate thereof obtained from the toll mater,
except however, public sales of horses or neat cattle, by executors or administrators
belonging to the estates of persons deceased, for which he, she, or they, may act in
such capacity, and except also sales by the provost marshal or his deputies, constables,
or other persons empowered by any act of the general assembly of this province, to
make, distress, and levy execution.

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

IV. And be it further enacted, That the toll masters hereby appointed shall admi-
ister oaths to the persons avouching or tolling before them respectively, touching

† This section, so far as respects horses, repealed by act of 1791, No. 447—the rest in force.
LAWS OF GEORGIA.

A. D. 1773:

No. 220.

Toll masters to swear persons avouching, and keep a book of entries of sellers, buyers, marks, &c.

Stolen horses, &c. sold and tolled may be regained by proper owner or claimer in six months.

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

VI. And be it further enacted, That no toll master hereby appointed shall toll any horse, mare, gelding, colt, filly, or near cattle sold, or offered for sale, by any person or persons, not being freeholders in this province, unless the said person or persons produce a certificate, under the hands and seals of two or more justices of the peace of their respective counties or parishes where they usually reside, of their being legally possess'd of the same, under the penalty of three pounds for every horse, mare, gelding, colt, filly, or near cattle, so by him tolled.

VII. And, in order to prevent, as much as may be, the pernicious practice of unlawfully branding, marking or disfiguring of horses and near cattle, Be it further enacted, That immediately from and after the passing of this act, every person within this province, who shall be lawfully convicted of killing, or of branding, marking, or disfiguring the brand, or altering the brand of any horse, mare, gelding, colt, filly,
DIGEST OF THE

A.D. 1773.
No. 220.

filly, or neat cattle, or of driving them, or either of them off from their usual range or place of feeding, wantonly, and not with an intention to be

property of such person or persons, (except by order and direction of the owner or owners thereof) upon oath of any one or more evidences before two or more justices of the peace in any parish within the same, shall, besides the damages otherwise recoverable by law, forfeit, for every such offence, a sum not exceeding eight pounds, to be recovered by warrant of distress and sale of the offender's goods, under the hands and seals of such justices, and be applied one half to the informer, and the other half for the use of the poor of the parish where such offence was committed; and, in case no distress shall be found whereon to levy such forfeiture, then, and in such case, the party or parties offending shall be committed to the common gaol of Savannah, there to remain for the space of one month, and shall receive such corporal punishment, by whipping on the bare back not exceeding thirty-nine lashes, as to such justices shall seem meet.

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

IX. Respects the taking up strays.—Repealed by act of 1791, No. 454.

X. And whereas there are in many parts of this province gangs of wild horses and neat cattle, to which, or any of which, no property can with any degree of certainty be claimed or made out, and the keeping such horses and neat cattle within inclosures for any length of time will be attended with considerable trouble and expense, Be it further enacted, That in case any person or persons shall drive up and pen, or put in any inclosure, any horse, mare, colt, filly, or neat cattle, that are wild, such person or persons shall give notice thereof to any toll master in the parish where the same shall happen, within ten days after such driving up, under the penalty of twenty shillings for every such horse, mare, colt, filly, or neat cattle, so drove up, to be recovered, levied, and applied, as herein is before directed, and such toll master is hereby directed and required to fix an advertisement at the several places of worship, or at the courts of conscience, in such parish, and, if within thirty miles of Savannah, then also in the gazette, giving notice thereof, and where such wild horses, mares, colts, fillies, or neat cattle are, and that any person or persons claiming any right or title to any such horses, mares, colts, fillies, or neat cattle may view the same, and claim such right within thirty days, and, in case any person or persons shall within such
fuch time prove his, her, or their property therein to the satisfaction of the toll master, the same to be delivered to him, her, or them upon paying such reasonable charges and expense for driving up and keeping such horses, mares, colts, fillies, or neat cattle, as the said toll master shall direct, together with one shilling and six-pence for his trouble therein, and, in case of refusal of paying the same, then such charge and expense, and fees for the same, to be levied by warrant of distress and sale, under the hand and seal of such toll master, either upon such horses, mares, colts, fillies, or neat cattle, or upon any other of the effects of such person or persons, and, in case no owner or owners shall appear to claim such horses, mares, colts, fillies, or neat cattle, within the time limited by such advertisement, it shall and may be lawful to and for such toll master to sell the same by public outcry, and, out of the proceeds thereof, to pay the reasonable charges of driving up and keeping, and the remainder, after deducting his fees and charges of sale, to be applied as herein before directed.

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

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

XIII. And, for the better preventing any horses, mares, geldings, colts, fillies, or neat cattle, being shipped or exported before the same shall be so avouched and tolled as aforesaid, the master or commander of every ship or vessel shall, before the vessel be cleared out on board which the same shall be shipped, or intended to be shipped, be obliged to take the following oath before the comptroller of the country duties, that is to say: That the manifest of the cargo then produced contains a true and just account of all the cargo; that there is no horse, mare, gelding, colt, filly, or neat cattle, on board the said ship or vessel, except what is mentioned and contained therein; and that he doth not intend, or will take on board his vessel, before his departure from this province, any horse, mare, gelding, colt, filly, or neat cattle, except as expressed in the manifest aforesaid: Whichoath the said comptroller of the port where any vessel or vessels shall clear out is hereby empowered and required to administer to every master or commander of any ship or vessel, under the penalty of three pounds for every master of any ship or vessel he shall omit or neglect to swear as aforesaid; and every horse, mare, gelding, colt, filly, or neat cattle, that shall
shall or may be put or shipped on board any ship or vessel, without being first avouched and tolled as aforesaid, shall be forfeited and sold, the one half of the monies arising from such sale to be for the use of the informer, the other to be paid into the hands of the public treasurer and applied as the general assembly may hereafter direct; and the said comptroller or comptrollers are hereby authorized and empowered, information being first made on oath of any horse, mare, gelding, colt, filly, or neat cattle, being put on board any ship or vessel without being avouched and tolled as aforesaid, to go and enter on board such ship or vessel in the day time, and make search in all parts thereof, and all and every horse, mare, gelding, colt, filly, or neat cattle, therein found, and not avouched, tolled, and entered, with the said comptroller or comptrollers as aforesaid, to take, seize, drive, and convey away; and if any person or persons whatsoever shall resist or oppose the said comptroller or comptrollers in the due execution of this act, every such person so offending shall forfeit and pay the sum of twenty pounds: All which said fines and forfeitures to be sued for and recovered by action of debt, bill, plaint, or information, in any court of record in this province wherein no esfign, privilege, or wager of law, or any more than one imparlance, shall be allowed; and that the fines and forfeitures be disposed of as herein before mentioned.

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

WILLIAM YOUNG, Speaker.
JAMES HABERSHAM, President.

James Wright.
September 29, 1773.

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

An Act to empower the commissioners therein named to lease to the 31st of December next, and then to put up to sale for the benefit of the public, the ferry over Great Ogeechee river for a term of years, and to authorize the said commissioners to inspect and regulate the said ferry.

September 29.

Voted in Wade Hampton and James Gun, Esqrs. to build a bridge by ordinance of 1790, No. 436.

An Act to empower the commissioners of the general loan to stamp, re-imprint, sign, and issue paper bills of credit, to the amount of £520, sterling being in lieu of that sum received by them as interest money unappropriated (the bills of which are obliterated and decayed) by virtue of an act, entitled "An Act for stamping, imprinting, issuing and making current the sum of £7410 in paper bills of credit, and for applying and sinking the same; and for appropriating the said sum of £520 in aid of the general tax for the service of the year 1773; and also to re-imprint, sign, and issue the further sum of £73; for other purposes therein mentioned.

September 29.

Obseletes.
An Act for granting to his majesty the sum of £4299, and for empowering the commissioners therein named to stamp, imprint, sign, and issue paper certificates, to the amount of the said sum, for the uses and purposes therein mentioned.

September 29.
Obsolete.

*An Act to continue the several laws therein mentioned, and for vesting several ferries in the persons mentioned in an act, entitled "An Act for establishing several ferries in this province in the persons therein mentioned."

WHEREAS several wholesome laws of this province are expiring, and it is expedient that they should be further continued, Be it enacted, That an act passed the twenty-seventh of March, one thousand seven hundred and fifty-nine, for the better regulating taverns, punch houses, and retailers of spirituous liquors, and further continued by an act, passed the fourth of March, one thousand seven hundred and sixty-two, and again continued by an act passed the tenth May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: And also that an additional act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to an act, entitled, An act for the better regulating taverns, punch houses, and retailers of spirituous liquors, which was to continue and be in force for four years, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: And also an act, passed the eleventh day of April, one thousand seven hundred and sixty-eight, for regulating the affine of bread, which was to continue and be in force for three years, and from thence to the end of the next session of the general assembly, and no longer: And also an act, passed the twenty-seventh day of March, one thousand seven hundred and fifty-nine, to prevent masters of vessels from carrying off persons in debt from this province, which was to continue and be in force for the two years from the passing thereof, and which was amended and further continued by an act, entitled, An act to amend an act to prevent masters of vessels from carrying off persons in debt from this province, passed the first day of May, one thousand seven hundred and sixty, which was to continue and be in force for the term of three years from the passing thereof, and from thence to the end of the then next session of the general assembly, and again continued by an act passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, and further continued the twenty-fifth day of March, one thousand seven hundred and sixty-five, to the first day of November, one thousand seven hundred and seventy, and from thence to the end of the next session of the next general assembly, and

* See act of 1777, No. 236, declaring the laws of England and the province to be in force under certain restrictions.
A.D. 1773.
No. 224.
An act for the punishment of vagabonds and other idle and disorderly persons, &c. passed 29th February, 1764.

An act to suppress lotteries and prevent other offensive and deceitful gaming, passed 29th February, 1764.

And the additional act passed the 25th March, 1765.

An act to prevent the spreading of the small pox, passed 11th April, 1768.

An act to prevent persons throwing ballast or rubbish into the rivers, &c. passed 7th April, 1769.

Act to amend the said act, passed 25th March, 1765.

An act to prevent frauds and abuses in admeasuring and laying out his majesty's lands, passed 25th March, 1765.

An act to amend the act to prevent private persons from purchasing land from the Indians, passed 25th March, 1765.

and no longer: And also an act, passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, for the punishment of vagabonds and other idle and disorderly persons, and for erecting prisons or places of security in the several parishes of this province, and for preventing trespasses on lands of the crown, or lands reserved for the Indians, and the more effectual suppressing and punishing persons bartering with the Indians in the woods, which was to continue and be in force for the term of two years, and further continued by an act passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, and again continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: And also an act, passed the twenty-ninth day of February, one thousand seven hundred and sixty-four, to suppress lotteries, and prevent other offensive and deceitful gaming, which was to continue and be in force for the space of seven years, and to the end of the next session of the general assembly: And also an additional act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to an act, entitled, An act to suppress lotteries, and prevent other offensive and deceitful gaming, which was to continue and be in force for the space of six years, and to the end of the next session of the general assembly: And also an act, passed the eleventh day of April, one thousand seven hundred and sixty-eight, to prevent, as much as may be, the spreading of the small pox in this province, which was to continue and be in force for the term of three years, and to the end of the next session of the general assembly: And also an act, passed the seventh day of April, one thousand seven hundred and sixty-nine, to prevent persons throwing ballast or rubbish, or falling trees, into the rivers and navigable creeks within this province, and for keeping clear the channels of the same, which was to continue and be in force for the space of seven years, and to the end of the next session of the general assembly: And also an act to amend the said act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-six, and to the end of the next session of the general assembly: And also an act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five, to prevent frauds and abuses in admeasuring and laying out his majesty's lands in this province, which was to continue and be in force for the space of three years, and again continued by an act passed the eleventh day of April, one thousand seven hundred and sixty-five, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: And also an act, passed the sixth day of March, one thousand seven hundred
And for punishing seamen and mariners neglecting or deserting their duty on board their respective ships or vessels, and for preventing seamen or mariners from being harbored or running in debt, which was to continue and be in force for and during the term of three years; and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: And also an act passed the twenty-seventh day of February, one thousand seven hundred and seventy, for the better security of the inhabitants, by obliging the male white persons to carry fire arms to all places of public worship, which was to continue and be in force for and during the term of three years, and to the end of the next session of the general assembly: And also an act passed the sixth day of March, one thousand seven hundred and sixty-six, to prevent frauds and deceits in felling beef, pork, pitch, tar, turpentine, and fire wood, which was to continue and be in force for and during the term of three years, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: And also an act passed the sixth day of March, one thousand seven hundred and sixty-six, to amend an act for the better regulating the town of Savannah, and the common thereunto belonging; and also to authorize and empower the church wardens and vestry of the parish of Christ church to appoint a beadle for the purposes therein mentioned; and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: And also an act passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, to regulate the making of cypress, oak, and pine lumber, staves and shingles, and to ascertain the quality thereof, which was to continue and be in force for and during the term of two years, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, for one year, and to the end of the next session of the general assembly: And also an act passed the twenty-sixth day of May, one thousand seven hundred and sixty-seven, to prevent the bringing into and spreading of malignant and contagious distempers in this province, to oblige masters or commanders of vessels going out of any port within the same first to produce a passport from the governor or commander in chief, to prevent the harboring of sick sailors and others, and for the regulating and well ordering of the lazaretto on the island of Tybee, which was to continue and be in force for and during the term of two years, and further continued by an act passed the tenth day of May, one thousand seven hundred and seventy, for one year: And also an act, entitled, an act to amend the said act, passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly: And also an act passed the seventh of April, one thousand seven hundred and sixty-three, for regulating a work house for the custody and punishment of negroes, and further continued by an act, entitled, An act to amend and continue an act for regulating a work house for the custody and punishment of negroes, passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven, for three years, and to the end of the next session of the general assembly: And also an act, passed
the eighteenth day of November, one thousand seven hundred and sixty-five, for the estabishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager or employer, which was to continue and be in force for and during the term of three years; and further continued the twenty-fourth day of December, one thousand seven hundred and sixty-eight; and again continued by an act passed the tenth day of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly:

And also an act, passed the twenty-fourth day of December, one thousand seven hundred and sixty-eight, to amend and continue an act for the estabishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager or employer, which was to continue and be in force for and during the term of one year; and further continued by an act passed the tenth of May, one thousand seven hundred and seventy, and to the end of the next session of the general assembly:

And also an act, to direct executors and administrators in the method of returning inventories, &c. passed 29th February, 1794.

An act for holding special or extraordinary courts of common pleas for the trial of causes arising between merchants, dealers, and others, shipmasters, supercargoes, and other transfient persons, passed the seventh day of April, one thousand seven hundred and sixty-four, for seven years, and to the end of the next session of the general assembly:

And also an act, to direct executors and administrators in the manner and method of returning inventories and accounts of their testators and intestates estates, and for allowing them, and all other persons who shall or may be entrusted with the care and management of minors and other estates, to charge commissions thereon, passed the twenty-ninth of February, one thousand seven hundred and sixty-four, for seven years, and to the end of the next session of the general assembly:

An act to prevent fraudulent mortgages, &c. passed 24th December, 1768.

Continued for the time herein mentioned.

An act for estabishing several ferries, and for vesting the same in certain persons—the property thereof vested in them for one year longer.

II. And whereas by a certain act, passed the eleventh day of April, one thousand seven hundred and sixty-eight, entitled, "An act for estabishing several ferries in this province, and for vesting the same in the persons therein named," the said several ferries are vested in the several persons in the said act named for the term of five years only: And whereas the property of the said several ferries in such ferries did determine on the eleventh day of April last, Be it therefore enacted, by the authority thereof,
WHEREAS it has been represented by several persons concerned in planting and making indigo, that many pernicious effects arise from the number of flies which are engendered by leaving the weed, after having been steeped, to rot above ground; Be it therefore enacted, That immediately from and after the passing of this act, all persons who may be concerned in the planting and making of indigo, shall, after the weed has been steeped and taken out of any vat or vats, cause the same to be buried at least two inches under the surface of the earth, or otherwise effectually destroyed within forty-eight hours after such weed has been taken out of any vat or vats as aforesaid:

Bb

II.
A. D. 1774.
No. 229.

II. And be it further enacted by the authority aforesaid, That if any person or persons planting and making indigo, shall neglect to cause the weed, after sleeping, to be buried or otherwise effectually destroyed within forty-eight hours after the same has been taken out of any vat or vats as aforesaid, such person or persons so offending shall forfeit and pay for every such offence, the sum of five pounds sterling, to be recovered as directed by an act, entitled "An act for the more easy and speedy recovery of small debts and damages;" and such acts of assembly and parts of acts of assembly as have been made to explain and enlarge such act.

III. And be it further enacted, That one half of such forfeiture shall be paid to the person or persons who shall sue for the same, and the remaining half to the poor of the parish where any such offence shall be committed.

IV. And be it further enacted by the authority aforesaid, That this act shall be and continue in force for two years from the passing thereof, and from thence to the end of the then next session of the general assembly, and no longer.*

WILLIAM YOUNG, Speaker.
JAMES HABERSHAM, President.

March 12, 1774.

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No. 230.

An Act to regulate the wharves and shipping in the several ports of this province, and ascertaining the rates of wharfage, of shipping and storage, and also the duty of an harbor master for the port of Savannah, and to authorize the said harbor master to put in force an act, entitled "An Act to amend an act to prevent persons throwing ballast or rubbish or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same."

WHEREAS the increase of trade, and quantity of produce brought for sale to the several ports of this province, require a regulation in the rates of wharfage and storage, and the number of vessels resorting to the said ports, and in particular to the port of Savannah, makes it necessary to have some person appointed to overlook and regulate such vessels while in the said port; Be it therefore enacted, That from and immediately after the passing of this act, the several owners and occupiers of wharves in the several ports of this province shall be allowed to charge, demand and receive the several rates herein after mentioned for the wharfage of shipping, merchandize and storage and no more, that is to say:

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<tr>
<th>Rate</th>
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For every ship, snow, brigantine, or bilander loading at a wharf, one shilling and four-pence, each day. | 0 1 4 |

For every such vessel lying and not loading at a wharf, two shillings and eight-pence each day. | 0 2 8 |
For every sloop or schooner (coasters trading from one part of this province to another only excepted) loading at a wharf, ten pence each day.

For every sloop or schooner lying and not loading at a wharf, one shilling and eight-pence each day.

And for the wharfage of goods landed or laden from one vessel to another at any wharf as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Shilling</th>
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<tr>
<td>For every barrel or half-barrel of rice or other grain, every barrel of turpentine, rosin, tar, beef, pork, beer, cyder, small barrels of bread and barrels of the like size of any other goods, dry goods excepted, one penny.</td>
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<tr>
<td>For every barrel, cask, box or other package of indigo, two pence.</td>
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<td>For corn, peas, oats, and other grain not in barrels landed or taken from any vessel by any other vessel lying at a wharf, and for salt landed or loaded on board any other vessel, for every one hundred bushels, one shilling.</td>
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<td>For every thousand feet of inch, three quarter inch, and feather-edge boards, and in proportion for plank, timber, and oars reduced to inch measure landed or taken in from vessels or rafts by any vessel lying at a wharf, one shilling.</td>
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<td>For every thousand of shingles, and canes, landed or taken in from boats or rafts, six-pence.</td>
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<td>For every thousand of barrel heading and barrel staves landed or taken in as is above mentioned, nine-pence.</td>
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<tr>
<td>For every thousand of hoghead staves, heading or hoops, one shilling.</td>
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<tr>
<td>For every thousand of pipe staves, and handspikes, one shilling and six pence.</td>
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<td>For every thousand of butt staves, two shillings.</td>
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<td>For every cord of fire wood, four-pence.</td>
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<td>For every cord of tanners bark, four-pence.</td>
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<td>For every thousand of bricks or hearth-tiles, six-pence.</td>
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<td>For every article herein before enumerated that shall lay longer than one week upon any wharf, the whole wharfage before rated each week.</td>
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<tr>
<td>For every tierce of ship bread, hoghead of wine, and other goods in hoghead and tierces of about sixty-three gallons, one penny half-penny.</td>
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<td>For every hoghead of rum, pipe of wine, and other goods in hogheads and pipes of about one hundred and twenty gallons, three-pence.</td>
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<td>For every hoghead of sugar of one thousand weight and under, four-pence.</td>
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<td>For every hoghead of sugar of above one thousand weight, six-pence.</td>
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<td>For every one hundred weight of hemp, one penny.</td>
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<td>For every ton of logwood, fuftick, lignumvitae, or brafiletto landed or loaded from any vessel at any wharf, and not lying above one week, six-pence.</td>
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<td>And for every week after, six-pence.</td>
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<td>For every ton of the like wood taken in by one vessel from another lying at a wharf, three-pence.</td>
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<td>For every hundred feet of mahogany, and other heavy wood, accounting inch measure, that shall not lay longer on a wharf than one week, one penny half-penny.</td>
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<td>For every ton of iron, and other heavy goods, four-pence.</td>
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<td>For lime at the rate of eight-pence each hundred bushel.</td>
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<td>For every large bale, hogfhead, tierce, or vat of the like size, three-pence.</td>
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<td>For every cage trunk, case, chest, box, bundle, coil of cordage, or hamper, one penny.</td>
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<td>For every coach or other four wheel carriage, one shilling and six-pence.</td>
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<td>For every riding chair or chaise, nine-pence.</td>
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<td>For every pot, skillet, jug, or keg of shot or paint not enclosed in any package each dozen, two-pence.</td>
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<td>For every grind or quern stone, one half-penny.</td>
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<td>For every keg of bread, flour, butter, tallow, lard and such like articles, four-pence each dozen.</td>
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<td>For every barrel of one hundred weight of gun powder, two-pence, and in proportion for smaller barrels of the same.</td>
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<td>For every ton of coals, four-pence, for every week after the first week that it shall lie on the wharf, two-pence.</td>
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<tr>
<td>For every hundred of paving or Bermuda stones, four-pence.</td>
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<tr>
<td>For every hundred of raw or tanned hides, one shilling and six-pence, and so in proportion for raw or tanned hides.</td>
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<tr>
<td>For every thousand pounds weight, and so in proportion for smaller quantities of hay or corn blades, four-pence.</td>
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<td>For every other article of goods not before enumerated, at the rate of four-pence each ton according to weight or measure.</td>
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<td>For every species of goods the same rates and allowances as for landing, and for the weighing of goods and merchandize, that is to say: For every barrel of rice, or turpentine, weighing three hundred and seventy-five pounds and upwards, not exceeding seven hundred pounds gross, one penny.</td>
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<tr>
<td>For every tierce, barrel, or hogfhead of any kind of goods upwards of seven hundred pounds, and not exceeding eleven hundred pounds (indigo excepted)</td>
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<tr>
<td>For every hogfhead or cask of any kind of goods, weighing upwards of eleven hundred pounds, per hundred weight,</td>
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For every ton of fuftick, logwood, brasiletto, lignumvitæ, or other wood, per ton weight, 
For every ton of iron or other heavy goods, 
For every draught of deer skins, hemp, foreign bark, or any other kind of goods not weighing upwards of two hundred and fifty pounds, 
For every draught above two hundred and fifty pounds of such like goods, 
For every draught or package above two hundred and fifty pounds weight, and not exceeding five hundred pounds weight, when more than one is weighed, 
For every barrel, hoghead, or other package of indigo, 
And for the storage of goods—that is to say:
For every barrel or other cask or package of indigo each hundred weight, per week, 
For every hoghead, tierce, barrel, large trunk, case or bale of dry goods that shall be put into any store for one or more nights, not exceeding one week, 
For every week or part of a week after the same rate as above.
For every smaller cask, box, bag, or other package of such goods, one or more nights not exceeding one week, 
And for every week or part of a week after the same rate.
For every hoghead of rum, pipe of wine, tierce, or hoghead of bottled liquor, and for every hoghead or large tierce of sugar per week, 
And for every week or part of a week after, 
For every whole barrel of rice, not exceeding six hundred and fifty pounds gross for the first and last week, 
And for every intervening week per barrel, 
For every half barrel of rice, barrel of pork, beef, bread, and other barrels and packages not before rated not weighing above three hundred, and seventy-five pounds gross for the first and last week, 
And for every intervening week, 
in proportion to the foregoing rates for every other article not enumerated above, according to size and weight.

II. And whereas some regulation is necessary to be made with respect to the mooring of ships or vessels at the said wharves, and in the river before the said town of Savannah, *Be it therefore further enacted, That all vessels lying in the river Savannah before the said town, common, or hamlets of Yamacraw and the Trustees Gardens, and not loading at any wharf, shall be properly moored, head and stern, as near the bank on the north side of the said river as conveniently may be, and that no vessel whatever not loaded as aforesaid, shall be permitted to lie and take in her loading in the

* See act of 1787, No. 366, sect. 30, respecting the duty, &c. of a harbor master.
A. D. 1774.
No. 230.
Harbor master to superintend the same.

To employ persons to raise cables of vessels lying improperly, to receive any thereafter, and enforce act to prevent throwing ballast, rubbish, &c. into the rivers and navigable creeks.

The middle of the said river on any pretence whatsoever; and that the harbor master of the said port of Savannah, do from time to time give notice to any master of a vessel who shall not comply herewith, and upon his refusal or neglect, shall proceed against the offenders as hereinafter is directed.

III. And be it enacted by the authority aforesaid, That in case any vessel properly moored in the said river and within the limits above mentioned, shall be overlaid by the cable of any other vessel except in squalls or storms of wind, the master or commander of the vessel so overlaying, shall upon application made to him by any person belonging to the vessel so overlaid, raise his anchor and moor properly, and in case of his refusal so to do, it shall be lawful to and for the harbor master to employ men and boats to raise such anchor at the expense of the party refusing, who shall likewise pay the said harbor master one pound for his trouble therein, and the said harbor master is hereby authorized and required to put in force the act, entitled "An act to amend a 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."

IV. And whereas masters of vessels do frequently discharge their ballast in the river Savannah before they come up to the town, under pretense of lightening their vessels, and be it enacted by the authority aforesaid, That any master of a vessel so discharging his ballast contrary to the direction of the above mentioned act, entitled "An Act to amend an act to prevent persons throwing ballast or rubbish or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same, shall be proceeded against and be liable to the several penalties as directed in the said act," and the harbor master is hereby required to give information upon oath, to the chief justice or one of the assistant justices of the general court of this province, as soon as the same shall come to his knowledge of all and every offence or offences that shall be committed against the said before recited act.

V. And be it further enacted, That all and every master and masters of vessels who shall neglect or refuse to comply with the several regulations of this act not provided for by the acts to prevent persons throwing ballast or rubbish or falling trees into the rivers or navigable creeks, shall forfeit and pay the sum of one hundred pounds, to be recovered and applied as herein after is directed.

VI. And be it further enacted, That the said harbor master shall, from time to time inspect the several wharves erected or to be erected; and in case any owner, occupier, or lessee, shall have offended against this act, and upon notice thereof to him given, shall not comply therewith, the said harbor master is hereby directed to proceed according to the directions herein mentioned and expressed.

VII. And be it further enacted, That all disputes and differences which may arise between masters of vessels or wharfingers, relating to the hauling in or hauling off of any such vessel to or from any wharf or wharves or in mooring such vessel, shall be referred to and immediately decided by the said harbor master.

VIII. And be it further enacted, That no vacant space of public landing under the bluff of the town of Savannah, at the end of or opposite to any street, shall be incumbered;
LAWS OF GEORGIA.

bered with any lumber or thing whatsoever, on pain that such lumber or thing whatsoever, to incumbering any public landing as aforesaid, shall be forfeited, seized on, and fold by the harbor master, if not removed in twenty-four hours after notice shall be given by the said harbor master to the owner or the person who shall have the charge of such lumber or other thing, or who shall have incumbered or cause to be incumbered any such public landing therewith, and the monies arising from the sale of any such lumber or thing whatsoever, after deducting the charges of seizing and selling the same shall be applied in manner hereinafter directed.

IX. And be it further enacted, That the said harbor master shall, before he enters upon the execution of his office take and subscribe the following oath, before one of the justices of the peace for the parish of Christ church, who is hereby empowered to administer and give a certificate of the same, to wit: "I, A. B. do solemnly swear, that I will to the best of my skill, knowledge, and ability, without partiality or prejudice, execute the office and perform the duty of harbor master in the town and port of Savannah, as directed in and by an act of the general assembly, entitled 'An act for regulating and ascertaining the rates of the wharfage of shipping, merchandize, and storage in the several ports, and the duty of an harbor master for the port of Savannah'; and that I will also put in force another act of the general assembly, entitled 'An act to amend an act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same,' according to the power vested in me by the before recited act, and that I will perform the said duty without delay, and put the said act in full force and effect, according to the tenor and meaning thereof, and directions to me therein given. So help me God." and the said harbor master is hereby authorized to receive from the master or commander of every vessel coming into the port of Savannah, the fees following, that is to say, For every ship, snow, brigantine, or bilander, the sum of five shillings, and for every schooner, (coasters trading from one part of this province to another only excepted) the sum of three shillings.

X. And be it further enacted, That all the penalties hereby inflicted, or forfeitures hereby declared, under the sum of eight pounds shall be recovered by warrant of distress and sale of the offenders goods, under the hands and seals of any two justices of the peace for the parish of Christ church, and before whom proof thereof shall be made by the said harbor master, and where the same shall amount to more than eight pounds, the said harbor master is hereby enabled to sue for and recover the same in any court of record in this province, by action of debt, bill, plaintiff, or information, and that this act shall be taken in evidence without special plea, and the said penalties and forfeitures when recovered, to be paid to the public treasurer, and applied as the general assembly shall hereafter direct; and if any person shall be sued for any act, matter, or thing, done in pursuance thereof, that this act, and the special matter thereof shall be given in evidence on the general issue, and upon such suit being discontinued, or judgment passing against the plaintiff therein, the defendant shall recover double costs.

XI. 199

A. D. 1774.
No. 230.
Harbor master to be sworn.
His oath.
His feck.
Fines and forfeitures how to be recovered and applied.
(Jurisdiction of justices now restricted to thirty dollars. See Act of 1797, No. 582.)
General issue to be pleaded.
A.D. 1774.
No. 250.
Scales, weights, and measures how to be regulated. (Now under direction of the corporation of Savannah. See act of 1789, No. 430.)
Wharfingers to be sworn.
Persons having false weights to forfeit £10.

XI. And be it further enacted, That the clerk of the market shall, once in every three months, examine all scales, weights, and measures, used on the wharves, and that the same be agreeable to the standards* in his care, and in default thereof, shall forfeit and pay into the hands of the commissioners of the market of the town of Savannah, a sum not exceeding two pounds, to be applied as herein before is directed.

XII. And, in order to prevent frauds and deceits being committed in the weighing of rice and other commodities, Be it enacted, That every wharfinger or any other person employed by him, shall, previous to the undertaking such business, be sworn before any of his majesty's justices of the peace within the said province, faithfully to execute the same, and shall weigh the said enumerated goods, and deliver an exact and true account of all goods by him weighed, to the parties if required; and in case any person or persons shall be found to have false weights or measures, and under the said standard, every such person or persons shall forfeit and pay the sum of ten pounds for every such offence, to be recovered as herein before is directed.†

WILLIAM YOUNG, Speaker.
JAMES HABERSHAM, President.

JAMES WRIGHT.
March 12, 1774.
* The standard of weights and measures is to be fixed by Congress.
† Perpetuated by act of 1783, No. 879.

An Act declaring that to murder any free Indian in amity with this province is equally penal with the murdering of any white person, and that to rescue a prisoner committed for such offence is felony.

WHEREAS it has been represented that some Indians in amity with this province have been barbarously murdered to the great scandal of society, and the danger of involving this province in a bloody and expensive war; and there is reason to believe that several ill disposed persons have not considered such inhuman actions in a proper light, but, being influenced by the ill grounded prejudices which ignorant minds are apt to conceive against persons differing in color from themselves, and unaware of the consequences, have rather looked on those murders as meritorious, to discourage therefore as much as may be such unchristian like and cruel practices, and to explain and set forth the great danger thereof, It is declared, That to murder any free Indian in amity with this province is by the law of the land as penal to all intents and purposes whatsoever as to murder any white person.

II. And to the end that all persons may know the consequence of rescuing any prisoner committed for the murder of any free Indian in amity with this province, It is also declared, That by the law of the land any person rescuing any such prisoner so committed is guilty of felony.

WILLIAM YOUNG, Speaker.
N. JONES.

JAMES WRIGHT.
June 20, 1774.
WHEREAS the pernicious practice of gaming is carried to a great length in this State to the great detriment and hurt thereof, to prevent which as much as may be, and to enhance the fines and penalties to be levied by several laws heretofore made to suppress, and to prevent such gaming: Therefore be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That every person or persons liable to penalties and forfeitures, as are pointed out in the said acts, shall be further subject to be fined in the following sums, that is to say, every person keeping a billiard table, with intent to game or lose money or other things, the sum of one hundred pounds. All persons licensed to keep public houses or other houses where liquor is sold, suffering any game knowingly to be played for money or other things to be lost or won by any person or persons whatever, in the house, yard, apartment, ground or inclosure of the said persons, to keep public houses, or other houses, either by cards, dice, draughts, shuffle boards, billiards, skittles, ninepins, or at, and with any other game or games, or implements of gaming, shall, for every such game, be played as aforesaid forfeit and pay upon conviction the sum of twenty pounds.

II. And be it enacted by the authority aforesaid, That every person or persons who shall run or cause to be run any race by any horse, mare, or gelding in this State for, or by reason or means of gaming or of losing money, or other things by the said race, shall for every such offence forfeit and pay the sum of one hundred pounds.

III. And be it further enacted by the authority aforesaid, That all fines and penalties heretofore ordered to be levied on the offenders against the aforesaid acts of assembly now in force in this State, and also the fines, penalties and forfeitures directed by this act, shall be recovered and appropriated in like manner as is directed and pointed out by the said acts of assembly, anything to the contrary in any wise notwithstanding.

IV. And be it enacted by the authority aforesaid, That this act shall continue and be in force until the first day of January, one thousand seven hundred and seventy-eight, and from thence to the end of the next session of assembly.*

N. W. JONES, Speaker.

Savannah, June 7, 1777.

* Revived and continued by act of 1781, No. 263, and perpetuated by act of 1783, No. 279.

An Act to enforce the collection of arrears due from persons keeping taverns, punch houses, and billiard tables, and retailers of spirituous liquors in this State; and to amend the several acts heretofore passed for regulating taverns, punch houses and retailers of spirituous liquors.

June 7, 1777.

Repealed by act of 1791, No. 459.

An Act to prevent gaming, and horse racing.
A.D. 1777. An Act to amend the several Acts for regulating the pilotage of vessels into the several ports of the then Province, now State of Georgia.

No. 234. June 7, 1777.

This Act was made to continue in force only for one year, and until the end of the next Session, and has not been continued or revised.

No. 235. An Act to discourage desertion, and to punish all such persons as shall harbor or conceal defectors.

June 7, 1777.

Obsolete.

No. 236. An Act to extend and enforce the authority of the several laws heretofore passed in the then Province, but now State of Georgia, to and throughout the territory thereof.

Preamble.

WHEREAS it has been deemed necessary by the representatives of the people of the thirteen United Colonies of North America in general Congress assembled, to declare the said colonies free and independent States, and thereby have dissolved all political connection between them and the crown of Great Britain: And whereas it hath been recommended by the said Congress to adopt such government as might in the opinion of the representatives of the people of the said States best conduces to the safety of their constituents in particular and America in general: And whereas in consequence thereof, the representatives of the people of this State in Convention assembled on the fifth day of February in the year of our Lord one thousand seven hundred and seventy-seven, have fixed on, and agreed to, a constitution for the rule and government of the said State and people thereof: And whereas divers good and wholesome laws were heretofore made and passed in this State (then Province) and to the end that disputes and difficulties may not arise touching the present validity of the said laws so made and passed as aforesaid, within the said territory of Georgia.

I. Be it enacted by the representatives of the freemen of this State in general Assembly met, and by the authority of the same, That from and after passing this Act, all laws heretofore made in the (then Province) now State of Georgia, and have not been repealed, and all the laws of England, as well statute as common, relative to criminal matters, and heretofore used and adopted in the courts of law in this State (then Province of Georgia) except in cases of treason, shall be of full force, virtue and effect to all intents and purposes, as were heretofore had, used and received as the law of this land, any law, usage, custom, article, matter or thing at present adopted in a change of government to the contrary. In any wise notwithstanding, so far as the same do not contradict, weaken, hurt, or interfere with the resolves and regulations of the honorable the continental Congress, or of any resolves and regulations of this or any former assembly, Congress or convention held in and for this State, and in particular
An Act for opening the land office, and for the better settling and strengthening this State.

WHEREAS there remains much vacant and uncultivated land in this State, the settlement of which is of the highest importance, wherefore it becomes necessary that all due encouragement should be given to persons to come and settle in this State, and by that means promote the increase of its inhabitants.

I. Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That from and immediately after the passing of this act, an office shall be opened for the purpose of applying for and obtaining vacant lands, by persons entitled to the same in this State under the regulations and rules herein set forth, that is to say: Every free white person or head of a family shall be entitled to, allotted and granted him,‡ two hundred acres of land, and for every other white person of the said family fifty acres of land, and fifty acres for every negro, the property of such white person or family: Provided, the said white person or family shall not have rights for more than ten negroes, and that they have not had land heretofore granted them, in virtue of, and in right of the said ten negroes; and the governor or commander in chief for the time being with the advice and consent of the executive council shall have full power, and are hereby authorized to grant such tracts or lots of land to such person or persons for obtaining lands as aforesaid under and by virtue of this act, and he or they shall within six months settle, plant, cultivate, and live on the same; or in case such person or persons shall be disturbed in time of alarm or annoyance by any enemy and obliged to remove.

‡ Altered by act of 1780, No. 259, sect. 11.
A. D. 1777.
No. 237.

Perfons who have former allotments, and have continued in this State; and those who have settled on lands not allotted or granted, entitled to right of preference.

Absent persons holding allotments granted, and other claims to lands who have neglected to settle or cultivate the same as particularly specified in their grants, to remedy which, Be it further enacted by the authority aforesaid, That all such persons who hold or pretend to have titles to such lands, either by allotments, grants or otherwise, such persons or persons so being entitled to land as aforesaid, shall be publicly notified by proclamation to return to this State within six months from and after the date of such proclamation, to settle and cultivate such lands, otherwise the same shall be, and is hereby deemed to be vacant, and liable to be granted to any person or persons applying for and entitled to the same.

IV. And be it further enacted by the authority aforesaid, That if any person or persons obtaining a confirmation of former allotments of land, or shall obtain a grant for lands now vacant, they or their heirs or assigns, and shall not continue on the same, under the regulations of this act, for and during the term of five years, he or they shall not be allowed to assign the said grants or allotments; and such confirmations are hereby declared to be invalid and of no effect, and such lands so assigned shall be deemed vacant, and may be re-granted to any person or persons who shall prove to the satisfaction of the governor and council, that the former possessors or occupiers of such lands have actually left the same and the State.

V. And be it further enacted by the authority aforesaid, That no other charge or expense, except the rent of two shillings for each hundred acres in addition to expenses of surveying and granting the same, lands how to be surveyed and laid out.

May be granted on old rights and warrants.

* See act of 1780, No. 259, sect. 12, respecting former allotments by commissioners.
† The time declared to be too short, and the sect. repealed by act of 1777, No. 238, sect. 1.
the same, or fold their warrants or rights for the same, or are either dead or left the
state, such person or persons as have bought such warrants or rights and titles as
aforesaid, and continued in this State, shall have such lands granted them agreeable
to such order or warrant so purchased.

VI. And, in order to encourage the building of mills in this State, Be it further
enacted by the authority aforesaid, That if any person or persons shall build or cause to be
built a grist mill on any vacant land, he or they shall have one hundred acres of land
reserved until the said mill be built and fit for use, and then shall have and be entitled
to receive a grant for the same; and every person or persons building or causing to
be built a saw mill on vacant land, shall have five hundred acres of land reserved
until the said mill be built and fit for use, and then shall have and be entitled to,
and receive a grant for the same, as an encouragement for building such saw mill, he,
the, or they paying the usual fees for surveying and granting the said lands.

VII. *And be it further enacted by the authority aforesaid, That any person or per-
sons willing to build a furnace or bloomery for working iron, and that will give
security for completing the same, and shall actually continue making iron for the
term of five years or upwards, shall be entitled to a reserve of two thousand acres
of land in one tract, and at the expiration of said term to have a grant for the
same.

VIII. And be it further enacted by the authority aforesaid, That every person or per-
sons who shall build a forge for making bar iron, and will give security for compleating
the said work, and shall actually continue the business of making bar iron for
the term of five years, shall be entitled to a reserve of two thousand acres of land
in one tract, at the expiration of the said term, and shall have a grant for the same.

IX. And be it further enacted by the authority aforesaid, That no person or persons
who have had lands already granted for their family, shall be entitled to land under
this act.

X. And be it enacted by the authority aforesaid, That this act shall continue and be
in force until the first day of January, in the year of our Lord one thousand seven
hundred and seventy-eight, and from thence till the end of the next session of the
assembly.

N. W. JONES, Speaker.

Savannah, June 7, 1777.

* See act of 1780, No. 259, sec. 17, respecting iron works.

An Act to amend and repeal part of an Act for opening a land office,
and for the better settling and strengthening of this State.

WHEREAS in and by an act of this present assembly, entitled "An Act for
opening a land office, and for the better settling and strengthening of this
State," it is ordered that absentees shall return to this State, within six months, or
their lands shall be re-granted to those persons petitioning for the same, And whereas
it
it appears the time allowed is too short and many injuries may arise therefrom to such persons as aforesaid, for the preventing of which

I. Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the clause which respects re-granting of lands be, and is hereby repealed, and no lands formerly granted or allotted shall be re-granted or allotted to any person or persons whatsoever.

II. And be it enacted by the authority aforesaid, That if any person or persons have heretofore had allotments of lands within this State, or any special contract heretofore made, and have paid the deposit money required, such persons or persons shall have a grant or grants for the same.

III. And whereas, the constitution of this State directs that each county shall keep the public records belonging to the same; and as a change of government may have rendered it unnecessary that the grants of land should be audited as formerly, Therefore, be it enacted by the authority aforesaid, That all surveys which are legally made, and returned into the surveyor general's office shall be recorded, and a certified copy thereof delivered to the attorney for the State, so that facts may be by him prepared, and delivered without delay to the secretary's office, that grants may be made out and signed for the said lands agreeable to the constitution, which said grants shall be registered in the county where such land lies, which record shall be and is hereby declared to be good and valid in law, any thing herein before to the contrary in any wise notwithstanding.

IV. And be it therefore enacted by the authority aforesaid, That this act shall be and continue in force until the first day of January next, and from thence to the end of the next session of assembly.

N. W. JONES, Speaker.

Savannah, September 16, 1777.

* Not necessary to be registered. See act of 1786, No. 325, sec. 2.

An Act to amend an act, entitled, "An act to empower the commissioners or surveyors to lay out, make and repair the roads already laid out, or that may hereafter be necessary; and also to clear the rivers and creeks within their respective divisions."

September 16, 1777.

Obsolete.

An Act to appoint commissioners of the loan office in the place of those appointed under the act of assembly of the then province, now State of Georgia, and to empower the said commissioners hereby appointed to account with the commissioners appointed as aforesaid; and to do all such other matters relative to the loan office as are directed by an act passed the 4th day of June, 1760, for stamping, imprinting, issuing and making current the sum of £7410, Sterling, in paper bills of credit, and for applying and sinking the same.

September 16, 1777.

Obsolete.
An Act to regulate and extend the trade and commerce of this State; and to establish an insurance office for the encouragement thereof; and also to restrain the selling of merchandise by public auction within the same.

September 16, 1777.
Obsoleten.

An Act for the expulsion of the internal enemies of this State.

September 16, 1777.
Obsoleten.

An Act for regulating captures and seizures made in this State, or on the high seas, under and by virtue of the resolves and regulations of Congress.

September 16, 1777.
Obsoleten.

An Act for the better security of this State by obliging and making liable negro slaves to work on the forts, batteries, or other public works within the same.

September 16, 1777.
Obsoleten.

An Act for regulating the commissioners appointed by this State, and to prevent abuses in the said departments.

September 16, 1777.
Obsoleten.

An Act for regulating the superior courts in each county, and for the more convenient administration of justice in this State, agreeable to the constitution thereof.

This act being made to continue in force only one year, and until the end of the next session, expired and gave place to act of 1778, No. 248. It is therefore deemed unnecessary to insert it.

Savannah, September 16, 1777.

An Act for raising the sum of £66,000 for the use and support of the government of the State of Georgia, for the year of our Lord 1777, to be raised at certain rates, and after the method therein mentioned.

September 16, 1777.
Obsoleten.
A.D. 1778. *An Act for attainting such persons as are therein mentioned of high treason, and for conficcat:ing their estates, both real and personal, to the use of this State, for establishing boards of commissioners for the sale of such estates, and for other purposes therein mentioned.

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

* Altered and amended by acts of the same year, No. 252, and No. 254: See acts of 1778, No. 256—of 1781, No. 265 and No. 267, attainting and conficcat:ing the estates of certain other persons.
towns of America, and by every savage and inhuman practice murdering and destroying the good people of the same; And whereas it is but reasonable and just that the estates both real and personal, of all such persons residing within this State, on or since the said nineteenth day of April, who have refused their allegiance to the governing powers of the same, should be forfeited and confiscated, which forfeitures and confiscations are further recommended by congress to be carried into immediate execution. With intent therefore that effectual justice may be done and all such defections and treasons meet with their due punishments, and also that the same may be prevented in future,


II. And be it further enacted by the authority aforesaid, That in case any or either of the persons above named, and who are herein and hereby attainted of high treason, shall
A. D. 1778.

No. 248.

Any person attainted of treason returning to the State, or being taken in arms, shall be subject to arrest, imprisonment, and trial for the crime of high treason, and shall, on conviction thereof in any court of record, where, by the laws of this State such person or persons shall be triable, receive sentence and judgment of death, and shall suffer accordingly.

III. And whereas, such persons as have forfeited the personal protection of, and been guilty of high treason against the State, contrary to their duty and allegiance to the same do also incur the forfeiture of their property and possessions both real and personal, and it being highly reasonable that the estates real and personal of traitors who are hereby attainted, should be discovered and applied to the use of the good people of this State in the most speedy and effectual manner, and that due provision be made for the satisfaction of all just and lawful claims, which any of the good friends of this State may have to, out of, or upon the estates of such disaffected persons and traitors: Be it therefore further enacted by the authoriy aforesaid, That all and every the lands and heritages, debts or sums of money, and goods and chattels whatsoever and generally the goods, chattels and effects, heritable and moveable, real and personal, of what nature or kind soever they be, within this State, whereof any person or persons who since the said nineteenth day of April, which was in the year of our Lord one thousand seven hundred and seventy-five, is or are hereby attainted and adjudged guilty of high treason against this State for levying war against the same, or conspiring against its safety, or for any other high treason whatsoever committed since the said nineteenth day of April in the year of our Lord one thousand seven hundred and seventy-five, or at any time afterwards, in his, her or their own right, or to his, her or their own use, or whereof any other person or persons was, were, or shall have been seized or possessed of, or interested in, or entitled unto the said estates, or any part thereof, or any other part thereof, whether real or personal, or any in trust, for them or any of them, shall, according to the several and respective estates and interests, which the said person or persons attainted since the said nineteenth day of April in the year of our Lord one thousand seven hundred and seventy-five or any in trust, for them or any of them had, or shall have had, therein as aforesaid, or did, or might, or shall forfeit by such attainder, stand and be forfeited to this State, and shall be deemed vested and adjudged and is and are hereby declared and enacted to be in the real and actual possession of the government thereof, without any office of inquisition thereof hereafter to be taken or found, and without declaration of forfeiture to be obtained. And to the end that all the estates of the said traitors, of what nature soever within this State hereby or otherwise vested or hereby intended to be vested in this State, and the yearly and other values thereof, and all incumbrances thereupon may be the better discovered, known and described, and ascertained, and that the same may be secured, sold and disposed of, and that in the mean time the rents, issues and profits thereof may be recovered and brought in

For the better discovery and ascertaining the estates and interest of traitors.
in the use of, and to defray the grievous and heavy expences accrued in defending this State against the attacks of its cruel invaders; and that due examination be taken, and satisfaction be made of all just and lawful claims to, upon, or out of the said estates, or any of them: Be it therefore further enacted by the authority aforesaid, That five persons be appointed by the ballot of this house, to act as a board of commissioners in each county within this State, except as herein is hereafter excepted, that is to say: for the county of Chatham, George Walton, Thomas Stone, John McCleave, Edward Davis, and Ambrose Wright;—for the county of Effingham, John Pestell, Henry Wood, Jacob Cronenburger, Joshua Pierce and Archibald Patterson;—for the county of Burke, John Thomas, Abraham Jones, Blellingham Harvey, Joseph Greig, and William Livingston;—for the county of Richmond, Robert Walton, Seth John Cuthbert, Benjamin Few, William Glafcock and William Jackson;—for the county of Wilkes, Solomon Neifum, junior, Richard Aycock, George Wells, Daniel Coleman and Barnard Herd;—for the county of Liberty, Glenn, and Camden, Benjamin Baker, John Sandiford, Francis Brown, Moses Way and William Peacock;—and any three or more of such commissioners in each county shall constitute a board, and shall exercise the powers and duties by this act given and required; and each board so constituted and appointed as aforesaid, is hereby authorized, empowered, and required to enquire into all such estates both real and personal within their respective counties, as are hereby or otherwise vested, or hereby intended to be vested in this State; and to cause all and every the rents, issues and profits thereof, until sale shall be made, to be effectually levied and paid to the respective boards; and to levy, raise, secure and cause to be sold by the sheriff or such other person as shall be appointed by the respective boards of each county, all such estates both real and personal, and other personal chattels and estates hereby or intended hereby to be vested in this State, situate and being within each county respectively; and all such rents, issues and profits, and all monies arising from such sales, shall be paid to the respective boards, and by the respective boards shall be deposited in the treasury of this State, to be disposed of, used or employed to such purposes and uses as the legislature of this State shall order and direct; and all persons claiming or pretending to claim any estate, right, title, or interest in, to, or out of the said estates hereby, or intended hereby to be vested in this State, or being, or pretending to be creditors of any of the said persons hereby attainted and adjudged guilty of high treason, shall produce and exhibit the same to the respective boards, within whose jurisdiction such claims shall belong and be made, and the same shall be examined and enquired into by the respective boards; and if they shall find that any of the claims so to be made as aforesaid, shall be well founded and have good color of justice, and are not fraudulent and void, by any part of this act, that then the said respective boards shall admit such claims and act accordingly: But in case any of such claims shall not appear to be well founded and to have good color of justice, and shall appear to be made fraudulent and void by this act, that then the said respective boards shall refer all the papers and other testimonies upon which such claims shall be founded, to the attorney general for the State, for the time being, who is hereby authorized and required, to enquire into and examine.
examine the said papers and testimonies, and to defend the right of the State as well
before the said boards as in any of the superior courts against the same.

IV. And be it further enacted by the authority aforesaid, That the respective boards
so constituted and appointed as aforesaid, shall and may meet, act and proceed from
time to time, with or without adjournment, within term time or without, and shall
and may send their precept or precepts, for any person or persons whatsoever to ap-
pear before them, and for all such books, papers, writings and authenticated copies
of records as they shall think necessary for their information in any matters or things
relating to this act, without any fee, charge or reward to be paid for the same; and
shall and may detain in their custody such books, papers, writings, and authenticated
copies of records so long as they shall have occasion for the same, and then return such
books, papers, writings, and authenticated copies of records to such persons to whom
they respectively belong; and shall and may administer oaths for the better discovery of
the truth of the enquiries by them to be made to any person or persons therein concern-
ed, or to any other person or persons whatsoever; and all sheriffs and their deputies and
constables are hereby required to obey and execute such orders and precepts as shall be
served to them by the respective boards; and the said respective boards are hereby empow-
ered and required in a summary way, and without the formalities of the proceedings in
the courts of law, to enquire and inform themselves by and upon the testimony of wit-
nesses upon oath, examination of persons interested upon their oaths, inspection and
examination of deeds, writings, and records, or by all or any of the said ways and means,
or otherwise according to their directions, as soon as may be; and to make a register
in books, of the names of all such persons attainted and of all real and personal estates
and interests whatsoever, by this act vested or hereby intended to be vested in this
State, and by whom such estates was and were forfeited or forfeitable, and what
estate or interest every such person attainted or to be attainted for high treason as
aforesaid, had in any of the premises, on the said nineteenth day of April, in the
year of our Lord one thousand seven hundred and seventy-five, or at any time after-
wards, and by what tenures the estate or any of them respectively were held, and
of all incumbrances whatsoever, to which any of the said estates forfeited or forfeit-
able for high treason were liable or subject before the said nineteenth day of April,
in the year of our Lord one thousand seven hundred and seventy-five, or at any
time afterwards, and in case any person or persons summoned to appear before the
said board respectively for discovery of the premises, shall neglect or refuse to appear
or be examined as aforesaid, then and in every such case it shall and may be lawful
to and for the said boards respectively, to commit the said person or persons so
neglecting or refusing as aforesaid, to the common gaol of the county wherein such
summons and neglect or refusal shall be made, there to remain without bail until
such person or persons shall conform themselves and submit to be examined as afores-
aid; and if any officer or officers shall refuse to give obedience to precepts and
orders of the said boards respectively, for the due execution of this act, then and
in every such case, it shall and may be lawful to and for the said respective boards
to impose on any such officer or officers any fine not exceeding fifty pounds lawful
money
money of this State, for any one offence, and to commit any such officer or officers to gaol until such fine shall be paid. And for deterring and preventing all and every person and persons whatsoever, any wife indebted or liable to pay to any such forfeiting person or persons, any sum of money hereby or otherwise vested in this State as aforesaid, from concealing, withholding, neglecting, or refusing to pay the same to the said boards respectively, Be it enacted by the authority aforesaid, That all and every such person and persons so indebted or liable as aforesaid, who shall neglect to discover and make known the same to the said boards respectively, within sixty days after the passing and publication of this act, shall forfeit double the value of any such debt or debts, sum or sums of money to be recovered by suit at law in the several counties respectively, to the use of this State as aforesaid, and all and every person or persons who was or were, hath or have been possessed of any personal goods or chattels of or belonging to any such person or persons attainted of high treason as aforesaid, when the fame became forfeited or afterwards, or shall be thereof possessed, are hereby strictly charged and required to discover and make known the same to the said boards respectively, within the said time of sixty days next after the passing of this act, and all and every such person or persons having such goods or chattels in his, her or their possession, custody or power, and neglecting to discover the same before the expiration of the said time of sixty days, shall for such offence, forfeit double the value of such personal goods and chattels, to be recovered for the use of this State as aforesaid; and the said boards respectively are hereby authorized and empowered to make any such settlements and agreements, touching any such debts or personal goods and chattels so as aforesaid to be discovered, as the said boards respectively shall in any such case, on due consideration on the nature thereof, or circumstances of the parties concerned therein, think fit and reasonable, which settlements and agreements to be valid in law, so as they do not extend to any abatement of the real amount of any such debts or a relinquishment of any such personal goods or chattels, and so as the monies payable on any such settlements and agreements be paid to the said boards respectively, for the use of this State, within the respective times allowed by the respective boards for the payment thereof; and where any of the said debts are secured by bonds or obligations with penalties, or are due and owing upon open accounts not adjusted, the said boards respectively are hereby authorized to state, settle, and determine the same, or to cause suits to be commenced for the recovery thereof.

V. And to the intent the debts, personal goods and chattels herein before or otherwise vested in this State may be disposed of, and the amount and value thereof applied to the use of this State, Be it further enacted by the authority aforesaid, That the said respective boards, as soon as conveniently may be, use their utmost endeavors to secure all such debts, goods, or personal chattels in such places and in the custody of such persons as shall be thought most proper, by the said boards respectively for preventing the perishing or any loss or embezzlement thereof, and shall make or cause to be made a true and perfect inventory or inventories thereof containing a true and particular account of all such debts, goods and personal chattels by whom they were forfeited, and when, and by whom delivered to the said respective
DIGEST OF THE

A. D. 1778.
No. 248.

To make sales of goods and chattels giving at least thirty days notice, for the money of this State only, and to none others but citizens and inhabitants thereof.

Board of commissioners to attend sales, keep books of entries thereof and give certificates to buyers.

Terms of sale.

Bonds taken to be recorded in secretary’s office.

Speculative boards, or any person by them appointed to receive the same; and shall also cause a just appraisement thereof to be made upon the oaths of any three persons to be appointed by the said boards respectively for that purpose; and the said boards respectively are hereby authorized and required to cause the sheriff, or such other person as they respectively appoint in the respective counties, after all claims shall be liquidated and settled, in the manner as is herein after directed in respect to real estates, to sell all and singular such goods and chattels so inventoried and appraised according to their best skill and judgment, and for that purpose shall cause public notice to be given for the space of thirty days at least, of the time and place of exposing to public sale any such goods and chattels and the several particulars then and there to be sold, at which time the sheriff or such other person as they shall respectively appoint shall sell the same by auction for the money of this State only, and to the inhabitants being actual citizens and residents of, and within the same, and to none others.

VI. And the said boards respectively shall attend the sale of any such goods or chattels, and shall cause an entry to be made in their respective books of all and every the personal goods or chattels so sold, and of the buyers names and places of abode, and of the prices for which they sold; and for the further assurance thereof to the buyers, the said boards respectively shall give a certificate under the hand and seal of the chairman unto the respective buyers being inhabitants, citizens, and residents of this State as aforesaid, and not transient, and of and belonging to any other State or government except as herein after is provided and excepted, specifying the particulars by them bought, the prices and time of sale; and every such buyer shall thereupon pay one fourth part of the amount of every such purchase so made by persons within the description of this act to the said boards respectively for the use of this State; and shall give good and sufficient security by mortgage of the property so purchased, and also personal security to be approved of by the said boards respectively for payment of the remaining part of the purchase money within three years after the day of sale with interest for the same at the rate of eight per cent. per annum, to be paid in the following manner, that is to say: One third part of such remainder at the end of one year, one other third part thereof at the end of two years, and the remaining one third part at the end of three years, together with the whole of the interest at the end of each year respectively to the use of this State, payable to the governor of this State for the time being, and all such bonds shall be recorded in the secretary’s office of this State within ten days after they shall be delivered to the governor aforesaid; and the said respective boards being satisfied with the payment of the said one fourth part which shall be deposited in the public-treasury for the use of this State, and of the security given for payment of the remainder within the time aforesaid, shall forthwith order the particulars so bought, paid for and secured, to be delivered to the buyer or buyers, his, her or their assigns; and in case any person or persons, who shall be the highest-bidder for any such personal goods or chattels so exposed to sale as aforesaid, shall make any default in payment of the said one fourth part of the purchase money, or in giving approved
approved securty as aforefaid, for payment of the remainder within the times aforefaid, the said boards respectively shall and may order the respective sheriffs or such other perfon as they shall respectively appoint, to proceed to a new sale of all and every such personal goods or chattels for which such default shall be made unto any other perfon or perfonns as if no sale thereof had before been made.

VII. Provided nevertheless, That no one perfon, or any perfon for his or her be nefit, or ufe, shall have a right, or be permitted out of any or all the fale or fales which fhall or may be made under, or by virtue of this act, more than twenty-five negroes above the age of fifteen years; and all purchases of a greater number of negroes above that age by any one perfon, or any perfon for his or her ufe are hereby declared fraudulently and void, and any and all negroes above that age and number which fhall or may be fold contrary to the intent and meaning of this act shall be demanded and taken from any such purchaser, and again exposed to public fale.

VIII. Provided also, That any of the inhabitants and citizens of any of the United States who shall actually come within this State with notorious intent to settle in the fame, may be allowed to become purchafers at any of such fales, within the reftription aforefaid: And provided further, That no purchafers may be allowed, or permitted to remove any fuch slaves fo purchafed as aforefaid without the limits of this State, and that in cafe any perfon fhall, contrary to the intent and meaning of this act, within twelve months after the paffing and publication of the fame, remove or carry from without the limits of this State any negro or negroes fo purchafed as aforefaid, fhall or perfonns fhall for fuch offence, forfeit double the value thereof, to be recovered by fuit at law, to the ufe of this State.

IX. And be it further enacted by the authority aforefaid, That all and every perfon or perfonns being friends to the independency of this State, who fhall claim or pretend to claim any right, title, or intereft of, in or to any fuch real estate of any perfon herein and hereby attainted in and by this act, fhall within sixty days next after the paffing and publication of this act, by his, her or their attorney or otherwife, prefer and exhibit the fame to the faid boards repectively, and in cafe no claim fhall be preferred and exhibited within the faid sixty days of, in or to any fuch real estates of perfonns attainted in and by this act, all and every fuch estate or estates fhall be deemed free of incumbrances and charges; and the faid boards repectively, may and fhall proceed to give public notice in writing, of at leat forty days, for the fale of fuch estates, in like manner as is required in and by this act, in refeft to the fale of perfonal goods and chattels.

X. Provided nevertheless, That in cafe it fhall appear to any future legislature, that any infant or other perfon being friends to the independency of this State, from being under age or from any other unavoidable obftacle, could not prefer or exhibit his, her or their claim or claims of, in or to any fuch real estates to the faid refeftive boards, within the faid sixty days, it fhall and may be lawful to and for any fuch house of refemblie to give and grant to any fuch aggrieved perfon or perfonns, fuch relief and redrefs as fhall be deemed equal to the real value of all and every fuch claim and claims, any thing contained in this act to the contrary in any wife withftanding.

XI.
A.D. 1778. No. 248.

Claimants may be heard by counsel, *and may appeal to the superior court.*

Real estates to be sold at five years credit, *six per cent.* interest.

Titles to be made to purchasers on their giving security as required by this act,

To be endorsed by the commissioners.

Suits to be in the name of the governor.

 bona fide settlements, sales, &c., of such estates, heretofore made, declared valid.

Commissioners empowered to make enquiry therein.

XI. And provided also, That all such claimants shall have and be entitled to every advantage of being heard by counsel or otherwise, before the said respective boards, as any such claimants may think fit.

XII. And provided further, That all, any, and every such claimant or claimants, who shall or may be discontented with the determination of any of the boards respectively, shall have the right of appealing from the same to any of the superior courts of this State within the respective counties.

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

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

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

XVI.
LAWS OF GEORGIA.

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

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

Each of the commissioners of the county of Chatham, five thousand pounds.
Each of the commissioners for the county of Effingham, two hundred pounds.
Each of the commissioners for the county of Burke, one hundred pounds.
Each of the commissioners for the county of Richmond, five hundred pounds.
Each of the commissioners for the county of Wilkes, one hundred pounds.
Each of the commissioners for the counties of Liberty, Glenn, and Camden, five hundred pounds:
Provided nevertheless, that no one commissioner shall be security for another commissioner.

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

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

E e
A. D. 1778.
No. 248.

Vacancies in any board, how filled.

Compensation to sheriffs, &c in the several counties for felling under this act.

To give security payable to the governor.

Wives and children of persons attained may be allowed support out of their estates.

Proviso.

Appropriation of monies arising from sales.

XX. And be it further enacted by the authority aforesaid, That in case any of the commissioners appointed in and by this act shall die, or resign their appointment, refuse or neglect to act in the recess of the legislature, then the governor and council for the time being are hereby authorized and empowered, to appoint some proper and discreet person or persons to act in the room, or stead of any such person or persons who shall or may die, or resign, refuse or neglect to act as aforesaid.

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

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

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

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

XXV. And be it further enacted by the authority aforesaid, That this shall be deemed a public act, and may be given in evidence in any of the courts of record within this State without any special pleading; and in case any person shall be sued or implored for any thing done under this act, and judgment by verdict, or otherwise shall be passed against him, such person shall recover double costs.

N. W. JONES, Speaker.

Savannah, March 18, 1778.

*An Act for opening and regulating the superior courts in the several counties of this State, and for the more convenient administration of justice in the same, agreeable to the constitution thereof.*

Whereas by the constitution of this State, circuit courts are established and directed to be held in each county, by the style and title of a superior court, wherein all causes of what nature or kind soever are to be tried, except as in the said constitution excepted: And whereas some doubts may arise with the justices in each county whose duty it shall be to assist in holding such courts, whereby the business of such courts may be greatly retarded; for the prevention whereof, and in order to carry the said constitution into full force and effect,

I. Be it enacted by the representatives of the freemen of the State of Georgia in assembly met, and by the authority of the same, That Joseph Clay, William O'Brien, James Maxwell, and Phillip Box, Esquires, justices of the peace for the county of Chatham; and John Adam Treatlen, Abraham Ravot, Benjamin Lanier, and William Holzendorf, Esquires, justices of the peace for the county of Effingham; and John Thomas, Edward Telfair, David Lewis, and Daniel M'Murphy, Esquires, justices of the peace for the county of Burke; and John Walton, James M'Farland, Dionysius Wright, and William Few, Esquires, justices of the peace for the county of Richmond; and William Downes, Zachariah Lamar, Benjamin Catchings, and Absalom Beddel, Esquires, justices of the peace for the county of Wilkes; and Parmenas Way, John Graves, John Mitchell, and Samuel Saltus, Esquires, justices of the peace for the county of Liberty, shall be assistant and associate judges with the chief justice of this State, to hold the several superior courts in the respective counties, for which they the said judges are appointed; and shall have full power and authority to exercise jurisdiction, and have cognizance of all pleas civil and criminal, and of all causes of
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No. 249.

Provido.

Any justice may affl in the said courts.

Rules of court.

Writs and other process how issued and returnable.

To be directed to, and served by the sheriff of the county where defendant resides, and there ended.

Superior court how to proceed with the jury.

Judgment to be according to the verdict of the jury.

Execution against the body or goods, unless appeal be entered agreeably to the constitution, in ten days.

Petition how to be drawn and signed, and to be served twenty days before court.

Bail how to be taken subject to order of court.

Superior court judges in equity.

what nature or kind soever, according to the custom and usage of courts of law and equity, at such times, and in such way and manner as is directed by the constitution aforesaid: Provided, nothing in this act is intended or meant to prevent any of the justices in the respective counties from afflicting in the said courts: And that the said courts shall and may, from time to time, make rules and orders (not contrary to any thing herein contained) for the regular and more convenient conducting and effectual dispatch of business therein, as to the same shall seem necessary and proper; and all writs, and other process, in civil actions, triable in the said courts, shall issue either from the chief justice, or senior assistant judge of the county, where such suit shall be held, and be returnable at least twenty days before the first fitting of the court, and be directed to all and singular the sheriffs of this State, and be served by the sheriff, or his deputy, for the county where the defendant shall or may be found; and all proceedings thereon shall be carried on in the county wherein the defendant resides, until the cause shall be at issue, and finally concluded and determined; and that in all capital cases, the said judges shall have power to respite execution until thirty days after sentence.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said judges, in the said superior courts, to proceed with a jury in summary way, on petition, in all disputes of a civil nature, cognizable in the said court, for any debt or damages, or any sum of money above ten pounds (except where the titles of land or other real estate may come in question, in which suit the plaintiff and defendant shall have the benefit of all matters in the same manner as if the suit was commenced in the ordinary forms of common law and equity heretofore had and used) and the said judges are hereby required to do, and to give judgment according to the verdict of the jury, and in the space of ten days afterwards, where the case shall so require, award execution, together with costs, against the body or goods of the party against whom a verdict shall pass, unless an appeal is made by either party agreeable to the constitution, in which case the cause shall be reheard in the appeal, in the same summary way as is herein expressed and pointed out for the first trial, and on final judgment, execution shall be granted, where the case may so require as aforesaid; and that the petition shall contain the plaintiff's charge, complaint, allegation, or demand, plainly and distinctly set forth, and be signed by the party or his attorney, and a true copy thereof shall be personally served, or left at the defendant's usual and notorious place of abode, by the sheriff or his deputy, for the county where the cause is determinable, twenty days before the first sitting of the said courts; and where bail is required, an affidavit shall be made of the debt or damages, and endorsed on the petition, in which cause the sheriff shall take a bail bond in double the value of the debt, which shall be subject to the order of the court.

III. And whereas many cases may happen wherein the title of land and other important matters may require an equitable determination, Be it therefore enacted by the authority aforesaid, That where any case which may or heretofore was cognizable in a court of equity shall happen, the same shall be introduced by way of petition, to
the superior court of each county, as the case may require, which court is empowered to determine finally on all such causes as courts of equity have heretofore usually done, any thing in this act to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That in every civil action commenced and depending in the said superior courts, the respective officers of the said courts shall be entitled to the following fees, (except the same be a special court called for a particular purpose, in which case the like fees shall be allowed, and taxed by the chief justice, or any one of the assistant judges of the county wherein the cause shall be tried, as have in such cases been hitherto accustomed) to wit: The chief justice, or in his absence, the senior assistant and associate judge presiding at the said courts, fifteen shillings; the attorney, one pound; the clerk of the court, fifteen shillings; the sheriff, ten shillings: Provided nevertheless, That in case the defendant shall suffer execution to issue against him, and a levy and sale made thereon, the sheriff shall, on such levy and sale, be entitled to the following fees, to wit: For mileage, per mile, four-pence; for levy, ten shillings; for commissions on the sale, five per cent. on all sums above; for conveyance, (if the sale be of real estate) one pound.

V. And be it further enacted by the authority aforesaid, That all sheriffs, before they enter upon the execution of their offices, shall take the oaths of office, and give bond with security, for the sum of two thousand pounds, to the governor or commander-in-chief of this State for the time being, for the due and faithful discharge and execution of their said offices; and the said bonds shall remain in the clerk's office of the said county for which such sheriffs are appointed, and may be sued for by order of the said court, for the satisfaction of the public, and all private persons aggrieved by the misconduct of the said sheriff.

VI. And be it further enacted by the authority aforesaid, That the said sheriffs shall, by themselves or their lawful deputies respectively, attend all the courts hereby appointed or directed to be held within their respective counties, and shall have the like powers and authorities, and they and their under sheriffs and gaolers be subject and liable to all actions, suits, fines, forfeitures, penalties, and disabilities whatsoever, which any sheriff, under sheriff, or gaoler, is subject or liable to, or may incur by the laws and statutes of Great Britain, as have been heretofore used in the then province, but now State of Georgia, for and in respect of the escape of prisoners, or for or in respect of any other matter or thing whatsoever, relating to or concerning their several and respective offices; and no sheriff, under sheriff, sheriff's clerk, or other sheriff's officers, shall act as an attorney in his own name, or in the name of any other person, or be allowed to plead or practice in any of the courts of this State, during the time he is in any such office.

VII. And for the cave of sheriffs with regard to the return of process, Be it enacted by the authority aforesaid, That the sheriff of each county shall, at the expiration of his office, turn over to the succeeding sheriff, by indenture and schedule all such writs and process as shall remain in his hands unexecuted, who shall duly execute and return the same; and in case any such sheriff shall refuse or neglect to turn over such...
A. D. 1778.
No. 247.
To deliver up the gaol also, with the prisoners. Proces, &c., against sheriff to be directed to coroner.

Grand and petit jurors to be free holders.

Such process in manner aforesaid, every such sheriff to neglecting or refusing, shall be liable to make such satisfaction by damages and costs, to the party aggrieved, as he, she or they, shall sustain by such neglect or refusal; and the said sheriff shall also deliver up to his successor the custody of the gaol, and the bodies of such persons who shall be confined therein, and the cause of their detention; and all writs and process brought against any sheriff shall be directed to the coroner of the said county where such sheriff resides, returnable to the said superior courts; and, where the case shall so require, execution shall also be levied by such coroner.

VIII. And be it further enacted by the authority aforesaid, That as soon as may be after the passing of this act, the said justices shall cause lifts of jurors, for the trial of civil and criminal causes, and grand jurors to be made for each of the counties aforesaid, who are freeholders; and that all persons who are to be returned for the trial of civil and criminal cases in the said superior courts, shall every of them have and be seised of fifty acres of land, in their own right, in fee simple, fee tail, or for the life of themselves, or some other person; or shall be a householder, and seised in like manner of a town lot in some town or township in the county wherein he shall be returned to serve; all which persons having such estate as aforesaid, are hereby enabled and made liable to be returned and serve as jurors for the trial of civil and criminal causes aforesaid; and if any person of a lesser estate shall be returned upon any such jury, it shall be a good cause of challenge, and the party returned shall be discharged upon the said challenge, or upon his own oath of the truth of the said matter.

IX. And be it further enacted, That all persons returned to serve as grand jurors at the said superior courts shall every of them have and be seised of not less than two hundred and fifty acres of land, in their own right, in fee simple, fee tail, or for the life of themselves or some other person, or shall be in the commission of the peace; and the said assistant and associate judges are hereby required to regulate and correct the several lifts of freeholders annually, by particularly specifying therein, in distinct columns, the persons most able and discreet, and qualified as aforesaid, to serve as grand jurors, together with their titles, additions, and places of abode; which lifts, so corrected, the said judges shall transmit to the clerk of the counties respectively, first attesting such lifts under their hands.

X. And be it further enacted by the authority aforesaid, That the clerks of the several counties shall, immediately after the receiving such lifts, fairly enter the same in a book for that purpose to be provided, distinguishing in separate columns the persons returned qualified to serve as grand jurors, and those for the trial of civil and criminal causes as aforesaid; and that the names of the several persons so returned shall be written on separate pieces of paper, and the said judges shall cause a jury box to be made for the said courts, to be provided at the public expense, and such jury lifts shall be put in the said boxes respectively; which boxes shall remain in the charge of the clerks of the respective counties, and be locked with the keys of any one of the said assistant and associate judges and the clerk of the county; and the names of all the persons returned qualified to serve as grand jurors shall be put into
an apartment of the said box, to be marked with the number one; and the names of those persons returned for the trial of civil and criminal causes as aforesaid, shall be put into an apartment of the said box to be marked with the number three.

XI. And be it further enacted by the authority aforesaid, That no juror whatsoever shall be drawn or impannelled but in the presence of one of the affiant judges and the clerk of the county: Provided always, That in case of death, sickness, or other unavoidable accident, occasioning the absence of either of the said parties having the custody of the said keys, that then the key of such absentee shall be committed to, and remain in the custody and care of any other of the said affiant judges for the county.

XII. And be it further enacted by the authority aforesaid, That the said affiant judge and clerk of the county, or persons having the custody of the keys as aforesaid, shall, on the adjournment day of the said superior courts to be held in each county, Cause to be drawn, by some indifferent person, out of the division or apartment of the said box marked with the number one, thirty-six of the papers or ballots, one after another, and the persons whose names shall be wrote therein shall be the grand jurors to serve on the grand inquest at the superior courts next ensuing; and so repeatedly until all of the said papers shall be drawn out of the said division marked with the number one; which papers, from time to time, as they are drawn out of the said division, shall, after an account is taken of the names therein written, be rolled up again, and put into a division to be marked with the number two; and when all the papers or ballots are drawn out of the division number one, then they shall in like manner be drawn out of the division number two, and returned into the division number one, and so alternately, from time to time, as the said papers shall be all drawn out of either of the said divisions; and the said affiant judge, immediately after the drawing of the grand jurors, shall in like manner cause to be drawn, out of the division or apartment of the said box to be marked with the number three, thirty-six of the said papers, and the persons whose names shall be wrote therein shall be the jurors to serve on the petit jury for the trial of civil and criminal causes, and so from time to time until all of the papers shall be drawn out of the division number three, which, as they are drawn out of the said division, shall, after an account is taken of the names therein written, be rolled up again and put into the division marked with the number four; and when all the papers are drawn out of the division number three, then they shall in like manner be drawn out of the division number four, and returned into the division number three, and so alternately, from time to time, as the papers or ballots shall be all drawn out of either of the said divisions.

XIII. And be it further enacted by the authority aforesaid, That the names of the several jurors, so to be drawn in manner aforesaid, shall, immediately after they are drawn out, be entered by the clerk of the county, who shall attend the drawing as aforesaid, in the minute book of the said superior court.

XIV. And be it further enacted by the authority aforesaid, That the clerk of the county shall annex a pannel, containing the names of the jurors drawn to serve on the
d. 1778. No. 248.

To be done before the affiant judges.

Thirty-six to be drawn for grand jurors; and thirty-six for petit jurors.
A. D. 1778.
No. 249.

Precepts and 
venire facias for 
furnmoning ju-
ries how to be 
made out.

To be furn-
moned by the sheriff 
at least ten days 
before court.

Form of furn-
mons.

Sheriff's returns 
how to be made.

Clerk to enter 
the appearance 
and default of 
judges.

Defaulter's of 
petit jurys to be 
lined £5, unless 
good cause 
shown—those of 
grand jurys 
£10.

the grand inquest, exactly transcribed from the said minute book, to the precept for 
furnmoning the grand jury; and shall also annex another pannel of the names of the 
persons drawn to serve as petit jurors, for the trial of civil and criminal caufes, 
exactely transcribed as aforesaid, to the writ of venire facias to be isued for furnmoning 
the said petit jury, in the mandatory part of which said writ of venire facias shall 
be inferred the words following, to wit: "The severel persons named in the pannel 
to this writ annexed," which precept and writ of venire facias, with their severel 
pannels annexed as aforesaid, shall be delivered by the clerk of the court within 
three days after such jurys being ballotted and drawn as aforesaid, to the sheriff of the 
county.

XV. And be it further enacted by the authority aforesaid, That the sheriff, or his 
lawful deputy, for the time being, upon the receipt of every precept and writ of 
venire facias, shall cause the severel persons whose names are contained in the pannels 
thereo annexed, to be served with a summons in writing ten days at least before the 
court at which they are to attend, which summons shall be in the following form, or 
in words to the like effect: "By virtue of a precept, (or writ of venire facias) 
you are hereby furnmoned to appear before the chief juftice and his associates, at the 
next superior court, to be held at the court house in the county of... on Tues-
day the day of next, at o'clock in the morning of the same day, to 
be sworn on the grand jury, or petit jury, (or as a juror) for the trial of certain caufes 
then and there depending, and signed by the sheriff, or his lawful deputy, under for-
feiture of pounds for every default."

XVI. And be it further enacted, That the sheriff or his lawful deputy, for the time 
being, shall make due return of all precepts and writs of venire facias, and in every 
such return shall set forth the names of all such persons as he shall have furnmoned 
by virtue of such writs or precepts, and the time when they were furnmoned, and 
also the names of those persons as he hath not furnmoned pursuant to such precepts 
or writs, together with the reafon why they were not furnmoned, on pain of being 
amered, to the truth of which the sheriff, his deputies, or one of them, shall make 
 oath, if required.

XVII. And be it further enacted, That the clerk of the court shall make due entries 
in the minute book of the said court, of the appearance of all jurors, and also shall 
enter and record the names of those who shall make default in appearing.

XVIII. And be it further enacted, That if any person, who shall be drawn, empan-
nelled, furnmoned, and returned, to serve as a juror at any of the courts aforesaid, 
according to the direction of this act, shall neglect or refuse to appear, or, if after 
appearance, shall refuse to serve, or shall absent himself without leave of the court, 
then, and in such case, it shall and may be lawful for the chief juftice, or prefiding 
judge, for the time being, to fine such person, not being a grand juror, in a sum 
not exceeding five pounds, and if a grand juror, in a sum not exceeding ten pounds, 
unles such juror making default, or refusing to serve shall shew good and sufficient 
caufe of excuse to be made on oath before the chief juftice or one of the affitant juftices 
of the county, within thirty days after the court at which he was furnmoned to appear.

XIX.
XIX. And be it further enacted, That if at any of the said courts, a sufficient number of jurors shall not appear of those who shall have been duly summoned, whether grand jurors or others, it shall and may be lawful for the chief justice, or presiding judge, to order and direct the number deficient to be drawn by ballot out of the division of the box where the names of such jurors are deposited, and, in case of challenge or non-appearance, to draw others out of the said division, until the deficiency be made up by persons then residing or being near where the court is held, who, in case of absenting themselves or refusing to be sworn as jurors, shall be subject to the like fine as is herein before inflicted on jurors for not appearing when lawfully summoned.

XX. And be further enacted, That from the jurors to be summoned and returned as aforesaid, for the trial of civil and criminal causes in the several courts, a jury shall be ballotted and drawn for every cause, in like manner as has hitherto been used and accustomed in the courts of law in this State.

XXI. And be it further enacted by the authority aforesaid, That at the several times herein before appointed for balloting jurors, the affistant judge or justices attending the same, shall, from time to time cause to be examined, torn, and destroyed, the rolls of paper that shall be drawn, wherein are contained the names of any persons who shall be dead or departed the county; and also shall, upon the annual returns to be made as herein before is provided, cause to be selected all those names that have not before been returned, and to be written in ballots as before directed, and put into the box or chest with the other jurors, agreeable to their respective qualities: Provided always, That the following persons shall not be liable to serve upon any jury directed by this act, to wit: Ministers of the several churches or of any dissenting congregations, members of the executive council, or house of assembly; sworn attorneys, physicians, surgeons, apothecaries, madmen, idiots, and sick persons.

XXII. And be it further enacted by the authority aforesaid, That the clerks of the respective counties shall, before they enter upon the execution of their office, take an oath before the governor and council or some person authorized by them to administer the same, that they will well and truly demean themselves in their said offices, and be accountable for all records and other papers that may come into their hands in virtue thereof, without fraud, alteration, seduction, or embezzlement.

XXIII. And be it further enacted by the authority aforesaid, That all fines, penalties and forfeitures, that shall be imposed or recovered in any of the courts aforesaid, shall be paid into the treasury, and appropriated and applied towards paying the several salaries granted to the officers of court, and in case they shall be insufficient for that purpose, then the public treasurer of this State is hereby directed, authorized and required, to pay the said salaries annually, out of any monies lying in the treasury; and that no person be held to bail on any writ or process, without an affidavit made before and attested by some judge or justice of the peace, and endorsed on or annexed to the writ, before the service thereof, of the sum he really believes to be due; nor for any other cause, without a judge or senior justice's order, on probable cause of action shewed, and to be endorsed on or annexed to the said writ, expressing the sum for which such bail shall be given.
XXIV. And be it further enacted by the authority aforesaid, That in case by any unavoidable accidents, the said courts shall fail to be held at the times respectively appointed for holding the same, the proceedings shall not be discontinued, but that any one or more of the justices and the clerk of the said courts shall and may adjourn the said courts from day to day, not exceeding four days, until the said courts shall meet; and in case the said court shall not meet and sit in that time, the said justice and clerk of the court as aforesaid, shall adjourn the same to the next court, to which time all causes then depending shall be continued over.

XXV. And be it further enacted by the authority aforesaid, That the said several courts shall be courts of record; and all persons necessarily going to, attending, or returning from the same, shall be free from arrest in any civil action.

XXVI. And whereas it may so happen that the attorney general for the State, cannot attend at some of the said courts, to prepare or prosecute indictments for criminal offences, Be it therefore enacted by the authority aforesaid, That in case the attorney general shall not attend any of the said courts, then any barrister or attorney at law, or other fit person, may prepare and prosecute indictments by leave and appointment of the judges of the said court, and be allowed the same fees for his trouble therein as the attorney general is entitled to.

XXVII. And whereas there are some doubts respecting the power of determining contested wills, and application for granting letters of administration; Be it therefore enacted by the authority aforesaid, That from and after the passing of this act, the chief justice and four assistant judges, or a majority in each county of them, named in this act, shall be and they are hereby appointed judges to determine in all matters of dispute concerning the proving of wills and granting letters of administration; and, where any caveats have been heretofore entered and not determined, or shall hereafter be entered in the register of probate's office, the said register shall, within four days after a written application made to him by either party, notify the same in writing to the said chief justice or assistant judges, and they or a majority of them, shall be directed and required, within ten days after such notification of the register, to meet at the court house (or at the place appointed by the said judges for the same) of the said county, and proceed to hear and determine the said caveats according to law and equity; and the determination of the said judges, respectively, or a majority of them so met, shall be binding and conclusive on all parties; Provided, That nothing in this clause contained shall extend to deprive either party, who shall be dissatisfied with any such determination, of bringing such caveat before the superior court of the county wherein such caveat shall be trieable, in the manner as is directed by the constitution.

XXVIII. And be it further enacted by the authority aforesaid, That this shall be deemed a public act, and may be given in evidence without special pleading; and if any person shall be sued for any thing done in pursuance hereof, and judgment shall pass for the defendant, either on verdict, non-suit, or demurrer, or the plaintiff shall discontinue his action, the defendant shall recover double costs.
XXIX. *And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the term of three years, and from thence to the end of the then next sessions and no longer.*

N. W. JONES, Speaker.

Savannah, March 1, 1778.

This act appears to have been comprehended in the general terms of the revival acts of 1781, No. 262, and 1783, No. 279; and considered in force until 1789. It was then expressly repealed by act of that year, No. 429. It was, however, materially altered by intermediate acts of 1782, No. 270, and of 1786, No. 344.

An Act to prevent the dangerous consequences that may arise from the practices of disaffected and other suspicious persons within this State.

Temporary.

March 1, 1778.

An Act for the better regulation of the militia, and for preventing the dangerous consequences arising from an invasion.

Obsolete.

May 2, 1778.

An Act for emitting the sum of one hundred and fifty thousand pounds, and for supporting the credit of the same, and other emissions hereafter made by monies arising out of the sales of the forfeited estates; and for other purposes therein mentioned.

I. II. III. Directing the emission of the money, and providing for the support of the credit of the same.—Obsolete.

IV. And whereas it is extremely necessary that some alterations and amendments should take place in an act, entitled "An act for attaining certain persons therein mentioned, and confiscating their estates real and personal, and for establishing boards of commissioners for the sales of such estates, and other purposes therein mentioned," passed at the last session of the assembly, with respect to the persons appointed therein to act as boards of commissioners for the sale of the estates forfeited, and confiscated therein, and also the powers which the said boards of commissioners derived under the aforesaid law; to the end therefore that the sales of the said estates be carried into more effectual execution for anwering the great and salutary purposes intended by this law, and for obviating any doubts that may arise respecting the same, Be it further enacted by the authority aforesaid, That all and every nomination of persons contained in the former aforesaid law to act as boards of commissioners for the sale of the said forfeited estates be void, and null; and every power which the said commissioners derived under the said law, is hereby declared null and void to all intents and purposes; and the said boards of commissioners shall deliver up and surrender the said estates.
A. D. 1778.

No. 252.

Sales of forfeited estates to be made by the sheriff of Chatham county, under direction of the general assembly.

Claims to be laid before the assembly, or filed in the superior court.

Limitation thereof repealed.

Trustees appointed for the custody and management of forfeited estates.

The several boards of commissioners to deliver up all estates, papers, &c. in their hands to the trustees.

Sheriffs to have personal estates appraised on oath.

Digest of the

Estate both real and personal, and all manner of papers and other documents in their hands respecting the said forfeited estates into the care, custody, and management of such persons as are by this act appointed to receive the same; and every part or parts of the said before recited act, as far as the same relates to the said commissioners, and the powers they were invested with, are hereby accordingly repealed.

V. And be it further enacted by the authority aforesaid, That the sales of the said forfeited estates shall be made by the sheriff, and shall begin and commence on the fifteenth day of October next, in the county of Chatham, between the hours of ten and twelve in the forenoon, under the inspection and direction of the general assembly; and the said sales shall be continued or adjourned from time to time and from place to place, according as the general assembly in its wisdom shall then order and direct.

VI. And be it further enacted by the authority aforesaid, That every mode and method directed by the said recited act for carrying in claims before the boards of commissioners, shall henceforth be pursued in the following manner, that is to say; that all and every such claim may be lodged with the clerk of the general assembly to be laid before the house, or may be brought before the superior courts in the respective counties by petition or otherwise, at the option of the said claimants, and shall there be tried as other causes usually are, by the constitution and laws of this State, and justice shall be done according to the true intent and meaning of the said act as aforesaid; and the clause in the said recited act respecting the limitation of claims is hereby repealed.

VII. And be it further enacted by the authority aforesaid, That the following persons shall be trustees for taking into their custody and management the said forfeited estates, Luke Mann, Thomas Maxwell, John Bohum Gerardeau, James Maxwell, Jofiah Dupont, William Maxwell, and Charles Odingsell for the county of Chatham; John Adam Treutlen, Benjamin Lanier, Abraham Ravot and William Holzendorf, for the county of Effingham; Devereux Gerard, James Brown, Richard Berkuloee, and John Jones for the county of Burke; William Glascock, John Walton, Seth John Cuthbert, and Robert Walton for the county of Richmond; Richard Aycock, Solomon Nufam, jun. and Daniel Coleman lor the county of Wilkes; John Sandiford, Moses Way, Francis Brown, William Peacock, and Samuel Saltus for the counties of Liberty, Glynn, and Camden. And the boards of commissioners shall deliver up and surrender into the hands of the trustees appointed by this act, all the said forfeited estates, real and personal, and all and every the documents and papers respecting the same. And the said trustees appointed by this act shall have power to place guards, and do every other act which may tend to the better security of the said forfeited estates.

VIII. And be it further enacted by the authority aforesaid, That the sheriffs of the respective counties shall cause the several and respective forfeited personal estates within their counties to be appraised by three freeholders, on oath, within six weeks from the passing of this act, and make a return thereof into the secretary's office of this State.
IX. And be it further enacted by the authority aforesaid, That if any person or persons shall feloniously remove, or aid, abet, and assist in feloniously removing without the limits of this State, any part of the said confiscated estates; every such person or persons so offending shall be deemed and adjudged felons, and on conviction thereof shall suffer death.

JAMES WHITEFIELD, Speaker.

Augusta, May 4th, 1778.

An Act for raising the sum of £12,000 for the use and support of the government of the State of Georgia, for the year 1778, to be raised at certain rates and after the method therein mentioned.

May 4th, 1778.

Obsolete.

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

WHEREAS in and by an act of this State, passed for attainting persons therein mentioned of high treason, and for confiscating their estates both real and personal, to the use of this State, for establishing boards of commissioners for the sale of such estates, and for other purposes therein mentioned. It is enacted among other things, that every buyer of personal goods, and chattels, so directed to be sold, shall pay one fourth part of the amount of every such purchase so made by persons within the description of the said act, to the said boards respectively for the use of the said State, and shall give good and sufficient security, to be approved of by the said boards, respectively, for payment of the remaining part of the purchase money, within three years after the day of sale with interest for the same at the rate of eight per cent. per annum, to be paid in the following manner, that is to say: One third part of such remainder at the end of one year, one other third part at the end of two years, and the remaining third part at the end of three years, together with the whole of the interest at the end of each year respectively, to the use of this State, payable to the governor of this State, for the time being; And whereas, it is directed that the real estates of such persons as are mentioned in the said act of attainer and confiscation shall be disposed of and sold at a credit of five years, paying interest for the same at the rate of six per cent. per annum. And whereas the
A. D. 1778.

No. 254.

Enacted,
The manner and terms of sale in the act of attainer and confiscation repealed.
Sheriffs of the several counties to sell personal effects, all under £500 for cash—above that sum half cash and one year's credit for the other half on interest. Land security to be given—4 per cent. allowed for further prompt payment.
Sheriffs to sell real estates—one fourth to be paid at the sale, the balance in three equal payments yearly, with 8 per cent. interest.
To take mortgages and other security under inspection of a committee.

And to execute titles to purchasers.

the powers vested in the said several boards of commissioners appointed and constituted in and by the said in part recited act, are repealed, and the said boards respectively abolished, and the powers and authorities given to the said commissioners, are, by a subsequent act of this State, vested in the legislature of this State; And whereas, it is deemed expedient for the advantage of this State, and the better to carry the purposes of the said act of attainer into execution, that the terms prescribed in the said in part recited act, with regard to the sale of personal goods or chattels as the real estate thereby directed to be sold, should be changed; Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That from and immediately after the passing of this act, the said in part recited clauses of the said act of attainer and confiscation, be and they are hereby repealed; and that in lieu of the terms mentioned in the said clauses, the sheriffs of the several counties, for the time being, are hereby directed to expose to public sale to the highest bidder, the personal goods and chattels of such persons mentioned in the said act. That all sums of two hundred pounds and under be cash; all above two hundred pounds to be half cash; the other half one year's credit with interest from the delivery; land security to be taken for all said on credit; and four per cent. to be allowed for prompt payment on the parts for credit, before the delivery of such goods and chattels.

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

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

N. W. JONES, Speaker.

Savannah, October 30, 1778.

No. 255.

An act for dividing the county of Richmond into two battalion districts.

November 15, 1778.

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

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

II. And whereas William Knox hath, by a long train of inimical acts, forfeited all and every degree of right to protection of property within this State, and hath been very active in advising and continuing the miseries and calamities with which the good people of this State have been afflicted.

III. Be it further enacted by the authority aforesaid, That the estate of the said William Knox, both real and personal, be sold under the regulations of the act of attainder, and the monies arising from the sales be applied to the uses directed by the said law.

N. W. JONES, Speaker.

Savannah, November 15, 1778.

An Act to revive and continue the several acts therein referred to.

WHEREAS several useful and necessary laws of this State (then province) are expired, and divers other good and wholesome laws will expire with this present session; and to the end that disputes and difficulties may not arise touching the present validity of the said laws so made and passed as aforesaid within the said territory of Georgia,

I. Be it enacted by the representatives of the freemen of this State in general assembly met, and by the authority of the same, That from and after the passing of this act, all laws heretofore made in the then province now State of Georgia, and have not been repealed
repealed, and all the laws of England, as well statute as common, and heretofore used and adopted in the courts of law of the then province, now State of Georgia, and which were used and of force at the time of the revolution, except part of an act, entitled "An act to regulate and extend the trade and commerce of this State, and to establish an insurance office for the encouragement thereof, and also to restrain the selling of merchandise by public auction within the same;" so far as the same respects the sales of merchandizes by public auction, shall be of full force, virtue, and effect, to all intents and purposes as were heretofore had, used, and revived, as the law of this land, any law, usage, custom, article, matter or thing, at present adopted in a change of government, to the contrary in any wise notwithstanding, so far as the same do not contradict, weaken, hurt, or interfere with the resolves and regulations of the honorable the continental congress, or of any resolve or regulation of this or any former assembly, congress, or convention, held in and for this State, and in particular the constitution of the same made and agreed to by the representatives of the people in convention assembled, and ordered to be the rule and government of this State, and the same shall extend to, and be in as full force, power and effect, and in as full and ample a manner as the same were formerly of force in this State, (then province) as if the said territory were an independent State, at the time of making and passing such laws.

General act. II. And be it enacted, That this act shall be a general act, and shall be taken notice thereof as such by all judges and other officers of justice or government within this State, without the same being specially pleaded.

Continuation. III. And be it further enacted, That this act shall be and continue, and be in full force until the first Tuesday in January, in the year of our Lord, one thousand seven hundred and seventy-nine, and from thence to the end of the next session of assembly.*

Savannah, November 15, 1778.

* See acts of 1781, No. 263—1783, No. 279—and 1784, No. 287.

An Act for the better ordering and regulating the militia of this State.

November 15, 1778.

Obsolet.

An Act for the more speedy and effectual settling and strengthening this State.

WHEREAS in any situation, but most especially in the present, when the counties and towns upon the sea-board are in the hands of the enemy, it is highly necessary that some place should be established for the seat of government, and the transacting of business in public offices; and also for the granting of lands, as
well to those citizens who have lost possession of their lands in the said counties and towns as others who may be induced to come into and settle the rich lands of this State; Be it therefore enacted by the freemen of this State in general assembly met, and it is hereby accordingly enacted, That from and after the day of the passing this act, the town of Augusta in the county of Richmond, shall be considered as the seat of government until directed otherwise by some future meeting of the legislature, and to which all records and other public papers shall be brought as soon as may be, and the respective officers opened: Provided that in case the said town of Augusta should at any time, in the recess of the legislature be approached or invested, so as the same shall appear untenable, then his honor the governor and executive council, for the time being, shall remove to such place, as the common safety shall make necessary, which shall be considered as the seat of government until the recovery of the said town of Augusta.

II. And whereas the lots in the said town of Augusta have been monopolized by a few persons, which most evidently has prevented the full settlement of the same, contrary to the original intention, and the terms of the royal grants thereof: Be it therefore further enacted by the authority aforesaid, That the proprietor of every lot who shall not build thereon as is herein after mentioned, within two years from the passing of this act shall forfeit the same to the use of this State, to be sold to the highest bidder, who shall engage and give satisfactory security to build thereon.

III. And whereas the vacant land above and below the said town of Augusta, lying on Savannah river on the north, and joining the common in a line with the south street of the town running parallel with the river, and joining land of M'Cartan Campbell on the west, and Andrew M'Lean on the east, ought to be laid out in lots, and sold for the use of this State, in order to enlarge the limits of the said town, Be it therefore enacted by the authority of the same, That five commissioners be appointed by this house, and the said commissioners so appointed or any three of them are hereby empowered to lay out the said vacant land, in lots of one acre each; and also to lay out proper streets and to arrange them with the others in the said town of Augusta, and the whole shall be included and called Augusta: And be it enacted by the authority aforesaid, That the said commissioners, or any three of them shall cause the said lots to be sold at public vendue in Augusta, by the sheriff of the county, giving one month's notice after the same shall be laid out as aforesaid, receiving one half of the purchase money down, and taking bond with approved security for the payment of the other half within twelve months after every such sale;* Provided that no one person shall be allowed to hold more than one lot, in his own right within the term of five years next ensuing or any other person for him.

IV. And be it further enacted by the authority aforesaid, That his honor the governor in council, be and he is hereby empowered to sign grants for the same to the respective purchasers, each first giving approved security to settle and build upon the same as is herein after directed.

V. And whereas the streets in the town of Augusta, as well as the road on either side up to Rae's creek, and down to the sand-bar are not regular or straight, Be it therefore

* The terms of this sale not having been complied with, the lots are directed to be re-folded, by act of 1783, No. 282, sect. 1.
DIGEST OF THE

A.D. 1785.

No. 259.
The commissioners for straightening the streets above, and below the town, and to have a court house and gaol built on one of the public lots in Broad-street.

The dimension and kind of houses to be built, under the direction of the commissioners.

The other public lot in Broad-street, reserved for public schools.

Two lots for houses of public worship to be reserved by the commissioners.

Money arising from sales of lots to be paid into the treasury.
The lands in Wilkes county and elsewhere to be granted—250 acres to the head of a family and 50 acres for every other, whether white or black.

Provided,

He must first bring his family into the State, subscribe the oath of government and give security to settle the same in nine months.

therefore enacted by the authority aforesaid, That the said commissioners, or any three of them be empowered, and are directed to lay out, measure, and post the same in the best and most regular way.

VI. And whereas the remote situation of Brownborough, renders it a very unsafe place for a gaol and court house, Be it therefore enacted by the authority aforesaid, That a court house and gaol for the county of Richmond be built in the town of Augusta, on one of the public lots in Broad-street under the directions of the said commissioners or any three of them, and that all malefactors shall be there confined, and tried, and suits at law heard and determined during the present war.

VII. And be it further enacted by the authority aforesaid, That no person, proprietor of any lot in Augusta, or any person for him shall be allowed to erect any dwelling-house upon any of the said lots, under the dimensions of twenty by sixteen feet, and if the same shall be in wood it shall be framed and built in a workmanlike manner, and shall be placed in such part of the lot as shall be pointed out and directed by the said commissioners, or any three of them, to the end that the said town may be regularly built.

VIII. *And be it enacted by the authority aforesaid, That the other lot in Broad-street be reserved for houses of public seminaries and schools.

IX. And be it further enacted by the authority aforesaid, That the said commissioners, or any three of them, shall reserve two of the best lots in the centre line of the said town, and distant from each other for houses of public worship: And also that the said commissioners or any three of them do lay out two acres of ground in the common south of the said town, for public cemeteries, each opposite the respective lots, and to cause the same to be cleared and fenced in, and hereafter no corpse shall be interred in the town.

X. And be it further enacted by the authority aforesaid, That the monies arising from the sales of the said lots shall be deposited in the public treasury for the support of the expenses of the State.

XI. And whereas the rich and healthy lands in Wilkes county and elsewhere, in this State, remain unsettled, to the great detriment of the commerce and strength of the same, while many of the citizens of this State are suffering by their lands being in the hands of the enemy, and others being willing to settle and defend the same, as heretofore mentioned, Be it therefore enacted by the authority aforesaid, and it is hereby enacted, That every citizen of this State, as well as any citizens of any other State, shall be entitled to a grant of land in the following manner, viz. two hundred acres of land for the head of a family, and fifty acres for each member of the same, whether white or black, to be laid out any where in this State, not in the possession of the Indians, Provided that every such person, before he shall obtain such grant, shall bring the whole of his family into the State, and himself take and subscribe the oath of government: And provided also, That he shall give security to his honor the governor and council for settling the same, within nine months next hereafter.

XII.

* See act of 1783, No. 282, sect. respecting lots to be reserved for public uses.
† Vested in trustees by act of 1783, No. 202, sect. 4.
‡ Altered by act of 1783, No. 275, sect. 1.
XII. And be it further enacted by the authority aforesaid, That where it shall appear the commissioners under the former government fold and made allotments to any person who have settled and still possess the same, such persons shall have grants in preference to any other persons whatsoever of the former government having settled, and still possess the same to have a right of preference.

XIII. And to the end, That every encouragement may be given to induce men to come from other States to settle lands in Wilkes county: Be it enacted by the authority aforesaid, That every person so coming from another State and settling in Wilkes county, under this act, shall not be compelled to serve in the militia in any other way or place, but in defending the same during the term of two years.

XIV. And whereas it is essentially necessary for the convenience of suitors and ministers of public justice, that the building a small town at the place appointed for holding courts in the county of Wilkes, should be encouraged, Be it therefore enacted by the authority aforesaid, That five commissioners shall be appointed by this house, and the said commissioners so to be appointed, or any three of them be empowered to lay out one hundred acres of the land circumjacent the said place, into a town and common, and that the same be sold and granted in the manner pointed out in this act, respecting the lots in Augusta, and the monies arising from such sales appropriated to the like uses.

XV. And whereas many tracts and parcels of land have been laid out and surveyed by persons who have been long out, and yet are absent from this State, Be it therefore enacted by the authority aforesaid, That his honor the governor, be empowered to issue a proclamation, admonishing every such person to come in and settle the lands so laid out and surveyed, within three months next after the date of such proclamation; otherwise all such lands shall be deemed vacant.

XVI. And be it further enacted by the authority aforesaid, That the following shall be the form of all grants of land within this State.

† By the authority of the legislature of the State of Georgia.

I, A. B. governor and commander in chief of the said State, by and with the advice of the executive council of the same, now present, do give and grant to C. D. all that &c. to have and to hold the said tract of land with all the premises and appurtenances, to him the said C. D. his heirs and assigns for ever in fee simple.—Given under my hand, and the great seal of the said State, this day of the year of our Lord, one thousand seven hundred &c.

By his honor, &c.

XVII. And whereas it will tend greatly to the interest and strength of the State to establish manufactories of iron; to the end therefore of encouraging able and proper persons to undertake the same, Be it enacted by the authority aforesaid, That any person or persons who will give approved security to his honor the governor and council, for erecting proper and effectual works for that purpose shall be entitled to a grant of two thousand acres for a forge, and two thousand acres for a blomary, and two thousand acres for a furnace.

XVIII. 

* See act of 1783, No. 273, sect. 10, further extending the right of preference.
† Extended 12 months by act of 1783, No. 281, sect. 4.
‡ The form of grants altered by acts of 1783, No. 273, sect. 14.
XVIII. And whereas it may so be that a number of warrants, and returns of plots may be lost in our late confused state; for remedy thereof, Be it enacted by the authority aforesaid, That where it shall appear upon oath that any such paper or description of land may have been lost, that grants shall pass for the same notwithstanding, free of new expense.

XIX. And be it further enacted by the authority aforesaid, That no warrant, survey, or plot, made or laid out in the lands yet within the lines of the Indians, shall be held valid, and the same is hereby declared null and void, to all intents and purposes whatever, nor shall any grant, which may hereafter be surreptitiously obtained, be deemed legal or of any effect.

XX. And whereas no grants have yet been signed and passed for many allotments, warrants and returns of land, Be it therefore enacted by the authority aforesaid, That his honor the governor in council, be empowered to sign, seal, and pass grants for the same as soon as possible; and to all other persons who shall apply for lands in the terms of this act, and of the before mentioned act, called the land act.

XXI. And be it enacted further by the authority aforesaid, That his honor the governor, by and with the advice of the executive council, be empowered to issue a proclamation, pointing out the situation, richness, and convenience of the lands within this State, and inviting them to come and settle the same, upon the terms and conditions herein before mentioned. And that he be also empowered in like manner to send one or more fit persons into other States upon the public expenses, the better to carry the intentions of this act into execution.

XXII. Whereas certain persons, citizens of this and the State of South Carolina, and friends to the independency of the same, claim that the lands in the county of Wilkes were originally given up and ceded to the government of Great Britain by the Creek and Cherokee Indians, in satisfaction and discharge of certain debts and arrears due by the said Indians, to the said certain persons, commonly called Indian Traders, Be it therefore enacted, That any person having or pretending to have any claim, do lay their claims and accounts before this or some future house of assembly, to be examined, and whatever claims shall be found just and proper, and due to the friends of America, shall be paid by treasury certificates, for the amount payable in two, three, and four years, and carrying six per cent, interest.

XXIII. And be it further enacted by the authority aforesaid, That William Glacock, George Walton, Daniel M'Murphy, John Twiggs, and George Wells, Esquires, or any three of them be a board of commissioners for acting under this act, respecting the town of Augusta; and William Downes, Barnard Heard, John Gorham, Daniel Coleman, and John Dooly, Esquires, or any three of them be a board of commissioners for acting under this act, respecting the town at the court house in Wilkes county, which shall be called Washington.

XXIV.

* Penalty imposed by act of 1783, No. 273, sect. 9.
† Commissioners again appointed by act of 1783, No. 282, sect. 1.
§ And also for Washington, sect. 9.
An Act declaring certain persons who are therein described, citizens of this State, and for burying in oblivion certain high crimes and misdemeanors.

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

I. This fact, excluding certain persons from the right of citizenship repealed by act of 1782, No. 266.

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

III. And it is hereby further enacted by the authority aforesaid, That all persons who shall come in and join any regiment in this State, on or before the first day of October next not guilty of any of the offences above described, and shall give security to stand his trial for any crime that may be brought against him, that then and in that case the person shall be suffered to remain until the determination of the court as aforesaid, and if no crimes can be proved against him, they are hereby entitled to all the liberties of a free citizen, and shall take and subscribe the following oath before the commanding officer of the district to which such person may reside or belong, viz. "I, A. B. do solemnly swear or affirm, without any equivocation or reservation of mind, that I do in truth and sincerity cheerfully and deliberately renounce and abjure the king of Great Britain, his heirs and successors, and also the crown thereof, for ever: And I do further solemnly swear (or affirm) that I will bear true allegiance to the State of Georgia, and do, every thing in my power to support the independence of the same agreeable to the declaration passed in Congress on the fourth day of July, one thousand seven hundred and seventy-six: And also that all treasons, combinations, and confederacies, or any movements of the British troops, their emissaries or spies, against it which shall come to my knowledge, I will
A. D. 1781.
No. 260.

Certain internal enemies to suffer death or banishment.

will immediately make known to the officer commanding the district I belong to, or the nearest justice of the peace. So help me God.

IV. And be it further enacted, That if any person or persons herein before mentioned who have heretofore taken the said protection or oath shall hereafter take or receive either of them as a British subject, or shall speak in favor of the British king or his vassals, or shall take up arms in aid thereof, or shall speak against the legality of congress, or the independence of this or the United States, or refuse to take up arms against the enemies thereof when required, in either case shall suffer death or banishment at the option of the jury.

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

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

JOHN JONES, Speaker.

Savannah, August 20, 1781.

No. 261.

An Act to amend the several acts for the better regulation of the militia of this State.

VIII. A. N D whereas numbers of persons are daily absenting themselves and leaving their fellow citizens to encounter the difficulties of the present crisis, Be it enacted by the authority aforesaid, That any person or persons who shall produce a certificate from the commanding officer of the district to which he belongs, to the legislature of this State (on the total expulsion of the enemy from it) of his having steadfastly done his duty from the time of passing of this act, shall be entitled* to two hundred and fifty acres† of good land (which shall be exempt from taxes for the space of ten years thereafter;) Provided such person or persons cannot be convicted of plundering or distressing the country.

All the rest obsolete.

JOHN JONES, Speaker.

Savannah, August 20, 1781.

* Grants directed to be issued to officers, soldiers, &c. by act of 1783, No. 273, sect. a.
† See act of 1784, No. 289, sect. 11 and 15, appropriating land for payment of bounties with additional allowance in lieu of exemption from tax.

No. 262.

An Act for the prevention of internal conspiracies, and for the empowering certain committees therein mentioned, to examine into the conduct of certain suspicious persons.

Temporary.

August 21, 1781.
LAWS OF GEORGIA.

An Act to continue the several acts heretofore made in the then province of Georgia, and also all acts made and passed by the several conventions, congresses, and houses of assembly of the State of Georgia.

WHEREAS several laws are already expired and others near expiring, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same, That the several laws heretofore made in the then province of Georgia, and also all laws made and passed by the several conventions, congresses, and houses of assembly of the State of Georgia, (and not repealed by this or any former house) except those which are repugnant to the constitution of the said State shall be in full force and effect as if the same had not expired, any law, usage, or custom to the contrary in any wise notwithstanding.

II. And be it enacted by the authority aforesaid, That this act shall be and continue in force for the term of one whole year, and from thence to the end of the next session of the general assembly, and no longer.

JOHN JONES, Speaker.

Savannah, August 21, 1781.

* See revival act of 1783, No. 279.

An Act to repeal an act, entitled "An Act to draw a line or lines between the good citizens of this State and the enemies thereof, and to prevent plundering and detecting spies within the same."*

WHEREAS it hath been found upon trial that the said act hath not answered the purposes for which the same was intended, but on the contrary hath been attended with many abuses; in order therefore to remedy the same and preserve the property for the use of this State, to defray the necessary expenses of government which have already accrued and will accrue, Be it enacted, and it is hereby enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the said act passed on the twenty-ninth day of January, one

* The original act referred to, cannot be found. The resolution mentioned and repealed by this act, is therefore inferred, as the best evidence in our power, of the line in question:

"WEDNESDAY, 22d August, 1781.

"Resolved, That all property taken in action shall be sold for the benefit of the captors, except such as may belong to the friendly citizens of this or any other State, or the sequestered property.

"And it is further resolved, That they shall be allowed a salvage of one third on all property taken from persons living on the other side of the line, from Hudon’s ferry on Savannah river, to the mouth of Little Ogeechee, from thence to Beard’s bluff on the Altamaha, and from thence to the Cowford on Saint Mary’s river, (except the property of citizens as aforesaid) though not immediately taken in action, unless such property shall be taken after our living polls or taking possession of the polls below, Provided the same be condemned according to the constitution of this State, And provided also, on evidence to the court, it shall appear that the party was commanded by an officer, and ordered out by the commanding officer of the regiment to whom they belong." Extra from the journal.
A.D. 1782.
No. 264.

one thousand seven hundred and eighty, and also a resolution of the house of assembly, dated the twenty-second day of August, one thousand seven hundred and eighty-one, and every part of the same shall be and they are hereby repealed, and of no force or effect whatever, any matter or thing contained in the same, to the contrary notwithstanding.

WILLIAM GIBBONS, Speaker.

Savannah, January 9, 1782.

No. 265.

An Act for the confiscating the estates of certain persons therein described, and for the providing funds for defraying the contingent expense of this State.

WHEREAS it is absolutely necessary a fund should be raised for the defraying the contingent and necessary expences of the State, which must and will accrue.

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

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

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

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

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

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

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

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

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

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

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

X. And be it further enacted, That the said certificates shall be issued in payment and contracts on account of the State at the rate articles sold for during the years one thousand seven hundred and twenty-four, and one thousand seven hundred and seventy-five, except corn which shall not exceed two shillings and six-pence per bushel.

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

H h

A. D. 1782.
No. 265.

Governor to draw 300l. for contingent expenses.

£500 for secret service.

£500 for equipping the State legion.

The further sum of £15,000 to pay off arrears of militia.

Pay-rolls, how to be made out and signed, Certificates to be issued separately in the name of persons who have done duty.

£250 for civil list expences.

And the further sum of £500 for certain officers and privates of the aforesaid legion.

The prices of articles &c. in 1774 and 5, to regulate the issuing of certificates. Corn not to exceed 2/6 per bushel.

The certificates how to be redeemed.

XII. And be it further enacted, That this aët shall be considered as a public aët, and given as such in evidence. 

WILLIAM GIBBONS, Speaker.

Savannah, January 11, 1782.

No. 266. Public aët.

An Aët to amend an aët declaring certain persons therein described citizens of this State, and for burying in oblivion certain high crimes and misdemeanors.

WHEREAS the said aët passed on the twentieth day of Augift last, hath been found inadequate to the purposes intended, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the first clause in the said aët, which respects officers shall be and the same is hereby repealed and of no force or effect whatever, any matter or thing contained in the same to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That this aët shall be deemed a public aët, and given as such in evidence.

WILLIAM GIBBONS, Speaker.

Augusta, January 12, 1782.

No. 267. Public aët.

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

WHEREAS, on the first day of March, which was in the year of our Lord, one thousand seven hundred and seventy-eight, an aët was passed for attainting certain persons therein mentioned of treason, and confiscating their estates for the use and benefit of this State, which aët has not yet been carried into full execution; And whereas it is necessary that the names of the said persons so attainted by the said law, should be inserted in a law, with the names of various other persons who have since the aforeaët time been guilty of treason against this State, and the authority of the same, by traiterously adhering to the king of Great Britain, and by aiding, assisting, abetting, and comforting, the generals and other officers, civil and military, of the said king, to enforce his authority, in and over this State, and the good people of the same: And whereas the said treasons have been followed with a series of murders, rapine, and devallation, as cruel as they were unnecessary, whereby order and justice were banished the land, and lawles power establishe on high, exhibited the melancholy picture of Indians inflicting dreadful punishments on both old and young of the faithful and peaceful citizens of this State; women and children sitting on the ruins of their houses, perishing by famine and cold, whilst others were compelled in the midst of a rigorous season to depart the State, being previously
previously plundered of both their and their children’s clothing, and every other necessary that might tend to mitigate the uncommon severities exercised on the softer sex and their innocent babes; nor was this all, whilst these days of blood and British anarchy continued among us, and commanded executions of our citizens, taken in arms in defence of their invaluable rights, to take place—executions as unauthorized by the laws of nations, as they were cruel in themselves, and only to be exceeded, if possible, by the abandoned profligacy of setting torches to temples dedicated to the service of the Most High God, whereby they compleated a violation of every right, human and divine: And whereas the aforesaid treasons, and other atrocious crimes, justly merit a forfeiture of protection and property: Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That all and each of the following persons, viz. for Chatham, Sir James Wright, Baronet, John Graham, Alexander Wright, Lachlan Mc.Gilivray, John Mulbryne, Josiah Tatnall, Basil Cowper, William Telfair, Alexander Mc.Goun, Thomas Talman, Samuel Douglass, Lewis Johnston, senior, Lewis Johnston, junior, William Johnston, Thomas Johnston, James Johnston, Samuel Farley, James Alexander, Joseph Spencer, James Batler, John Wood, Robert Reid, John Stour, Thomas Reid, George Houstoun, Philip Delegal, senior, his heirs, devisees, or assignts, Philip Delegal, junior, David Delegal, John Glen, John Bond Randell, James Mosman, John Charles Lucena, Nathaniel Hall, Thomas Gibbons, John Fox, junior, John Simpson (Sabine fields), Matthew Stewart, John Sutcliffe, Benjamin Farley, Thomas Rofs, John Joachim Zubly, his heirs, devisees, or assignts, David Zubly, junior, George Baillie, William Wylly, Campbell Wylly, Thomas Wylly, Levi Shetfall, James Harriot, James Graham, James Hume, John Hume, his heirs, devisees, or assignts, Thomas Goldsmith, his heirs, devisees, or assignts, Major James Wright, James Robertson, Henry Yonge, junior, Joseph Farley, his heirs, devisees, or assignts, John Foules, Thomas Fleming, Alexander Thomson, Robert Mc.Cormick, his heirs, devisees, or assignts, Thomas Forbes, Colonel Thomas Brown, James Thomson, William Jones, of Savannah, Martin Jollie, Donald Frazer, Isaac Baillou, Doctor John Irvine, George Kincaid, William Knox, John Murray, George Cuthbert, William Mc.Gilivray, William Stephens, Benjamin Wilfon, Peter Dean, George Fox, Moses Kirkland, John Lightenstone, William Lyford, Andrew Hewat, Alexander Inglis, James Brisbane, William Miller, William Mofs, Philip Moore, William Panton, Thomas Skinner, John Mulbryne Tatnall, Charles William Mc.Kenny, his heirs, devisees, or assignts, Alexander Rose, Charles Wright, senior, Robert Porteous, Jemyn Wright, his heirs, devisees, or assignts, Charles Wright, son of Sir James, John Mc.Gilivray, Tim Barnard, Isaac Delyon, Peter Edwards, Samuel Langley, and Samuel Ealy:—Liberty, Glyn, and Camden, Roger Keisfall, Thomas Young, Simon Munro, Henry Munro, James Spalding, Robert Baillie, Alexander Creighton, Rogerick Mc.Intoh, William Mc.Intoh, Indian trader, Charles Mc.Daniel, his heirs, devisees, or assignts, John Mc.Donald, Donald Mc.Donald, Daniel Mc.Leod, Daniel B. Mc.Intoh, John Polson, his heirs, devisees, or assignts, William Rofs (Saint Andrews), John Wefly, — Mc.Coy, of Saint Andrews, John Shave, junior, Richard Shave,
Kemp—Be, and they are hereby declared to be banished from this State for ever; and if any of the aforesaid persons shall remain in this State sixty days after the passing of this act, or shall return to this State, the governor or commander in chief for the time being, is hereby authorized and required to cause the persons so remaining in or returning to this State, to be apprehended and committed to gaol, there to remain without bail or mainprize, until a convenient opportunity shall offer for transporting the said person or persons beyond the seas, to some part of the British king's dominions, which the governor or commander in chief for the time being, is hereby required to do; and if any of the said persons shall return to this State after such transportation, then, and in such case, he or they shall be adjudged, and they hereby are declared to be guilty of felony, and shall on conviction of their having so returned as aforesaid, suffer death without benefit of clergy.

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

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

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

A.D. 1782.
No. 207.
Banished from the State for ever, to depart in 60 days or be transported to the British dominions.

Declared guilty of felony, and suffer death if they return.

Their estates, together with all debts, dues, &c. to which they were any way entitled on the 19th April, 1775, confiscated for the use of the State.

Certain persons not named, subjected to like pains and forfeitures.

Estates, debts, &c. of persons on confiscation acts in other States, confiscated in like manner.

Debts due to merchants, &c. residing in British dominions, hereafter appropriated.
arising from the sales which shall take place by virtue of and in pursuance of this act, be applied to such uses and purposes as the legislature shall hereafter direct.

V. And be it further enacted, That all debts, dues, or demands, due or owing to merchants or others residing in Great Britain, be, and they are hereby sequestered, and the commissioners appointed by this act or a majority of them, are hereby empowered to recover, receive, and deposit the same in the treasury, in like manner as debts confiscated.

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

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

VIII. And whereas there are several just claims and demands which may be made by the good and faithful citizens of this State, or others of the United States, against the estates of persons confiscated by this act, Be it therefore enacted by the authority aforesaid, That any person or persons well affected to the independence of the United States, having debts owing to them from the persons named or described in this act, or who have any just claim or claims in law or equity against any of the said confiscated estates, that every such person or persons shall bring his or their claim, or enter his or their action, within the space of twelve months from the passing of this act, or, in default thereof, he or they shall be for ever debarred of deriving any benefit from the same.

IX. And be it further enacted, That all persons having claims or demands against any of the confiscated estates, be at his or their option to lay a suit and proofs of the said demands before the said commissioners, or a majority of them, on or before the fourth day of May next, and the said commissioners, or a majority of them, are hereby
LAWS OF GEORGIA.

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

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

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

* See 69 of 1783, No. 272, authorizing a less number of commissioners to be a board, and the powers herein given declared void.

A. D. 1782. 
No. 267.
A. D. 1782.
No. 267.

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

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

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

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

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

XVI. And whereas, several sales of real estates, forfeited and confiscated by the act of attainder and confiscation which was passed on or about the first day of March, one thousand seven hundred and seventy-eight, took place, the terms of which sales were not complied with, Be it therefore enacted by the authority aforesaid, That all and every sale of any part or parts of the said real estates, the terms of which were not strictly complied with, and fulfilled on the part of the purchaser or purchasers, in the manner and forms prescribed and required in the rules and regulations for selling the said real estates, be deemed and held null and void; and such sale or sales are hereby declared to be null and void to all intents and purposes whatsoever; and the commissioners appointed by this act are empowered and required to take the said real estates into their custody and care, and to be subjected to sale under the power and authority of this act.

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

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

XIX. And be it further enacted by the authority aforesaid, That the said commissioners be allowed a commission of one and an half per cent. on all sales of the real and personal estates, besides all reasonable and just expenses incurred in carrying this act into execution.
A. D. 1782.

No. 267.

To make frequent return of their proceedings to the governor.

Public act to receive the most liberal and beneficial construction.

General issue to be pleaded.

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

XXI. And be it further enacted by the authority aforesaid, That this act shall be a public one, and judicia\lly taken notice of as such, and that the same shall have the most full, liberal, and general construction, for the purposes of carrying the same into execution in the most beneficial manner; and if the said commissioners or any of them, be impleaded or sued, or any person acting under their authority, for any matter or thing done by virtue of this act, they or he may plead the general issue, and give this act and the special matter in evidence, and on verdict or judgment against the plaintiff, or on his non-suit or discontinuance, the persons or persons so sued shall recover treble costs.

Savannah, May 4, 1782.

SAMUEL SALTS, Speaker.

No. 268.

An Act for preventing improper or disaffected persons emigrating from other places, and becoming citizens of this State, and for other purposes therein mentioned.

Temporary. - Expired.

August 5, 1782.

No. 269.

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

WHEREAS many persons have withdrawn themselves from the defence of this State, some of whom bore high and important trusts, or commisions under the same, accepted protection from the enemy in utter contempt of the authority of the State, and to the evil example of society; and forgetting all the services of kindred and humanity did affix in endeavoring to enforce the laws of British government, and overturn that mild and equitable system of government, which they had affixed to raise, and which it was their duty to support; And whereas it is but just and reasonable, that the estates of such persons, both real and personal, be amerced, and that a due discrimination should be made, Be it therefore enacted by the representations of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the commissioners appointed for carrying into execution an act, entitled "An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," shall, within two months after passing this act, take an invento-

* See act of 1785, No. 306, amercing certain other persons.
tory and appraifement of the estates of the persons herein after mentioned, viz. Thomas Polhill, Sir Patrick Houstoun, John Sutcliffe, George Basil Spencer, Thomas Wyly, William Struthers, Amos Whitehead, Mc.Carten Campbell, James Lambert, Andrew McLean, John Irvine, George Cuthbert, Benjamin Farley, John Goldwire, and Thomas Johnston, and within four months thereafter, take out the amercement herein after mentioned, that is to say, twelve per cent. on the true and equitable value of all such estates both real and personal, of the persons herein before mentioned; and that the said commissioners or a majority of them, shall inventory and appraise the estates of the persons herein after named, viz. William King, John Lowerman, Smith Clarenden, Stephen Millen, Jofeph Cuthbert, Jofeph Fox, Luke Mann, Thomas Walker, Nicholas Cavenagh, David Cavenagh, Peter Winn, heirs of George Walker, David Johnston, James Johnston, David Delegal, Benjamin Wilson, Robert Baillie, George Houftoun, James Mofman, David Douglaes, William Stephens, and take out the amercement hereafter mentioned, that is to say, eight per cent. on the true and equitable value of all such estates, both real and personal, which said amercement shall be paid by the several persons herein before named, into the treasury of this State, within six months from and after the passing of this act; and that the said persons herein before named, shall be obliged to give to the said commissioners or a majority of them, a just, true and perfect account on oath, of all their real and personal estates which they are possessed of, or which others may or do hold in trust for them, within forty days from and after the passing of this act; and in case of refusal or neglect, the said commissioners or a majority of them are hereby empowered, authorized and required to have the estates real and personal, of the persons herein before mentioned, appraised by three freeholders, who shall be sworn for that purpose; and the said persons so neglecting or refusing as aforesaid, shall forfeit double the amount of their respective amercements, which shall be recovered by faile, out of any part of their real or personal estates.

II. Respecting military regulations. Obsolete.

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

IV. Respecting military regulations. Obsolete.

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

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

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

VIII. And whereas certain parts of the estates real and personal, of several of the persons named in this act, have been under former laws sequestered and applied to public use, and other parts have been sold, and disposed of under and by virtue of a certain act of confiscation, passed at Augusta on the fourth day of May last past, and entitled “An act for inflicting penalties on, and confiscating the estates of such persons as are therein guilty of treason, and for other purposes therein mentioned,”

Be it therefore enacted by the authority aforesaid, That in all cases where any part of the monies have been received, or property in lieu thereof taken and applied to public use, the amount of the same shall be acknowledged and received by the commissioners appointed in and by this act, as so much of the amercement of such person or persons respectively; and in all cases where any part of the estates, real or personal, of the said persons or any of them named in this act, hath been sold or disposed of by the said commissioners, it shall and may be at the option of the purchaser or purchasers, either to give up his, her or their purchase, or to keep the same. In the latter case the said sale shall be confirmed, and his honor the governor for the time being, shall assign and set over to the person or persons whose property was so sold, all bonds, mortgages, and other securities taken for the same by the said commissioners from
the said purchaser and purchasers, and thereafter the said bonds, mortgages and other
securities, with the monies thereon due and to grow due, to hold to such person and
persons respectively, to whom the same are so assigned as aforesaid, and their repre-
sentative heirs, executors, administrators and assigns, absolutely for ever; and in this
case, no suit or action shall be brought against the said purchaser and purchasers, for
the space of two years from January next, and then whatever would be deemed a
good payment to the public, shall be held and taken as such by the person or persons
to whom the said bond and other securities are assigned: And if it shall so happen,
the said purchaser or purchasers under the said confiscation act, shall chuse to give
up his, her or their purchase, he, she or they shall have power so to do, and the estate
real or personal, purchased by such person or persons being re-delivered to the owner
or owners in this act named, the said purchaser or purchasers shall be entirely ac-
quitted and released from all claim or concern in the said estate, and the same shall
hold to the said original owner and owners, his, her or their heirs, executors, admin-
istrators and assigns forever, subject only to the amercement, in this act specified
and contained.

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

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

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

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

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

XIV.
A.D. 1782.  
No. 269.  
Public act.

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

JAMES HABERSHAM, Speaker.

Savannah, August 5, 1782.

An Act for opening the courts of law and justice within this State under certain restrictions therein mentioned.*

WHEREAS it is expedient and necessary that the courts of justice be immediately opened under the restrictions herein after mentioned;

I. Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the courts of justice for the trial of all criminal matters or such as are carried on in the name and behalf of the State be, and they are hereby declared to be henceforth opened, and from and immediately after the passing of this act well and sufficiently authorized and empowered to hold plea and take cognizance of, and to proceed to judgment and execution in all matters, causes, and things of a criminal nature whatsoever in the same manner, and as fully and effectually to all intents, constructions and purposes as formerly, and with as ample a jurisdiction as the said courts used, exercised or enjoyed within this State prior to the invasion of the British forces of the same in the year of our Lord one thousand seven hundred and seventy-eight.

II. And be it further enacted by the authority aforesaid, That the courts of justice, for the trial of civil causes, or those which arise or lie between man and man, be and they are hereby declared to be opened, and from and immediately after the passing of this act well and sufficiently authorized and empowered to hold plea, and take cognizance of, and to proceed to judgment and execution in all matters, causes and things of a civil nature whatsoever in manner and under the regulations herein after mentioned, that is to say: Where the suit or action shall be between parties both resident in this State, the same shall be allowed to proceed in the usual form and manner to judgment; but after judgment obtained, in case the same shall be for the plaintiff, and shall exceed the sum of ten pounds, besides costs, either debt or damages, the judge or judges before whom the said suit, action or cause shall be brought or tried shall pay execution thereon for the space of two years from and after the passing of this act, on condition that the defendant or defendants give satisfactory security that he, she or they will not leave this State, or fraudulently remove his, her or their property out of the same within that time, and shall also allow interest on the said debt or damages so recovered as aforesaid; and where the suit or action shall be between parties either both transient, or the one resident, and the other transient, the same shall be allowed to proceed in the usual form and manner to judgment.

* Certain parts of this act repealed by act of 1786, No. 544. And finally repealed by act of 1789, No. 421.
ment; but after judgment so obtained, in case the same shall pafs for the plaintiff, and shall exceed the sum of ten pounds, besides costs, either debt or damages, the judge or judges before whom the said cause shall be tried shall stay execution the fame for the space of six months thereafter, on condition that the defendant or defendants give satisfactory security that he, she or they will not leave the State aforesaid, or fraudulently remove his, her, or their property out of the fame within that time, and shall also allow interest on the said debt or damages so recovered as aforesaid; Provided always, That nothing in this act contained shall extend or be construed to extend to stay, retard, or delay any suit, judgment, execution, or other process commenced or brought, or to be commenced or brought by his honor the governor for the time being, or by any other person or body for or in behalf of the State, or wherein the State collectively shall be concerned.

III. And be it further enacted, That the courts of conscience shall be also opened, and all causes belonging to the monthly courts shall be allowed to proceed as well before as after judgment in the old and usual manner; and all other causes belonging to the quarterly courts of conscience whose jurisdiction extends from forty shillings to ten pounds, shall be allowed to proceed in the old and usual manner until judgment be obtained, but after that, execution shall be stayed for the space of twelve months on condition that satisfactory security be given and interest allowed as aforesaid.

IV. And be it further enacted by the authority aforesaid, That in case default shall be made in payment of the sums for which judgments shall be obtained as aforesaid, it shall and may be at the option of the plaintiff or plaintiffs at the expiration of the respective terms herein mentioned (as the case may be) in all and every matter coming within this act, either to take out execution against the body, lands or goods of the defendant or defendants, or else to proceed by a new action for recovery of his, her or their money, against the security given as aforesaid; and in the latter case no effoign, wager of law or imparlance whatsoever, shall be granted, but execution shall issue on the judgment so obtained against the security immediately, that is to say, as soon as the same may issue agreeable to the standing rules of court, independent of this act.

V. And be it further enacted, That no sale subsequent to judgment of any lands or tenements, goods or chattels, by any person or persons whatsoever, who shall claim the indulgence allowed by this act, shall be good and valid against the plaintiff or plaintiffs in any such judgment, unless the defendant or defendants hath or have left sufficient estate to pay and satisfy the debt or damages and costs of such plaintiff or plaintiffs: And it is hereby declared to be the true intent and meaning of this act, that the indulgencies aforesaid of six months, two years, and one year, (as the case may be) are only meant to be granted in cases where the contract was made, or the cause of action arose prior to the twelfth day of July last past; and that in all cases where the contract hath been made, or the cause of action arose subsequent to that period, the parties are to proceed and defend in the ordinary course, and without any special indulgence being claimed or granted after judgment.

VI.
VI. And whereas in consequence of the depreciation of money prior to the reduction of Savannah by the British troops, and the troubles and confusion that have taken place and existed ever since that period, many difficult and intricate causes in matters of account will necessarily arise, which a common jury may not be sufficiently qualified to decide without the help of a depreciation table: And whereas no depreciation table being as yet formed, it is necessary that some mode be substituted to assist common juries, until such depreciation table be formed and established by law; Be it therefore enacted by the authority aforesaid, That in all cases of account or intricacy which shall happen in any of the said courts within this State, it shall and may be lawful for either party after the cause is at issue to apply by petition or motion to the judge or judges before whom the said cause is depending, and to pray that the same be referred to two intelligent and indifferent persons in the vicinity, the one to be chosen by the petitioner, and the other by the opposite party, if such party shall agree to do so, but if not, then by the court; and the whole matter in dispute shall be fully considered by the said two persons as soon as conveniently may be thereafter, and they shall, to the best of their knowledge and ability, make a just statement and true account thereof, with their opinion of the merits fully expressed, and return the same to the court without loss of time; and the said statement and account with the opinion of the said two persons, shall, on the trial of the said cause, be laid before the jury, who shall be allowed to pay what regard thereto they shall think proper. Provided nevertheless, That this mode shall continue until a proper depreciation table for the settlement of matters of account and intricacy shall be formed and established by law, and no longer.

VII. And be it further enacted, That in all cases whatsoever, demurrers, special pleas in abatement, and all unnecessary multiplicity and nicety, shall as much as possible be discouraged by the several courts within this State; the general issue shall be usually pleaded, and all matters of fact which go to the merits of the dispute, and are for the advancement of justice between the parties at variance shall be allowed to be given in evidence under the said plea, though not coming within the strict rules of former practice; and in every case it shall be at the discretion of the court to admit parties to avail themselves of substantial advantages as well by motion as if the same had been brought on by a formal plea.

VIII. And be it further enacted, That nothing in this act contained, shall extend or be construed to extend to the cause of attachments, further or otherwise than to open the courts for the same, and then to leave the said attachments on the same footing as they formerly stood, both in respect to the manner of commencing and the mode of proceeding in the same, as well before as after judgment obtained.

IX. And whereas the courts of justice in this State have been greatly interrupted in their proceedings since the first day of July, in the year of our Lord one thousand seven hundred and seventy-five, and it may happen that the statute of limitation will bar the recovery of many just debts, which could not be fixed for since that time; Be it therefore enacted, That the space of time intervening between the said first day of 1782, No. 270.

The time further extended by act of 1788, No. 387.
of July, one thousand seven hundred and seventy-five, and the twelfth day of July last past, shall not in any case, or upon any bond, contract book-debt or other agreement be counted on or allowed to reckon as a part of the time allowed for the recovery of debts within the said statute of limitations, but in all cases the time intervening between the said two periods shall be rejected, and taken out of the computation in respect to such debts, contracts, book-debts, and other agreements.

X. And be it further enacted, That this act shall be a public act, and shall be considered and held as such in all courts within this State, without being specially pleaded, and shall receive the most liberal and beneficial constructions for carrying the same into effect.

JAMES HABERSHAM, Speaker.

Savannah, August 5, 1782.

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

Savannah, February 8, 1783.

Private.

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

WHEREAS in and by the act passed the fourth day of May one thousand seven hundred and eighty-two, entitled "An act for inflicting penalties on, and confiscating the estates of certain persons, and for other purposes therein mentioned" commissioners were appointed for carrying the same into execution and were invested for that purpose with such powers as are therein set forth and contained. And whereas the said law declared a majority of the said commissioners competent to proceed on the execution of the same, and it is now manifest the intentions of the law are retarded and prevented by the difficulty of getting together a majority of the commissioners so appointed to proceed to business, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That three commissioners named, invested, under certain restrictions, with all the powers of those under the confiscation act.
empowered with, except the proceeding to sale of confiscated real estates, and except the sale of confiscated personal estates without the sanction, concurrence and order of his honor the governor and executive council for the time being, shall be first had, obtained and given for the sale of such confiscated personal estates only, any thing in the said confiscation law aforesaid to the contrary thereof contained notwithstanding.

II. And be it further enacted by the authority aforesaid, That all and every power and powers derived by any of the commissioners except Charles Odingsells, Hugh Lawfon, and Abraham Ravott, by, from or under the confiscation act passed at Augusta as aforesaid, is and shall immediately after the passing of this act be annulled and declared void, any thing in the said confiscation act to the contrary notwithstanding.

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

IV. And be it further enacted, That Charles Odingsells, Hugh Lawfon, and Abraham Ravott, commissioners as aforesaid and hereby appointed, shall be and they hereby are invested and authorized with all and every the powers and authorities, the majority of the commissioners named and appointed in and by the said confiscation law were and are invested with, by an act passed the fifth day of August last past, entitled "An act for the amercing several persons therein named, and for other purposes therein mentioned," any thing in the said amercement law to the contrary thereof contained notwithstanding.

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

N. W. JONES, Speaker.

Savannah, February 8, 1783.

An Act for opening the land office, and for other purposes therein mentioned.*

WHEREAS it will tend much to the benefit and advantage of this State that the unlocated lands within the same be granted out, and that all due encouragement be given to the immediate settlement thereof, Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That from and immediately after the passing of this act, the land office shall, and the same is hereby declared to be opened and all and every person and persons applying for land agreeable to the terms herein after mentioned, shall be entitled

* Some part of this act repealed and amended by act of 1783, No. 283.
tled to a grant of the same, that is to say, each master or head of a family shall be allowed as his own head right, and without any other or further charges than the office and surveying fees, two hundred acres; and such person shall also be permitted to purchase at the rate of fifty acres for each and every head right in his family, on the following terms, that is to say, one shilling per acre for the first hundred acres, and one shilling and six-pence per acre for the second hundred acres, two shillings per acre for the third hundred acres, and two shillings and six pence per acre for the fourth hundred acres, and so on in the same progression according to the number of head rights in such family. Provided, The quantity of land granted and sold to any one person shall not exceed one thousand acres, and that such person do live on, and cultivate a part of the said land, twelve months before he or she shall be entitled to a grant for the same. And also further provided, That such person hath not heretofore received the head right for which he or she then applies, either under the present or former government within this State.

II. And whereas this State hath made engagements to the soldiery and other troops which in justice they ought to fulfil, Be it therefore enacted, That in case any officer or soldier or other person claiming under such engagements as aforesaid, shall produce a certificate from his honor the governor for the time being, that a tract or tracts of land is or are due to him, that then such officer, soldier or other person shall be entitled to a warrant and grant for any unlocated lands (agreeable to the quantity contained in his certificate) within this State.

III. And be it further enacted, That every person applying by head rights as aforesaid, shall previous to his obtaining a grant for his land, or having it in his power to dispose of the same, (otherwise than by will) settle and improve a part of such tracts or tracts as he may obtain a warrant and survey of, for the space of twelve months as aforesaid, and shall actually cultivate and clear at the rate of three acres at least for every hundred acres of the said land.

IV. And be it further enacted, That there shall be a surveyor general for the State, and also a surveyor for each county annually chosen by the legislature, and such county surveyor so elected shall have power to appoint one or more assistants, if necessary; and the aforesaid county surveyor, or his assistant or assistants, are hereby authorized to lay out and survey to any person or persons who shall apply, all such lands as he, she or they may have obtained a warrant for, and the said county surveyor is hereby required to keep an office in that part of the county where the superior court is held; in which said office shall be recorded all such plats or surveys belonging to such county as shall be made within two months from the date of the warrant, and the said county surveyor shall also transmit to the surveyor general a fair copy of the same, together with the warrant, within three months from the date of the latter, and the surveyor general shall record such plat in his office, and when, and as soon as the full consideration money for the said land (if granted on purchase as aforesaid) together with

† May be paid in audited certificates by act of 1783, No. 283, 3d. By act of 1784, No. 289, 6d. the purchase money for land in Franklin and Washington payable only in gold and silver.
† Settlement and cultivation not necessary. See act of 1784, No. 289, 17d.
* Now elected by the people in each county. See act of 1792, No. 475, 47d.

A. D. 1783.
No. 273.
Head rights—head of a family allowed 300 acres without further charge than office fees, and to purchase for the rest of his family.
Provifo.
Not more than 1000 acres to be granted to any one person who shall live on and cultivate a part thereof twelve months before he is entitled to a grant.
Engagements to the soldiery.
The governor to grant warrants on officers and soldiers certificates for land agreeable to the quantity contained in each. No person to obtain a grant on head rights, or to sell land without actual settlement and cultivation of at least 3 acres for every hundred.
Surveyor general for the State, and a surveyor for the respective counties to be annually appointed by the legislature.
County surveyors to lay out on warrants all lands applied for within their county.
The manner of planting the same into grants.
D I G E S T  O F  T H E

A. D. 1783.

No. 273.

Provided, Purchase money and office fees not being paid in 12 months from the date of the warrant, the lands deemed lapsed.

Caveats against the passing of grants to be entered in the county surveyor's office, who is to give 30 days public notice thereof. The manner of laying the same. County surveyors to transmit monthly all plats with the warrants; and an account of all caveats to be laid before the governor.

A majority of justices in each county empowered to issue warrants on first Monday in each month at the place of holding superior courts.

with office fees shall be paid, the said surveyor general shall record such plat in his office, and pass the original into the secretary's office for a grant thereof to be made out and signed by the governor, or in his absence by the president for the time being, when the party shall be entitled thereto under the terms aforesaid; and the said grant when signed as aforesaid shall be returned to the secretary's office to be there sealed with the great seal and registered; and then after the same shall be transmitted to its proper county, and lodged in the office of the county surveyor, to be there recorded, and then delivered out to the grantee: Provided always, That in case the consideration money for any lands granted on purchase shall not be paid into the treasury, and a certificate thereof lodged with the surveyor general, (which shall be the proper mode of paying all purchase monies for lands granted under this act) and also all office fees paid within twelve months from the date of the warrant, then, and in such case the land mentioned and contained therein shall be deemed lapsed and liable to be granted out to any other person who shall apply for, and prove rights agreeable to this law for the same. And also provided, In case any caveat shall be entered against the passing of any grant, that then the signing and sealing of the same shall be stayed until the determination of such court.

V. And be it further enacted, That all caveat against the passing of grants, shall be entered in the office of the county surveyor where the land lies, who shall give notice thereof by advertisement, in the most public place of the said county, at least thirty days before a final determination is had on such caveat; and the manner of trying such caveats shall be as follows: The justices of the county, or any three or more of them, shall, on the day succeeding the day on which they meet for the purpose of granting warrants for land, cause to be drawn and summoned out of the by-standers (being freeholders within this State) a jury of twelve men, who being duly sworn to try the matter according to law and equity, shall immediately proceed to try and give their verdict thereon, which shall be final and conclusive; and the said county surveyors shall once in every month, when they respectively transmit to the surveyor general fair copies of plats, together with warrants as before directed, also transmit and send to the said surveyor general a regular account of all caveats, depending or determined in their respective counties, in order that the same may, from time to time, be laid before the honorable the governor and executive council, as a guide in respect to the signing of grants.

VI. And be it further enacted, That a majority of the justices belonging to each county shall be empowered, and they are hereby required, on the first Monday in each month, and for as many days immediately following as they shall find it necessary, to hold a court (at the place where the superior courts of such county are usually held) for the purpose of receiving applications for lands, and according to justice and:

† Not necessary to be registered. See act of 1786, No. 325, sect. 2.

‡ The time of payment extended by act of 1785, No. 310, sect. 3.

§ By act of 1783, No 283, sect. 2. Any five including an affiant justice may hold land-court. The same powers vested in three or more common justices. Warrants to be signed by them all, by act of 1789, No. 423.
and the true intent and meaning of this act; they, the said justices, or a majority of them, shall order warrants to issue, and the same shall be signed by the senior justice then present, and attested by the clerk, commanding and requiring the county surveyor to lay out and admeasure such tract or tracts of land within their respective counties, as they shall think fit to grant under the terms and directions contained in this law.

VII. And be it further enacted, That all and every person and persons before he, she, or they shall obtain a warrant or warrants for any land within this State, shall, on oath declare, before the said justices holding a court as aforesaid, that he, she or they had, or have not taken up or obtained land in this State for the head rights or any of them at that time applied for. And also that he, she or they doth, or do not hold, nor have had granted under the present or former government to him, her or them, on head rights as aforesaid, any quantity of land exceeding one thousand acres, nor more land than together with what is at that time applied for, will make a quantity exceeding one thousand acres; and such person or persons shall also, at the same time, produce a certificate signed by two or more justices of the county he, she or they last resided in, or such other credentials as will satisfy the court of the honesty and integrity of the person or persons so applying, and thereafter the said warrant shall issue, signed and attested as aforesaid, and run in the following form: "By the court of justices for the county of ___ To A. B. county surveyor for the said county. You are hereby authorized and required to admeasure and lay out, or cause to be admeasured and laid out unto C. D. a tract of land which shall contain ___ acres in the said county of ___ (here describe the buttings and boundaries of the land as particularly as may be) taking special care that the same has not heretofore been laid out to any other person or persons, and you are hereby also directed and required to record the plat of the same in your office, and transmit a copy thereof, together with this warrant, to the surveyor general, within the term of three months* from this date.

Given under my hand as senior justice of the said court, this day of ___ 17__ ."

VIII. And be it further enacted, That the clerk of the said court of justices shall keep a regular book of entries of all applications made and warrants issued, specifying the buttings and boundaries of the lands contained in the same; and the several county surveyors shall, previous to their entering on the execution of their office, take and subscribe the following oath before two or more of the justices of the county to which they respectively belong. "I, A. B. do solemnly swear, that I will, to the best of my skill and knowledge, discharge the duty of surveyor for the county of ___ and that I will not admeasure, survey or lay out, or knowingly admit of, or cause to be admeasured, surveyed or laid out, any land without a warrant first obtained for that purpose." And such county surveyors respectively, shall give bond with approved security, in the penal sum of five hundred pounds specie,† to his honor the governor for the time being, conditioned for the good behavior in office, and true performance of the

* Extended six months by act of 1785, No. 304, sect. 8. Further extended by act of 1786, No. 325. — Warrants never out of date, if surveyed within two years.
† Altered to £500 by act of 1789, No. 422, sect. 4.
A. D. 1783.

No. 273.

Their duty
punently to
carry into exe-
cution all orders
and instructions
of the surveyor
general;
And to wear all
chain carriers.

All warrants is-
sued from the
revolution, and
surveys there-
upon to be re-
turned to the
court of justices
where the land
lies, subject to
their order.

To be a rule with
the justices and
surveyors, that
persons entitled on
the 29th of December, 1778, to grants of lands
already run, by
any law or order of
the present govern-
ment shall re-
sign this grants
free of further
charge than office
fees.

Proclamation of
1778, inviting
settlers.

Persons bona fide
entitled to
grants of land
under the terms
of the same, and
who have fixed
some mark of
division there-
on, or their legal
representatives,
to have
preference,
without further
charge than office
fees.

All surveys be-
yond the tem-
porary bound-
ary line declared
void.

the trust reposed in such surveyor; which said bond shall be taken in and by the first
court of justices which shall convene and sit after the appointment of such county
surveyors respectively, and the same shall be immediately transmitted to his honor
the governor, liable to be put in suit in case of any missbehavior in the said county
surveyor; and it shall be a part of the duty of such county surveyors, punctually
to observe and carry into execution all such orders and instructions as they shall from
time to time receive from the surveyor general, and to swear or cause to be sworn,
all chain carriers within their respective counties.

IX. And be it further enacted, That all warrants heretofore (that is to say since the
revolution) obtained for vacant land and surveys, that have been made in consequence
of such warrants, within the present temporary boundary line between the white
inhabitants of this State and the Indians, shall be delivered in to the court of justices
of the county where such land lies, who shall make such order to the county surveyor
respecting the same as the nature of the case may require, and as to justice shall ap-
pertain. And it shall be a standing rule with the said court of justices and county
surveyors, and all others concerned in the execution of this law, that in all and every
case where any person or persons whatsoever, or his legal representative or represen-
tatives (being at this time a free citizen or citizens of America) was or were on the
twenty-ninth day of December, in the year of our Lord, one thousand seven hun-
dred and seventy-eight, entitled by any law or order of the present government, to
a grant of lands already run and located by such person or persons, that in all and
every such case the said grant shall now actually pass, and be signed and sealed with-
out any further or other additional charges or incumbrances (in consequence of this
law) upon the same, except office fees.

X. And whereas, in the year of our Lord, one thousand seven hundred and
seventy-eight, there was issued by the authority of this State, a proclamation invit-
ing settlers to migrate into the same, in consequence whereof many persons did
actually come into the State and settle down on pieces or parcels of vacant land, for
which they meant to apply for grants under the terms of the said proclamation; but
by reason of the confusions which have since taken place, they, the said persons,
have not been able as yet to obtain or take out such grants. Be it therefore enacted,
That on all and every case where it shall appear, that any person or persons is or are
really and bona fide entitled under the terms of the said proclamation, to any grant or
grants whereon he, she or they have fixed some mark of division within the present
temporary division line between the white inhabitants and the Indians, that he, she
or they to entitled as aforesaid, or his, her or their legal representative or representa-
tives, shall have the preference upon application for the said land, to all and every
other person or persons whatsoever, and there shall not be any other or further charge
(except office fees) on the said land, than was to have been paid on the same, at the
time such person or persons took possession thereof as aforesaid, any thing in this act
contained to the contrary thereof in anywise notwithstanding.

XI. And be it further enacted, That all surveys which have or may have been made,
or lines run by any means or under any pretence whatsoever, beyond the present tem-

† See act of 1785, No. 304, sect. 7, as to right of preference in case of two grants.
temporary line within this State, between the white inhabitants and the Indians belonging to the same, or on any part of the lands not already laid out into counties, but allowed to remain as hunting ground for the Indians at present, shall, and the same is and are hereby declared to be null and void to all intents and purposes, as though such surveys or lines had never been made; and all and every person or persons whatsoever who shall hereafter survey, or assist in surveying, or procure to be surveyed and marked with lines, any of the lands above described, wherewith the Indians are allowed to hunt for their support, or who shall obtain, or attempt to obtain a grant for the same, before such lands are taken within the boundary of the white inhabitants of this State, and the mode of granting such lands so to be taken in, be agreed and determined on by the legislature, and published by proclamation; and all and every such person and persons shall forfeit and pay a penalty of twenty shillings* for every acre of land he, she or they shall fo run or attempt to run, or obtain or attempt to obtain a grant for, which said penalty shall be recovered in any court of record or conscience (according to the amount thereof) within this State, and shall be for the use of any person or persons who will inform of and sue for the same, either by way of information or action; and if the person or persons against whom a judgment shall be obtained for any penalty as aforesaid, shall be unable to pay the same, or will not produce property wherein the sheriff may levy to the amount thereof, he, she or they shall be liable, and the justices of the county where such cause shall be tried, shall order him, her or them into close confinement, without bail or main-prize, for the space of two days for every twenty shillings, the said penalty fo recovered as aforesaid, shall consist of, and which shall remain unpaid out of the property of the said delinquent.

XII. And be it further enacted, That the following shall be the form† of grants of land within this State:

GEORGIA,

By the Honorable A. B. Esquire, captain general, governor and commander in chief in and over the State.

To all to whom these presents shall come, GREETING:

Know ye, That in pursuance of the act for opening the land office, and by virtue of the powers in me vested, I have by and with the advice and consent of the honorable the executive council given and granted, and by these presents in the name and behalf of the said State, do give and grant unto C. D. his heirs and assigns forever, all that tract or parcel of land containing acres, situate, lying and being in the county of in the said State, and butting and bounding having such shape, form and marks as appear by a plat of the same hereunto annexed; together with all and singular the rights, members and appurtenances thereof whatsoever, to the said tract or parcel of land belonging or in any wise appertaining, and also all the estate, right, title, interest, claim and demand of the State aforesaid, of, in or out of the same, to have and

* Additional penalties imposed by act of 1787, No. 381, sect. 2. See also acts of 1785, No. 354, sect. 3, and of 1786, No. 335.
† The governor empowered to direct the form of grants by act of 1789, No. 422.
A.D. 1783. No. 273.

To hold the said tract or parcel of land, and all and singular the premises aforesaid, with their and every of their rights, members and appurtenances, unto the said C. D. his heirs and assigns, to his and their own proper use and behoof forever, in fee simple.

Given under my hand, in council, and the great seal of the said State, at this day of ____________, in the year of our Lord 1783, and in the year of American Independence.

Signed by his honor the governor in council.

E. F. clerk council, the day of 1783.

XIII. And whereas it may so happen that persons emigrating from elsewhere and disposed to settle in this State may not be sufficiently acquainted with the limits and boundaries of the same; and surveyors may wilfully or ignorantly commit mistakes in the running of lines, unless the said limits and boundaries be made known to them: In order therefore to inform and encourage all persons disposed to migrate into this State, to prevent mistakes and to remove every pretence for fraud in surveyors and others intrusted with the execution of this law, Be it enacted, ordained and declared by the authority aforesaid, That the limits, boundaries, jurisdiction and authority of the State of Georgia, do and did, and of right ought to extend from the mouth of the river Savannah, along the north side thereof; and up the most northern stream or fork of the said river, to its head or source; from thence in a due west course to the river Missippili, and down the said stream of the Missippili to the latitude thirty-one degrees north; from thence in a due east course to the river Apalachicola or Chattahoochee, and from the fork of the said river Apalachicola, where the Chattahoochee and Flint rivers meet in a direct line to the head or source of the southernmost stream of the river St. Mary's, and along the course of the said river St. Mary's to the Atlantic ocean, and from thence to the mouth or inlet of the river Savannah, including and comprehending all the lands and waters within the said limits, boundaries and jurisdictional right, and also all the islands within twenty leagues from the sea coast.

And all justices of the peace, surveyors, militia, and other officers and persons of any description or denomination whatsoever, are hereby enjoined and required, and fully authorized and empowered to hold and consider the said limits, boundaries and jurisdictional right above mentioned, expressed and described as the true and just limits, boundaries and jurisdiction of the sovereign and independent State of Georgia, as secured to the inhabitants and free citizens thereof, by their charter, and guaranteed as well by the articles of confederation as by the treaty of alliance with his most Christian majesty. Provided nevertheless, That nothing herein before contained, shall extend or be construed to extend, to authorize or empower any surveyor or other person or persons whatsoever, to survey, run or make lines upon the lands before described, as being allowed to the Indians for hunting ground, or any part or parcel thereof, before or until permission for that purpose shall be granted by the legislature, and made known by proclamation.

XIV. And be it further enacted, That the surveyor general and all county surveyors, shall (as nearly as may be) be governed and directed in the execution of all warrants, and in making their surveys by the known rules, laws and customs of this State, in regard
regard to such business, in so far as the same may be made to conflict with this law, the revolution in government, and the true interest of the republic, as shall from time to time be expressed by its legislature or executive body.

N. W. JONES, Speaker.

Savannah, February, 1783.

An Act to point out the mode for the recovery of property unlawfully acquired under the British usurpation, and withheld from the rightful owners; and for other purposes therein mentioned.

WHEREAS during the British usurpation in this State, divers persons under and by virtue of certain sales or other acts made and done under the pretended authority of the said usurpers, became possessors of negroes, household goods and other property belonging to some or other of the faithful citizens of this State, and whereas, notwithstanding it is well known to such persons, that on the restoration of lawful government, all acts, matters and things done under the pretended authority of an usurpation became null and void: Yet, notwithstanding some of the said persons still unlawfully secrete, and hold and detain from their rightful owners the said negroes, household furniture and other property so acquired as aforesaid, Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That in all cases where any person or persons whatsoever, since the twenty-ninth day of December, in the year of our Lord thousand seven hundred and seventy-eight, hath or have, under British usurpation, acquired or become possessors of any negroes, household goods, or other property not his, her, or their own, but of right belonging to some or other of the faithful citizens of this State, and so acquired by the said possessor or possessors thereof, either by purchase under any of the pretended marshal’s sales or other proceedings of the said usurpation, or in any other way, or manner whatsoever, other than by the gift or lawful sale of him, her, or them who was or were the rightful owner or owners thereof on the said twenty-ninth day of December, one thousand seven hundred and seventy-eight, or by a fair title regularly deduced from such owner or owners, by him, her or them voluntarily made and executed; (Provided that nothing herein contained shall extend to confirm any gift or sale made by any person named in the bill of attainder, or of any person who, during the usurpation, was or now is a British subject.) That all and every such person and persons shall within sixty days from and after the passing of this act restore and deliver up to the said rightful owner or owners all such negroes, household goods and other property so acquired as aforesaid, in case such owner or owners be known and shall be in the State, or shall demand, and prove the same to be his, her, or their right; but in case such owner or owners be not known to the said possessor or possessors as aforesaid, or shall not be within this State, then he, she or they the said possessor or possessors shall deliver into the secretary’s office within the said sixty days a true

* See 6th sess. of 1783, No. 370.
and just inventory of all such negroes, household goods or other property, acquired as aforesaid, to the end justice may be done to individuals; and the said secretary is hereby directed and required to give free access, gratis, to such inventory, to all and every person or persons applying for the purpose of inspecting the same. And if any person or persons shall neglect or refuse to restore any negroes, household goods, or other property belonging to the citizens of this State, and under the description aforesaid, when demanded, or shall neglect or refuse to give an account thereof into the secretary's office of this State, as herein before directed, all and every such person or persons so offending, shall forfeit for every such offence treble the value of any such property so obtained and neglected to be delivered or restored or registered as aforesaid, to be recovered in any court of record or conscience within this State, by the person or persons injured or entitled to such property, or any other person or persons lawfully authorised, and who will sue for the same in behalf of such owner or owners.

II. And be it further enacted, That all pretended sales or transfers of any lands, lots, or other real estates, that may have taken place since the twenty-ninth day of December, one thousand seven hundred and seventy-eight, and acquired by any purchaser or purchasers under any pretended marshal's sales, or otherwise under and by virtue of the public authority of such British usurpation, are by this act declared to be null and void; and such lands, lots, or other real estates, to all intents and purposes, shall and are hereby held as of the estate and right of the last lawful possessor thereof, before the commencement of the said usurpation, any act of such usurpation to the contrary notwithstanding.

III. And be it further enacted, That his honor the governor shall within twenty days from and after the passing of this act, issue his proclamation, notifying this law, and also requiring, that in case any person or persons whatsoever, hath or have, since the eleventh day of July last past, possessed him or herself, or themselves of any negroes, household goods or other property, not belonging to him her or them, that such person or persons do within the time limited as aforesaid, restore and deliver up the same to the lawful and rightful owner or owners thereof, if an American citizen and known, or else register the same in the secretary's office as before directed, under pain of a criminal prosecution in case of neglect or refusal.

IV. And be it further enacted, That this act shall be a public act, and given in evidence as such, in all courts within this State.

N. W. JONES, Speaker.

Savannah, February 17, 1783.

An Act to ascertain the various periods of depreciation, for the government and regulation of all and every person or persons whom the same may concern.

WHEREAS it is expedient and necessary, in order to settle and adjust the various accounts subsisting, as well between the public and its debtors and creditors, as between man and man, the inhabitants of this State, and others concerned
cerned in transactions of business since the present war; that some standard of depreciation, by comparison between the money formerly circulating and specie, should be first ascertained and established by law, so that one uniform course of justice take place throughout this State: And whereas a scale or table fixing the depreciation, at different periods of paper currency, by comparison with specie, hath been framed and laid before this house, which appears to be founded on principles of justice and equity: Be it therefore enacted, by the representatives of the freemen of the State of Georgia in Congress assembled, and by the authority of the same, That the scale or table of depreciation, framed as aforesaid, (a copy whereof is hereunto annexed, duly certified by the speaker of this house) be, and the same is hereby declared to be, the standard of depreciation, at the different periods therein mentioned, of paper currency, by comparison with specie circulating in and throughout this State; and all judges, justices, juries, auditors, and others, are hereby enjoined and required to regard the said depreciation table hereunto annexed as the true rule of government in the settlement of all accounts and other transactions (pecuniary or otherwise) which shall come before them, or any of them, and to conduct themselves respectively according to the true intent and meaning of the same.

II. And be it further enacted, That this shall be considered as a public act, and taken notice of as such, in all courts whatsoever within this State, without being specially pleaded.

Savannah, February 17, 1783.

N. W. JONES, Speaker.
DIGEST OF THE

A TABLE OF DEPRECIATION

For settling contracts and debts made or due in Georgia currency from the first day of January, one thousand seven hundred and seventy-seven, to the first day of June, one thousand seven hundred and eighty, and in continental currency, from the first day of January, one thousand seven hundred and seventy-seven, to the first day of January in the year of our Lord one thousand seven hundred and seventy-nine.

Note.—The figures on the right, in each column, are so many tenths.

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1778.
# Laws of Georgia

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A. D. 1783.

No. 775.
### Table of Depreciation

#### For setting contracts and debts made or due in continental currency,

From the first day of January, one thousand seven hundred and seventy-nine, to the first of June,
one thousand seven hundred and eighty.

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A.D. 1783. An Act for releasing certain persons from their bargains, and again selling and disposing of the same premises; for establishing funds; and for other purposes therein mentioned.

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

II. And be it further enacted by the authority aforesaid, That all and every such purchaser and purchasers of confiscated property, real or personal, under the act aforesaid, who shall not, on or before the said first day of October next ensuing, give up and make void his, her or their said purchase, and exchange writings as aforesaid, shall be held and considered as absolutely bound thereby, and shall be liable and obliged to pay one equal moiety or half part of the said purchase money, with one equal moiety or half part of the interest thereof, in gold or silver coin, and nothing else, and the other equal moiety or half part of the said principal and interest, or so much thereof as may be convenient, in certificates of this State, (found on some law or resolve of the assembly) of any denomination whatsoever, under the hand of the present, or of the last, or of any future governor, and bearing date subsequent to the first day of January in the year of our Lord one thousand seven hundred and eighty-two, or in accounts (by way of discount) against the public, duly audited and certified agreeable to the resolves of assembly passed since that period, and such certificates or audited accounts being due either to the respective purchasers themselves, or transferred...
transferred (though not appearing on the face thereof to be negotiable) to them, or any of them, by any other person or persons whatsoever: Provided such certificates or audited accounts be brought in, and endorsed off the bonds of the said purchasers respectively, within one year from and after the passing of this act, or otherwise this last mentioned moiety of principal and interest, or so much thereof, as at the expiration of the said one year, shall remain unpaid in certificates or audited accounts, to be also payable in gold or silver coin, and nothing else.

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

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

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DIGEST OF THE

A. D. 1783.

No. 276.

Provido.

If paid within one year from the date, otherwise the whole to be in gold and silver and nothing else.

Persons holding certificates or audited accounts allowed a certain time to exchange them for a new denomination of indented certificates.

(though not appearing on the face thereof to be negotiable) to them, or any of them, by any other person or persons whatsoever: Provided such certificates or audited accounts be brought in and endorsed off the bonds of the said purchasers respectively, within one year from and after the passing of this act, or otherwise this last mentioned moiety of principal and interest, or so much thereof as at the expiration of the said one year shall remain unpaid in certificates or audited accounts, to be also payable in gold, or silver coin, and nothing else.

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

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

STATE OF GEORGIA.

By his honor A. B. Esquire, captain-general, governor, and commander in chief in and over the said State.

These are to certify, That there is due and owing from this State to C. D. the sum of £.

sterling; which said sum, being part of the intended funded debt, will be provided for, payable at the expiration of seven years, from the 29th day of July 1783, and in the mean time the interest thereof, at the rate of seven per cent. per annum, will be regularly paid at the treasury to the said C. D. or his order, in gold or silver coin, at the current rates in Savannah.

Given under my hand in council, pursuant to act of assembly, this day of 178

Countersigned by

E. F. Treasurer.

Which
Which said certificates, being authenticated and issued as aforesaid, shall be considered as forming an aggregate to be hereafter reduced to a funded debt against this State, redeemable in seven years from and after the passing of this act, and carrying an interest of seven per cent. payable out of the treasury in gold or silver coin, at the present current rates in Savannah, yearly and every year, on the day of the date of the said certificates respectively.

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

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

Present.

IX. And be it further enacted by the authority aforesaid, That when, and as soon as sale shall be made of all the said confiscated property, and bonds, and other securities taken for the same, as before directed, the said commissioners, or a majority of them, shall make out and lay before the house of assembly at their next sitting thereafter, a fair state or account of their proceedings therein, with the names of the purchasers and their securities, the amount of the sales, and all other matters respecting

A. D. 1783.

No. 276.

A funded debt against the State to be redeemable in 7 years bearing interest at 7 per cent; to be paid annually in gold or silver.

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

Purchasers to comply with the terms of sale in three days or the property to be re-fold at their loss.

To give an obligation at the time of purchase.

Form thereof.

Commissioners to lay their proceedings before the house of assembly.
DIGEST OF THE

A.D. 1783.
No. 216.

Bonds, mortgages, &c., to the amount of £103,889 6s. 6d., appropriated as a fund for finding this State's quota of the national debt.

The interest accruing to be regularly remitted by the governor and council to the continental treasury.

Appropriations towards the payment of the French, Dutch, and domestic debt.

The residue of bonds, &c., a fund appropriated for the redemption of the funded debt and the interest before mentioned.

In case of deficiency, to pay the annual interest; the same to be supplied by undated bonds or taxes, &c.,

ing or concerning the same; and the said house of assembly, after having examined the said state or account, shall, at the expiration of the said one year allowed for bringing in certificates and audited accounts in payment of one moiety of the said purchases, set aside good bonds, with the mortgages and other securities thereunto belonging, amounting (clear of all deductions and payments) to the sum of one hundred and eight thousand, eight hundred and sixty-nine pounds, sixteen shillings and six-pence sterling, to answer the supposed quota appertaining to this State of the national debt; and the said bonds so set aside shall remain as a fund subject to increase or decrease according as the said quota shall, on a fair adjustment by congress, be found to augment or sink from the present supposed quantum, but subject to no alteration on any other account whatsoever; and the interest money thereafter arising from the said bonds so set aside shall be annually and regularly collected in gold or silver coin, and nothing else, and so much thereof as may be necessary shall be annually and regularly remitted, under the direction of the honorable the governor and council, to the continental treasury, in payment of the interest money of the quota appertaining to this State of the continental debt.

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

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

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

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

XIV. And whereas there are many demands made against the said confiscated estates for monies due and owing, or said to be due and owing, by the several and respective former proprietors thereof, and suits are daily brought for recovery of such demands under the said act of confiscation, which said suits are attended with great costs to the public, Be it therefore enacted by the authority aforesaid, That from and after the passing of this act, it shall not be lawful for any person or persons whatsoever, to sue or impale the public, or State, as such, in any court of law or justice within the same, (except in cases herein after mentioned) and all actions already brought, or now depending, of that nature, shall, and the same are hereby declared to be discontinued, Provided, judgments shall not already have passed thereupon agreeable to the terms of the confiscation act; and the several persons herein after named, that is to say: James Cochran, Edward Davies, Benjamin Andrew, Charles Odinglels, and Lachlan M'Intosh, esquires, shall, and they are hereby declared to be a board of commissioners for receiving, hearing, and finally determining all and singular the claims of any person or persons whatsoever against the said confiscated estates or any of them, for monies due and owing, or said to be due and owing, from the said former proprietors thereof, or any of them; and the said commissioners, or a majority of them, shall have full power and authority to hear and finally adjudge the cause of any person or persons whatsoever so brought before them, and to settle such mode of proceeding thereon in the most expeditious and summary manner as to them, or a majority of them shall appear most eligible and just; and in all and every case the said commissioners, or a majority of them, shall give a certificate, under the hand of the president of the said board, to the respective claimants, of what appears to be due and owing to them respectively on a determination of their said cause or causes, which said certificates the said claimants shall carry to his honor the governor, and having exchanged the same for his certificate in form aforesaid made, the said last mentioned certificate shall stand upon the footing of any other certificate of the like form in payment of confiscated property, or as a funded debt against the State; and the said claimants respectively shall pay and...
AD 1783.
No. 276.
His fees.

Provido.
Certificates not to be issued until the sales are completed, and not for more than the several estates.

Provido.
Nothing in this act to affect the jurisdiction of the courts, where titles of real or personal estate is in question.
The auditor to refer doubtful cases to the said board, from whom there is to be no appeal.

Costs how to be paid.

All certificates issued by commissaries and other officers for provisions, &c. to be paid before the said board. Such officers exempt from suit on account of the same.

advance to the clerk of the said board, at the time of entering his or her claim, the following fees, for costs thereon, that is to say: For any claim not exceeding the sum of fifty pounds, two shillings and four-pence; for every claim exceeding fifty pounds, and not exceeding one hundred pounds, four shillings and eight-pence; for any claim exceeding one hundred pounds, the sum of seven shillings; which said fees shall be included in the certificate to be given on the determination of the cause, and shall be in full of all costs on the same: Provided nevertheless, That no certificate from the said board shall be given until after the sales of the confiscated property shall be completed, and that then the said commissioners shall take care that the certificates of demands against any estate do not exceed, together with the judgments already passed against such estate, the amount sales of the same; and at the time the said commissioners shall give such certificates, in case they find any particular estate insolvent, they shall make each creditor abate in proportion to his or her demand, so as to admit them all into an equal composition, without giving any preference to judgments, or making any distinction between debts of a different nature or date: Provided also, That nothing herein contained shall extend, or be construed to extend, to deprive the courts of law of their jurisdiction, in cases where the titles of land, or other real or personal estate, shall be brought in question, or to give the cognizance of the same to the present or any other board of commissioners, but that in all and every such case, shall stand upon the same footing, and be tried in manner pointed out and directed in and by the said confiscation act: And when it shall happen that any doubts shall arise with the auditor on any claim against this State, of any nature whatsoever, the said auditor shall, and he is hereby required to lay the same before the said board of commissioners, who shall lay down some fixed principle of equal justice between the State and each claiming individual, and judge and finally decide on the same, from whom there shall be no appeal.

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

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

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

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

XIX. And be it further enacted by the authority aforesaid, That, his honor the governor and the executive council shall have power and authority to direct the commissioners of confiscated estates, to dispose of any property, real or personal, appertaining to the said estates, to the amount of any sum not exceeding two thousand pound sterling, at such time or periods of payments as the executive department may deem most conducive to the interest of the State, for the express purpose of making good the engagements entered into by virtue of certain resolutions to that effect, and for the more immediate emergencies of the State.

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

XXI. And whereas the several regulations contained in this act may be repugnant to, or may interfere or clash with certain clauses or parts of the act of confiscation before
A. D. 1783.

No. 276.

So much of the confiscation act as is repugnant to this, repealed, the rest declared to be in full force.

Public act.

General issue to be pleaded:

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

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

WILLIAM GIBBONS, Speaker.

Savannah, July 29, 1783.

No. 277.

An A£ to amend an A£ for laying out a road from the north-west road through Newington Village to Bryan’s Cowpen.

July 29, 1783.

No. 278.

An A£ for enforcing the payment of arrears of taxes, and duties, and for imposing a tax on all goods, wares, and merchandise, and negro slaves sold at vendue.

Part obsolete, and the rest repealed by act of 1794, No. 508.

July 29, 1783.

No. 279.

An A£ to continue the several laws of this State near expiring, and for other purposes therein mentioned.

WHEREAS several necessary laws of this State, passed before the revolution, are near expiring, and it is expedient, for the welfare thereof, that they should be further continued, Be it therefore enacted by the representatives of the freemen of this State, in general assembly met, and it is hereby enacted by the authority of the same, That an act* passed the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and fifty-nine, for the better regulating taverns, punch houses, and retailers of spirituous liquors; and also an additional act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five; and also an

* Repealed with the additional act by act of 1791, No. 459.
LAWS OF GEORGIA.

A.D. 1783.

No. 279.

An act for regulating the alizze of bread, passed 11th April, 1768.

To prevent masters of vessels from carrying off persons in debt from this State, (then province) and which was amended and further continued by an act, entitled "An act to amend an act to prevent matters of vessels from carrying off persons in debt from this State (then province)," passed the first day of May, one thousand seven hundred and sixty; and also an act, passed the seventh day of April, one thousand seven hundred and sixty-three, to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this State (then province) and for keeping clear the channels of the same; and also an act to amend the said act, passed the twenty-fifth day of March, one thousand seven hundred and sixty-five; and also an act to oblige masters of vessels and other transient persons importing negroes or other flames, goods, wares, and merchandize, to pay tax for the same, and to compel the persons directed to receive the same, to give security for the due performance of their office, and for the monies that may be received by them by virtue of an act of the State, passed the twenty-ninth day of September, one thousand seven hundred and seventy-three; also an act passed the sixth day of March, one thousand seven hundred and sixty-six, for punishing seamen and mariners neglecting or deserting their duty on board their respective ships or vessels; and for preventing seamen or mariners from being harbored or running in debt; and also an act to prevent frauds and deceits in felling, timber, pitch, tar, turpentine, and fire-wood, passed the sixteenth day of March, one thousand seven hundred and sixty-eight; also an act passed twenty-sixth day of March, one thousand seven hundred and sixty-six, to regulate the making of cypress, oak, and pine lumber, flames and shingles, and to ascertain the quality thereof; and also an act passed the seventh day of April, one thousand seven hundred and sixty-three, for regulating a work house, for the custody and punishment of negroes, and further continued by an act, entitled "An act to amend and continue an act for regulating a work house for the custody and punishment of negroes, passed the twenty-sixth day of March, one thousand seven hundred and sixty-seven; and also an act, passed the eighteenth day of November, one thousand seven hundred and sixty-five, for the establishing and regulating patroons, and for preventing any persons from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, master or employer; and also an act to regulate the wharves, and shipping, in the several ports of this State, (then province) and according the rates of wharfage, of shipping and storage, and also the duty of an harbor master for the port of Savannah, and to authorize the said harbor master to put in force an act, entitled "An act to amend an act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this State (then province),"

† This, together with the amending act, rendered obsolete by the Fed. Conf.

‡ Obsolete.

§ Repealed by act of 1790, No. 445.
D I G E S T O F T H E

A. D. 1783.
No. 279.

For granting a duty upon raw neat hides, and preventing the exportation of unmerchantable tanned leather; also an act for appointing inspectors of tobacco, and to prevent the exportation of bad and unmerchantable tobacco, passed the tenth day of May, one thousand seven hundred and seventy; also an act for regulating the pilotage of vessels into the several ports of this State (then province) passed the fourth day of March, one thousand seven hundred and sixty-two; also an act to prevent stealing of horses and neat cattle, and unlawfully branding, marking, killing, or driving the same, passed the twenty-ninth day of September, one thousand seven hundred and seventy-three; shall severally and respectively be, and they are hereby continued in full force until repealed by this or some future general assembly.

II. And whereas, at the time of the invasion of this State by the British troops in the year one thousand seven hundred and seventy-eight, the public records were sent away, to prevent their falling into the hands of the enemy, and have not yet been returned into this State, from which cause the several laws heretofore passed, and which may be now expiring, cannot with precision be known, and, if no remedy be applied, there is reason to believe great injury may accrue to the citizens of this State, for the prevention whereof, Be it further enacted by the authority aforesaid, That all laws passed before the twenty-ninth day of December one thousand seven hundred and seventy-eight, which are or may be near expiring, and that are not repugnant to the constitution of this State, or in their nature temporary, be, and they are hereby declared to be in full force, and that they shall continue in force, until repealed by this or some future legislature.

III. Obsolete.

WILLIAM GIBBONS, Speaker.

Savannah, July 30, 1783.

* Obsolete. † Repealed by act of 1791, No. 431. ‡ Repealed so far as respects horses, by act of 1791, No. 447. § See act of 1784, No. 237.

An act to impose a tax on the inhabitants of the State of Georgia, for the use and support of the government thereof, from the first day of January to the thirty-first day of December, in the year 1783.

July 31, 1783.

Obsolete.

An act to empower certain commissioners herein appointed to regulate the hire of porters, and labor of slaves in the town of Savannah, and for other purposes therein mentioned.

July 31, 1783.

Obsolete.
An Act for the laying out the reserve land in the town of Augusta into acre lots, the erecting an academy, or seminary of learning, and for other purposes therein mentioned.

WHEREAS the legislature taking into consideration the advantages that must necessarily result to the State from the encouragement of the town of Augusta, did, in January session one thousand seven hundred and eighty pass an act for the laying out the reserve of the public land in and near the said town into acre lots, and directed the same to be sold at public outcry, under such restrictions as were therein particularly set down and mentioned: And whereas the said lots were laid out and sold, but the said restrictions not being complied with, the said sales are become null and void, and the lands are again vested in the State: And whereas the same reasons continue for the encouragement and enlargement of the said town of Augusta, Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and it is hereby enacted by and with the authority of the same, That, from and immediately after the passing of this act, George Walton, Joseph Pannel, Andrew Burns, William Glafcocker and Samuel Jack, Esquires, who are hereby declared and empowered as commissioners for carrying the same into execution, shall and they are hereby required to cause the said lands referred as aforesaid to be again laid out in acre lots, and to proceed to the sale of the same by public auction to the highest bidder, the said commissioners first giving three months notice of such sale, under such restrictions and terms as are hereafter particularly laid down and mentioned.

II. And be it further enacted, That the terms on which such lots shall be sold and disposed of shall be, one fourth of the purchase money cash, one fourth payable in one year, and the other two fourths payable within three years thereafter, such purchaser giving bond and security for payment of principal and the interest from the date, at the rate of seven per cent. per annum, with proper mortgages of such lots in case of failure in payment as aforesaid.*

III. And whereas the settlement of the said town is a great object with the legislature, Be it further enacted, That every such purchaser as aforesaid shall, and he is hereby required, as part of the terms aforesaid, within the space of two years, to build, or cause to be built a tenable brick, stone, or frame house not less than sixteen feet by twenty-four, on such lot or lots he may become possessed of by such sale, and in default whereof such lot or lots shall, and they are hereby declared to revert to and become again the property of the State.

IV. And whereas a seminary of learning is greatly necessary for the instruction of our youth, and ought to be one of the first objects of attention, after the promotion of religion, Be it further enacted, That after the said commissioners have reserved one of the first lots for the building a church or house of worship to the Divine Being, by whose blessing the independence of the United States has been established; and a reserve of ten other principal lots for public uses, the monies arising from such sales, after defraying the charges of the building said church, shall be, and they hereby are vested.

* Further time allowed for payment, see act of 1786, No. 352.
vested in the hands and power of the said commissioners named as aforesaid, as trustees for the purpose of carrying into execution the intentions of this law, and for erecting an academy or seminary of learning as aforesaid, their heirs and successors in office for ever, in trust for the sole use of the said church and academy or seminary.

V. And be it further enacted, That the said commissioners, on the sales and restrictions aforesaid being complied with, shall be, and they are hereby authorized and empowered to give titles as amply and fully to such purchasers, as trustees aforesaid, as the said State possibly could or might do, and in their name, and the name of their successors in office, to receive such monies, both principal and interest, arising from such sales, or the loan, of any part thereof, and the same to lend out again at interest, or otherwise dispose thereof, as the said commissioners, or a majority, their successors, or a majority of them, shall think most advantageous to the fund of the said church, and academy or seminary.

VI. And be it further enacted, That the said commissioners or trustees shall yearly, and every year, render a just and true account of the fund of the said seminary to his honor the governor and executive council for examination; and if found by them guilty of mal-practice, such offending commissioner or commissioners shall be displaced, and others appointed for that purpose in his or their room.

VII. And be it further enacted, That the said commissioners shall be, and they are hereby authorized and empowered to erect on one of the said lots, or purchase from the fales of the same, some spot convenient for that purpose, a building commodious and proper to answer the intentions of this act, as an academy or seminary as aforesaid, and to enter into such contracts for erecting the same as may be thought most advantageous for the said fund by a majority of the said commissioners; and further to procure and agree with proper masters and professors for the ruling the same, and to institute such bye laws, for the increasing the said fund, and better governing the said seminary, as to the said commissioners may appear best adapted.

VIII. And be it further enacted by the authority aforesaid, That the public ferry at the town of Augusta, shall be under the direction of the commissioners aforesaid, subject to such regulations as are or shall be established by the legislature.

IX. And whereas, in and by the said law, passed at Augusta as aforesaid, a town was ordered and actually laid out in the county of Wilkes, at a place called Washington, under such restrictions as were likewise therein laid down, but the name was not complied with, and the said lots are in like manner reverted; Be it further enacted, That Stephen Heard, Micaiah Williamson, Robert Harper, Daniel Coleman, and Zachariah Lamar, Esquires, shall be and they are hereby appointed commissioners for carrying the intentions of the legislature in that instance into execution; and they are hereby required to cause to be laid and admeasured out, likewise in the said town, acre lots as aforesaid, to be sold on such terms as are herein before contained and laid down for the lots in the said town of Augusta, and to receive such monies for such fales into their hands, or the hands of their successors in office, and apply the same towards a free school for the said county, and to erect a proper building for the said school in the said town, and the overplus, after erecting a church, to be reserved and applied as a fund for the said school, in the hands of the said commissioners.
LAWs OF GEORGIA.

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of its clerk exercise town they and of school hereby and town Chatham like and fill governor 285 and the majority of them, their successors in office or a majority of them, are hereby fully empowered to give full and ample titles, on such sales, for lots in the town of Washington, and the monies and funds in like manner to place out at interest as to them shall likewise appear most advantageous; and proper masters to engage for ruling the said school; and bye-laws to institute, and contracts to enter into for the building the said church and school.

X. And be it further enacted, That on the death, neglect, or refusal to act, or suspension of any, all, or either of the said commissioners or trustees herein named, others shall be appointed by his honor the governor and executive council to fill up the vacancy; and that such successor or successors shall be, and he and they hereby is and are fully invested with all the powers of his or their predecessor or predecessors in office, and he or they shall be liable to all and every the examinations before mentioned and contained; and that the said commissioners and their successors, shall render in their accounts upon oath, and produce proper vouchers, and shall be allowed a clerk for keeping the accounts and transactions of the said trusteeship, who shall be paid such salary as the said trustees may think adequate to this service, out of the said funds.

XI. And be it enacted by the authority aforesaid, That from and immediately after the passing of this act, Thomas Lewis, sen. Thomas Lewis, jun. John DuHart, Edward Telfair, and John Jones, are hereby declared and empowered as commissioners for carrying into execution the intentions of this act, for laying out a town on a reserve of public land in the county of Burke, into acre lots, and disposing of the same at public outcry, and the monies arising therefrom to be applied to the purpose of erecting the necessary public buildings in the said town, to be known by the name of Waynesborough; the said commissioners not to dispose of any number that shall exceed two hundred lots, subject to such restrictions as herein before contained, and declared for the better regulation of the town of Augusta, in the county of Richmond.

XII. And be it further enacted, That his honor the governor, and executive council shall be empowered to grant to the said trustees for carrying this law into execution, and for the sole purpose and interest of the said academy, such tract or tracts of vacant land they may apply for, not exceeding the quantity of two thousand acres.

XIII. And be it further enacted, That on application by the commissioners aforesaid, for the town of Wathington, his honor the governor is hereby empowered to pass a grant for such tract or tracts of vacant land, not exceeding one thousand acres, for the sole use and purpose of the said free school in the said town.

XIV. And be it further enacted, That on application from any person or persons duly authorized by the respective counties, his honor the governor shall be, and he is

A.D. 1783.

No. 282.

Subject to like examination, to make titles, and to exercise like powers respecting the school and funds at Washington as the trustees of Augusta.

Vacancies to be filled, and their accounts examined by the executive.

Allowed a clerk and to make adequate compensation.

Commisioners named and appointed to lay out a town in Burke county, Waynesborough, with powers to make sale of lots not exceeding two hundred, for public buildings, &c.

The governor empowered to grant 2000 acres land to the trustees for the use of the said academy.

1000 acres for use of the free school at Washington.

And on application of persons duly authorized may grant 1000 acres to the respective counties for free schools.

* Chatham county appears to be excepted as to this provision by act of 1788, No. 388, in which other and more liberal endowments are made to the academy of that county.
A.D. 1783. is hereby likewise empowered to grant one thousand acres of vacant land for erecting free schools in the above town of Washington.

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

WILLIAM GIBBONS, Speaker.

Savannah, July 31, 1783.

An Act to repeal and amend some part of an act, entitled "An act for opening the land office."

WHEREAS it is found by experience that some part of the act for opening the land office does not answer the salutary purposes thereby intended, Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the clause of the aforesaid act, or that part of it which requires a majority of the justices of a county to grant a warrant for unlocated lands, be, and the same is hereby repealed, and made null and void.

II. And be it further enacted by the authority aforesaid, That the justices of the several counties or any five* of them, as hereafter mentioned, shall meet in their respective counties on the first Monday in each month, and for as many days following as they shall find it necessary, to hold a court at the place where the superior courts of such counties respectively are held, and the said justices so met, or any number of them, not under five (and of which five or greater number, one or more of the assistant justices of the county shall be a part) shall constitute a board, and be competent to do and transact all and singular the business pointed out and required by the said act, to be done by a board of justices.

III. And be it further enacted by the authority aforesaid, That in all and every case where any person or persons applying for land under the said act for opening the land office shall have just claims against this State, and shall be policed of a certificate in his or her own name, either under the hand of the present or the last or any future governor, for the amount of the same, or if any account duly audited agreeable to law, that such certificate or audited account shall be taken and received as specific, or gold or silver coin, in any purchase of unlocated lands within the late temporary boundary line of this State, he, she or they may make under the said act, not exceeding the quantity therein mentioned: Provided such certificate be brought in and delivered to the treasurer within one year from and after the passing of this act, and not otherwise.

IV. And whereas many persons now residents of other States, have formerly obtained warrants under which they have surveyed lands in the different counties of this State, and have never obtained grants for the same, Be it therefore further enacted by the authority aforesaid, That his honor the governor be empowered and required to issue

* The same power given to three common justices, by act of 1789, No. 422.
issue his proclamation immediately after the passing of this act, and cause the same to be published in the several gazettes of the United States, requesting all and every such person or persons, residents of other States, who hold lands by survey as aforesaid, or other claims, that he, she, or they shall come in within the space of twelve months after issuing of the said proclamation, and settle their respective claims according to the laws of this State; and on default of their not coming in within the time limited, every such survey or claim is hereby declared null and void; and any other person or persons entitled to land shall be at liberty to apply and obtain grants for the said land, the same as for any other unlocated lands within this State, notwithstanding such surveys or claims. \emph{Provided nevertheless}, That nothing herein contained shall extend to affect or injure the right of any person or persons who is or are at present in his, her or their minority, until one year after such person or persons shall arrive at the age of twenty-one years.

V. And be it further enacted by the authority aforesaid, That in all and every case where it shall be made appear to the satisfaction of his honor the governor, that the party applying for, and entitled to, any grant (to which the father or husband of him, or her or them was entitled at any time before the twenty-ninth of December, which was in the year of our Lord, one thousand seven hundred and seventy-eight) is a minor under the age of twenty-one years, or a widow, and that such a widow became so since that period, and that the father of such minor or husband of such widow did actually in his life time, pay the cost or fees of his grant in the proper offices, that in all and every such case the said minor or widow shall be exonerated from all fees or cost, and his or her grant shall be passed and signed, sealed, and delivered gratis, and his honor the governor, and the other officers concerned in the signing and making out grants, shall charge their respective fees to the public.

VI. And be it further enacted by the authority aforesaid, That nothing in this act contained, shall extend or be construed to extend, to authorize and empower the justices (in number before mentioned) who shall be met and convened for the purpose of granting lands, to hold more than one court at one and the same place and time; and the assistant justice then present, who shall be the senior, either by an older commission or by being first named in the same commission with others, shall preside in the said court, and shall be invested with all and singular the powers given to, and be under the directions pointed out for the president of the justices in and by the act for opening the land office as before mentioned.

WILLIAM GIBBONS, Speaker.

Augusta, August 1, 1783.

An Act for ascertaining the qualifications necessary for the admission of attorneys, solicitors and pretors in this State.

February 20, 1784.

Repealed by act of 1789, No. 421.
An Act to empower the governor and the executive council to issue special commissioners of oyer and terminer to the chief justice and the assistant justices in the several counties within this State for the trial of criminals.

February 24, 1784.

Obsolete.

No. 285.

An Act to regulate the Indian trade; and for other purposes therein mentioned.

WHEREAS the safety, welfare, and tranquillity of the State of Georgia, do in some measure depend on the maintaining a good correspondence between the citizens of this State, and the several nations of Indians in amity with the good people of the same; And whereas many inconveniences have arisen from private persons claiming lands the property of this State, under pretence of certain purchases made by them from the Indians, which have given occasion for disputes with those people: For remedy whereof, and for preventing any differences and disputes with the Indians for the future, and also for preventing persons trading with them without license:

I. Be it enacted by the freemen of the State of Georgia in assembly met, and by the authority of the same, That from and after the passing of this act, 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 lands, within the limits of the Indian hunting grounds in this State, from any Indian, or bodies of Indians, upon any pretence whatsoever, (except for the use of this State, and then under an act or resolve of the assembly of the same) every such purchase, 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 hundred pounds sterling money, one half thereof to the use of this State, and the other half to him or them who shall sue for the same, by action of debt or information, in any superior court in this State, in which no unnecessary delay shall take place; Provided, nothing herein contained shall extend or be construed to extend, so as to validate or confirm any cession or cessions from the Indians to any person or persons whatever subsequent to the date of any act or acts passed under the former government of this State, then province previous to the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy five, but on the contrary to enforce so much of the said act as tends to prevent such cession or cessions to any private person or persons, and to annul and invalidate the same.

II. And be it enacted by the authority aforesaid, for the better preventing disturbances among the Indians, by persons bartering with them in the woods, or hunting in their grounds, or in any other wife trespassing on the same, that from and after the passing of this act, it shall not be lawful for any person or persons to fell, truck, barter, or

* This power is vested in the general government by the constitution of the United States.
or exchange with any Indian or Indians, any rum or other strong liquors, clothing, arms, ammunition, or any other thing whatsoever, privately in the woods, in their hunting grounds, or at cow-pens in the settlements, or at any other place other than at stores or houses licensed for that purpose, or shall hunt or trespass on the lands beyond the present temporary boundary line.

III. And for preventing of such offences, and punishment of such ill disposed person or persons, Be it enacted by the authority aforesaid, That every one so offending as aforesaid shall forfeit and pay, upon legal conviction before any superior court of this State, the sum of one hundred pounds sterling, one half thereof to be paid to him, her or them, who shall sue for and prosecute such offenders to conviction, and the other half into the public treasury of this State, for the use of the same; and if such offender shall not have sufficient effects whereon to levy such fine, then, in every such case, the offender shall suffer corporal punishment, by whipping, not exceeding thirty-nine lashes, on the bare back, to be inflicted by order of the judges of the superior court at which such offenders shall have been convicted; and the justices of the peace, upon complaint made of any such offence, are hereby authorized and required to bind over the offender, by recognizance, with sufficient sureties, for his appearance at the next superior court, to answer such action or information as shall then be brought or exhibited against him pursuant to this act, and, for want of sureties, to commit such offender to the common gaol.

IV. And be it further enacted by the authority aforesaid, That from and after the passing this act, if any person or persons whatsoever (other than such as duly take out license or licenses from the governor and executive council of the said State, the form of which license is hereunto annexed) shall, directly or indirectly, trade, traffic or barter with any Indian or Indians, (except for the necessary supply of provisions in their passing or repassing to and from the nation) or shall presume to erect or set up any houses or huts on the lands reserved for the Indians as hunting grounds, or for their own use, shall be proceeded against as before directed.

The remainder of this act relates to trade with Indians.

JAMES HABERSHAM, Speaker.

Savannah, February 25, 1784.

An Act for reviving and enforcing certain laws therein mentioned.

WHEREAS during the late convulsions in this State several salutary laws were lost, and destroyed, that had from time to time been enacted by the general assembly of the same; and among others, an act reviving and putting in force such and so much of the laws of the province of Georgia as were adjudged necessary to be in force in this State; And whereas the said laws are for the most part suited to the circumstances of the people; And whereas it is absolutely necessary for the well governing every State that laws properly adapted to the circumstances of the inhabitants be at all times in force; Therefore be it enacted by the representatives of the freemen of the State...