State of Georgia in general assembly met, and by the authority of the same, That all and singular the several acts, clauses, and parts of acts that were in force, and binding on the inhabitants of the said province, on the fourteenth day of May in the year of our Lord one thousand seven hundred and seventy-six, so far as they are not contrary to the constitution, laws and form of government now established in this State, shall be, and are hereby declared to be in full force, virtue and effect, and binding on the inhabitants of this State immediately from and after the passing of this act, as fully and effectually to all intents and purposes as if the said acts and each of them, had been made and enacted by this general assembly, until the same shall be repealed, amended or otherwise altered by the legislature. And also the common laws of England, and such of the statute laws as were usually in force in the said province, except as before excepted.

II. And be it further enacted by the authority aforesaid, That all fines, penalties and forfeitures inflicted, or made payable by any of the aforesaid acts to the king of Great Britain, are hereby directed to be paid into the public treasury of this State for the use of the same, and that all authorities given and enjoined, by any of the said acts to any public officer, are hereby given and enjoined to such public officers appointed under the constitution or form of government established in this State and agreeable to the same.

JAMES HABERSHAM, President.

Savannah, February 25, 1784.

An Act for settling and ascertaining the fees to be taken by the several public officers, and persons herein after named.

February 25.

See all of 1790, No. 433.

No. 289.

An Act for laying out two more counties to the westward, and pointing out the mode of granting the same.

WHEREAS it is necessary in order to strengthen this State, and for the convenience of the inhabitants, that new counties should be laid out and properly settled, Therefore, be it enacted by the representatives of the freemen of the State of Georgia, in general assembly met, and by the authority of the same, That the present temporary line circumfcribing the Indian hunting grounds shall be marked by a line drawn from that part of the north branch of Savannah river, known by the name of Keowee, which shall be intersected by a line running north-eaft from the Okuma mountains, thence in the same direction to Tugalo river, from thence on a direct line to the top of Currohee mountain, thence to the head or source of the most southern stream of the Oconee river, including all the waters of the same, thence down the said river to the old line, thence along the said line.

II.
II. And be it further enacted by the authority aforesaid, That two counties shall be laid out, and annexed in the form and manner following, that is to say, beginning at Savannah river where the west line of Wilkes county strikes the same, thence along the said line to the Cherokee corner, from thence on the same direction to the south branch of the Oconee river, thence up the said river to the head or source of the most southern stream thereof, thence along the temporary line separating the Indian hunting ground to the northern branch of Savannah river, known by the name of Keowee, and down the said river to the beginning; and all that tract of land included within the aforesaid lines shall be a county, and known by the name of Franklin.

III. The second county shall be bounded by a line beginning on the Oconee river where the last mentioned line strikes the same, thence along that river to where it strikes the former temporary line, thence along the said line to the Cherokee corner, and from thence to the beginning: And all that tract of land included within the aforesaid lines shall be a county, and known by the name of Washington.

IV. And be it further enacted by the authority aforesaid, That any person or persons desirous of making application for lands in the aforesaid counties shall prove his, her, or their rights, either before the governor and council for the time being, or one assistant judge and two justices of the county where such person or persons reside, and a certificate thereof under the hands of such justices, or proof before the governor and council as aforesaid, shall entitle the person or persons so applying to a warrant for his, her, or their rights proved as aforesaid, so as the same shall not exceed one thousand acres to any one person whatsoever: And the governor and council are hereby requested and empowered to proceed in the manner herein after directed for granting the same; and to keep a book of entries and enter therein the names of such persons as may apply for warrants, and also the date and number of each warrant by them granted, which shall be located to some particular county. And when it shall so happen that two or more persons apply to a surveyor to survey one and the same tract of land, then, and in that case, the said surveyor shall decide and give the preference to the person whose warrant is first numbered.

V. And be it further enacted by the authority aforesaid, That every citizen of this State, or of any other of the United States, that shall come with an intent to settle and form an actual residence in this State, shall be entitled to a warrant of survey for any quantity of unlocated lands within the aforesaid counties in manner aforesaid, so as the same shall not exceed one thousand acres to any one person whatsoever: Provided that such person or persons have not already taken up his, her, or their head rights, agreeable to an act for opening the land office, passed the seventeenth of February, one thousand seven hundred and eighty-three: And shall pay the fees of office at the time of applying for such warrant or warrants.

VI. And be it further enacted by the authority aforesaid, That he, she, or they so applying* shall pay for each and every acre granted as aforesaid, the sum of three shillings

* Exempt from purchase money as far as 1000 acres in Franklin and Washington; and in other counties as far as head rights. See act of 1785, No. 304, sect. 1. 2.
A.D. 1784.
No. 28.
Provided,
Bond and mortgage to be given of lands granted.
PerFEsHettling, &c. lands to be granted, how to be exempt from taxation 3 years.
County surveyor to be appointed for each county, with power to appoint 6 deputies, laying off to each a separate district.
Lines to be distinctly marked, and stations to be made on each line, under a natural boundary.
Certain petitioners of the State of Virginia.
Such of them as personally apply in terms of this act, entitled to a warrant of reserve for 5 months, but to settle and cultivate the same in the mean time, or such warrants to become void, &c.

shillings in gold or silver, that is to say in Mexican or Spanish milled dollars at four shillings and eight-pence each, and half Johannes's at thirty-seven shillings and four-pence each, and all other coins at the same rates in proportion, the one moiety to be paid in two years from the date of the warrant, and the other moiety at the expiration of three years: Provided also, that each and every person shall before obtaining such grant as aforesaid, give bond to the governor of the State for the time being, and his successor in office for the consideration herein particularly specified, and mortgage upon the land so granted. And upon full payment and discharge of the specific consideration as aforesaid, each and every person shall have his, her, or their bond and mortgage delivered up, and satisfaction entered thereon for the same.

VII. And be it further enacted by the authority aforesaid, That any person producing a certificate from under the hands of two justices of the county in which he or she has resided, that he or she has actually lived on the said land so granted as aforesaid, the whole of the preceding year, and hath cultivated at least three acres for every hundred so granted; and then and in that case such land shall be exempt from taxation for three years from the date of the warrant: Provided such certificate be obtained within eighteen months from the time of the survey of the said land.

VIII. And be it further enacted by the authority aforesaid, That a county surveyor shall be appointed for each county who shall have the power of appointing assistant surveyors, not exceeding six in number in each county. And the said county surveyors are hereby required to lay out and appoint a district for each and every such assistant surveyor, who shall be authorized to survey within such district only, and shall make his returns to the county surveyor, who shall keep a record thereof, and transmit the same to the surveyor general as the law directs; and the said surveyors are required distinctly to mark the lines round each and every tract which shall be by them surveyed, and make at least two stations on each line, except such lines as are marked by natural boundaries.

IX. And whereas the general assembly of this State in consequence of petitions from sundry inhabitants of the State of Virginia, did on the thirteenth day of February, in the year of our Lord one thousand seven hundred and eighty-three, order that two hundred thousand acres of land be referred to the use of the said petitioners, which land was intended to be located in the aforesaid counties, or either of them, and for the convenience and interest of the individuals so concerned, it is but consonant to justice that they be permitted, and they are hereby authorized to fix on the county and place wherein they would settle. Be it therefore enacted by the authority aforesaid, That such of the said petitioners as personally apply in the manner herein before pointed out, shall be entitled to a warrant of reserve for fifteen months from the passing of this act; but if at or before the expiration of that time, such person or persons shall not actually become residents of this State and remove their families, and settle and cultivate their lands, agreeable to the terms pointed out by this act, then and in that case, the said warrant shall become null and void, and the said land revert to the State, and be granted to any person or persons applying for, and entitled to the same.
X. And be it further enacted by the authority aforesaid, That all persons who have caveats depending in manner pointed out in the last land act passed at Savannah, the seventeenth of February, in the year of our Lord one thousand seven hundred and eighty-three, or such as may hereafter have any caveats arizing under and by virtue of the said land act, shall be at liberty to appeal from the decision pointed out by the said to the governor and executive council: And also, that all caveats respecting the granting of lands under this act shall be entered in a book kept for that purpose by the secretary of the executive council and tried before his honor the governor or the president of the council, for the time being in council, who are hereby required and empowered to proceed to decide on such caveats in manner and form as they think most conducive to justice, and from their decision there shall be no appeal.

XI. And be it further enacted by the authority aforesaid, That all the lands between the north and south fork of the Oconee up to the present temporary line be referred the term of twelve months for the officers, seamen and soldiers who are entitled to land in this State by any resolve of congress or act or resolve of this State; refugees, and other militia excepted: And that the same lands according to the proportion allowed to such officers, seamen, or soldiers and entitled to the same, be fully, freely, and absolutely granted to them and every of them, their heirs and assigns for ever, on application for that purpose without any restriction or incumbrance (office fees excepted) or necessary qualification in regard to cultivation, any thing herein contained to the contrary notwithstanding: Provided such officers, soldiers or seamen shall not by virtue of his bounty take the land in any other part of the aforesaid counties.

XII. And whereas the encouragement of religion and learning is an object of great importance to any community, and must tend to the prosperity, happiness and advantage of the same, Be it therefore enacted by the authority aforesaid, That the county surveyors immediately after the passing of this act shall proceed to lay out in each county twenty thousand acres of land of the first quality, in separate tracts of five thousand acres each, for the endowment of a college or seminary of learning, and which said lands shall be vested in and granted in trust to his honor the governor, for the time being, and John Houstoun, James Habersham, William Few, Joseph Clay, Abraham Baldwin, William Houstoun, and Nathan Brownson, esquires, and their successors in office, who are hereby nominated and appointed trustees for the said college or seminary of learning, and empowered to do all such things as to them shall appear requisite and necessary to forward the establishment and progress of the same: And all vacancies shall be filled up by the said trustees. And the said county surveyors shall in six months after the passing of this act make return to the trustees herein before mentioned of regular plots of all such tracts as he shall have laid out and surveyed by virtue of this act.

XIII. And be it further enacted by the authority aforesaid, That the land granted as aforesaid shall be exempted from taxes.

A. D. 1783.
No. 289.
Persons having caveats depending under land act of Feb. 1783 allowed to appeal to the governor & council, from whose decision there shall be no appeal.

All the lands between the north and south fork of Oconee up to the present temporary line referred as above, except the lands reserved for officers, seamen and soldiers, and other militia excepted, and also, that the same lands according to the proportion allowed to such officers, seamen, or soldiers and entitled to the same, be granted freely and absolutely to them and every of them, their heirs and assigns for ever, on application for that purpose without any restriction or incumbrance (office fees excepted) or necessary qualification in regard to cultivation, any thing herein contained to the contrary notwithstanding: Provided such officers, soldiers or seamen shall not by virtue of his bounty take the land in any other part of the aforesaid counties.

Provido.

Vest the in certain trustees, and their successors for the use of the same, with power to fill vacancies.

The land so granted exempt from taxes.

* The governor alone empowered to try appeals on caveats by act of 1789, No. 422.
† See further refer by act of 1785, No. 504, sec. 10.
XIV. And be it further enacted by the authority aforesaid, That if any citizen of any other of the United States shall apply to the justices aforesaid, or to the governor and executive council for the time being, and produce to them sufficient evidence of his, her, or their honesty and fidelity; and also take an oath that it is his, her, or their intention to remove, and become an inhabitant of this State, and the said justices do certify the same; then and in that case his honor the governor and council are hereby authorized to grant such person or persons so applying a warrant of survey for any quantity of land not above one thousand acres on reserve for twelve months; Provided nevertheless, and it is hereby enacted, That if it shall so happen that any citizen who may have obtained such a warrant of reserve, and doth not actually settle and cultivate the same within the time before mentioned according to the true intent and meaning of this act, the said warrant shall be and the same is hereby made null and void, and the said land shall revert to the State.

XV. And be it further enacted by the authority aforesaid, That all the officers and soldiers, all the officers and mariners of the navy, officers of the medical department, refugees, and citizens, who are entitled to land in this State, as bounties for their services, or in manner as above mentioned shall be entitled to have included in their grants an additional quantity of fifteen acres to each hundred, in full, for and in lieu of any exemption from taxes; and every act, and clause of an act, allowing such exemption from taxation, shall be, and the same is hereby repealed, and declared null and void, any thing to the contrary hereof notwithstanding.

XVI. And be it further enacted by the authority aforesaid, That a land court shall be opened at Augusta, on the first Tuesday in April next, by his honor the governor, or the honorable the president, with any three or more of the executive council, for the purpose of granting out lands under and by virtue of this act, which said court (to be composed of his honor the governor, or the honorable the president, with any three or more of the executive council as aforesaid) shall continue sitting, from the said first Tuesday in April, and during the space of three months thence next ensuing, on every Monday, Tuesday, and Wednesday, of each week in the said term, for the purpose of granting and signing grants, and on every Thursday and Friday of each week in the said term, for the purpose of hearing caveats under this act; and it shall and may be lawful for his honor the governor, and the honorable the president, with any three or more of the executive council, to sit month about, in the said court, so that whilst the one shall be at Augusta, with three of the council, holding a land court, the other shall be at Savannah, with a constitutional number of the council, holding and exercising all other the executive powers of government: Provided nevertheless, That nothing herein contained shall extend or be continued to excuse both the governor and the president with all the members of the executive council, from attending and being present when and where the legislature shall next meet, nor from remaining at such place during the session of the said legislature, pursuant to the constitution.

XVII. And be it further enacted by the authority aforesaid, That his honor the governor be requested to sign grants for all surveys of land that are or may be legally made
made within the late temporary line, any requisition to* cultivate the same, or law or custom to the contrary notwithstanding: Provided only, That such person or persons as may apply for the same actually reside within this State.

XVIII. And be it further enacted, That all refugees, and citizens of this State, who are by any act or resolve of this State entitled to land as a bounty, and shall choose to take the same in either of the aforesaid counties, on obtaining the warrant and survey thereof, and paying the office fees, shall be entitled to a grant without any restriction or delay whatsoever.

XIX. And be it enacted by the authority aforesaid, That every part of any act already passed in any wise contrary to the true intent and meaning of this act, shall be, and the same is hereby repealed.

JAMES HABERSHAM, Speaker.

Savannah, February 25, 1784.

* Settlement and cultivation again required. See act of 1785, No. 304, sec. 5.

An Act to compel persons who have, or hereafter may receive public money or effects, to account for the same.

WHEREAS, in the course of the present contest between the inhabitants of the United States of America and Great Britain, very great and large sums of money have been emitted by order of the legislature of this State, and very large and considerable sums have been advanced by congress for the use and carried to the debit of the same: And whereas many of the persons in whose hands such money has been deposited have refused or neglected to exhibit their accounts and vouchers, and to account for the expenditure of the same, notwithstanding the repeated resolves and orders of the legislature for that purpose: In order therefore, to compel the defaulters aforesaid, and every of them, and all others to whom the public money or effects of this State may have been advanced, either before or since the revolution, or who may be otherwise possessed thereof, and who ought to account for the same, to appear before the auditor appointed or to be appointed, by or in pursuance of this act, to attend the said auditor, and produce their accounts and vouchers and settle the same, and pay or deliver to the treasurer of this State the balance which may be respectively due to the State from such defaulter; Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the auditor for the time being is hereby authorized with full power to collect, audit, liquidate, adjust and settle the accounts of such person or persons as have been or hereafter may be intrusted with, or have or may become possessed of the monies, goods or effects of this State, and who may be accountable for the same.

II. And be it enacted by the authority aforesaid, That the said auditor of accounts shall, before his entering upon the duties of the said office, take and subscribe in the presence of his honor the governor and executive council, the following oath, and

\[\text{To compel persons possessing public money, &c. to account for the same.}\]

\[\text{The auditor is fully empowered to collect and audit all such accounts.}\]

\[\text{After subscribing an oath in presence of the governor.}\]
and his honor the governor and executive council are hereby authorized and required to administer the same: "I, A. B. do swear, that I will truly and faithfully perform, do, and execute, the several duties required of me as auditor of accounts, to the best of my skill and abilities, and herein I will spare no person through fear, favor, or affection, nor grieve any through hatred or ill will."

III. And be it enacted by the authority aforesaid, That the said auditor is hereby directed and empowered to open an office for the purpose of regularly receiving, auditing, and settling the said accounts, and may have, or employ one accurate accountant or clerk, to assist him in the business hereby committed to him; and the said auditor shall give public notice of his appointment, and of the place where the said office shall be kept, by advertisement published in the gazette, and by like advertisement to be posted up in the most public places in the several counties of this State, requiring all persons who ought to account before the said auditor to attend at the said office and to produce their accounts and vouchers, and other evidence necessary to support and ascertain the same, within three months after the passing of this act: And that all persons who have received money, goods, or effects, do attend the said auditor, and comply with the directions of this act, under the pains and disabilities herein after provided; and the said auditor is hereby required to give such public notice immediately after the passing of this act.

IV. And be it enacted by the authority aforesaid, That the said auditor shall be, and he is hereby authorized to purchase and prepare proper and sufficient books, in which he shall enter all accounts by him settled, therein carefully distinguishing and separating all such accounts and charges as are the proper accounts of this State from such as belong to the account of the United States, or any of them.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said auditor, as often as occasion may require, to call before him by subpoena any person or persons who may be, or have been intrusted, or charged with receiving public money, goods, or effects, or any of them, or such other person or persons as may or can give information on the occasion; and such person or persons to examine on oath, or affirmation, touching the same; which oath or affirmation, he is hereby empowered to administer; and all persons subpoenaed as aforesaid are hereby enjoined to pay due obedience thereto, and every case of such evidence refusing or neglecting to obey such subpoena, he shall be subject to the penalty of one hundred pounds; and any person receiving money, goods, or effects, as aforesaid, and refusing or neglecting to obey such subpoena or summons from the auditor, then such person or persons so refusing or neglecting shall be liable to an action of debt, or other action, at the suit of the State, for the whole of the sum or sums of money, goods, chattels, or effects belonging to the public, which he ought to account for as aforesaid before the said auditor, and shall be for ever debarred of setting off any charge or expenditure thereon, and from recovering any satisfaction for services done for the public, and shall be rendered, and is hereby declared incapable of being appointed to, or serving in any public office in this State, which shall be published in the newspaper; and the said auditor is hereby required
required to publish the same in the said gazette until such defaulter shall account for such public money, goods, or effects, and have a certificate thereof from the said auditor, who, after such settlement, is required to publish the same in the said newspaper, for the satisfaction of the public, and the acquittal of the individual, unless the said auditor shall, before the said term of three months be expired, certify in behalf of such person or persons, that it is reasonable that further time be allowed to such person or persons for exhibiting and settling his or their accounts; in which case, upon sufficient security being entered by the party or parties in whose behalf such certificate shall be made, for the whole money, or other property, so unaccounted for by such person or persons, his honor the governor and executive council may, in that case, by an entry on the journals, allow of further time as aforesaid.

VI. And be it further enacted by the authority aforesaid, That the auditor shall not receive any account from any person or persons, as above, unless attested before a magistrate, and the auditor is hereby directed and required to charge interest upon every account for money, goods, or effects from such time as the principal became due to the State.

VII. And be it further enacted by the authority aforesaid, That the auditor is hereby empowered, and required to demand all papers, books, and accounts, in the hands or possession of any person or persons who may have acted as auditor heretofore by appointment; and in case he or they shall refuse or neglect to deliver up such books, papers, and accounts, as may be in his, or their possession, then, and in that case, it may be lawful for the attorney general to prosecute him or them, and he is hereby directed to commence an action as aforesaid, and on conviction, the offender shall be liable to pay a fine not exceeding two hundred pounds: And the auditor general is empowered and directed to call for all papers that may be necessary or requisite for settling or adjusting any accounts that may come before him.

VIII. And be it enacted by the authority aforesaid, That all monies recovered by virtue of this act, shall be paid to the treasurer of this State, he being accountable for the same; and that his honor the governor and executive council, the State’s attorney, and the treasurer, and the collector or collectors of duties, or imposts on merchandise, be, and they are hereby required, on the first Tuesday in January, always to deliver into the office of the auditor a full and proper account of all the public monies received or paid by each or either of them, with the necessary vouchers; and the auditor is required to examine the same, and report specially thereon to the legislature; and the aforesaid auditor shall keep an office, and remain therein at least three months in every year, at or near Augusta, for the purpose and convenience of settling the accounts of the citizens of this State.

JAMES HABERSHAM, Speaker.

Savannah, February 25, 1784.
An Act for the fixing and establishing court houses and gaols, and the fixing and regulating elections in the different counties of this State.

WHEREAS no law has as yet been passed for the building and erecting court houses and gaols, and for the fixing and establishing places for holding elections in the different counties of this State, and it being now necessary for passing of an act to that purpose: And whereas doubts have arisen concerning the time of opening and closing the polls of the respective elections;

I. Be it therefore enacted by the freemen of the State of Georgia, in general assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing this act, the court houses and gaols for the different counties shall be erected at the places hereafter mentioned, which shall be respected as the fixed and established places for holding elections in the same, that is to say: The court house and gaol shall be erected, and the elections held in and for the county of Chatham, in the town of Savannah; the court house and gaol shall be erected, and the elections held in and for the county of Liberty, at *Sunbury; the court house and gaol shall be erected, and the elections held in and for the county of Effingham, at †Tuckasee Kings; the court house ‡ and gaol shall be erected, and the elections held in and for the county of Burke, in the town of Wayneborough; the court house and gaol shall be erected, and the elections held in and for the county of Richmond, at the place where the road crosses the ‡ Little Kioka creek, leading to the meeting house; and that the superior courts be held at Augusta till a gaol and court house are built, and that elections be held at the place fixed on; the court house and gaol shall be erected, and the elections held in and for the county of Wilkes, in the town of Washington.

II. III. Regulating elections—repealed by act of 1789, No. 417.

IV. And be it enacted by the authority aforesaid, That no person chosen a representative shall, after taking his seat in the legislature, be appointed or authorized to hold any place or office without vacating his seat previous to his election; Provided, nothing herein contained shall extend to affect the election of the governor.

V. And be it further enacted by the authority aforesaid, That no public officer, or any other person whatsoever, shall be entitled to a seat in this house till he has accounted for all public monies he may have received, and such as by any means passed through his hands.

JAMES HABERSHAM, Speaker.

Savannah, February 26, 1784.

* Removed to Riceborough by act of 1777, No. 579.
† At Elberforon, near the Indian Bluff. See act of 1787, No. 374.
‡ Under direction of the inferior court. See act of 1796, No. 555.
‡ At Augusta. See act of 1799, No. 441.

An Act for regulating the trade, laying duties upon all wares, goods, liquors and merchandise and negroes imported in this State; also an impost on the tonnage of shipping; and for other purposes therein mentioned.

February 26, 1784.

Repealed by act of 1787, No. 366.
By the representatives of the freemen of the State of Georgia in general assembly, and by the authority of the same.

An Act for the more full and complete establishment of a public seat of learning in this State.

As it is the distinguishing happiness of free governments, that civil order should be the result of choice, and not necessity, and the common wishes of the people become the laws of the land, their public prosperity, and even existence, very much depends upon suitably forming the minds and morals of their citizens. Where the minds of the people in general are viciously disposed and unprincipled, and their conduct disorderly, a free government will be attended with greater confusions, and with evils more horrid than the wild uncultivated state of nature: It can only be happy where the public principles and opinions are properly directed, and their manners regulated. This is an influence beyond the sketch of laws and punishments, and can be claimed only by religion and education. It should therefore be among the first objects of those who wish well to the national prosperity, to encourage and support the principles of religion and morality, and early to place the youth under the forming hand of society, that by instruction they may be moulded to the love of virtue and good order. Sending them abroad to other countries for their education will not answer these purposes, is too humiliating an acknowledgment of the ignorance or inferiority of our own, and will always be the cause of so great foreign attachments, that upon principles of policy it is not admissible.

This country, in the times of our common danger and distress, found such security in the principles and abilities which wise regulations had before established in the minds of our countrymen, that our present happiness, joined to pleasing prospects, should conspire to make us feel ourselves under the strongest obligation to form the youth, the rising hope of our land, to render the like glorious and essential services to our country.

And whereas, for the great purpose of internal education, divers allotments of land have, at different times, been made, particularly by the legislature at their sessions in July, one thousand seven hundred and eighty-three; and February, one thousand seven hundred and eighty-four, all of which may be comprehended and made the basis of one general and complete establishment: Therefore the representatives of the freemen of the State of Georgia, in general assembly met, this twenty-seventh day of January, in the year of our Lord one thousand seven hundred and eighty-five, enacted, ordained, and declare, and by these presents it is enacted, ordained, and declared,
1st. The general superintendence and regulation of the literature of this State, and in particular of the public seat of learning, shall be committed and intrusted to the governor and council, the speaker of the house of assembly, and the chief justice of the State, for the time being, who shall, ex officio, compose one board; denominated the Board of Visitors, hereby vested with all the powers of visitation, to see that the intent of this institution is carried into effect, and John Houstoun, James Haberham, William Few, Joseph Clay, Abraham Baldwin, William Houstoun, Nathan Brownson, John Haberham; Abiel Holmes, Jenkin Davies, Hugh Lawson, William Glascock, and Benjamin Taliaferro, esquires, who shall compose another board, denominated the Board of Trustees. These two boards united, or a majority of each of them, shall compose the Senatus Academicus of the university of Georgia.

2d. All statutes, laws, and ordinances, for the government of the university shall be made and enacted by the two boards united, or a majority of each of them, subject always to be laid before the general assembly, as often as required, and to be repealed or disallowed, as the general assembly shall think proper.

3d. Property vested in the university, shall never be sold without the joint concurrence of the two boards, and by act of the legislature; but the leasing, farming, and managing of the property of the university for its constant support, shall be the business of the board of trustees. For this purpose they are hereby constituted a body corporate and politic, by the name of Trustees of the University of Georgia, by which they shall have perpetual succession, and shall and may be a person in law, capable to plead, and be imploled, defend, and be defended, answer, and be answered unto, also to have, take, possess, acquire, purchase, or otherwise receive lands, tenements, hereditaments, goods, chattels, or other estates, and the same to lease, use, manage or improve, for the good and benefit of said university, and all property given or granted to or by the government of this State for the advancement of learning in general, is hereby vested in such trustees in trust as herein described.

4th. As the appointment of a person to be the president and head of the university is one of the first and most important concerns, on which its respect and usefulness greatly depend, the board of trustees shall first examine and nominate, but the appointment of the president shall be by the two boards jointly, who shall also have the power of removing him from office for misdemeanor, unfaithfulness, or incapacity.

5th. There shall be a stated annual meeting of the Senatus Academicus at the university, or at any other place or time to be appointed by themselves, at which the governor of the State, or in his absence, the president of the council shall preside; their records to be kept by the secretary of the university.

6th. As the affairs and business of the university may make more frequent meetings of the trustees necessary, the president and two of the members are empowered to appoint a meeting of the board, notice always to be given to the rest, or letters left at the usual places of their abode at least fourteen days before the said meeting, seven of the trustees thus convened shall be a legal meeting: In case of the death, absence or incapacity of the president, the senior trustee shall preside; the majority of the members
bers present shall be considered a vote of the whole, and where the members are di-
vided, the president shall have a casting vote.

Provided always, That nothing done at these special meetings, shall have any force or efficacy after the rising of the then next annual meeting of the trustees.

7th. The trustees shall have the power of filling up all vacancies of their own board, and appointing professors, tutors, secretary, treasurers, steward, or any other officers which they may think necessary, and the same to discontinue or remove, as they may think fit; but not without seven of their number, at least, concurring in such act.

8th. The trustees shall prescribe the course of public studies, appoint the salaries of the different officers, form and use a public seal, adjut and determine the expences, and adopt such regulations, not otherwise provided for, which the good of the universi
ty may render necessary.

9th. All officers appointed to the instruction and government of the universi
ty shall be of the christian religion; and within three months after they enter upon the execution of their trust, shall publicly take the oath of allegiance and fidelity, and the oaths of office prescribed in the statutes of the university; the president before the governor or president of council, and all other officers before the president of the universi
ty.

10th. The president, professors, tutors, students, and all officers and servants of the university whose office require their constant attendance, shall be, and they are hereby excused from military duty, and from all other such like duties and services; and all lands and other property of the university is hereby exempted from taxation.

11th. The trustees shall not exclude any person of any religious denomination whatsoever, from free and equal liberty and advantages of education, or from any of the liberties, privileges, and immunities of the university in his education, on account of his or their speculative sentiments in religion, or being of a different religious profession.

12th. The president of the university, with consent of the trustees, shall have pow-
er to give and confer all such honors, degrees and licenses as are usually conferred in colleges or universities, and shall always preside at the meeting of the trustees, and at all the public exercises of the universi
ty.

13th. The Senatus Academicus at their stated annual meetings shall consult and ad-
vice, not only upon the affairs of the university, but also to remedy the defects, and advance the interests of literature though the State in general. For this purpose it shall be the business of the members, previous to their meeting, to obtain an acquaint-
ance with the State, and regulations of the schools and places of education in their repective counties, that they may be thus possessed of the whole, and have it lie before them for mutual assistance and deliberation. Upon this information they shall recommend what kind of schools and academies shall be instituted, agreeable to the constitution, in the several parts of the State, and prescribe what branches of instruc-
tion shall be taught and inculcated in each: They shall also examine, and recommend the instructo_rs to be employed in them, or appoint persons for that purpose. The

president
A. D. 1785.  
No. 294. 

All the public schools to be considered as members of the university. 

The trustees to recommend to the legislature the necessary public measures.  

All laws and ordinances contrary to this act, repealed.  

This charter to be signed and sealed. 

president of the university, as often as the duties of his station will permit, and some of the members, at least once in a year, shall visit them, and examine into their order and performances. 

14th. All public schools, instituted or to be supported by funds or public monies in this State, shall be considered as parts or members of the university, and shall be under the foregoing directions and regulations. 

15th. Whatevery public measures are necessary to be adopted for accomplishing these great and important designs, the trustees shall, from time to time, represent and lay before the general assembly. 

16th. All laws and ordinances heretofore passed in any wise contrary to the true intent and meaning of the premises, are hereby repealed, and declared to be null and void. 

17th. In full testimony and confirmation of this charter, ordinance and constitution, and all the articles therein contained, The representatives of the freemen of the State of Georgia in general assembly, hereby order, That this act shall be signed by the honorable Joseph Habersham, Esquire, speaker of the house of assembly, and sealed with the public seal of this State, and the same, or the enrollment thereof in the records of this State, shall be good and effectual in law, to have and to hold the owners, privileges, and immunities, and all and singular the premises herein given, or which are meant, mentioned, or intended to be hereby given to the said Board of Visitors, and Trustees, and to their successors in office for ever. 

JOSEPH HABERSHAM, Speaker. 

Savannah, January 27, 1785.  

*An Act for ascertaining the rights of aliens, and pointing out a mode for the admission of citizens.* 

WHEREAS the many advantages and peculiar blessings which this State enjoys may induce foreigners to apply for a participation thereof: And whereas it is the intention of the legislature to confer those benefits on all such as may apply and do merit the same: Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That all free white persons, being aliens, or subjects of any foreign State or kingdom at peace with the United States of America, who shall register or enrol their names in the office of the clerk of the superior court of the county where such aliens purpose to reside, may be, and they are hereby vested with the rights and privileges of acquiring, possessing or holding, and selling, devising, or otherwise disposing of all kinds of personal property, and renting houses or lands from year to year, and shall have the right of suing for all such debts, demands or damages, other than for real estate, as may arise or have arisen since the twelfth day of July, one thousand seven hundred and eighty-two, either personally, or by attorney or otherwise, and, in case of death, by his, her or their executors or administrators. 

* This power is vested in congress by the constitution of the United States.
II. And be it enacted by the authority aforesaid, That any alien, or subject of any foreign State or power being desirous of becoming a citizen of this State, who hath resided at least twelve months in the same, and, after the expiration thereof, doth obtain from the grand jury of the county where he resides a certificate, purporting, that he hath demeaned himself as an honest man and friend to the government of the State (which certificate shall be recorded in the superior court of said county) the alien or person so applying shall, before the judges of the said court, take and subscribe the following oath: "I A. B. do solemnly swear, that I will bear true allegiance to the State of Georgia, and will support the laws and constitution thereof to the utmost of my power, so help me God." Then and in that case, such person shall be entitled to all the rights, liberties, and immunities of a free citizen.

III. Provided always, and be it enacted by the authority aforesaid, That no such person shall be a member of the general assembly, or of the executive council, or hold any office of trust or profit, or vote for members of the general assembly, for the term of seven years, and until the legislature shall, by special act for that purpose, enable such person so to do: And provided also, that all such aliens or persons aforesaid, shall be subject and liable to pay such alien duties as have been heretofore or may hereafter be imposed by the legislature.

IV. And be it further enacted, That no persons on any act of confiscation and banishment in this or either of the States, nor any persons who have borne arms against this or the United States, that were citizens of this or either of the said States during the war, shall avail him or themselves of any of the rights, privileges or immunities intended to be given or conferred by this act, except such persons as may have availed themselves of coming in during the late war, under certain proclamations issued, and that may have been adopted and sanctioned by the legislature: Provided likewise, that this act, shall in no wise extend, or be construed to extend, to oblige such persons who may have applied to become citizens of this State, to undergo the probation herein set down or contained.

V. And be it enacted by the authority aforesaid, That if any person or persons under the age of sixteen years shall after the passing of this act, be sent abroad without the limits of the United States, and reside there three years, for the purpose of receiving an education under any foreign power, such person or persons, after their return to this State, shall for three years be considered and treated as aliens, in so far as not to be eligible to a seat in the legislature or executive authority, or to hold any office civil or military in the State for that term, and so in proportion for any greater number of years as he or they shall be absent as aforesaid, but shall not be injured or disqualified in any other respect.

JOSEPH HABERSHAM, Speaker.

Savannah, February 7, 1785.

A. D. 1785.
No. 295.
Aliens how to become citizens

Oath to be taken by them.

Provifo.
No such person shall be a member of the general assembly, hold any office, or vote for members during the term of seven years, and then only by special act of the legislature.

No person on any act of confiscation and banishment, or who have borne arms against this or the United States, being a citizen thereof during the war, to avail himself of this act.

Certain exceptions

Provifo.

Persons under the age of 16 residing three years or upwards out of the United States, for their education, subject to certain disqualifications.
A. D. 1785.
No. 296.

**An Act for laying out a district of land, situate on the river Mississippi, and within the limits of this State into a county to be called Bourbon.**

WHEREAS it is expedient and necessary for the accommodation of the inhabitants of this State, that a new county be laid out in the same, Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That from and immediately after the passing of this act, all that tract or district of country within the charter boundaries of this State, which lies on the eastern side of the river Mississippi, and is contained and comprehended in the lines, limits and description herein after mentioned, shall be and the same is hereby declared to be formed into a new county to be called, known and distinguished by the name of Bourbon county.

II. And be it further enacted, That the following shall be the lines, limits and extent of the said county, that is to say, the same shall begin at the mouth of the river Yazous, where it empties itself into the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, as far as the lands reach, which in that district have been at any time relinquished by the Indians; thence along the line of the said relinquishment to the said river Yazous; thence down the said river to the beginning; and the said county shall comprehend and include all the lands and waters within the said description.

III. And whereas, it will not be proper at present to open a land office, for the purpose of granting out the lands in the said county, But nevertheless it is hereby enacted and declared, That whenever that measure shall be determined upon by this or a future legislature, there shall be a right of preference, agreeable to the laws of this State, referred to any, all, and every honest and friendly possessor and possessors of the said lands, who shall be citizens of either of the United States, or the subjects of any power that was friendly to the United States during the war; Provided such persons do actually live on and cultivate the said lands, or a part thereof, and shall apply and present themselves on equal terms with other petitioners.

IV. And be it further enacted by the authority aforesaid, That when it shall be determined on, to grant the said lands, the price thereof shall not exceed one quarter of a dollar per acre.

V. And be it further enacted, That the following persons, to wit, Tacitus Gilliard, Thomas Green, Sutton Banks, Nicholas Long, William Davenport, Nathaniel Christman, William McIntosh, junior, Benjamin Farrer, Cato Weft, Thomas Marion Green, William Anderson, Adam Bingaman, and John Ellis, shall be and they are hereby nominated and appointed justices of the peace, and Abner Green, register of probates, for the said county; and his honor the governor is hereby authorized and required to administer the oaths of allegiance, and of office, to such of the

* Repealed by act of 1788, No. 386, sec. 2.
the said persons as can personnally attend him in council, and to grant a special com-
mition, directed to such as shall qualify before him, to enable them, or any two of
them, who shall so attend, to qualify the others in the same manner as they have
been qualified, when they shall repair to the said county of Bourbon.
VI. And be it further enacted, That the said justices after being duly qualified as
aforesaid shall be, and they or any two of them are hereby authorized and empow-
ered to administer the oath of allegiance to this State, to any person and persons, in-
habitants of the said county, who shall not have been proscribed by this or some
other of the United States of America, and thereupon such person and persons shall
be entitled to vote for and serve as members of assembly, or militia officers; and the
said justices shall keep a list or roll of the names of all such persons as they shall admi-
ister the oath of allegiance to, and transmit the same to his honor the governor as
soon as may be in the course of the present year.

JOSEPH HABERSHAM, Speaker.

Savannah, February 7, 1785.

An Act to admit certain persons to the rights of citizenship.

WHEREAS John Haupt, Peter De Bofq, Juftus Hartman Scheuber, Francis
De Block, Willim Blogg, William Finden, James Merrilies, John Wall-
ace, Daniel M'Garvey, Ralph De Pafs, Jacob De Pafs, William Coales, Alexander
Bifet, Henry Sowerby, Gabriel Leaver, and Francis Watlington, who have petitioned
this house to become citizens of this State, previous to the passing the citizen bill,
Be it therefore enacted by the representatives of the freemen of the State of Georgia in
general assembly met, and by the authority of the same, That the said John Haupt, Peter
De Bofq, Juftus Hartman Scheuber, Francis De Block, William Blogg, William
Finden, James Merrilies, John Wallace, Daniel M'Garvey, Ralph De Pafs, Jacob
De Pafs, William Coales, Alexander Bifet, Henry Sowerby, Gabriel Leaver, and
Francis Watlington, are hereby admitted to all the rights of citizenship, any law
to the contrary notwithstanding.

JOSEPH HABERSHAM, Speaker.

Savannah, February 19, 1785.

An Act to establish and regulate the inspection of tobacco.

February 21, 1785.
Repealed by all of 1791, No. 457:

An Act for the regular establishment and support of the public duties of religion.

February 21, 1785.
Repugnant to the form of our government.

A. D. 1785.
No. 296.

The justices when qualified empowered to
administer the
oath of allegiance to this State, to the inhabi-
tants who
may vote for
and serve as
members of the
legislature or
militia officers.
Certain excep-
tions.
An Act for amercing certain persons therein named, and admitting others to the rights of citizenship, and for other purposes therein mentioned.

WHEREAS the legislature of this State, by their resolutions, passed in the year one thousand seven hundred and eighty-three, and eighty-four, relieve from the pains and penalties of banishment, as directed by the act of this State, for inflicting the pains of banishment and confiscation on persons therein named, and directed that the names of the following persons should be taken from the act of confiscation, and placed on the amercement act, and that such amercement should not exceed twelve per centum: And whereas the present legislature have agreed to take others in the like situation from off the said act of attinder, viz. Andrew Johnston, Timothy Barnard, Isaac Delyon, Alexander Carter, Alexander Rofe, and William Durgan, Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same, That Thomas Young, Raymond Demere, jun. John Glen, Levi Sheftall, Thomas Gibbons, Isaac Heaton, Isaac Downie, Thomas Beatty, Robert Porteous, James Spalding, Alexander Creighton, Andrew Johnston, Timothy Barnard, Isaac Delyon, Alexander Carter, and Alexander Rofe, be, and they are hereby severally relieved from the pains of the said act of confiscation and banishment.

II. And be it further enacted by the authority aforesaid, That the estates, both real and personal, of the said Thomas Young, Raymond Demere, jun. John Glen, Levi Sheftall, Thomas Gibbons, Isaac Heaton, Isaac Downie, Thomas Beatty, Robert Porteous, James Spalding, Alexander Creighton, Alexander Rofe, and Isaac Delyon, are hereby amerced and made subject to twelve per centum: And that Andrew Johnston, Alexander Carter, and William Durgan, shall be subject to pay one per centum only, as an amercement, on such property as they may possess; and that Timothy Barnard be subject only to one quarter per centum; the same to be paid within twelve months to the treasurer or commissioners of confiscated estates, for the use of this State, (all persons neglecting to pay the same in the time limited, shall be liable to pay double that sum) to be paid in specie and nothing else.

III. And be it further enacted by the authority aforesaid, That the said Thomas Young, Raymond Demere, jun. John Glen, Levi Sheftall, Thomas Gibbons, Isaac Heaton, Isaac Downie, Thomas Beatty, Robert Porteous, James Spalding, Alexander Creighton, Andrew Johnston, Timothy Barnard, Isaac Delyon, Alexander Carter, William Durgan, and Alexander Rofe, shall return to, enjoy, and possess every right of citizenship in this State, any thing in the said act of confiscation to the contrary notwithstanding: Provided always, That the said Thomas Young, Raymond Demere, jun. John Glen, Levi Sheftall, Thomas Gibbons, Robert Porteous, James Spalding, Alexander Creighton, Andrew Johnston, Isaac Delyon, and Alexander Rofe, shall not be permitted to vote at elections, hold offices under the government, or be eligible to a seat in any of the departments thereof, until fourteen years shall have elapsed from the passing of this act: And provided also, That Thomas Gibbons
Gibbons shall not plead or practice in the courts of law of this State, for the said term of fourteen years.

IV. And be it further enacted, That all supplies that have been taken from the abovementioned persons, for the use of the army or payment of any of the soldiers, shall not be brought in charge against this or the United States.

V. And be it further enacted by the authority aforesaid, That John Mullryne and Solomon Kemp, two persons named in the said act of banishment, shall be, and they are hereby permitted to be and remain in this State for and during the term of seven years, without molestation or injury in respect to their persons for or on account of the said act, and all and singular the estate, real and personal of the said Solomon Kemp, which now remains unfold by the commissioners of forfeited estates, shall be, and the same is hereby gratuitously given to, and vested in the wife and children of the said Solomon Kemp, for and notwithstanding the said act of confiscation, or other matter or thing appertaining to the same; such property so given to the said wife and children of the said Solomon Kemp, to be nevertheless subject and liable to a proportional part of any debts he may owe. Provided nevertheless, That, for all property real and personal, heretofore belonging to any of the persons aforesaid, that has been sold by virtue of the act of confiscation and attainder, the auditor shall, and he is hereby required to give such person, the former owner of the said property, a certificate for a sum equal to the amount of the sale of such property.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any citizen of this, or any of the United States, to purchase and bring into this State, and thereafter to hold any negro or other slave, the property of any person named in the act of confiscation and banishment, Provided such negro or other slave has not been sold by the commissioners of confiscated estates, and was without the limits of this State, at the time such purchase was made, anything in the act of confiscation to the contrary notwithstanding.

VII. And whereas, William Welscher, Malcom Rois, James Ferre, Donald McLed, William Thompson, John Milne, and David Leion, came within the provisions of the alien act, having applied for the rights of citizenship previous to the passing thereof, Be it therefore enacted, That from and immediately after the passing this act, the said William Welscher, Malcom Rois, David Leion, James Ferre, Donald McLed, William Thompson, and John Milne, shall be, and they are hereby declared free citizens of this State, any thing in the said alien act to the contrary thereof notwithstanding.

JOSEPH HABERSHAM, Speaker.

Savannah, February 7, 1785.

An Act for the security of foreigners who may lend money at interest, on real estates.

WHEREAS the borrowing of money on interest from foreigners may benefit this State, and it is but reasonable that any foreigner lending money should be secured on real estates by way of mortgage, and at liberty to institute suits for the
A.D. 1785.
No. 301.
Enacted.
Foreigners lending money to citizens of this State, how to be secured by mortgage on any estate, &c.
The recovery of all sums, as well principal as interest, so loaned, 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 it shall and may be lawful for every and all persons, being aliens, to lend money at an annual interest of seven per centum, on freehold or leasehold security, by way of mortgage, on any estate within this State, and such money, whether the kingdom or State of which such money lender is a subject or alien, shall be at peace or in war with the United States, to recover, sue for, by attorneys or otherwise, in the courts of this State, and, where judgment is obtained, execution shall be awarded for the sale of such mortgaged premises, for payment of the debt and interest due thereon, with costs of suit, as is common with the citizens of this State, (except such foreigner be entitled to the right of entry or actual possession of any such mortgaged premises, by purchase, or by any process for foreclosing any equity of redemption, by order of any court whatever) any law or custom to the contrary notwithstanding.

II. And be it further enacted, That this act shall be, and it is hereby declared to be a public act, and shall be judicially taken notice of as such in the courts of record in this State.

Savannah, February 21, 1785.

JOSEPH HABERSHAM, Speaker.

No. 302. An Act for better regulating the town of Savannah and hamlets, and appointing commissioners for regulating the town of Sunbury.

See act incorporating Savannah, 1789, No. 430; and act regulating Sunbury, 1791, No. 450. February 21, 1785.

No. 303. An Act to impose a tax on the inhabitants of the State of Georgia, and other persons holding property real or personal therein, for the use and support of the government thereof, from the first day of January to the thirty-first day of December, in the year of our Lord, one thousand seven hundred and eighty-five.

February 21, 1785.

No. 304. An Act to amend and alter some parts, and repeal other parts, of the several land acts in this State.

WHEREAS it hath become necessary to make some alterations in the several land acts of this State, be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That from and after the passing of this act, all such lands as remain unsurveyed, or not taken up by some person or persons, under a lawful warrant for that purpose, in
the counties of Washington, and Franklin, shall be, and the same are hereby declared to be, put upon the following footing, that is to say, the said lands shall be granted out to any person or persons applying for the same, in the like manner, by the like rights, and under the like restrictions, as are pointed out for disposing of lands under the land act passed the seventeenth day of February, in the year of our Lord one thousand seven hundred and eighty-three, and the supplemental act thereto, passed on the first day of August, in the year of our Lord one thousand seven hundred and eighty-three, except only that the person or persons applying for, and obtaining such lands, as far as the quantity of one thousand acres, shall not be liable or obliged to pay any purchase money or consideration for the same, office fees only excepted; Provided also, that, for all lands heretofore surveyed by virtue of an act, entitled, "An act for opening the land office, and for other purposes therein mentioned," the owner thereof shall pay the valuation of said lands agreeable to said acts.

II. And be it further enacted by the authority aforesaid, That all other vacant lands in the counties of Chatham, Effingham, Burke, Richmond, Wilkes, Liberty, Glynn, and Camden shall be, and the same are hereby directed to be granted out in the same manner as before mentioned, in respect to the said counties of Washington and Franklin, that is to say, on the head rights gratuitously as far as the quantity fixed by law, and without any purchase money or consideration for the same. Provided also, that such persons so applying shall take the following oath or affirmation: "I, A. B. do solemnly and sincerely swear, (or affirm, as the case may be) that the head rights delivered in by me are just and true, and that I have not, nor hath any person for me, or in my name, taken up or located the head right or head rights of my family, now applied for, either in this or any other county within this State; nor have I, or any other person for me, disposed or sold the same, so as the head rights of my family may be illegally obtained."

III. And be it further enacted, That, at any time hereafter, if any person or persons convicted of having acted contrary to the above oath, after having taken the same, exclusive of the pains and penalties annexed to perjury, shall forfeit the land so fraudulently obtained, and the same shall be from hence considered as re-vested in the State; and that no person or persons applying shall obtain any warrant, survey, or grant, unless for himself or themselves, or for his, her, or their own family or families, and that any person or persons, who shall obtain lands under and by virtue of this act, shall in eighteen months thereafter, settle on and cultivate three acres for every hundred acres of the same, and in case of non-compliance, he, she, or they, shall be subject to treble tax for said lands.

IV. And be it further enacted by the authority aforesaid, That the justices of the peace for the counties of Washington and Franklin shall, in future form a land court, and shall grant lands, try caveats, and otherwise proceed in the same manner as the justices do in other counties of this State; and shall in all respects, have the same powers committed to them over the county surveyors, and others concerned in the land business, as the said other justices have.

V. A. D. 1785.
No. 301.
Lands remaining unsurveyed in Washington and Franklin to be granted out under like regulation as pointed out in land act of February, 1783. Except only that persons obtaining such lands as far as 1000 acres not liable to payment of purchase money.
V. **And be it further enacted by the authority aforesaid,** That in case any surveys have been made, or grants obtained, for any lands lying or being without or beyond the lines of some one of the counties of this State already laid out, all and every such survey or grant shall be considered as fraudulent, and the same is hereby declared null and void; and the person or persons making such surveys, or obtaining such grants, shall be prosecuted and punished agreeable to the eleventh section of the said act, passed on the seventeenth day of February, in the year of our Lord, one thousand seven hundred and eighty-three: No grants shall be signed till the survey has been advertised by the surveyor of the county, at least three months after they have been recorded by theaid county surveyor; and that the surveyor be allowed one shilling and two-pence for every such advertisement, to be paid by the grantee.

VI. **And be it further enacted by the authority aforesaid,** That where it shall appear that any surveyor has knowingly run across another's line, or surveyed land before surveyed, the last mentioned survey shall be deemed null and void, and such surveyor liable to a fine of fifty pounds for every offence, to be recovered by action of debt in the superior court of the county where the said lands shall lie, one half whereof shall go to the party who shall inform and sue for the same, and the other half to be paid into the public treasury: All grants when registered in the books of the county surveyors agreeable to law, shall be registered, not only in the name of the person to whom it is granted, but also in the name of the person who then holds the same; and unless it is so registered in the books of the said county surveyor, within one year after passing the grant, it shall be deemed vacant land, and be liable to be surveyed by any person who shall apply for the same; and every county surveyor who shall fail to register such grant within three months after the same is delivered into his office, shall forfeit and pay the sum of fifty pounds specie, to be recovered and applied in manner aforesaid, and shall pay all damages to the party injured by such neglect.

VII. **And be it also enacted,** That in case two grants shall be given for one and the same tract of land, each of them obtained within the time allowed by law, that in such case the eldest survey shall be deemed valid in law, in so far as to entitle the party who made the first survey to an action of damages against the other, and the said land shall be subject to execution founded on any judgment in such suit in preference to any other incumbrance or claim whatsoever. Provided, the said suit be brought within five years after the date of the said survey, and when it shall appear by sufficient evidence to a court and jury, that any person hath obtained a grant, the right of preference to which lands was, at the time of obtaining said grant, by law vested in any other person, then and in that case, such person so offending shall forfeit and pay the injured party a sum equal to twice the value of said lands, or relinquish the same.

VIII. **And be it further enacted by the authority aforesaid,** That all warrants already granted, shall be and the same are hereby renewed for the term of six months instead of three, as had been heretofore used, bounty warrants excepted; which shall not be out of date at any time before they are located.

* Declared never to be out of date, is surveyed within two years, by act of 1786, No. 325.
IX. And whereas, it is apprehended that great abuses have happened in regard to bounties, Be it therefore enacted by the authority aforesaid, That in future, all and every person and persons whatsoever, who conceives himself or themselves entitled to bounty, shall lay his or their vouchers or credentials before the said land court, where they apply for the same, who shall, on a full consideration of all circumstances respecting the petitioner, either grant or reject the application, as coming or not coming within the scope and intention of the several laws of this State for granting bounties; and no surveys of land due as bounties from this State shall be allowed, unless brought in and claimed within one year from and after the passing this act.

X. And in order to ascertain and determine the line between the white people and the Indians of this State, Be it enacted by the authority aforesaid, That his honor the governor, by and with the advice and consent of the executive council, shall nominate and appoint three fit and discreet persons on the side and in behalf of this State, and shall send up to the Creek nation, and invite them to appoint persons on their side, and in behalf of their nation; which said commissioners on both sides shall, as soon as possible meet, and in conjunction run the said line, agreeable to treaty, and according to law, endeavoring to obtain for the white people, as large a compass of ground as they can; and in case the said commissioners extend the said line as far as the branch of Oconee, called the Little river, that then the two forks of Oconee, the one made by Little river, and the other by the branch next above the same on the south side of the said river Oconee, shall be deemed a referve to make good the engagements to the continental soldiery, and seamen and officers of the medical department of this State; and no surveys or grants (except such as have been already made to the said soldiery, seamen, and officers of the medical department) within the said forks, shall be held and considered as good and valid, unless the same shall appear to be agreeable to the terms of this act; and after the said line shall be run as aforesaid, there shall be one year allowed to the said soldiery and seamen, and officers of the medical department, to make their surveys, and take out grants for their respective bounties to which they are entitled within the said referve.

XI. And be it further enacted by the authority aforesaid, That the surveyors of Washington and Franklin counties shall be under the same regulation as the surveyors of the other counties within this State.

XII. And be it further enacted by the authority aforesaid, That the county surveyors of each county are hereby authorized and required to ascertain and run their respective county lines according to the constitution and laws of this State, except such as are already ascertained, the expense whereof shall be equally borne and discharged by the two counties whose division line it is.

JOSEPH HABERSHAM, Speaker.

Savannah, February 22, 1785.

An Act to admit Nathaniel Pendleton, Benjamin Porter and Matthew McAllister to plead and practice in the courts of law in this State.

February 22, 1785.

Private.
A.D. 1785. An Act to enable the subjects of his most Christian Majesty to transfer and settle such of their estates and property as is or shall happen to fall within this State; and also to perfect the grant of twenty thousand acres of land in this State, to the Vice Admiral the Count D’Estaing, and to encourage the settlement thereof.

WHEREAS the congress of the United States of America, on the fourteenth day of January, one thousand seven hundred and eighty, did resolve, that it be recommended to the legislatures of the aforesaid United States to make provision, where not already made, for conferring on the aforesaid subjects of his most Christian Majesty, the privilege of disposing and settling their estates agreeably to the form and spirit of the thirteenth article of the treaty of amity and commerce between his most Christian Majesty and the United States of America, Be it therefore enacted by the representatives of the freemen of the State of Georgia, in general assembly met, and by the authority of the same, That the subjects of his most Christian Majesty shall be, and they are hereby empowered to transfer and dispose of such of their estates and property as shall happen to be within the limits of this State, and that the estates and property of such aforesaid subjects as are or may be deceased, and who were not citizens of this State, being within the State, shall descend to and become the estate of the heirs and legal representatives of such deceased person, according to the laws, usages, and custom of the kingdom of France relative thereto, and such estate so descending shall and may be settled agreeably to the laws that are or shall be made relative thereto, without being obliged to obtain letters of naturalization; and that the aforesaid subjects of his most Christian Majesty shall have, hold and enjoy, on their own part, within this State, the privileges, liberties and immunities mentioned in said articles of treaty, according to the form and spirit thereof.

II. And whereas the General Assembly of this State resolves, that grants of twenty thousand acres of land should issue to the Vice Admiral the Count D’Estaing, in testimony of their respect for his meritorious services, Be it therefore enacted, That the Vice Admiral the Count D’Estaing be, and he is hereby empowered and qualified, to receive and hold the grants of land aforesaid, and he is hereby admitted to all the privileges, liberties and immunities of a free citizen of this State, agreeably to the constitution.

III. And (to encourage and promote the settlement of the said land) be it further enacted, That any person or persons, being a subject of his most Christian Majesty, who is properly introduced with a design to become an inhabitant of this State, such person or persons shall, after three years residence, or in case of intermarriage with a citizen of this State, or either of the United States, after one year’s residence, and taking the oath of allegiance and fidelity, be admitted to all the liberties, privileges and immunities of natural born citizens of this State, any law, usage or custom to the contrary notwithstanding. JOSEPH HABERSHAM, Speaker.

Savannah, February 22, 1785.
Laws of Georgia.

*An Act to explain the fifty-first article of the constitution, respecting intestate estates; and also concerning marriages.*

1. **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 true construction and explanation of the fifty-first article of the constitution shall be, and the same is hereby declared to be as hereinafter mentioned, that is to say, when any person whatsoever, holding real and personal estate shall depart this life, intestate, and without will, the said estate real and personal, shall be considered as being altogether of the same nature, and upon the same footing; so that in case of there being a widow and children, or child, they shall draw equal shares thereof, unless the widow shall prefer her dower, in which event she shall have nothing further out of the real estate than such dower, but she nevertheless receive her proportionable part or share out of the personal estate; in case any of the children shall have died before the intestate, their legal representatives, that is, their lineal descendants, if any shall stand in their place and stead; in case of their being a widow, and no children, or legal representatives of children, then the widow shall draw a moiety of the estate, and the other moiety shall go to the next of kin in equal degree, and their representatives; if no widow, the whole shall go to the children; if neither widow or children, the whole shall be distributed among the next of kin in equal degree, and their representatives; but no representatives shall be admitted among collaterals further than the children of the intestate’s brothers and sisters: if the father or mother be alive, and a child dies intestate, and without issue, such father, or the mother, in case the father be dead, and not otherwise, shall come in on the same footing, as a brother or sister would do: the next of kin shall be investigated by the following rules of consanguinity, that is to say, children shall be nearest, parents, brothers, and sisters, shall be equal in respect to distribution, and cousins shall be next to them; the half blood shall be admitted to distributive share of the real and personal estate, in common with the full blood.

II. **And be it enacted by the authority aforesaid,** That the same rules shall obtain in regard to the granting of administration or intestate estates, as are before mentioned, for the distribution thereof.

III. **And be it further enacted by the authority aforesaid,** That should any case arise, which is not expressly provided for by this act, the same shall be referred to, and determined by the common law of this land, as it hath stood since the first settlement of this State, except only that real and personal estate shall always be considered, in respect to distribution, as being precisely on the same footing.

IV. **And be it further enacted by the authority aforesaid,** That in all cases of intermarriage hereafter, the real estate belonging to the wife, shall pass to, and become vested in the husband, in the same manner as personal property by the law of the land doth; and in case of the death of the husband, thereafter intestate, and without will, in cases of intermarriage hereafter, the real estate of the wife to become vested in the husband.

*This act was passed under the constitution of 1777. See act of 1789, No. 429, on the same subject, adapted to the constitution of 1789.*
DIGEST OF THE

A. D. 1785.
No. 307.
Register of probate to give 30 days notice of applications for letters of administration, and may, in the mean time, grant temporary letters to collect and take care of the estate.

Marriages heretofore contracted before justices, etc., and ministers, or preachers of the gospel, Be it therefore enacted, That such marriages as have been heretofore contracted by any person or persons, before or by such justice, or minister or preacher of the gospel, are hereby ratified, confirmed, and allowed as valid in law, from the time of the solemnization thereof; and all justices of the peace, duly qualified, ministers or preachers of the gospel in this State regularly ordained, shall, and they are hereby empowered and authorized, after public notice of eight days being given, or by license of his honor the governor, or register of probates, to marry any person or persons enabled to enter into marriage contract: And if any such justice, or minister or preacher of the gospel, shall marry any couple without such public notice, or authorized by license from the governor, or register of probates, to do so, he shall on conviction, forfeit five hundred pounds sterling, for the use of this State.

JOSEPH HABERSHAM, Speaker.

Savannah, February 22, 1785.

An Ordinance for ascertaining the specie value of Georgia treasury certificates, and bills of credit issued by the State since the commencement of the late war.

The auditor required to audit all treasury certificates according to the scale of depreciation, and to give the owner a certificate for the specie value.

To take in all paper bills of credit, and to give specie certificates at the rate of one hundred paper for 11. specie.

I. Be it ordained by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the auditor for the time being, is hereby authorized and required to audit all treasury certificates issued by the authority of this State, according to the scale of depreciation and date of said certificate, and give the holder or owner, a certificate for the specie value thereof, agreeable to such calculation.

II. And be it further ordained, That the said auditor shall be, and he is hereby required to take in, and receive all paper bills of credit that have been emitted since the commencement of the late war, and to give the person who may deliver in the same a specie certificate, to be calculated at the rate and depreciation of one thousand for one, that is to say, for every thousand pounds of such bills of credit so emitted.
emitted, shall be given and allowed a certificate for one pound specie. Provided
nevertheless, That all such treasury certificates and bills of credit shall be delivered in
to the auditor within six * months from the date of this ordinance, And provided
also, that such treasury certificates, or an account thereof have been delivered to
the executive, agreeable to a former resolve of the legislature in that case made and
provided. And when it shall appear that a treasury certificate hath been negotiated,
or transferred from the first holder, then and in that case, the present owner of such
certificate, shall by the evidence of one disinterested person, make it appear at what
time he or she received such certificate, the depreciation thereon shall be calculated
accordingly, and in case he or she cannot make it appear, the said certificate shall be
audited in like manner as the bills of credit of this State.

JOSEPH HABERSHAM, Speaker.

Savannah, February 22, 1785.

* Further time allowed by act of 1786, No. 339, sect. 6.

An Act for establishing courts in Franklin and Washington counties,
and to appoint justices of the peace for said counties.

WHEREAS it is expedient that the full administration of justice should be
administered in the two new counties of Franklin and Washington, and
that a superior court be erected therein, Be it enacted by the representatives of the free-
mens of the State of Georgia in general assembly met, and by the authority of the same,
That Benjamin Cleveland be senior, John Gorham, Larkin Cleveland, Jesse Walton,
Thomas Payne, Jesse Franklin, Walker Richardson, Nathaniel Martin, John Barton,
and Lewis Shelton, Esq'rs. be justices of the peace for the county of Franklin; the
four first to be assistant justices of the same, who in case of absence of the chief
justice, are empowered to hold a superior court, at the house of § Warren Philpot,
in said county, the next Tuesday after that of Washington; and that his honor the
governor be required to empower Thomas Payne, Esq. to qualify said justices, togeth-
er with the clerk and sheriff, who are legally elected for the aforesaid county.

II. And be it also enacted, That Thomas Napier be senior, Robert Christman,
Zachary Phillips, William Mc'Gehee, John Cobb, John Rutherford, John Barkley,
Hugh Irvin, Samuel Harper, Thomas Hill, William Daniel, John Watts, James
Bowie, John Otrey, and Francis Tennill, Esq'rs. be justices of the peace for the county of Washington; the four first to be assistant justices of the same, who, in
case of the absence of the chief justice, are empowered to hold a superior court at
or near the place commonly called the Buffalo ponds, on the Tuesday three weeks
after the time appointed for holding the courts in the county of Camden; and that
his

§ To be held at Benjamin Acles' See act of 1787, No. 374.
† To be held at Thomas Jones's, on Williamson's swamp. See act of 1786, No. 354.
D I G E S T  O F  T H E

A.D. 1785.
No. 309.

his honor the governor be required to empower Thomas Napier, Esquire, to qualify said justices, together with the clerk and sheriff, who are legally elected for the aforesaid county.

JOSEPH HABERSHAM, Speaker.

Savannah, February 22, 1785.

No. 310.

An Act to authorize the auditor to liquidate the demands of such persons as have claims against the confiscated estates, and for other purposes therein mentioned.

Preamble.

WHEREAS there are many persons who have just demands against the estates of those who are named in the act of confiscation and attainder, which on principles of justice ought to be paid or some way provided for; Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the auditor for the time being, shall be, and he is hereby authorized and required to receive all demands against the confiscated estates, or either of them, on judgment bonds, or notes, and to calculate the depreciation and interest thereon, and give the persons to whom such monies are due a certificate thereof. And all those who may have claims against either or any of the confiscated estates on open accounts, shall produce and deliver in the same to the auditor within nine months* with such evidence as would be necessary to establish the same in a court of law, and the said auditor shall then examine and audit all such accounts so authenticated, and give a certificate for the balance due.

II. And be it further enacted, That the auditor shall in no case decide on demands against the said confiscated estates, for any trepids or personal wrongs, but shall liquidate bona fide debts only.

III. And be it further enacted by the authority aforesaid, That the time mentioned and contained in the releasing act, for paying the moiety therein specified of the purchase money of confiscated property; and also the time mentioned and contained in the said act, for receiving officers demands as specie in payment of such property when certified as therein required; and also the time limited in said act for funding audited accounts or certificates, and taking out certificates of a new denomination; and likewise the time mentioned and contained in any of the land acts for receiving audited certificates, in payment of the purchase money of unlocated lands, as well in the old as in the new counties within this State, shall be, and the said times for the said several purposes above mentioned are hereby declared to be extended and prolonged for one year, from and after the passing of this act, under the several restrictions and regulations laid down and contained in the said acts respectively.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his honor the governor, by and with the advice of the honorable the executive council, and they are hereby required to order and direct the commissioners of confiscated estates, to fell and dispose of any forfeited lands now remaining unfold

for audited or funded certificates, wholly, so as to redeem as many of such certificates as may be: Provided such certificates be brought in within one year after such purchase made, or otherwise the said purchase money to become specie; And also provided, the party purchasing do give good bond and security agreeable to law for the said purchase money.

V. And be it enacted by the authority aforesaid, That when it shall so happen that any person is dissatisfied with the determination of the auditor, on his or her demand against any of the said estates, such person or persons so dissatisfied may appeal to the superior court of the county to which he, she, or they belong, such appeal to be carried on solely at the expense of the party appealing, and the auditor shall give a certificate agreeable to the verdict on such appeal.

VI. And be it further enacted, That the auditor shall require satisfactory proof on oath, both in respect to debts and credits, in support of any claims that may be made against the confiscates estates, in the same manner as he now doth in support of other claims against the State. Provided nevertheless, and be it enacted by the authority aforesaid, That no judgments obtained on bonds or notes given, or any debts by any other way contracted during the British usurpation shall be received or allowed.

VII. And be it further enacted, That all persons having demands against the confiscated estates, or either of them to liquidate, shall in the first instance take the following oath before the auditor; "I A. B. do solemnly swear, that the demand I have exhibited to the auditor against C. D. is just and true, and to the best of my knowledge, I have not received any part of said demand, nor do I know he has any demands against me for which credit should be given him. So help me God."

VIII. And be it further enacted, That the commissioners of confiscated estates shall be and they are hereby required to immediately furnish the auditor with the amount of sales of each and every of the confiscated estates; and the said auditor is hereby instructed and required not to give certificates on the demands against any estate confiscated to a greater amount than the amount of the sale of such estate.

IX. And be it further enacted by the authority aforesaid, That his honor the governor and executive council shall have power and authority (upon a previous valuation being had on oath by any three freeholders) to order sales to be made of confiscated property to the amount of fifteen hundred pounds sterling to be paid into the treasury as a contingent fund for the more immediate emergencies of the State.

JOSEPH HABERSHAM, Speaker.

Savannah, February 22, 1785.
A. D. 1785
No. 311.

**An Act to render easy the mode of conveying lands, and for making valid all deeds and conveyances hereafter that may be deficient in point of form.**

WHEREAS many deeds of bargain and sale, and other deeds of feoffment or conveyances, have been made, which have not been enrolled, or livery and seisin had, or may be deficient in point of form, when it was the legal intent of the party to sell and lawfully convey the same, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, That no deed of feoffment, bargain and sale, and deed of gift, or other conveyance of lands or tenements whatsoever, heretofore made, shall be impeached or set aside, in any courts of law or equity, for want of form, or livery and seisin, or enrollment, or for any other defect in the form or in the manner of the execution of any such deeds or conveyances, either in the first deed, or in any of the mesne conveyances derived therefrom, so that the right were and would have been in the person or persons conveying, if such defects had not happened in such conveyances, or in the manner of the execution of the same as aforesaid.

II. And to the end that such evils may be remedied in future, Be it enacted by the authority aforesaid, That all deeds of conveyances, by way of bargain and sale, bona fide, of lands or tenements, and executed under hand and seal in the presence of two or more witnesses, and a valuable consideration paid, that are proved or acknowledged before a justice of the peace, or before the chief justice, or one of the assiduous justices, and the said deed is registered by the clerk of the court in the county where such lands or tenements lie, in a book by him to be kept for that purpose, within twelve months from the date of such deed, for which he shall receive four-pence per copy sheet of ninety words; then, and in that case, such deed of conveyance by way of bargain and sale shall be, and the same is hereby declared to be, good and valid in law and equity, according to the true intent, construction, and meaning thereof: Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons who shall prefer the former mode of conveyance by way of lease and release, from using the same, or in the leaf to impeach or discontinue that form of conveyance, where the same shall be preferred by the parties contracting as aforesaid, on condition only that the said deeds of lease and release hereafter to be made, be duly registered in the county where the lands lie, within one year from and after the date of such deeds.

III. And in case of dower, Be it further enacted, That any such deed of conveyance of lands or tenements, in which a feme covert may be interested, by dower or otherwise, and that such feme covert doth voluntarily, with her husband, agree, and sign, seal and deliver, before lawful evidence, such deed of conveyance of any lands or tenements as aforesaid, and also before the chief justice, or any justice of the peace, on private examination, doth acknowledge and agree that she did, of her own free will and accord, subscribe, seal, and deliver the said deed, with an intention thereby to

* By act of February, 1788, No. 387. The time for recording deeds, &c. for lands and tenements is extended two years from the date of that act, which is revived and the time further extended by act of December, 1790, No. 438, fct. 14, until the February, 1793. This act has since been left to operate.*
in renounce, give up, and for ever quit claim to her right of dower and thirds of, to, and to the lands or tenements therein mentioned, then, and in that case, such deeds of conveyance, or bargain and sale of lands and tenements, shall be held, deemed and considered, according to the construction and meaning thereof, to be good and valid in law and equity, and shall be, and is hereby declared to be a free, full, and absolute renunciation of dower and thirds, any law, usage, or custom, to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That all bonds, specialties, letters of attorney, and other powers in writing, which shall be produced in any court, or before any justice, in this State, the execution whereof being proved by one or more of the witnesses therunto, by affidavit or solemn affirmation in writing before any governor, chief justice, mayor, or other justice, of either of the United States, where such bonds, letters of attorney, or other writings, are or shall be made or executed, and accordingly certified and transmitted under the common or public seal of such State, court, city, or place, where the said bonds, letters of attorney, or writings are proved, shall be taken and adjudged as sufficient in law as if the witnesses therein named had been present; and such certification shall be sufficient evidence to the court and jury for the proof thereof; Provided, that in every such affidavit or affirmation, there shall be expressed the addition of the party making such affidavit or affirmation, and the particular place of their abode.

V. And be it further enacted, That all sales or conveyances of lands, tenements, hereditaments, which shall hereafter be made by virtue of any letters or powers of attorney, duly executed, which do, or shall expressly give power to sell all lands or other estates, and be certified to have been proved as aforesaid, or shall be proved in this State, before any justice of the peace, by one or more of the witnesses therunto, shall be good and effectual in law, to all intents, constructions, and purposes whatsoever, as if the said constituents had, by their own deeds and conveyances, actually and really sold and conveyed the same; Provided always, That no sale of lands, made by virtue of such power or powers of attorney, or agency, as aforesaid, shall be good and effectual, unless such sale be made and executed while such powers are in force, and all such powers shall be accounted, deemed, and taken to be in force, until the attorney or agent shall have due notice of a countermand, revocation or death of the constituent.

VI. Be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, whose titles, bonds, notes, books of account, receipts and papers, touching his, her, or their estate and property, may have been lost or destroyed during the late war, who shall produce a paper writing, purporting to be a copy, or as near a copy of the original paper so lost or destroyed as aforesaid, with full or circumstantial proof of the substance thereof, and of his, her, or their title thereto, and shall lodge the same in the office of the clerk of the county where such person resides, or where lands are in question is situate, and shall notify by public gazette of this State, that such person or persons intends to establish such deed or paper, that then it shall and may be lawful, and in case no sufficient objection shall be.
An Ordinance for empowering commissioners to fix on a place convenient for a seat of government, and to erect public buildings thereon.

Be it ordained by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That Nathan Brownfon, William Few and Hugh Lawfon, Esqrs. shall be commissioned and appointed, and they, or a majority of them, are hereby authorized and empowered, to proceed and fix on a place, which they may think most proper and convenient, for erecting of public buildings, and establishing the seat of government and the university; Provided the same shall be within twenty miles of Galphin's old town; and the said commissioners are hereby authorized to appropriate any public lands, or to purchase, or otherwise procure, in behalf of the State, a tract of land for that purpose, which shall not exceed one thousand acres, and to lay out a part thereof in lots, streets, and alleys, which shall be known by the name of Louisville: And, after reserving a sufficient quantity of land for the state house, university, and other public buildings, to sell the remainder of the lots, or so many as they shall judge most conducive to the public interest; and also to sell the government house and lot in the town of Savannah, and the money arising from the sale of the said house and lot shall by them be applied to the sole purpose of paying for the aforesaid land, and erecting the said public buildings: And the said Nathan Brownfon, William Few, and Hugh Lawfon, or a majority of them, are hereby vested with full power to bargain, sell, and convey, the said government house and lot, together with the lots in the said town of Louisville so as aforesaid, to be laid out with the appurtenances, and take bonds in their own names, and to their successors in office, and, on receiving full payment, to convey to the purchaser or purchasers thereof, and make a sufficient title in fee simple to the same, which shall be held and considered as good and valid in law or equity.

II. And be it further ordained, That the said commissioners shall, before they enter on the business aforesaid, give bond and security to his honor the governor, for the due performance thereof, in the penalty of six thousand pounds, and shall, before him, take the following oath, "I A. B. appointed a commissioner to fix on a place most convenient for a seat of government, and for erecting public buildings thereon, do solemnly swear, that I will faithfully discharge the duties required of me by law,
to the best of my skill and judgment, for the interest of this State, and the conveni-
ence of the inhabitants thereof. So help me God." And the said commissioners shall re-
ceive compensation for their expences while on actual service, provided the same
does not exceed two dollars each day.

III. And be it ordained by the authority aforesaid, That the place of the meeting of
the legislature, the residence of the governor, the secretary, treasurer, surveyor
general, and auditor, shall be at Augusta, until the State house and other public build-
ings shall be erected, and the next meeting of the legislature thereafter shall be at
Louisville.

WILLIAM GIBBONS, Speaker.

Augusta, January 26, 1786.

An Act to regulate the tolls, to be taken at mills.

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 owners or occupiers of
mills, shall well and sufficiently grind, or cause to be well and sufficiently ground all
clean and dry grain brought to their mills, and in due turn (as far as five bushels) as
the same may be brought and may take for toll one eighth part thereof, and no
more: And every owner or occupier of a mill, who shall not well and sufficiently
grind; or cause to be well and sufficiently ground as aforesaid, (unless in times of
drought or other sufficient cause, of which the justice may judge) or not in due turn,
or take or exact more toll, shall, for every such offence, on proof thereof by one or
more credible witnesses, forfeit and pay a sum not exceeding fifteen shillings, to the
party injured, recoverable with costs, before a justice of the peace of the county
where such offence shall be committed: Provided always, That every owner or occu-
pier of a mill may grind his or her own grain at any time.

WILLIAM GIBBONS, Speaker.

Augusta, January 26, 1786.

An Act to indemnify Alexander Semple and Henry Osborne, Esquires, for having acted as
justices of the peace in the counties of Glynn and Camden, and the said Henry Osborne,
as collector of duties therein, under an appointment of the governor and council.

January 26, 1786.

Private.

An Ordinance for the pardon and indemnity of Mary Platt.

January 30, 1786.

Private.
DIGEST OF THE

A. D. 1786. An Act to improve the navigation of Brier creek, from Rea's old Cowpen to the mouth thereof.

January 30, 1786. Repealed by act of 1790, No. 443.

No. 317. An Ordinance for the pardon of John Bryce.

January 30, 1786. Private.

No. 318. An Ordinance to vest certain lots in Mrs. Ann Bard.

January 30, 1786. Private.

No. 319. An Act to revise the laws for regulating the ports of Savannah and Sunbury; for clearing the river Savannah, below the town of that name; and for building a light house at the entrance of Saint Catherine's Inlet; and a fort on the island of Cockspur or Tybee.

XIII. And be it further enacted, That the public lots in Savannah, the government house and lot excepted, shall be and the same are hereby vested in the hands and direction of the commissioners appointed by this act for the purposes mentioned for the port of Savannah as aforesaid, and only so far as relates to the lease thereof, and until a free school, academy or college shall be erected or opened for the said county when the same and every of them shall be, and the same are hereby declared absolutely vested in the hands, direction and power of such commissioners or trustees as may be appointed to carry on and conduct the same, and their successors for ever.

XIV. And be it further enacted, That the commissioners of the pilotage for the ports of Savannah and Sunbury, shall be and they are hereby appointed commissioners, or a majority of them for carrying this act into execution in the ports they respectively belong to.

The rest repealed by act of 1787, No. 366.

WILLIAM GIBBONS, Speaker.

Augusta, January 31, 1786.

An Act for dividing the county of Washington.

No. 320. Washington county divided, and Greene county laid out.

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 a line shall be run north forty-five degrees, east, beginning on the Oconee river, thence up Ogechee to the head
head of the main branch; from thence a direct course to the Cherokee corner; from thence to the south branch of Oconee, running into that river at or near Zachariah Philips's; thence down the Oconee to the beginning, including a tract of country which shall be called and known by the name of Greene county.

II. And be it further enacted, That the court house and gaol shall be built, and the superior courts and annual elections held, at a town to be laid out on the college survey on Richland creek.

III. And be it enacted, That the trustees of the university, or a majority of them, shall be and they are empowered and requested to lay out or cause to be laid out, a town, which shall be known by the name of Greensborough, on said college survey; and after reserving a number of lots sufficient for public buildings, to fell and convey the remaining lots and land adjacent, to the purchaser or purchasers in fee simple: Provided only, that the money arising from the sale of the said lots and lands adjacent, shall be applied to the sole purpose of promoting learning and science, and the quantity of land so to be laid off, does not exceed one thousand acres.

WILLIAM GIBBONS, Speaker.

Augusta, February 3, 1786.

*An Act for the encouragement of literature and genius.*

WHEREAS, the principles of natural equity and justice, require that every author should be secured in receiving the profits that may arise from the sale of his works, and such security may encourage men of learning and genius to publish their writings, which may do honor to their country, and service to mankind, Be it enacted by the representatives of the freemen of the State of Georgia, in general assembly met, and by the authority of the same, That the author of any book or pamphlet not yet printed, or of any map or chart, being an inhabitant or resident in these United States, and his heirs and assigns, shall have the sole liberty of printing, publishing and vending the same, within this State, for the term of fourteen years, to commence from the day of its first publication in this State: And if any person or persons, within said term of fourteen years, shall presume to print or re-print any such book, pamphlet, map or chart, within this State, or to import or introduce into this State for sale, any copies thereof, reprinted beyond the limits of this State, or shall knowingly publish, vend, and utter or distribute the same, without the consent of the proprietor thereof in writing, signed in the presence of two credible witnesses, every such person or persons shall forfeit and pay to the proprietor of such book, pamphlet, map or chart, double the value of all the copies thereof so printed, imported, distributed, vended or exposed for sale, to be recovered by such proprietor in due course of law: Provided nevertheless, That no author, assignee or proprietor, of any such book, pamphlet, map or chart, shall be entitled to take the benefit of this statute, until he shall duly register his name as author, assignee or proprietor, with the title thereof, in the office of the secretary of the State, who is hereby empowered and directed to enter the same on record.

* * The power of securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries, vested in congress by the federal constitution.
II. And be it further enacted by the authority aforesaid, That at the expiration of the said term of fourteen years in the cases above mentioned, the sole right of printing, and disposing of any such book, pamphlet, map or chart in this State, shall return to the author thereof, if then living, and his heirs and assigns, for the term of fourteen years more to commence at the end of the said first term; and that all and every person or persons who shall reprint, import, vend, utter or distribute in this State, any copies thereof, without the consent of such proprietor obtained as aforesaid, during the said second term of fourteen years, shall be liable to the same penalties recoverable in the same manner as is herein before enacted and provided.

III. And whereas it is equally necessary for the encouragement of learning, that the inhabitants of this State be furnished with useful books, &c. at reasonable prices: Be it further enacted, That whenever any such author or proprietor of such book, pamphlet, map or chart, shall neglect to furnish the public with sufficient editions thereof, or shall sell the same at a price unreasonable, and beyond what may be adjudged a sufficient compensation for his labor, time, expence, and risk of sale, the chief justice of the State, on complaint thereof made to him in writing, is hereby authorized and empowered to summon such author or proprietor to appear before the next superior court to be holden in the county where such author or proprietor dwells, if a resident of this State, if not, in the county where such complainant dwells; and said court is hereby authorized and empowered to enquire into the justice of such complaint, and if the same be found true, to take sufficient security of such author or proprietor conditioned that he shall, within such reasonable time as said court shall direct, publish, and offer for sale, in this State, a sufficient number of copies of such book, pamphlet, map or chart, at such reasonable price as said court shall, on due consideration affix; and if such author or proprietor shall, before said court, neglect or refuse to give such security as aforesaid, the said court is hereby authorized and empowered to give to such complainant a full and ample licence to reprint and publish such book, pamphlet, map or chart, in such numbers and for such term as said court shall judge just and reasonable; Provided said complainant shall give sufficient security before said court to afford said re-printed edition at such reasonable price as said court shall thereto affix.

IV. And be it further enacted, That any person or persons who shall procure and print any unpublished manuscript, without the consent and approbation of the author or proprietor thereof first had and obtained, if such author or proprietor be living and resident in, or inhabitant of this, or any other of the United States shall be liable to suffer and pay to the said author or proprietor his just damages for such injury, to be recovered by action brought on this statute in any court of law in this State proper to try the same: Provided always, That nothing in this act shall extend to affect, prejudice, or confirm the rights which any person may have to the printing or publishing of any book, pamphlet, map or chart, at common law, in cases not mentioned in this act, or to screen from legal punishment, any person or persons who may be guilty of printing or publishing any book, pamphlet, or paper, that may be prophanest, treasonable, defamatory, or injurious to government, morals or religion: Provided also, That
An Act to authorize Zachariah Lamar, Esquire, to lay out a town at the mouth of Broad river, and to establish inspections in the county of Wilkes.

WHEREAS it is necessary, and will be greatly conducive to the general convenience of the citizens in the upper part of this State, that a town should be laid out, and a tobacco inspection established at the mouth of Broad river in the county of Wilkes, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That Zachariah Lamar of the aforesaid county, be and he is hereby fully authorized and empowered to lay out a town on his own land, situate on the south side of the mouth of Broad river, into any and such number of half acre lots as he may think proper, and to dispose of and make titles to the same, according to the usual manner of conveyances; which said town shall be called and known by the name of Lincoln: And the said Zachariah Lamar is hereby further authorized and empowered to erect a public warehouse for the reception and inspection of tobacco in the said town of Lincoln, subject always to the laws that have been or may hereafter be provided for the inspection of tobacco.

II. And whereas Dionyfius Oliver, of the aforesaid county of Wilkes, hath petitioned the legislature to authorize him to erect a warehouse on his own land, in the aforesaid county of Wilkes, in the fork between the aforesaid Broad river, and the river Savannah, for the reception and inspection of tobacco; And whereas, the same is likewise thought necessary for the convenience of the upper settlers: Be it further enacted, That the said Dionyfius Oliver is hereby authorized and empowered to erect the said warehouse, and the said inspection is hereby established, subject always to such laws as have been, or may hereafter be made for regulating the inspection of tobacco as aforesaid.

Augusta, February 3, 1786.

WILLIAM GIBBONS, Speaker

An Act to revise and amend an act for regulating the trade, laying duties upon all wares, goods, liquors, merchandizes, and negroes imported into this State; also an impost on the tonnage of shipping, and for other purposes therein mentioned.

February 13, 1786.

Repealed by act of 1787, No. 386.
An Act to prevent persons from settling or surveying any part of the late cession of lands between the rivers Alatamaha and Saint Mary.

WHEREAS it is not proper, that any of the late cession of land between the Alatamaha and Saint Mary's river should be settled or located at present, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That no person shall presume to survey or settle on any lands lying between the Alatamaha and Oakmulgee and Saint Mary's rivers, above the old Indian boundary line, being lands lately ceded to this State, and if any survey shall be made, it shall be of no effect, and the person making such survey shall forfeit and pay the sum of one pound* for every acre of land so surveyed; and all warrants for surveying lands within the above boundaries, and all grants of lands therein, are hereby declared void, null, and of no effect; and all such lands shall still be deemed vacant land, and shall be liable to be surveyed as such when the legislature shall give permission to locate the lands above mentioned: Provided, that nothing herein contained shall extend to the counties of Glynn and Camden, the vacant lands of which may be surveyed as formerly; And if any person shall settle on the said lands before the legislature shall give permission to locate the same, such settlement shall not give any right of preemption or preference whatever.

II. And be it enacted by the authority aforesaid, That no such land law as requires all persons to register their grants in the office of the county surveyor, within twelve months from the date thereof be, and the same is hereby repealed.

III. And be it enacted, That no warrant shall ever be out of date if surveyed within two years from the date of said warrant.

WILLIAM GIBBONS, Speaker.

Augufla, February 13, 1786.

* Additional penalties imposed by act of 1787, No. 381, sect 2.
An Act to make provision for officers, soldiers, or seamen, who have been disabled in the service of the United States.*

WHEREAS by a resolution of congress of June the seventh, one thousand seven hundred and eighty-five, it is recommended to the several States, to make provision for officers, soldiers, or seamen, who have been disabled in the service of the United States, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That John Brickell and James Lauder, Esquires, be, and they are hereby appointed inspectors for this State, who shall in the manner herein after pointed out, examine and make a compleat list of all the officers, soldiers, or seamen resident in this State, who served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in such service, so as to be incapable of military duty, or of obtaining a livelihood by labor; in this list shall be expresed the pay, age, and disability of each invalid, also the regiment, corps, or ship, to which he belonged, and a copy of the same shall be transmitted to the office of the secretary at war, by the secretary of the State, within one year from and after the passing of this act; and a like descriptive list of the invalids resident in this State, shall from year to year be annually transmitted to the office of the secretary at war.

II. And be it further enacted by the authority aforesaid, That no officer, soldier, or seaman, shall be considered as an invalid, or entitled to pay, unless he can produce a certificate from the commanding officer or surgeon of the regiment, ship, corps, or company in which he served, or from a physician or surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was thus disabled while in the service of the United States.

III. And be it further enacted, That all commissioned officers within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military duty, or of obtaining a livelihood by labor, be allowed a yearly pension equal to half of their pay respectively, and all commissioned officers as aforesaid, who shall not have been disabled in so great a degree, be allowed a yearly pension which shall correspond with their degree of disability, compared with that of an officer wholly disabled: That all non-commissioned officers and privates within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military or garrison duty, or of obtaining a livelihood by labor, be allowed a sum not exceeding five dollars per month; and all non-commissioned officers and privates as aforesaid, who shall not have been disabled in so great a degree, be allowed such a sum as shall correspond with the degree of their disability, compared with that of a non-commissioned officer or private wholly disabled.

IV. And be it further enacted, That the inspectors appointed by this act, shall examine all claimants, and report whether the person producing a certificate, setting forth that he is an invalid, be such in fact, and, if such, to what pay he is entitled, and

* The military pensions heretofore paid by the respective States, in pursuance of acts of the United States, and council, are provided for by act of congress, passed 29th September, 1789, and by subsequent acts.
A. D. 1786. and thereupon the inspectors shall give to the invalid a certificate, specifying to what pay he is entitled, and transmit a copy thereof to the governor and council, who shall receive and record the same.

V. And be it further enacted, That his honor the governor, do issue his warrant on the treasurer, in favor of such commissioned officers, non-commissioned officers, and privates, for the sum or sums to which they shall be respectively entitled, agreeably to the before mentioned certificates; the said payment to be deducted from the quota of this State, in the requisition of congress for the year on which they shall be made: Provided, That no officer who has accepted his commutation for half pay shall be entered on the list of invalids, unless he shall have first returned his commutation.

VI. And be it further enacted, That such invalids, under the aforesaid description, as arc citizens of this State, and are capable of garrison duty, may be formed into corps, to be employed in guarding military stores, aiding the police, or otherwise, as his honor the governor may direct; when such invalids shall be formed into corps, there shall be quarterly returns, comprehending the pay, age, disability, regiment, ship, or corps to which they severally belonged, made out and signed by their commanding officer, and transmitted to the governor and council, who shall issue warrants for their pay according to said return.

VII. And be it further enacted by the authority aforesaid, That all invalids, as well those formed into corps as tho' e who are not, shall annually apply themselves to a magistrate of the county in which they reside or may be stationed, and take an oath, on which the magistrate shall grant the following certificate, viz. "A. B. came before me, one of the justices for the county of in the State of Georgia, and made an oath, that he was examined by by the said State for that purpose, obtained a certificate or had his certificate examined and countersigned, setting forth, that he had served in , that he was disabled by and that he now lives in the State of Georgia, and in the county of :" The affidavits, drawn according to the above form, and dated and attested by a magistrate, shall be sent by the said magistrate to the secretary of the State, who shall receive and record the same; and a counterpart of the affidavit shall be preferred by the person taking it, to be exhibited to the governor and council.

WILLIAM GIBBONS, Speaker.

Augusta, February 13, 1786.

An Ordinance to appoint some person therein to be named, to digest and arrange all the laws and ordinances past in this State, before or since the revolution.

February 13, 1786.

Obsolet.
An Act to amend an act for ascertaining the qualifications necessary for the admission of attorneys, solicitors, and proctors in this State.

February 13, 1786.

Repealed by act of 1789, No. 421.

An Act to obtain an account of all the white and other inhabitants of every age, sex, and condition within this State.

February 13, 1786.

Obsolete.

An Ordinance for vesting in Christian Yonge, the widow of Henry Yonge, senior, and his two daughters Ann Agnes Yonge, and Elizabeth Yonge, certain property therein mentioned.

February 13, 1786.

Private.

An Act to impose a tax on the inhabitants of the State of Georgia, and other persons holding property real or personal therein for the use and support of the government thereof, from the first day of January to the thirty-first day of December, one thousand seven hundred and eighty-six.

February 13, 1786.

An Act to appoint agents* to defend the rights of the State of Georgia to certain territories, claimed by the State of South Carolina.

WHEREAS the legislature of the State of South Carolina did present a petition, dated the twenty-fourth day of March, one thousand seven hundred and eighty-five, to the United States of America in congress assembled, stating, that they did claim the lands lying between the North Carolina line, and a line to be drawn due west from the mouth of Tugalo river to the Mississipi, because, as they contend the river Savannah loses that name at the confluence of Tugalo and Keowee rivers, consequently that spot is the head of Savannah river: Also the lands lying between a line drawn from the head of Saint Mary's to the head of the Alatamaha rivers, the Mississipi river, and Florida, as being within the limits of its charter, and not annexed to the State of Georgia; and praying that a federal court might be appointed to hear and determine the dispute and difference between the said two States relative to the said territory, agreeable to the articles of confederation and perpetual union between the United States of America: And whereas, the said United States in congress assembled, by an act of congress dated at New York, the first day of June, one thousand seven hundred and eighty-four, did notify to the legislature of the State of Georgia, that they had assigned the second Monday in May next for the appearance of the said States before the said Court.

* Commissioners appointed by act of 1787, No. 370.
of Georgia, and South Carolina, by their lawful agents, to proceed in the premises.

Now, that the just rights and jurisdiction of this State to the territories claimed by the State of South Carolina, in their petition above recited, may be properly verified, and such proceedings be had in the premises as the said articles of confederation, and perpetual union direct: Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the honorable William Houlton, George Walton, and William Few, Esquires, be, and they are hereby appointed agents for this State in the dispute and difference aforesaid on behalf of this State, and they the said William Houlton, George Walton and William Few, or any two or more of them, are hereby fully authorized and empowered to appear and represent this State before the United States in congress assembled, on the second Monday in May next, and at such other times and places as they may thereafter direct, and appoint, and, by joint consent, with the agents or commissioners for the State of South Carolina in this behalf appointed, to nominate and agree upon such persons as they may think proper to be commissioners or judges to constitute a federal court finally to determine the dispute and difference aforesaid between the said States; and if it should so happen that the said agents herein before mentioned, or any one or more of them, and the agents or commissioners on this behalf appointed by the State of South Carolina cannot agree in the choice of persons to be appointed commissioners or judges to form a federal court as aforesaid, then the said agents herein before appointed, or any one or more of them, shall, and they are declared to have full power to name proper persons for that purpose to be stricken and commissioned by the United States in congress assembled, according to the form pointed out by the confederation and perpetual union of the said United States, and to appear before the said court when legally appointed and convened, there to defend and vindicate the rights and jurisdictions of this State, taking all due and lawful ways and means in their power that the final issue of the said dispute and difference may be successful for this State; for which purpose they are hereby authorized and empowered to employ and engage all such council learned in the law, and all such solicitors, as they may think proper and necessary on the trial, and in prosecution of the claim and right of jurisdiction of this State to the territories in question, hereby confirming and establishing whatever they the said agents, or any one or more of them, shall or may lawfully do, on behalf of this State, in the premises.

II. And be it enacted by the authority aforesaid, That the said agents herein appointed, or any one or more of them shall, and they are hereby declared to have full power, and are hereby required to examine the records of this State, and take and carry away, so that they may be produced at the trial, all such original papers and records as they may think proper, authenticated under the great seal of this State, or sufficient authenticated copies of the same, exemplified as aforesaid, as they may deem proper to be given in evidence on the said trial; and the officers keeping such offices are hereby required to furnish the said agents, or any of them, with the same, when called for, without fee or reward.

WILLIAM GIBBONS, Speaker.

Augusta, February 13, 1786.
LAWS OF GEORGIA.

An Ordinance for appointing agents to reside in the Indian nations.

February 13, 1786.
Repeated by act of 1787, No. 381.

An Act involving the United States, in Congress assembled, with a power to levy for the use of the United States, certain duties upon goods imported into this State, from any foreign port, island, or plantation.

February 13, 1786.
Obsolete.

An Act for laying out a road from Sunbury to the seat of government, and from thence to Washington in Wilkes county.

February 13, 1786.

It is deemed unnecessary to insert this act as the power of establishing and altering public roads has been vested in the courts of the several counties.

*An Act for improving the navigation of Ogeechee river from Fort Argyle to the Big Falls of said river.*

February 13, 1786.

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 male inhabitants between the ages of sixteen and forty-five, residing within seven miles on either side from Fort Argyle to the Big Falls shall be, and they are hereby declared and made liable to work on Ogeechee aforesaid, for the purpose of clearing and making good the navigation thereof, at such time and in such manner as the commissioners therein named, or a majority of them, shall think best and most effectual for carrying the purposes of this Act into execution: Provided always, That no person residing within the limits aforesaid shall be obliged to work more than twelve days in a year, nor longer than three days in one week.

II. And be it further enacted, That any person made liable to work by this act as aforesaid, who shall neglect or refuse to comply therewith after due notice given, shall forfeit and pay a sum not exceeding three shillings for each day he shall be absent when required to labor as before mentioned: And in case the master, owner or manager of any slave living within the aforesaid limits, shall neglect to send such slave when lawfully called on, at such time and place as the commissioners, or a majority of them shall appoint, to work on Ogeechee river as aforesaid, such master or owner shall forfeit and pay a sum not exceeding three shillings for every day his or her slave shall be absent when called upon as aforesaid, unless an excuse to the satisfaction of a majority of the commissioners be made.

Inhabitants within 3 miles of the river Ogeechee from Fort Argyle to the Big Falls liable to work on the same.

Provido.

Persons refusing or neglecting to work, liable to fine.

* So much of this Act as respects the river within Effingham county, re-enacted with alterations by act of 1793, No. 481.
III. And be it further enacted by the authority aforesaid, That the commissioners appointed by virtue of this act, or a majority of them, in their respective districts, shall have full power and authority to divide the inhabitants within their several districts into companies, and to appoint overseers in said companies, whose duty it shall be to give three days previous notice to the inhabitants when required to work on said river as aforesaid, to see the business completed, and to make returns to the said commissioners of all defaulters within their respective companies; and in case any person appointed an overseer under this act, after having accepted his appointment, shall neglect or refuse to execute the duties thereby imposed, every such overseer shall forfeit a sum not exceeding forty shillings specie to be recovered and applied as herein after directed; Provided, That the said overseer shall not be obliged to continue in office more than twelve months from the acceptance of his appointment.

IV. And be it further enacted by the authority aforesaid, That the commissioners herein named, or a majority of them, in their respective districts, shall have full power and authority to cite any person or persons who shall incur any of the penalties herein inflicted, by their warrant or summons directed to a constable within the district wherein the defaulter shall reside, with notice for such defaulter to appear at such reasonable time and place as they may appoint, and on the day so appointed proceed to hear and determine thereon agreeable to the directions of this act, and upon conviction shall issue execution, directed to any constable as aforesaid, to levy the said fine, together with all lawful costs on the offenders goods and chattels, and after fifteen days public notice, sell and dispose of the same, until the said fine and costs are fully satisfied, any law of this State to the contrary thereof notwithstanding.

V. And be it further enacted, That the monies arising by fines aforesaid, shall be paid into the hands of the commissioners within the district where the same is collected, who shall apply the same to the forwarding and compleating the navigation of the said river within the district.

VI. And be it enacted by the authority aforesaid, That the persons herein named shall be, and they are hereby declared commissioners* for the several districts herein after mentioned, viz. from fort Argyle to Belcher's mill creek, Israel Bird, Oliver Bowen, and Thomas McCall; from the mouth of Belcher's creek to the mouth of Horfe creek, Benjamin Lanier, Luke Meazel, and William Cone; from the mouth of Horfe creek to Triplet's ferry, Lemuel Lanier, Drury Jones, and John Diens, senior; from Triplet's ferry to the bridge at the Pine Log, Roger Lawton, Patrick Carr, and James Stubbs; and from the bridge at the Pine Log to the Big Falls, Arthur Fort, John Ledbetter, and Zacharias Fenn; and they are hereby fully invested with all the powers intended by this act to be given to them as commissioners aforesaid.

VII. And be it further enacted, That if by death or resignation, it shall be impossible to form a majority of the commissioners aforesaid, then his honor the governor and executive council shall appoint other fit persons near Ogechee river aforesaid to act

* Other commissioners appointed, empowered to hire laborers, and money advanced. See act of 1790, No. 443.
An Ordinance to establish a ferry between the island of Skidaway and the isle of Hope, in the county of Chatham, and for other purposes therein mentioned.

WHEREAS it is absolutely necessary for the interest and convenience of many of the citizens of this State, that a ferry should be established between the island of Skidaway and the isle of Hope in the county of Chatham,

I. Be it therefore ordained by the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the following persons, to wit, William Stephens, John Milledge, Charles Odingfells, James Bullock, and Seth John Cuthbert, be, and they are hereby appointed commissioners to establish a ferry between the said island of Skidaway and the isle of Hope, at such convenient place or places as they may think most conducive to the purposes of this ordinance; and to rent a quantity of land, not exceeding five acres, on each side of Skidaway river; to agree and enter into contract with a fit person or persons for keeping the said ferry, and to establish the rates of ferriage thereat; and further, that, in case the proprietor or proprietors on each side of the said river at such place or places as the commissioners shall deem expedient to establish the said ferry, shall not incline to rent a quantity of the same not exceeding that before mentioned, at any or at a reasonable price, then the said commissioners or a majority of them, shall, and they are hereby authorized and empowered to have the rent of the same valued by three freeholders of the vicinage, which valuation or appraisal shall be paid yearly to the proprietor or proprietors of the same by such persons or persons as the said commissioners shall think proper to establish as the keeper or keepers of the said ferry; and lastly, these powers shall be vested in the said commissioners, or a majority of them, for the term of five years from the passing of this ordinance and no longer.

II. And be it further ordained by the authority aforesaid, That a ferry shall be established at M'Gowan's old ferry on Savannah river, about a mile above the Coldwater creek; also a ferry at Seneca old town on Keowee river; also a ferry at the mouth of Choga creek; and the said ferries shall, and they are hereby put under the same restrictions and regulations as the other ferries on Savannah river.

III. A ferry established at M'Gowan's old ferry on Savannah river.

Enacted.

Commissioners appointed to establish a ferry between the island of Skidaway and the isle of Hope.

A. D. 1786.

No. 336.

Persons falling trees in the said river subject to fine, to be recovered and applied in like manner.

February 13, 1786.

WILLIAM GIBBONS, Speaker.

No. 337.

Preamble.
A.D. 1786.

III. And be it further ordained by the authority aforesaid, That a ferry shall be established at Reed's bluff, on the Alatamaha river, under the same restrictions and regulations as those established on Savannah river, and the right of the same is hereby vested in George Handley and Christopher Hillary, the proprietors of the said bluff.

WILLIAM GIBBONS, Speaker.

Augusta, February 13, 1786.

No. 334.

1. II. III. IV. V. VI. VII. RELATING to a special tax, repealed by act of 1787.

No. 359.

VIII. And whereas, large donations have been subscribed, as well in this State as by persons of South Carolina, for carrying into effect this very desirable purpose, Be it enacted, That any sum or sums of money heretofore, or which may hereafter be subscribed, is and are hereby declared to be vested in the said commissioners and their successors, who are hereby authorized, on default of payment, to sue for and recover the same; which monies so raised by subscription, as also what may be had by affimination, shall be applied to the sole and only purpose of opening the river Savannah from Rae's creek aforesaid to Tugola old town, and Broad river for fifteen miles up the same; and the said commissioners shall hire artificers, or persons skilled in cleaning rivers, to do the same on the best and most reasonable terms that they can, and shall, on the first day of February in every year, make a regular return to the governor and council of their proceedings, and of all monies by them received and expended in the execution of this act.

IX. And whereas in carrying on the said work, there may be frequent occasions to fell and make use of some of the adjacent trees, Be it enacted, To prevent all damages which might otherwise arise, that the said commissioners, or those employed by them as aforesaid, may lawfully and without interruption fell any trees, or dig any banks, where necessary to carry on this important work.

X. Respecting affimations of adjacent lands also repealed.

XI. And be it also enacted, That after the river Savannah shall be so cleared as aforesaid, a lock shall be placed at the lower falls, and a contribution of five shillings per hoghead be exacted for all tobacco brought down the said stream, the growth of South Carolina, unless the said tobacco shall have been made by a subscriber, or his, or her heirs, and who shall have paid the same towards clearing the said river.

XII. And be it further enacted, That Benjamin Cleveland, William Mofs, Solomon Freeman, Leonard Marbury, and Seaborn Jones, Esquires, shall be, and they are hereby appointed commissioners for the purpose of carrying this act into execution.

WILLIAM GIBBONS, Speaker.

Augusta, February 13, 1786.

* Lottery authorized for improving the navigation from Augusta to Lightwood-log creek and Broad river, by act of 1756, No. 338.
An Act to continue an Act to authorize the auditor to liquidate the

demands of such persons as have claims against the confiscated
estates, and for other purposes therein mentioned.

I. WHEREAS the Act entitled "An Act to authorize the auditor to liquidate

the demands of such persons as have claims against the confiscated estates

and for other purposes therein mentioned," and the period therein laid down for the

liquidating and receiving such claims is expired, and by reason of the great distance

of the auditor from certain parts of the State, the claims therein intended to be

liquidated have not been presented, and the principles of justice require the time

should be prolonged, Be it enacted by the freemen of the State of Georgia in general

assembly met, and by the authority of the same, That the said Act shall be, and the same

is hereby declared to be in full force so far as relates to the auditor's liquidating debts

therein mentioned against the confiscated estates for the term of nine months after

the passing this Act, and the said auditor shall govern himself in such liquidations as

he was used and directed by and under the said forementioned Act.

II. And be it further enacted, That all claims of what nature ever against this

State, prior to the eleventh day of July, which was in the year of our Lord one

thousand seven hundred and eighty-two, and which will not gain us credit at the

continental treasury, shall be brought in to the said auditor for liquidation within

nine months after passing this Act, or such claimants thereafter in default thereof,

to stand for ever barred and precluded therefrom.

III. And whereas it appears that the auditor in settling some of the accounts of

the officers of the line of this State, admitted charges which were not allowed by

the continental commissioner on the final settlement made by him, and which said

charges unless rectified will be a loss to the State, Be it enacted, That the auditor

be directed to make out a just statement of all accounts wherever charges have been

made, and that the said auditor be authorized and required to call on such officers

to return the balance that shall appear to have been overpaid, and in case any officer

shall neglect or refuse to settle with the said auditor, he is hereby required to

return an account of the amount which shall appear to have been overpaid him to

the attorney general, who shall sue for and recover the same on behalf of the State,

and the account rendered him by the auditor on oath, shall be admitted in evidence:

And the said auditor is also directed to furnish the public treasurer with a copy of

of the state of every officer's account where an overcharge hath been made, that

he may make the necessary stoppages, and that justice may be done to the State.

IV. And be it further enacted, That the governor and council be requested to order

all the books, and papers of former auditors which are now at Savannah, to be

brought forward as soon as possible, and deliver to the auditor, who is hereby required

to examine and arrange the same in order for settlement with the commissioner of

accounts for this State, and also to compare said books and the accounts therein

raised against the officers of this State, who have formerly received monies with the

accounts delivered to him by such officers, and his settlement thereon; and if any

error
error should appear, to report the same to the executive, who are required to take such measures as will most effectually do justice to the State.

V. And be it enacted by the authority aforesaid, That the said auditor be directed to report to the executive the issues of certificates from his office to officers of the Georgia line, and also what certificates may be in his hands of such officers respectively, pursuant to the liquidation of the commissioner of the army on the part of the United States, and also any sums or sums that have been advanced by the State to any officer or officers to whom certificates have not been issued by him.

VI. And be it further enacted, That all treasury loan office certificates of this State that have not been delivered to the auditor for liquidation, pursuant to an act of assembly in that case made and provided, shall be delivered to the governor and council, with evidence sufficient to evince that the holder thereof had not information of said act, or that some unavoidable circumstance prevented their conforming thereto, and if the executive do certify the same to the said auditor, he is hereby required to audit the same agreeable to the aforesaid act; Provided only that such loan office certificate or certificates are delivered to the executive within six months from the date of this act.

VII. And be it enacted by the authority aforesaid, That each of the sheriffs of the different counties shall be, and they are hereby each of them vested with all the powers of the commissioners of confiscated estates, and have authority to do and perform every act and thing within their respective counties, that the said commissioners might or could do by virtue of the powers herebefore vested in them, subject to the orders and directions of the executive, for which service the said sheriffs shall be entitled to receive the same commissions and fees that the said commissioners were entitled to.

VIII. And be it enacted, That no interest shall be demanded or received on any debts whatever from the twenty-ninth day of December, one thousand seven hundred and seventy-eight, until the eleventh day of July, one thousand seven hundred and eighty-two.

IX. And be it further enacted, That any citizen or citizens of this State, or any other of the United States, who was or were concerned in trade or copartnership with any persons named or comprehended in the act of confiscation and attainder to whom debts were due and owing, such remaining or surviving copartner or copartners in whose hands or possession the bonds, notes, or books of account may be, shall and they or either of them are hereby vested with full power and authority to act, demand, sue for and recover all debts of every nature and kind whatever that was or may be due or may become due to such concern or copartners or others; also to demand, sue for, and take into possession any lands or other real estate in which the concern was interested, or had a right: Provided nevertheless, and be it enacted, That all such surviving or remaining copartners, or others of the aforesaid description, shall deliver to the clerk of the county where he or they may reside, a full and exact account on oath of all the notes, bonds and other debts due, or that may become due to such concern or copartners as aforesaid, and shall give bond and security in double
double the amount thereof, to pay into the treasury at the end of every six months such part as he or they may have at that time received, that was due; the persons or persons whose estates were confiscated as aforesaid, for which the said surviving or remaining copartner or copartners shall receive out of the monies so collected, seven and an half per cent.

X. And be it further enacted, That all debts due and owing to any person or persons named or comprehended in the said act of confiscation, for the payment of which, or any part thereof, any citizen or citizens of this State, may be jointly bound by any bond, note, covenant or contract, such citizen or citizens shall pay only his, her, or their share or quota of such debt to the treasurer, who shall give a special receipt for the same.

XI. And whereas there are a number of persons who have demands against the confiscated estates and this State, which are not yet settled and adjusted, and it is but just and reasonable such persons should have an opportunity of paying in the certificate part of their purchases of confiscated property, Be it therefore enacted by the authority aforesaid, That certificates for such demands shall be receivable at the public treasury, in payment of the certificate part of bonds given for said property, for and during the term of nine months from the date of this act.

WILLIAM GIBBONS, Speaker

Augusta, February 13, 1786.

An Act to authorize the delegates of this State in congress, to subscribe and ratify an alteration of the eighth article of the confederation and perpetual union.

February 13, 1786.

An Act directing the appointment of delegates to represent this State in the congress of the United States.

February 13, 1786.
Obsoleted.

An Act for the better regulation of the districts for holding courts of conscience.

February 13, 1786.
Obsoleted.

An Act to provide for the payment of the quota of this State on past requisitions of congress, for which no provision has been made by law.

February 13, 1786.
Obsoleted.
BE it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That from and after the passing of this act, there shall be four aliasit justices in each county, whose powers shall be equal in transacting public business, and they or a majority of them, are hereby fully empowered to continue, each session of the superior court, in the respective counties to which they belong, for any term not exceeding twenty judicial days.

II. And be it enacted by the authority aforesaid, That all writs and process returnable to the superior court, of a civil nature, shall be signed and issued by the clerk of the county where subject to be tried, who shall state the nature of the plaintiff's complaint, allegation, or demand, in the summary way pointed out by the superior or circuit court act, to which no exception shall be allowed or taken; and any clerical mistake or omission, not affecting the real merits of the case, may be amended, on motion in court before trial, without any additional costs.

III. And be it enacted by the authority aforesaid, That the clerks of the respective courts shall make out, sign and issue executions, under their hands and seals, for all debts or damages recovered in the said courts, which may be levied on the property, or persons of the party cast, in any county of this State, until the amount thereof is satisfied; and in all cases where security shall be given, with intent to stay the levy of execution, the costs of suit shall be previously paid; and the acknowledgment of such security shall be entered in the clerk's books within ten days after obtaining judgment aforesaid, which shall bear interest until satisfied; and the security so given, and his, her or their effects, shall be equally subject with the first debtor or debtors to satisfy such judgment, interest, and sheriff's fees.

IV. And be it further enacted by the authority aforesaid, That the clerks of the superior courts shall keep fair and regular docket of the court business, which shall be signed by the presiding judges on the bench, as far as the same may be gone through, prior to the adjournment: And the clerks of the superior courts shall respectively, previous to their entering on the execution of their offices, give bond and sufficient security, in the sum of two thousand pounds, for the due performance of the trust reposed in them.

V. And be it enacted, That no costs attending any action in the superior or special court shall before judgment exceed the sum of three pounds, which shall be divided in the following manner, that is to say, fifteen shillings to the chief justice, fifteen shillings to the sheriff, twenty shillings to the clerk, and ten shillings to the attorney.

VI. And be it further enacted by the authority aforesaid, That all and every part of the superior court act, or any other act or law of this State, now in force, which shall or may be contradictory or repugnant to the true intent and meaning of this act, or any part thereof, shall be, and the same is hereby declared to be fully repealed:

* Repealed by act of 1789, No. 421.
Provided, that nothing herein contained shall be construed to invalidate or extend to the injury of any process or other writ already brought or depending in any of the superior courts of this State.

VII. And be it enacted by the authority aforesaid, That the senior justice in each county shall issue his warrant, annually, to not less than seven of the justices of their respective counties, to meet at the place appointed by law for building the court house and gaol, within thirty days after the adjournment of the March circuit court; and the justices so summoned, or not less than five of them, being met, shall have full power and authority to enquire into the number and circumstances of the poor of the county, bind out orphans, and other children that have not a comfortable subsistence, or ability to procure an English education, to some mechanic trade, or other lawful occupation, and appoint fit and discreet persons as overseers of the poor; and the aforesaid justices shall have power to levy a tax, not exceeding six-pence on every hundred pounds value of all taxable property belonging to the residents, in their respective counties, which shall be collected by the sheriff of the county, in such manner and way as the said board of justices shall direct; and, in case any person or persons shall neglect or refuse to pay the aforesaid tax when thereunto required, it shall and may be lawful, and the sheriffs of the different counties are hereby required to detain for the same, in like manner as they would do in collecting the general tax, and shall have the like commissions therefor: And the monies arising from the aforesaid tax shall be paid into the hands of the senior justice in each county, to be applied, at the discretion of the board of justices, for the relief of the poor of the county, who are not otherwise provided for by the legislature; and, in case a surplusage should remain in the hands of the senior justices after provision made for the poor, the same shall be laid out by the aforesaid board of justices in building and keeping in repair the court houses, gaols, pillories, and stocks, in their respective counties, and such buildings and repairs shall at all times be let to the lowest bidder.

VIII. And be it further enacted by the authority aforesaid, That if the senior justice shall neglect to issue his warrant as aforesaid, or shall neglect or refuse to meet himself, agreeable to this act, he shall forfeit and pay for every such offence, the sum of five pounds with costs of suit, to be recovered in a summary manner in the court of conscience, which shall be applied to the same purpose as the tax to be levied under and by virtue of this act.

WILLIAM GIBBONS, Speaker.

Augusta, February 13, 1786.

An Act to regulate the inspection of tobacco.

IV. Be it enacted by the authority aforesaid, That *** warehouses shall be built at the several places hereinafter pointed out, that is to say, in the fork between Broad and Savannah rivers, by Dyonylius Oliver; at the town of Lincoln, by Zachariah Lemar; near Augusta, by Robert Watkins; on Ogeechee, near Galphin old town by Solomon Pendleton; and in or near Savannah, by Mordecai Sheftall; at the town of Hardwick by ———. ———.

XV. Warehouses to be built.

In the fork Savannah & Broad rivers:

At town of Lincoln
Near Augusta
Near Galphin old town
Near Savannah at Hardwick.
DIGEST OF THE

A. D. 1786.
No. 345.
Inspectors shall not sell other tobacco than the growth of their own plantations and in that case shall produce certificate of two or more inspectors.
Persons offending to be dismissed from acting, and fined not exceeding £50, how to be recovered and applied.

XV. And whereas it is highly improper, that the same person should be inspector and vender of tobacco, Be it enacted by the authority aforesaid, That no person to be appointed inspector of tobacco by virtue of this act, shall be allowed to sell tobacco as aforesaid; unless the same shall be of the growth and manufacture of his own plantation or plantations, and then he shall produce a certificate signed by two or more of the inspectors to be appointed as aforesaid, of its being so; and any person who shall in violation hereof, on conviction before the superior court in which he shall reside, shall be discharged from acting as inspector; and the said court shall proceed to appoint another in his stead, and the persons so offending shall be liable to fine not exceeding the sum of fifty pounds, which shall be sued for and recovered in any court of record in this State, and paid into the public treasury thereof; and the person or persons making information against such offender, shall be entitled to one half the amount of said fine.

All the rest revised and re-enacted by act of 1791, No. 457.

WILLIAM GIBBONS, Speaker.

Augusta, February 14, 1786.

A. D. 1786.
No. 346.
An Act to vest Congress with certain powers for the protection of commerce.
August 2, 1786.
Rendered obsolete by the federal constitution.

No. 347.
An Act to admit Thomas Gibbons to plead and practice as an attorney in the superior courts of law, in this State.
August 2, 1786.
Private.

No. 348.
An Act to admit certain persons therein named, to the rights of citizenship.

WHEREAS William Pengrie, Peter Donworth, Thomas Collier, Andrew Atkinson, Thomas Cole, and Francis Forbes have petitioned this house to become citizens of this State, and did, at the same time, produce good and sufficient credentials of their honesty and integrity; and this house being satisfied of the authenticity of the same, Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the said William Pengrie, Peter Donworth, Thomas Collier, Andrew Atkinson, Francis Forbes, and Thomas Cole are hereby admitted to all and singular the rights and privileges of citizenship, any law to the contrary notwithstanding.

WILLIAM GIBBONS, Speaker.

Augusta, February 13, 1786.

An
An Act for emitting the sum of fifty thousand pounds* in bills of credit, and for establishing a fund for the redemption of the same, and for other purposes therein mentioned.

WHEREAS the scarcity of gold and silver money renders it necessary to supply the good people of this State with a medium of commerce of a staple and solid nature, for want of which they already suffer: And whereas there is a large tract of unlocated land in this State, called the New Cession, which ought to be pledged as a fund of credit, for relieving the public necessities, and supplying the treasury at this time: Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That bills of credit to the amount of fifty thousand pounds shall be prepared and printed with all possible dispatch after passing of this act, on good paper, under the direction of the governor and executive council; the charges whereof shall be paid by the State treasurer out of the monies so prepared and printed; which bills of credit shall be prepared in manner and form following, viz.

"This bill shall pass current for according to an act of general assembly of the State of Georgia, passed the day of August, in the year of our Lord, one thousand seven hundred and eighty-six; dated the day of A. D. 1786.

II. And the said bills shall have the State arms as an escutcheon in the margin thereof, with such other devices as the governor and council shall think proper, in order to prevent counterfeits, and to distinguish their several and respective denominations; which bills shall be of the several and respective denominations following, and no other, that is to say: Twenty-five thousand six hundred and forty-one bills of twenty shillings each—Twenty-five thousand six hundred and forty-two bills of ten shillings each—Twenty-five thousand six hundred and forty-two bills of five shillings each—Twenty-five thousand six hundred and forty-two bills of two shillings and six-pence each—Twenty-five thousand six hundred and forty-two bills of one shilling each—And twenty-five thousand six hundred and forty-one of six-pence each. And the governor and council shall use their best care, attention and diligence, and appoint fit and proper persons to superintend the press during the printing of the said bills that the number and amount thereof, according to the said several denominations be not exceeded, nor any clandestine or fraudulent practices used by the printer, his servants or others; and that each of the persons to be appointed as aforesaid to superintend the press, shall take and subscribe the following oath, before they enter on the duties directed by this act: "I, A. B. do solemnly and sincerely swear, that I will, according to the best of my skill and knowledge, faithfully, impartially and truly discharge the trust committed to me, according to the direction of this act."

III. And for perfecting the said bills according to the true intent and meaning of this act, Be it further enacted by the authority aforesaid, That the said bills, the denominations

* See Act of 1789, No. 410, to redeem the paper medium.
minations whereof shall be ten shillings and upwards, shall be signed by any two of
the persons to be appointed for that purpose; and that every of the said bills, the
denominations whereof shall be under ten shillings, shall be signed by any one of the
persons to be appointed for that purpose. And that the governor and council do
appoint the said signers, who shall before they receive or sign any of them, take an
oath to the effect following, viz.
That they shall well and truly sign and number all the bills of credit that shall
“come to their hands for that purpose, according to the directions of this act.” And
“the same so signed and numbered will re-deliver, or cause to be re-delivered into
the public treasury, pursuant to the directions of this act.”
IV. And each of the said signers shall have ten shillings for every thousand of the
said bills by them signed and numbered, and no more, and the persons who shall be
appointed to superintend the press, shall severally receive fifteen shillings for every
day they shall be employed in the said business; and the treasurer shall countersign
the said bills, and shall receive the same as the other signers for such services.
V. And be it further enacted, That together with the guarantee of the honor and
faith of Georgia which is hereby given, all that tract of land which was lately ceded
to this State, lying between the Alatamaha and Oakmulgee and St. Mary’s rivers,
above the old Indian boundary line, shall be, and hereby is pledged and declared to
be a fund, out of which the bills of credit aforesaid shall be redeemed, and cancelled
within the term of four years by the sale of the said lands, as a future general assembly
shall direct, for the said bills of credit, or gold or silver, and nothing else.
VI. And be it further enacted, That the bills of credit emitted by this act, be and
are hereby declared to be a legal tender in all past and future bargains, contracts,
purchases, agreements, dealings, debts, dues and demands, according to the sum
specified in the said bill, to be taken and received at the rate and value of four shillings
and eight pence for every dollar, and so in proportion for a larger or lesser sum,
and of equal value in the payment of such bargain, contract, purchase, agreement,
dealing, debt, due and demand whatever, with a Spanish milled dollar, weighing
seventeen penny-weights and six grains, and thirty-seven shillings and four-pence of the
emission aforesaid, shall be taken and received at the rate of, or equal value to,
one gold half Johannes of Portugal, weighing nine penny-weights, and in the like
proportion for all other gold or silver coin.
VII. And be it further enacted, That the said bills of credit shall be received, and
taken by the public treasurer, and all other public officers of this State as gold and
silver, in all payments that are now due or owing, or that may hereafter become due
due or owing to the State, of what nature or kind soever, at the rates aforesaid, any law
to the contrary notwithstanding.
VIII. And be it further enacted, That from and after the publication of this act, if
any person or persons shall, within this State or elsewhere, prepare, engrave, stamp,
forge, or print the counterfeit resemblance of any paper bills of credit which shall
be

* Time extended and the money continued to be a tender, by act of 1789, No. 410.
† Ceased to be a tender after the 14th August, 1790. See act of 1789, No. 410.
be issued, emitted, and made in virtue of this act, or shall counterfeit or sign the name or names of the signers to be appointed as aforesaid, of the said bills of credit to such counterfeit bills of credit, with an intention that such counterfeit bills of credit shall be passed in payment or received as genuine and good bills, whether the same be so passed or received or not, or if any person or persons in this State pays, pay, or tender in payment, any such counterfeit money, or deliver the same to any other person or persons with an intention that they may be passed, paid, or received as, and for good and genuine, knowing the same to be forged or counterfeited, every such person being thereof legally convicted in any superior court within this State, by verdict of a jury or confession of the party offending, or being indicted thereof shall stand mute or not directly answer to the indictment, or shall peremptorily challenge more than the number of twenty persons legally returned to be of the jury for the trial of such offender, shall be adjudged a felon, and shall suffer death without benefit of clergy. And if any person or persons shall counterfeit any of the said bills of credit by altering the denomination thereof with design to encrease the value of such bills, or shall utter such bills, knowing them to be so counterfeited or altered as aforesaid, and shall be thereof legally convicted in any court of record in this State, such person or persons shall in like manner suffer death without benefit of clergy. Provided always, That nothing herein contained shall extend to work a forfeiture of the estate or effects of such offender.

IX. And whereas, in and by an act of the general assembly, passed on the thirteenth day of February last, entitled "An act to continue an act to authorize the auditor "to liquidate the demands of such persons as have claims against the confiscated "estates, and for other purposes therein mentioned." It is enacted, that any person or persons whatsoever of the description therein contained, shall be at liberty to pay into the treasury a rateable proportion of his or their debt or dues recovered under the said law, originally belonging to persons being British subjects or adherents as therein mentioned, but is not said in what manner the said payment may be made: Be it therefore enacted, and it is hereby declared, That the true construction of the said in part recited act, so far as respects the matter above mentioned, shall be, that the said payments shall be made into the treasury in specie; but in order to give a further credit to the paper medium, by this act directed to be struck, It is hereby enacted, That the debts and dues or parts or proportions of debts and dues coming within the description aforesaid, shall or may also be paid into the treasury in the said paper money to be struck under the present law, but in nothing else; that is to say, either in specie or in the paper currency now intended to be emitted. Provided, such payments be made at any time within nine months from and after the passing of this act.

WILLIAM GIBBONS, Speaker.

A. D. 1786.

No. 349.

An Act for admitting John Storr and others, to return to this State,
August 14, 1786.

Private.
An Act for incorporating the Union Society in Savannah.

WHEREAS William Stephens, president; Leonard Cecil, vice-president; David Montaigut, secretary; James Bullock and George B. Spencer, stewards; Mordecai Sheftall, Oliver Bowen, John Morell, Peter Deveaux, James Habersham, Joseph Habersham, Joseph Clay, Frederick Herb, John Richards, Benjamin Lloyd, James Fields, John Waudin, James Milledge, Samuel Stirk, Raymond Deemie, and George Handley, have by their petition, represented that they are members of the Union Society in the town of Savannah, in this State; and that the said society has established a fund, which is increasing for the relief of distressed widows, and the schooling and maintaining poor children, many of whom have, and others are at present receiving assistance from the said society, and therefore pray to be incorporated. And as the allegations in the said petition are verified: Therefore for promoting and encouraging societies founded on benevolent principles, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the several persons above named, and others who now are and shall hereafter be members of the Union Society in Savannah, respectively, and the successors, officers and members of the same, shall be, and they are hereby declared to be a body corporate, in deed and in name by the name and title of the president and vice-president of the Union Society in Savannah, and by the said name, shall have perpetual succession of officers and members, and a common seal to use, with power to make, alter, change and amend such by-laws and regulations as may be agreed on by the members of the said society; Provided such laws be not repugnant to the constitution and laws of this State. And that they have privilege to sue for and recover all monies that now are or may be due the said Union Society, by any name or in any manner of wise howsoever, and the rights and privileges of the said society in any court to defend and to receive, take and apply all or any donations for the uses intended by the said society, and shall and hereby are declared to be vested with all the privileges, powers and advantages, rights and immunities of a society of people incorporated for the purposes intended by their institution.

II. And be it further enacted, That this act shall be deemed and taken as a public act to all intents and purposes whatsoever.

WILLIAM GIBBONS, Speaker.

Augusta, August 14, 1786.

An Act to enable the trustees of the Richmond academy to lease out the commons of Augusta, and for other purposes therein mentioned.

WHEREAS the clearing and cultivation of the flat lands southward of Augusta will contribute much towards preserving the health of the inhabitants, as well as add to the supplies of the town: And whereas it is represented that the said inhabitants are generally desirous that the commons should be leased: Be it therefore enacted.
enacted by the representatives of the freemen of the State of Georgia, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, it shall and may be lawful for the trustees of the Richmond academy, to lease out any part, or the whole of the said commons, in lots not exceeding five acres, for any term not exceeding seven years, the rent of which to be considered as part of the funds of the said academy.

II. And be it further enacted, That the said trustees shall be also empowered to lay out, and sell the public land on the lower part of the town, in lots of any size less than an acre, upon such credit as they may deem proper; as well as another row of lots on the common to the south of, and adjoining the same; and that the sales of lots herebefore made, of more or less than an acre, be confirmed. And the said trustees are hereby directed to proceed to sell again, all such lots as shall not be complied for, agreeable to act of assembly, within twelve months from the passing of this, and the express terms of sale.

III. And be it further enacted by the authority aforesaid, That the said board shall have power to carry into execution in the town of Augusta, the same regulations and powers as the commissioners of the town of Savannah may lawfully do there; and that two members be added to the board of trustees for said academy.

WILLIAM GIBBONS, Speaker.

Augusta, August 14, 1786.

An Act to regulate taverns, and to suppress vice and immorality.

A. D. 1786.
No. 332.

The trustees of Richmond academy empowered to lease out the commons of Augusta in five acre lots for seven years.

To lay out the public land in the lower part of the town lots and sell the same, as also a row of lots on the commons to the south of, and adjoining the same; and that the sales of lots herebefore made, of more or less than one acre, be confirmed. The trustees to proceed to sell all lots, the conditions of sale not being complied with in twelve months. The said board empowered to carry into execution the same regulations in the town of Augusta as the commissioners in Savannah.

An Act to regulate taverns, and to suppress vice and immorality.

I. II. III. RESPECTING the regulation of taverns. *

IV. And be it further enacted, That if any tavern keeper shall permit or suffer any person or persons whatever to gamble, or play at cards, dice, billiards in his, her or their taverns, with an intention of winning or losing money or other property, or any other house to them belonging, he, she or they shall be adjudged incapable of keeping a tavern, and for every such offence shall forfeit to the use of the informer the sum of five pounds, recoverable with costs in any court of record of the county wherein such tavern shall be kept.

V. And be it further enacted, That if any public officer shall take a profane oath, he shall forfeit the sum of five shillings for every such offence: And any other person or persons whatsoever, not being a public officer, for such offence shall forfeit two shillings and six-pence; and any person convicted in the court of conscience of trading with slaves without a permit, shall be liable to pay ten pounds.

WILLIAM GIBBONS, Speaker.

Augusta, August 14, 1786.

X x

* So much of this act as relates to the regulation of taverns, and the playing at billiards repeated by act of 1791, No. 459.
An Act to repeal an act for appointing places for holding superior courts in the counties of Washington and Franklin, so far as respects the county of Washington; and to appoint a place in the said county of Washington for holding superior courts.

By it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the said act for appointing places for holding superior courts in the counties of Washington and Franklin, is hereby repealed, so far as respects the county of Washington; and that the place for holding superior courts in the said county of Washington, shall be at the house of Thomas Jones, on Griffen’s fork of Williamfon’s swamp.

WILLIAM GIBBONS, Speaker.

Augusta, August 14, 1786.

No. 355. An Act to emancipate and set free Auslin, a mulatto, and Harry, a negro fellow.

August 14, 1786.

Private.

No. 356. An Act for the better regulating of turnpikes within this State.

August 15, 1786.

Repealed by act of 1794, No. 508.

No. 357. An Act for regulating the militia of this State, and for repealing laws heretofore made for that purpose.

August 15, 1786.

Repealed by act of 1792, No. 468.

No. 358. An Act to vest the superior courts in this State with power to regulate ferries and public roads.

By 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 regulation of public roads vested in the inferior courts by act of 1792, No. 478, sect. 1, and they are authorized to establish ferries by act of 1797, No. 597, sect. 7.

* Sandersville, the permanent seat of public buildings. See act of 1796 No. 354.
the beginning of the year; and in particular that the superior court of the county of Chatham be empowered to cause the public land and houses at Great Ogeechee ferry to be sold for a term not exceeding seven years, upon such terms as may be found best.

WILLIAM GIBBONS, Speaker.

Augusta, August 15, 1786.

An Act to repeal some part of an act for clearing the river Savannah from the mouth of Rae's creek to Tugalo old town.

WHEREAS an act of the general assembly passed the thirteenth day of February, one thousand seven hundred and eighty-six, entitled "An act for clearing the river Savannah from the mouth of Rae's creek to Tugalo old town," may become oppressive in its operations, in as much as the tax to be levied for that purpose is to be collected from such persons only as live within a small distance of said river;

I. Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the said act, so far as respects the raising a tax on the inhabitants and freeholders in the vicinity of said river, be and the same is hereby repealed.

WILLIAM GIBBONS, Speaker.

Augusta, January 22, 1787.

An Ordinance for the constituting of a court for the trial of all charges made or to be made against any public officer of the State under the 49th article of the constitution.

February 8, 1787:

Rendered obsolete by the constitutions of 1789 and 1798.

An Act for vesting certain property in Philip Hornby in the right of his late wife Henrietta Hornby, formerly Henrietta Goldsmith, widow of Thomas Goldsmith, deceased, a person named in the act of confiscation and banishment.

February 10, 1787.

Private.

An Act to vest certain powers in George Abbot Hall, and for other purposes therein mentioned.

February 10, 1787.

Private.
An Act to regulate the opening of dams across rice grounds, and the making and keeping dams for the reservoirs of water.

WHEREAS the practice of making and keeping up dams across rice grounds for the purpose of referring water thereon during the winter, and the want of a proper law to ascertain the time when the same ought to be opened, has been attended with many inconveniences, and often times is the cause of much contention; for remedy whereof, Be it enacted by the freemen of the State of Georgia in general assembly met, and by the authority of the same, That every person who shall keep water during the winter upon grounds on which rice shall be planted the ensuing spring, shall on or before the fifth day of March next, and on the fifth day of March in each year, open the dams which keep up the water, in a sufficient manner for letting off the same; and if any person or persons shall neglect so to do on or before the time aforesaid, he or they shall forfeit and pay the sum of one hundred pounds for every such neglect, upon the complaint or information of any person or persons through whose land such water may pass; and it shall and may be lawful for such person to inform, and sue for the same in any court of record in the county where such offence is committed, and, on conviction, the one half thereof shall be paid to the informer, and the other half to the use of the poor of the said county.

II. And be it further enacted by the authority aforesaid, That where any person has neglected to open his or her dam or dams in a sufficient manner for letting the water off the grounds before described, on or before the fifth day of March in every year in manner aforesaid, it shall and may be lawful for any person who may be affected thereby at any time after the day aforesaid in every year, either by himself or herself, or his, or her overseer, agent, attorney or trustee, to apply to any magistrate in the district for a warrant of survey, who shall thereupon notify to the defendant the complaint made against him, with the time and place of meeting, and summons three freeholders, disinterested persons of the neighbourhood or district where the cause of complaint shall lie, one of whom shall be then chosen by the defendant, and in case of his refusal, then by the magistrate, another by the complainant, and the third by the magistrate, who (being first sworn before the magistrate to determine the matter in dispute justly and impartially) shall forthwith proceed to view the obstructions complained of; and if on view thereof the said freeholders, or a majority of them shall be of opinion that such obstructions do or may prevent the party complaining from planting his or her crop of rice in proper time, then and in such case it shall and may be lawful for the said freeholders, or a majority of them, to cause the same to be immediately opened or removed in any way or manner they shall think necessary for the purpose of giving the most effectual relief to the party complaining, whereupon the defendant shall be obliged to pay all expenses attending such survey: Provided always, That nothing herein contained shall extend or be construed to extend, to impose any penalty on any person or persons, or to cause his or her dams or banks to be opened, who shall have made through his or her own lands a sufficient drain or drains (of which the said freeholders shall be the judges)
LAWS OF GEORGIA.

No. 363.

A.D. 1787.

to carry off the waters paffing through the fame, in as expeditious a manner as they could have pafled through the natural courses or channels, in cafe no fuch banks had been erected.

III. And be it further enacted by the authority aforesaid, That it fhall and may be lawful for any perfon, at any time between the faid fifth day of March and the first day of November, in every year, to apply in manner aforesaid for a warrant of survey on any obftructions which he or fhe may conceive to impede the conveying of any furplus water on his or her rice grounds, and which by remaining thereon may prove any way injurious, or fhall at any time hereafter make or keep up any dam or dams which fhall fpot the course of any water, fo as to overflow the lands of any other perfon or perffons whatever; (without the confent of fuch perfon or perffons fift had and obtained) and which fhall be injurious to the faid perfon or perffons, then in either of fuch cafes the faid magiftrate and the freeholders by him appointed fhall proceed in the fame manner as is direcled in the foregoing claufe: Provided always, That if in either of the cafes laft mentioned, the defendant fhall negleél or refufe to attend at the survey to chufe a freeholder aforesaid, then the three freeholders who fhall have been summoned by the magiftrate fhall proceed to determine the matter in difpufe, in the fame manner as if the defendant had been prefent and had chosen a freeholder; which faid freeholders fhall in both cafes certify to the faid magiftrate, under their hands, what fhall have been by them done in the premises; the expences attending which survey fhall be paid by the party againft whom the award of the faid freeholders fhall be given.

IV. And be it further enacted by the authority aforesaid, That if any perfon, either by himfelf or herfelf, or by his or her overfeer, agent, attorney or trustee, or fervants, or faves, or any other perfon or perffons, acting for him or her, fhall presume to fpot up any dam or dams, or replace any obftructions in any manner whatsoever, which has or have been ordered to be opened or removed by any freeholders as aforesaid, or which has or have been opened or removed by himfelf or herfelf, or his or her overfeer, agent, attorney, or trustee, or by order of either of them, on the faid fifth day of March until the fift day of July, every perfon fo offending fhall forfeit and pay the sum of two hundred pounds, to be recovered and difpoled of in manner aforesaid: And if any perfon fhall presume to obftruct, impede, or otherwife hinder or interrupt the opening of any dam or dams, or the removing of any obftructions ordered to be opened or removed by the freeholders as aforesaid, ever perfon fo offending fhall forfeit and pay for every fuch offence the sum of two hundred and fifty pounds, to be recovered and difpoled of in manner aforesaid.

V. And whereas the keeping, refervoirs of water by infuficient dams, and the want of proper wafteways thereto is frequently the caufe of fuch dams breaking and overflowing the fields of other perffons to their great damage, Be it therefore enacted by the authority aforesaid, That where any dam or dams have been made or fhall hereafter be made for the purpofe of forming refervoirs of water without a sufficient wafteway, and which now are or fhall hereafter be found inadequate to fustain the weight of water againft the fame, the owner of fuch dam or dams fhall immediately, or as soon as may be, caufe the fame to be enlargoed and ftrengthened where they

Perffons ftopping up dams opened, or replacing obftructions, between 5th March, and 1st July to forfeit £200, and £250 for hinderimg the opening of dams, &c.

Insuficient dams to be enlarged under penalty of £100.
A. D. 1787.
No. 363.  
they are already made and are insufficient, and such as may hereafter be made, to be erected in a substantial manner with a sufficient wafteway. And if any person shall neglect to strengthen his or her dam or dams already erected for the purposes aforesaid where necessary, or shall hereafter erect any dam or dams for the purposes aforesaid, and which (in either case) in the opinion of three freeholders, or a majority of them (to be appointed and proceed in manner herein after mentioned, respecting surveys of dams across rice grounds) is or are not made and regulated in manner hereby prescribed, every person so offending shall, on complaint of any person or persons liable to be affected thereby, and on conviction thereof in any court of record in the county where such offence is committed, forfeit and pay the sum of one hundred pounds for every such offence, which may be sued for, and if recovered, be disposed of in manner aforesaid.

VI. And be it further enacted by the authority aforesaid, That every person to be summoned as aforesaid, shall be a resident in the county where his attendance shall be required, and who upon being duly summoned and attending any survey as aforesaid, shall be entitled to receive the sum of nine shillings and four-pence per day each for every such attendance, to be paid by the person against whom the verdict of the freeholders shall be given; and in case of the non-attendance of any person, a resident, and summoned as aforesaid, (unless prevented by sickness, or some reasonable excuse to be made upon oath to the satisfaction of such magistrate) then and in such case every such person so neglecting to attend when summoned as aforesaid, shall forfeit and pay the sum of ten pounds per day for every such neglect or refusal.

WILLIAM GIBBONS, Speaker.

Augusta, February 10, 1787.

No. 364.  
An Act to admit John Mathews, and others therein mentioned, to practice and plead in any court of law and equity in this State.

February 10, 1787.
Private.

No. 365.  
An Act for imposing a tax on the inhabitants of the State of Georgia, and others holding property, real or personal therein, for the use and support of the government thereof from the first day of January, to the thirty-first day of December, 1787.

February 10, 1787.
An Act for regulating the trade, laying duties on all goods, wares, liquors, merchandize and negroes imported into this State, and also an impost on the tonnage of shipping, and for other purposes therein mentioned.

I. Be it enacted, That from and after the passing of this act the following duties shall be paid and levied upon all goods, wares, liquors, merchandize, and negroes, imported into any part of this State, and the following impost on the tonnage of all vessels arriving within the same, that is to say,*

II. On all vessels an impost of one shilling per ton according to carpenters measurement.

III. And be it further enacted by the authority aforesaid, That a further sum of three pence per ton shall also be levied on all shipping entering the port of Savannah, and shall be, and hereby is, appropriated and set apart as a fund towards erecting and establishing an hospital for the reception of sick and disabled seamen in the town of Savannah, and the following persons shall be and hereby are appointed commissioners of the same, viz. George Houlton, Leonard Cecil, James Houlton, John Wallace, Benjamin Fishborne, William O'Bryen, jun, and Richard Wylly, esquires, who shall and hereby are authorized to draw on the collector from time to time for such sum or sums as shall be received by him for that purpose.

IV. And be it further enacted by the authority aforesaid, That the person appointed health officer and surgeon of the seamen's hospital, shall be under the directions of the said commissioners; and the said health officer and surgeon shall be entitled to receive the sum of three shillings and six pence for every square rigged vessel; and two shillings and four pence for every other vessel; drogers and vessels in distress only excepted.

V. And whereas it becomes absolutely necessary for the better navigation of the river Savannah below the town, that the wrecks and other obstructions be as speedily as possibly removed, and that a fund be established for that purpose; Be it therefore enacted by the authority aforesaid, That a further sum of three pence per ton shall also be levied on all shipping entering the port of Savannah, and shall be, and hereby is, appropriated and set apart as a fund for clearing the said river of the wrecks &c. And the commissioners of the pilotage for the port of Savannah herein after named, shall be and hereby are empowered to carry the same into effect. The said commissioners shall also be, and hereby are authorized to draw on the collector of said port from time to time, for whatever sums may accrue, and be received by him for that purpose.†

XVIII.

* The remainder of this, and former part of the 2d sect. as well as the other sections omitted, rendered obsolete by the operation of the general government.

† Congress by act of 11th August, 1790, applies to the operation of this act so far as the same relates to the laying an impost on the tonnage of ships and vessels for the purposes therein mentioned until the 10th January next thereafter—And by acts of 10th January, 1791 and 10th March, 1793, further continued the same for the term of 3 years from the last mentioned date, and from thence to the end of the next session of congress.
A. D. 1787.
No 366.

Commisioners of pilotage named and appointed for the port of Savannah; their powers.

Governor empowered to draw on the treasury in their favor, not exceeding £800.

In favor of the commisioners of pilotage for the port of St. Mary's, £50.

For the port of Sunbury £100, and £50 for the port of Brunswick.

Commisioners of pilotage appointed for the port of Sunbury.

For the port of St. Mary's.

And for the port of Brunswick.

The collectors and harbor masters of the respective ports added to the commisioners appointed.

†XVIII. And whereas it is necessary for the encouragement and security of the trade and navigation of the State, that the pilots of the different ports thereof be made subject to such rules and regulations as may answer the said purpofes, Be it enacted by the authority aforesaid, That the following persons, viz. George Houfton, Thomas Cumming, Leonard Cecil, John Wallace and Robert Bolton, jun. esquires, be, and they are hereby appointed a board of commisioners of pilotage for the port of Savannah, and they, or any three of them, shall have, and they are hereby invested with full power and authority to appoint any number of pilots they may think necessary for said port, and prescribe and establish such rules and regulations as they may deem expedient therefor; which rules and regulations shall be binding on all such pilots, and those who act under them, and upon all other persons concerned therein.

XIX. And be it enacted by the authority aforesaid, That his honor the governor be directed to draw on the treasurer in favor of the said commisioners, for a sum not exceeding eight hundred pounds, to by them disbursed in the purchase of proper boats, or in any other way they may judge necessary for the better establishing and conducting the said pilotage; the said commisioners to account for the expenditure of such monies to the executive of the State.

XX. And be it enacted by the authority aforesaid, That for the better encouragement of trade in the southern ports of this State, his honor the governor be directed to draw on the treasurer for a sum not exceeding fifty pounds in favor of the commisioners of pilotage for the port of St. Mary's and its dependencies; and a sum not exceeding one hundred pounds be allowed for the port of Sunbury; and a further sum not exceeding fifty pounds for the port of Brunswick, for the purpose of purchasing proper boats, and employing pilots for said ports, and that they shall account for the expenditure of such monies, in like manner as the commisioners of pilotage for the port of Savannah.

XXI. And be it further enacted by the authority aforesaid, That John Baker, John Hardy, and Alexander M'Iver, esquires, be, and they are hereby appointed commisioners for the port of Sunbury, invested with the same powers as those mentioned in this law for regulating the pilotage of the port of Savannah.

XXII. And be it further enacted by the authority aforesaid, That Jacob Weed, James Seagrove, and James Armstrong, esquires, be and they are hereby appointed commisioners of the port of St. Mary's and its dependencies, invested with the same powers as those mentioned in this law for regulating the pilotage of the ports of Savannah and Sunbury.

XXIII. And be it further enacted by the authority aforesaid, That James Spalding, Elifha Hopkins, and John Braddock, esquires, be and they are hereby appointed commisioners of the port of Brunswick, invested with the same powers as those mentioned in this act for regulating the pilotage in the other ports of this State; and that the collectors and harbor masters of the respective ports for the time being shall be, and they are hereby declared to be commisioners of the pilotage in addition to those already

† By act of congress passed Auguft 7, 1789— all pilots are to be regulated by the laws of the respective States until congress makes further provision,
already appointed, in virtue of their offices, for the ports to which they respectively belong.

XXX. And be it enacted by the authority aforesaid, That an harbor master be appointed for the port of Savannah, (who shall also execute the duty of tonnage master.) And that no person may plead ignorance of the rules and regulations of the port, it shall be the duty of the harbor master to go on board all vessels immediately on their arrival in port, and inform the masters or commanders of the same: And also furnish all the pilots with printed regulations and instructions, who shall be directed to make them known to the masters of all vessels on their arriving within the bar; and the said harbor master shall receive for such square rigged vessel five shillings, and for all flat and schooners three shillings and six-pence from the masters of said vessels; and the said harbor master shall be subject to the orders and instructions of the board of commissioners of pilotage for the port of Savannah, and removable by his honor the governor and executive council for neglect or misbehavior.

XXXII. And be it further enacted by the authority aforesaid, That the harbor master shall measure all vessels subject to the payment of tonnage, the first voyage they may make to the port of Savannah; and shall receive the following fees for the same, viz. on all vessels measuring one hundred tons and upwards, seven shillings; and on all vessels under one hundred tons, four shillings and eight-pence, to be paid by the masters of said vessels so measured. Provided a certificate of the measurement be lodged with the collector by the harbor master, previous to the clearance of said vessel.

XXXIV. And be it further enacted by the authority aforesaid, That six-pence in addition to the tonnage, levied for the seaman’s hospital and clearing the river Savannah of the wrecks below the town, shall be also paid by all masters of vessels entering the ports of Sunbury, Brunswick, and St. Mary’s, and shall be appropriated and set apart as a fund for erecting light houses and supporting pilots, and shall be under the direction of the commissioners of pilotage for said ports, and to be by them drawn in the same manner as from the collector of the port of Savannah.

XXXV. And be it further enacted by the authority aforesaid, That an harbor and tonnage master be appointed for the port of Sunbury, and one for the port of Brunswick, and also one for the port of St. Mary’s and its dependencies, who shall be entitled to the same fees and subject to the same regulations as those of the port of Savannah.

XL. And be it further enacted, That all former acts laying duties on goods, wares, liquors, merchandise and negroes imported into this State, and also imposts on the tonnage of shipping payable to this State be, and the same are hereby repealed.

XLII. And be it further enacted, That in case of death or resignation or refusal to act of any of the commissioners herein appointed, that his honor the governor and executive council shall be, and they are hereby authorized to appoint a proper person or persons in the room of such commissioner or commissioners so refusing, dying or resigning.

WILLIAM GIBBONS, Speaker.

Augusta, February 10, 1787.
An Act for better regulating the town of Savannah and the hamlets thereof.

WHEREAS the town of Savannah and the hamlets thereof require regulation,

Be it enacted by the freemen of the State of Georgia, in general assembly met, and by the authority of the same, That the said town and hamlets be divided into seven wards, the town as usual to consist of six, viz. Percival, Darby, Anson, Reynolds, Heathcoat, and Dicker wards, and the hamlets of Ewenburgh and Yamacra shall constitute the seventh, and be known by the name of Oglethorpe's ward.†

II. And be it further enacted by the authority aforesaid, That on the first Monday in March annually, and every year, the proprietors of lots or houses within the said wards, who shall be of the age of twenty-one years and upwards, shall meet at the court house of the said town, and under the direction of two or more magistrates proceed to ballot for a warden for each ward, who shall also be a proprietor of a house or lot within the limits of the town or hamlets aforesaid; and the wardens so chosen or a majority of them shall meet on the Monday next following, and elect by ballot out of their own body, a person to act as president of the board; and they shall also appoint a clerk and such other officers as may be deemed necessary to carry this act into execution.

III. And be it further enacted by the authority aforesaid, That the wardens so chosen shall have full power and authority to make such bye-laws and regulations, and to inflict or impose such pains, penalties, and forfeitures, as shall be conducive to the good order and government of the town and hamlets aforesaid. Provided, That such bye-laws and regulations be not repugnant to the laws and constitution of this State.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said wardens or a majority of them, yearly and every year, or oftener if occasion may require, to make, lay, and assess one or more rates or rates, assessment or assessments, upon all and every person or persons who do or shall inhabit, use, or occupy, possesse or enjoy any lot, ground, house or place, building, tenement or heredament in any square, street or place within the limits of the town of Savannah or hamlets aforesaid, for raising such sum or sums of money as the said wardens or a majority of them shall in their discretion judge necessary for, and towards carrying this act into execution; and in case of refusal or neglect to pay such rate and assessment, the same shall be levied and recovered in manner as herein after directed. Provided, That no part of such rate and assessment shall be appropriated to the paying of the president or wardens for their services, but that they shall serve in their said appointments without fee or reward.

V. And be it further enacted by the authority aforesaid, That the wards to be chosen under this act, or a majority of them, are hereby vested with full power and authority to let, lease, or rent, at public sale, any lot or lots of land, including the lot of land containing sixteen acres, called the Spring, westward of the said town of Savannah,

* See corporation act of 1789, No. 430.
† Limits of the corporation explained, of 1795, No. 529.
Savannah, and the building commonly called the Vendue House; and the monies arising therefrom shall be applied by the said board of wardens to the carrying this act into execution.

VI. And be it further enacted by the authority aforesaid, That all rates and assessements, pains, penalties, and forfeitures, laid or incurred under this act, shall be levied and recovered by warrant of distress and false of the offenders goods, under the hands and seals of the said president or wardens, or a majority of them, or by warrant under the hand and seal of any justice of the peace for the county of Chatham.

VII. And be it further enacted by the authority aforesaid, That the said president and wardens by their clerk shall publish in the Georgia gazette monthly and every month, an account of the expenditures of all monies which they shall receive by virtue of this act, for the information of the inhabitants of said town and hamlets.

VIII. Whereas it appears by the petition of a number of persons owning wharf lots in the said town of Savannah, that the boundary of the back part of said lots fronting the Bay-street of said town, was established by a law passed under the Britifh government, and a plan thereof was recorded in the surveyor-general's office of the State, (then province) which plan was lost during the late war, in consequence of which the owners of said lots are put to great difficulty in placing their buildings, Be it enacted by the authority aforesaid, That the president and board of wardens appointed under this act are fully empowered to fix the boundary of the said lots, in such manner as to them may appear just and equitable; and that a plan thereof be recorded in the surveyor general's office, and also in the office of the clerk of the county of Chatham.

IX. And be it further enacted, That the said board of wardens shall have full power to regulate the public docks between the wharfs, so as to prevent the injury which is now done to the navigation of the said river by the docks being open.

X. And be it further enacted by the authority aforesaid, That the wardens appointed under this act shall have, and are hereby vested with the powers and authority of justices of the peace within the town and hamlets aforesaid.

XI. And be it further enacted by the authority aforesaid, That all former laws heretofore passed for the better regulation of the said town of Savannah and the hamlets thereof, be and the same are hereby repealed.

WILLIAM GIBBONS, Speaker.

Augusta, February 19, 1787.

* A general plan of the town of Savannah is in the secretary of the State's office, annexed to an act of 1770—probably the same alluded to in this act, (supposed to be lost.)

An Act to confirm and explain certain resolutions of this house, relating to the estate of the late Reverend John Joachim Zubly, deceased.

February 10, 1787.

Private.
A. D. 1787. * An Act to admit Jacob Walburger, James Williams, and Abraham Jackson, Esquires, to the practice of the law in this State.

February 10, 1787.
Private.

No. 370.

An Ordinance to appoint commissioners to ascertain and settle the boundaries of this State with the State of South Carolina.*

Be it ordained by the representatives of the freemen of the State of Georgia, in general assembly met, and by the authority of the same, That John Houftoun, John Habersham, and General Lachlan McIntosh, Esquires, be and they are hereby appointed commissioners, and invested with full and absolute power and authority in behalf of this State, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between this State and the State of South Carolina, relative to boundary; and to establish and permanently fix a boundary between the two States. And this State shall and will at all times hereafter ratify and confirm all and whatsoever the said commissioners or a majority of them shall do in and touching the premises; and the same shall be for ever binding on this State: Provided always, That the commissioners appointed by the State of South Carolina shall have as extensive powers vested in them by the said State, as are hereby vested in the commissioners of this State.

WILLIAM GIBBONS, Speaker.

Augusta, February 10, 1787.
* Settled by convention at Beaufort. See appendix, page , and act of 1788, No. 392, ratifying the same.

No. 371.

An Act to continue and amend an Act, entitled “An Act for the better regulating of vendues within this State.”

February 10, 1787.
Repealed by act of 1794, No. 508.

No. 372.

An Act to prevent biting, gouging, maiming, or otherwise destroying or injuring any of the members of the body.

Preamble.

WHEREAS nothing more forcibly marks the barbarity and the ignorance of a country, than the savage custom of biting and gouging, and which is moreover too frequently attended with the loss or disfigurement of some of the members of the body: For prevention whereof,

I. Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That if any person or perfons after the passing of this act, shall willfully or maliciously cut out or disable the tongue, put out
out an eye, slit the nose, bite or cut off the ear, nose or lip, or cut off or disfigure any limb or member of any person or persons within this State, in so doing, to maim or disfigure in any of the manners before mentioned, that then and in every such case, the person or persons offending, their counsellors, aiders, or abettors, knowing of and privy to the offence as aforesaid, shall for the first offence, forfeit the sum of one hundred pounds, and stand in the pillory not exceeding two hours; one half of which fine to go to the party injured, the other half to the State, and the offender to stand committed until the fine is paid. And if such offender should prove unable to pay said fine, to receive one hundred lashes on his bare back, and set at liberty; and for the second offence are hereby declared to be felons, and shall suffer death without benefit of clergy: Provided, That the said attaint shall not extend to corrupt the blood, forfeiture of the wife's dower, or the offender's goods and chattels.

WILLIAM GIBBONS, Speaker

Augufla, February 10, 1787.

An Act to compel the settlement of public accounts, for inflicting penalties on the officers of this State who may neglect their duty, and for vesting the auditor with certain powers for the more speedy settlement of the accounts of this State with the United States.

WHEREAS in the course of the late contest between the United States of America and Great Britain, very large and great expenditures and advances of public money have been made by the good people of this State in the common cause: And whereas many of the persons to whom such advances of money have been made, regardless of the public welfare as well as of their own credit and character, have refused or neglected, and do still refuse or neglect to exhibit their accounts and vouchers, and to settle their accounts, notwithstanding the opportunities which have been given, and the repeated calls which have been made upon such defaulters.

And whereas divers of the said defaulters who ought to have attended upon, and accounted with the committee of finance of the general assembly of this State, (though such persons have been frequently called on by the said committee to appear before them, and to exhibit their accounts and vouchers, in order that their several accounts might be adjusted and settled) have refused or neglected to appear before the said committee, or to exhibit their accounts and vouchers, and have their accounts settled as aforesaid.

And whereas it is highly necessary, as well for ascertaining and settling the accounts of the expenditures made as aforesaid by this State, before the revolution and since, and in order to satisfy the good people of this State of the true situation of their public finances, and of the necessity of submitting to the heavy taxes which have been laid upon them: In order therefore to compel the defaulters aforesaid, and every of them, and all others to whom the public monies of Georgia may have been advanced or paid, either before the revolution or since, or who may be otherwise possessed of public

A. D. 1787.

No. 372.

Any person maiming another by biting, gouging, etc., shall forfeit for the first offence 100, and stand in the pillory not exceeding two hours.

If unable to pay such fine to receive 100 lashes.
The second offence felony.

Provided.

No. 373.

Preamble.
The auditor empowered to settle the accounts of public officers and all other persons who have been or may be possessed of monies or goods of this State.

A.D. 1787. No. 373.

I. Be it enacted and it is hereby enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the auditor be and he is hereby vested with full power to collect, audit, liquidate, adjust, and settle the accounts of the late and present treasurer or treasurers of this State; the late and present commissioner or commissioners of confiscated estates; the late and present collector or collectors of duties or imports; the late and present collector or collectors receiver or receivers of public taxes in the respective counties; the late and present attorney general or attorney generals; the late and present sheriff or sheriffs, and clerk or clerks of the respective counties; and the accounts of all such other person or persons who have been or may be intrusted, or have or may become possessed of the monies, goods, or effects of this State; and in any case where it shall appear that a balance of monies shall be due by any such person or persons to this State, the auditor shall direct that payment thereof be made to the treasurer of this State; and the certificate of the said auditor shall be conclusive evidence in an action of debt, at the suit of the State against any person or persons for the sums of money which such person or persons owe or may be indebted to the State, and no set off or deduction from the same shall be admitted.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said auditor, as often as there shall be occasion, to call before him by subpoena or summons, and in case of contempt, to issue a writ of attachment in order to compel the appearance of any person or persons who is or may be accountable, before the said auditor, by virtue of this act, or who the said auditor may reasonably suppose is or are capable of giving evidence or information concerning the said accounts or any of them; and the said auditor is hereby authorized to examine, upon oath or affirmation, any person as witness respecting any such account, which oath or affirmation the said auditor is hereby empowered to administer; and in case any person or persons on whom such subpoena or summons shall be served, being accountable before the said auditor, shall refuse to appear as in such writ shall be expressed and directed, or having appeared before the said auditor shall refuse or neglect to exhibit his, her or their account and attend the settlement thereof, or being summoned as a witness shall neglect to appear before the said auditor at the time and place appointed, in and by such subpoena or summons, and shall make default thereupon, or having appeared as aforesaid, shall refuse to make a full disjucose of his, her or their knowledge in the matter depending before the said auditor, the said auditor may award an attachment, and commit such delinquent or delinquents to the nearest common gaol, there to be holden till such person or persons shall submit to the said auditor, and comply with the directions of this act; and all persons who shall be summoned as witnesses by the said auditor, and every sheriff, coroner or other officer to whom he shall direct his writs or precepts as aforesaid, shall be allowed like
like fees for their attendance and services as witnessesses summoned to appear in the
superior courts of this State, and as sheriffs, coroners and other officers are entitled
to in such courts, to be levied on the several delinquents by the said auditor by war-
rant, in the like manner as debts under ten pounds are recoverable.

III. And be it further enacted by the authority aforesaid, That if any person or persons
who by virtue of this act, are or shall be accountable before the said auditor for any
sum or sums of money, which have been or may be advanced to or received by such
person or persons, or for any monies, goods, chattels or effects, which have or may
come to the hands or possession of such person or persons, shall for three months after
the service of such subpoena or summons as aforesaid, for such person or persons to
appear before the said auditor, and exhibit and settle his, her or their accounts as
aforesaid, refuse or neglect to obey such subpoena, summons or demand, and comply
with the directions of this act, then such person and persons so refusing or neglecting
shall be liable to an action of debt or other action at the suit of the State, for the
whole of the sum and sums of money, goods, chattels and effects belonging to the
public, which he, she or they ought to account for as aforesaid, before the said au-
ditor, and shall be for ever barred of settling off any charge or expenditure thereout,
unless the said auditor, before the said term of three months be expired, certify in
behalf of such person or persons that it is reasonable that further time be allowed
such person or persons for exhibiting and settling his, her or their accounts, in which
case upon sufficient security being entered by the party or parties in whose behalf
such certificate shall be made for the whole money or other property unaccounted
for by such person or persons, his honor the governor in council may, by an entry on
their minutes, allow of further time as aforesaid: Provided, That nothing herein con-
tained shall prevent the settlement or inspection of any public accounts by the com-
mittee of finance appointed annually by the house of assembly.

IV. And be it further enacted by the authority aforesaid, That the auditor be, and he
is hereby vested with full power and authority to audit, liquidate, adjust and settle the
accounts of this State with the United States, with power to lend for such person or
persons, paper or papers, record or records, as he may deem necessary in the settle-
ment of the said accounts; and every such person or persons who shall neglect or
refuse to obey the subpoena, summons or demands of the said auditor in manner as
by this act is pointed out, shall incur and suffer all the pains and penalties inflicted
by this act.

WILLIAM GIBBONS, Speaker.

Augusta, February 10, 1787.

An Act for fixing on proper places in the counties of Effingham, Glynn
and Camden, for erecting gaols and court houses, and for establish-
ing superior courts in the counties of Franklin and Greene.

WHEREAS the rapid increase of population in the counties of Glynn and
Camden and their frontier situation require the most pointed attention of the legislature

A. D. 1787.

No 373.
A. D. 1787.
No. 374.

Enacted.
A court house and gaol to be erected, and the elections held in the county of Glynn, at the town of Brunswick.

In Camden, at St. Patrick, a town to be laid out on the bank of the Satilla river.

In Greene, at the town of Greeneborough.

In Effingham, at or near the bank of the Indian bluff, by the name of Elbertton.

Commissioners named and appointed for erecting a court house and gaol in Glynn.
Camden.
Greene, and Effingham.

legislature that an equal distribution of justice may take place in the said counties, in common with the other counties in this State.

I. Be it enacted by the representatives of the freemen of the State of Georgia, in general assembly met, and by the authority of the same, That from and after the passing of this act, a court house and gaol shall be erected, and the elections held in and for the county of Glynn, at the town of Brunswick: A court house and gaol shall be erected, and the elections held in and for the county of Camden, at a town to be laid out by the commissioners herein after named and appointed for the said county, on the south side of the river Great Satilla, and to be known by the name of *St. Patrick's.

II. And whereas no provision hath hitherto been made by law for building a court house and gaol in the county of Greene, nor any time appointed for holding the superior courts in the said county, for remedy whereof, Be it enacted by the authority aforesaid, That a court house and gaol shall be erected, and the elections held in and for the county of Greene, at the town of Greenborough, and that the superior courts shall be held at Greenborough, on the next Tuesday after that of Washington.

III. And whereas the place appointed for erecting a court house and gaol, and holding elections in the county of Effingham, hath been found inconvenient to the inhabitants of the said county, Be it therefore enacted by the authority aforesaid, That a court house and gaol shall be erected, and the elections held in and for the county of Effingham, at or within three miles of a place called Indian Bluff, on the north side of the river Great Ogechee, and to be known by the name of §Elbertton, and that so much of the act, entitled "An act for the fixing and establishing court houses and gaols, and the fixing and regulating elections in the different counties of this State," passed on the twenty-fifth day of February, one thousand seven hundred and eighty-four, as relates to the erecting a court house and gaol, and holding elections and superior courts in and for the county of Effingham, at Tuckasee King's, be and the same is hereby repealed.

IV. And be it further enacted by the authority aforesaid, That John Tomkins, John Parmer, William Stephens, John Burnett, and Alexander Rainey, esquires, be, and they are hereby appointed commissioners for erecting a court house and gaol in and for the county of †Glynn; Jacob Weed, James Seagrove, John Webb, and Nathaniel Athley, esquires, commissioners in and for the county of †Camden; David Gresham, William Greer, Thomas Harris, William Fitzpatrick, and Robert Greer, esquires, commissioners in and for the county of Greene; and Olipher Bowen, Benjamin Lanier, and Thomas Lane, esquires, commissioners in and for the county of †Effingham.

V. And whereas the place appointed for holding elections and superior courts in the county of Franklin is found by experience to be extremely inconvenient to a majority

† So much as relates to holding courts, &c. at St. Patrick's, repealed by act of 1792, No. 464. Commissioners appointed by acts of 1790, No. 423; and 1791, No. 452; and 1792, No. 465, authorized to fix upon another place.
§ Commissioners authorized to fix on another place. See act of 1795, No. 527.
* Other commissioners appointed for Camden and Effingham. See act of 1790, No. 443.
† Other commissioners appointed by act of 1791, No. 452.
majority of the inhabitants of said county, *Be it therefore enacted by the authority aforesaid,* that from and immediately after the passing of this act, the place for holding elections and superior courts in the said county of Franklin shall be at the house of Benjamin Acles, and the time for holding superior courts for the said county shall be the next Tuesday after that of Greene; and that such part of an act of the general assembly, entitled "An act for fixing and establishing court houses and gaols in the counties of Washington and Franklin, and for holding superior courts in the county of Franklin," as relates to the fixing a place for holding elections, and time of holding superior courts, be, and the same is hereby repealed.

VI. *And be it further enacted,* That the commissioners of each county, or a majority of them, shall have full power at any time of their meeting for the purpose above mentioned, to proceed on the business specified by this act.

WILLIAM GIBBONS, Speaker.

Augusta, February 10, 1787.

An Act to amend an Act for regulating the inspection of tobacco, and for other purposes therein mentioned.

I. II. III. IV. V. REVISED and re-enacted by an act of 1791, No. 431.

VI. *And whereas,* An inspection at the town of Wrightsborough will greatly contribute to the ease and convenience of the inhabitants of the upper parts of this State, and tend greatly to encourage the cultivation and raising of tobacco: *Be it therefore enacted by the authority aforesaid,* That an inspection of tobacco be, and the same is hereby established to be held in the town of Wrightsborough on such lot or place as the commissioners for said town may think proper for that purpose, to be under the same regulations as other inspections of tobacco within this State.

VII. *And whereas,* There is a number of vacant lots in the said town of Wrightsborough, and no way pointed out for the disposal of the same, *Be it therefore enacted by the authority aforesaid,* That the commissioners for the said town, or their successors in office be, and they are hereby empowered and authorized to sell and make titles to all such vacant lots or lands appertaining or belonging to the town of Wrightsborough, and all monies arising from such sales, to be appropriated to the use of the said town in such manner as the commissioners may think most convenient.

WILLIAM GIBBONS, Speaker.

Augusta, February 10, 1787.

An Act for taking certain persons out of the act of confiscation and banishment, as far as respects the banishment of the persons therein named, and other purposes therein mentioned.

WHEREAS the legislature of this State, by an act passed the fourth day of May, one thousand seven hundred and eighty-two, at Augusta, entitled "An act for confiscating and banishing certain persons therein mentioned," did con-
A. D. 1787.
No. 376.

Enacted.
Certain persons released from banishment.

Their estate, real and personal, remaining unfolded, veiled in them.

Certain persons released to all the rights of citizenship.

Certain other persons released from banishment.

Mary Fleming, the debts due to her husband, and his property remaining unfolded, vested in her and her heirs.

Enacted.
Certain persons released from banishment.

Their estate, real and personal, remaining unfolded, veiled in them.

Certain persons released to all the rights of citizenship.

Certain other persons released from banishment.

Mary Fleming, the debts due to her husband, and his property remaining unfolded, vested in her and her heirs.

Digested of the

A. D. 1787.
No. 376.

Enacted.
Certain persons released from banishment.

Their estate, real and personal, remaining unfolded, veiled in them.

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Certain other persons released from banishment.

Mary Fleming, the debts due to her husband, and his property remaining unfolded, vested in her and her heirs.

Enacted.
Certain persons released from banishment.

Their estate, real and personal, remaining unfolded, veiled in them.

Certain persons released to all the rights of citizenship.

Certain other persons released from banishment.

Mary Fleming, the debts due to her husband, and his property remaining unfolded, vested in her and her heirs.

And be it further enacted, that the property, both real and personal, of the said Philip Delegall, and said John Mc. Donald, his heirs, devisees and assigns, that has remained unfolded by the commissioners of confiscated estates, under the act of confiscation and banishment, shall be theirs to all intents and purposes, any thing contained in the act of confiscation and banishment to the contrary notwithstanding.

III. And be it further enacted, That Thomas Gibbons, Patrick Crookshanks, and Alexander J. Spears, of the county of Chatham, Esquires; John Glinn, James Spalding, Thomas Young, Levi Sheftall, George Barnes, and John Taylor, be and they are hereby admitted to all the rights and privileges of free citizens of this State, any law to the contrary notwithstanding.

IV. And be it further enacted, that the said act of confiscation and banishment, so far as relates to the banishment of Abraham Mincey, John Corker, John Fox, and William Jones, be and the same is hereby repealed.

V. And whereas there are debts due, and property which remains unfolded, belonging to the estate of Thomas Flemming, deceased, and application has been made to this house by Mary Flemming, widow of the said Thomas Flemming, to vest such debts and property in her, Be it enacted by the authority aforesaid, That all debts due to the said estate, and property which remains unfolded, be vested in the said Mary Flemming for the use of herself, her heirs and assigns for ever.

WILLIAM GIBBONS, Speaker.

Augusta, February 10, 1787.

No. 377. An Act for vesting the estates, real and personal, unfolded, of Henry Sharp and Matthew Moore, in the hands of their respective children.

February 10, 1787.

Private.
LAWS OF GEORGIA.

An Act to prevent felons transports from other States coming into or residing in this.

I. Be it enacted by the freemen of the State of Georgia in general assembly met, and by the authority of the same, in order to prevent the dangerous evils arising from communication with felons transported from other States or nations whereby the morals of many who would otherwise be good citizens may be corrupted, that from and immediately after the passing of this act no person or persons, felons from other countries or States, transported or banished from the same, for any crime or charge whatever, shall be eligible to any post or office of trust or profit, or be otherwise entitled to any of the privileges, immunities, or liberties of a freeman or freemen of this State, and on proof of the same by one legal evidence, or by the authentic certificate under the seal of any State, nation, corporation or court from whence he, she, or they may be banished or transported, such felon or felons shall be by warrant and mittimus, under the hand of the chief justice of the State, or one of the justices of the court where such proof shall be established, committed to the common gaol of the county without bail or mainprize, there to remain until a convenient opportunity may be procured by the honorable the executive, to ship or otherwise send off such felon or felons from and without the limits of this State, never thereafter to return: And in case such felon or felons should after such shipping or sending off return within the limits of the same, he, she, or they shall on conviction suffer death without benefit of clergy. Provided, nevertheless, on such first proof of transportation such offender or offenders charged as felons as aforesaid, shall not be debarred the right of trial by jury, and shall be allowed every right of evidence to counteract such proof.

WILLIAM GIBBONS, Speaker.

Augusta, February 10, 1787.

An Act to repeal and amend some part of an act for regulating the militia of this State.

February 10, 1787.
Repealed by act of 1792, No. 468.

An Act for enabling the United States of America to commence and prosecute actions or suits in any of the courts in this State, for the recovery of their common rights and interests.

February 10, 1787.
Obsolet. See federal constitution.

An Act for the appointment of commissioners to run the line designating the Indian hunting grounds.

WHEREAS disorderly persons regardless of the lives and happiness of the good citizens of this State who are settled on the frontiers, and in open violation to the law, have presumed to survey and mark lands beyond the temporary line between the
the white inhabitants and the Indians: And whereas at the late treaty with the Creek Indians it was among other things agreed, that commissioners should be mutually appointed clearly to mark in every part the temporary line designating the Indian hunting ground, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly, and by the authority of the same, That James White, Joseph Haberham, Arthur Fort, James Armstrong, and Jared Irwin, esquires, be, and they are hereby appointed in behalf of this State, in conjunction with the commissioners on the part of the Creek nation, without delay to trace and mark, in a plain and conspicuous manner, the temporary boundary line as heretofore established, that is to say, from the Canoe mountain in the direction of the present temporary line, from Tugaloo river till the same shall strike the head or source of the main direct stream of the south branch of Oconee river, called also Apalaches, by which is to be understood the main fork of Oconee river next above Little river, to which said south branch aforesaid the general assembly, in laying out the counties of Washington and Franklin in one thousand seven hundred and eighty-four first gave the name of South branch of Oconee, thus known and established by law, and regarded as such by the good and faithful citizens of this State down the said South branch of Oconee to the mouth of the Oconee, where the same empties into the Oconee, and from the mouth of the Oconee as aforesaid, in a direct line to the head or source of the St. Mary’s river; The said commissioners in the execution of this law are not to regard any lines, surveys, or grants of designating and dishonest speculators, made by tortured and perverse construction of the land laws of this State, but are to govern themselves by the plain and direct expression of this act, and shall return to the executive a list of the names of all persons who shall have surveyed or marked lands beyond the line herein described, so far as the same shall come to their knowledge.

II. And be it further enacted by the authority aforesaid, That any person or persons who shall hereafter be guilty of marking, surveying, or attempting to survey, or obtain grants for any lands beyond the temporary line designating the Indian hunting ground, in addition to the pains and penalties provided in the land law of one thousand seven hundred and eighty-three to which they are subject, shall be liable to a fine and corporal punishment at discretion. Provided, the same shall not exceed five hundred, nor be less than one hundred lashes for the first offence, and for the second offence shall be held and adjudged guilty of felony: The commissioners herein appointed shall, before they enter upon the business of their appointments take an oath, to be administered by his honor the governor, truly and faithfully to discharge the duties required of them in this act.

III. And whereas notwithstanding the most positive laws to the contrary many persons, from design or accident, have run large quantities of land, and obtained grants for the same, southward of the present temporary line between the good citizens of this State and the Indians, and expect to hold the same when a cession of said land can be obtained, Be it therefore enacted by the authority aforesaid, That the surveys or grants for such land be confidered, and they are hereby declared to be null and void and of no effect whatsover; and the person who from design aforesaid have been guilty of
of running the said lands, or anywise concerned therein, are hereby declared to have incurred all the pains, penalties, and forfeitures mentioned in the land acts of one thousand seven hundred and eighty-three, and one thousand seven hundred and eighty-four; and in all surveys that may or shall hereafter be made within the temporary line of this State, the name or names of the surveyor and chain carrier shall be annexed to each plat.

IV. And be it further enacted, That the law, dated the thirteenth day of February, one thousand seven hundred and eighty-six, so far as respects the appointment of agents in the Indian nation, be, and the same is hereby repealed.

WILLIAM GIBBONS, Speaker.

An Ordinance for the appointment of deputies from this State for the purpose of revising the Federal Constitution.*

Be it ordained by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That William Few, Abraham Baldwin, William Pierce, George Walton, William Houlloun, and Nathaniel Pendleton, esquires, be, and they are hereby appointed commissioners, who, or any two or more of them, are hereby authorized as deputies from this State to meet such deputies as may be appointed and authorized by other States, to assemble in convention at Philadelphia, and to join with them in devising and discussing all such alterations and further provisions as may be necessary to render the federal constitution adequate to the exigencies of the Union, and in reporting such an act for that purpose to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same. In case of the death of any of the said deputies, or of their declining their appointments, the executive are hereby authorized to supply such vacancies.

WILLIAM GIBBONS, Speaker.

An Act for raising supplies.

An Act for suppressing the violences of the Indians.†

The Creek Indians desirous to be without the protection of the State; lawful to put to death or enslave the said Indians.

† See alterations made by act of 1788, No. 390, and act of 1789, No. 432, for discharging the troops raised under these acts, and allowing additional compensation.
A. D. 1787. No. 384.

This State, and it shall be lawful for the government and people of the same to put to death or capture the said Indians wherever they may be found within the limits of this State, except such tribes of the said Indians which have not, or shall not hereafter commit hostilities against the people of this State, of which the commanding officer shall judge.

II. And be it further enacted, That fifteen hundred men be enlisted as soon as may be, to serve until peace is established with the Indians, to be formed into two regiments, consisting of seven hundred and fifty men each, each regiment to be divided into ten companies, and that a colonel, lieutenant colonel and major be appointed to a regiment, and a captain, two lieutenants, four sergeants, and one drummer and one fifer to a company, and to act for the defence of the State, and shall be subject to the orders of the governor for the time being, and all other their superior officers: Provided, That at the time of enlistment each man shall take and subscribe the following oath: "I, A B, acknowledge and solemnly swear that I have voluntarily enlisted in the company of the State troops of Georgia to serve until peace shall be established with the Indians, and that I will be faithful to the State and obedient to my officers."

III. And be it enacted, That the State troops raised under this act shall be subject to all the rules and regulations herein after contained, except the 25th article, and that the following be substituted in lieu thereof, viz. That no person shall be sentenced to suffer death except for desertion, mutiny, or giving intelligence to the enemy, nor shall receive more than one hundred lashes for one crime, nor imprisonment for more than forty days, and shall be subject to cashiering and degrading.

IV. And whereas from the remote distance of the residence of Congress from this State, it may happen that other and more numerous forces may be necessary to be raised before the aid of the Union may arrive for suppressing the violences of the Indians. Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his honor the governor in council to raise two regiments of volunteers to consist of seven hundred and fifty men each, and to have officers conformable to the rules pointed as aforesaid, which officers and men shall at all times, when in actual service, be entitled to the rations herein after established, and the officers and men intended to be embodied as aforesaid shall be under the following rules and regulations. [These are omitted, the articles of war being inserted in the appendix.]

V. And the said officers and men shall at all times embody, parade, and march in ten days notice, as shall be directed and required by his honor the governor or the commanding officer: Provided that no person be received into either of the said regiments, unless well armed and accoutred, and otherwise fit for actual service.

VI. And be it also enacted, That the inspector general shall be empowered and required to view all such troops in like manner as the State troops; and the officers of the said regiments shall in like manner make returns to the inspector general, at the end of every month, when in actual service: And all officers and men embodied as aforesaid, and serving at all times when required, during the present war, and obtaining a certificate to that end at the establishment of a peace, shall be entitled to the bounties of land, in like manner as is herein after pointed out, and allowed to
to the State troops: And the inspector general, and one or more general officers shall be a board with authority to examine and give certificates to the officers and men that may embody as aforesaid, at the expiration of the period aforesaid: Provided always, That nothing herein contained shall extend, or be construed to extend to preclude the men intended to be embodied by this act from doing militia duty at such time or times as they may not be ordered out by the commanding officer to parade in battalion.

VII. And whereas it may so happen that certain persons have run and surveyed lands without the limits of the respective counties of this State as established by law, and for which grants may have been surreptitiously claimed: Be it enacted, That all lands without the limits aforesaid are hereby declared to be vacant, any warrant, survey or grant, to the contrary notwithstanding; and that a tract of land lying and comprehended within a line to be drawn from the most southern stream of the south fork of Oconee, commonly called the Appalachee in the nearest direction to the head or source of the main stream of Flint river, down the said river including all the islands of the same to the confluence of the Chatahouchee and Flint river, thence eastwardly to the head or source of St. Mary's, to the confluence of the rivers Oconee and Oakmulgee, and thence up the river Oconee to the head or source of the most northern stream of the Appalachee, or south fork where this line begins, shall be reserved and at the cessation of the hostilities with the Indians appropriated to, and for the allowances and bounties of and for the said officers and troops; and no warrants, survey or grants shall be obtained for any part of the lands within the said reserve by any person whatever, until such hostilities shall cease, and all such officers or troops shall have a preference in laying their bounties within the said reserve.

VIII. And be it also enacted, That the said bounties shall not interfere with a certain quantity of land in the vicinity of those Indian towns which are and shall continue to be friendly, which quantity shall be determined by a future legislature.

IX. And be it further enacted by the authority aforesaid, That all the allowances and bounties to the officers, and bounties to the said troops shall be made and allotted in the following proportions: To a colonel, one thousand two hundred acres; to a lieutenant-colonel, one thousand one hundred acres; to a major, one thousand acres; to a captain, nine hundred acres; to a first lieutenant, eight hundred acres; to a second lieutenant, seven hundred and fifty acres; non-commisioned officers, seven hundred acres; and to privates well armed and accoutred, six hundred and forty acres; and any general officer or officers called into service — for — being — shall have — further allotments made to him or them in the following proportions; to a major-general, one thousand five hundred acres; and to a brigadier-general, one thousand four hundred acres; and that the staff officers taken from the line, say, brigade-majors, adjutants and quarter-masters be allowed in addition two hundred and fifty acres each, for extra services; the aids de camp to the commander in chief be allowed the rank and emoluments of a lieutenant-colonel; aids de camp to major and brigadier generals be allowed the rank and emoluments of a major; that an adjutant-general
A. D. 1787.
No. 384.

And such allowances and bounties to be made in good faith to the different officers and soldiers as soon as may be after the cessation of hostilities and restoration of peace.

X. And be it enacted by the authority aforesaid, That it shall and may be lawful for his honor the governor with the advice of the executive council for the time being to enter into such engagements with the people in Franklin as may be considered necessary for suppressing the said hostilities of the Indians and to engage on the part of the State, that for all the officers and privates that shall be actually engaged in the accomplishing the above purposes, the said bounties shall be made and given as are herein before directed by this act, to the officers and troops to be raised for this State; also an additional bounty of fifty acres, on every one hundred acres in lieu of rations, and all other claims against the State out of and upon the tract of country commonly called the Bent of Tennesee within this State: Provided that the number do not exceed fifteen hundred in addition to those already empowered to be raised upon this act: And provided also, that the right of pre-emption on all surveys heretofore made by the authority of this State shall be first let apart.

XI. And be it further enacted, That an inspector-general, with the rank and emoluments of a colonel shall be appointed, whose duty it shall be to cause monthly reviews of the different regiments and corps in actual service, to commence the first day of every month; and also to examine into the arms, ammunition, camp equipage, and all other public stores, noting the state thereof, and see that they are satisfactorily accounted for agreeably to the monthly returns made to him: And a commissary of issues, with the rank and emoluments of colonel shall also be appointed whose duty it shall be to keep a clear and correct register of all supplies and provisions delivered into his custody with proper columns distinguishing in each the time, quantity and species by him received; and he shall keep a fair, clear and correct account of all issues in his department, with columns distinguishing the name of the officer commanding each company, with the number of men each day in actual duty, also the name of the colonel of the regiment to which such company do belong, together with the issues that may be made to the officers on actual duty as herein after is pointed out, that is to say: To a major-general, or commanding officer ten rations, to a brigadier-general five rations, a colonel three and one half rations, a lieutenent-colonel three rations, a major two and one half rations, a captain two rations, subaltern officers one and one half rations, non-commissioned officers and privates one ration, general staff officers three rations, deputies in the said departments one and one half rations; which said rations shall be composed of the following articles, that is to say: Three quarters of a pound of salt beef or pork, or one and one half pound of fresh beef, or one pound of fresh pork, one pound and one quarter of rice, flour, or meal, one gill of spirits, and one gill of salt to every five rations; and no person whatsoever shall be allowed pay for retained rations, nor drawn back rations for more than three days; he shall hire boats, waggons and teams at such rates as shall be approved by the executive, and his honor the governor in council shall have power and authority to draw warrants on the treasury for such sum or sums as may be, or shall be required for deputies, laborers, cooperers.
coopers, or transportation in favor of the said commissary of issues and during the recesses of the legislature, the executive shall at all times have full power and authority to direct and approve of the numbers of boats, teams, and number of persons that shall be requisite in the said department; he shall keep an exact register of all teams, and persons employed in his department, distinguishing by proper columns the place or places they are directed, to proceed to noting the time and condition of payment, that in every pay-roll the name and employment of every person be inserted at full length; and for each team the pay-roll shall be signed by the waggon master, and in like manner to be signed by all other person or persons that may be employed as aforesaid, and thereafter shall be referred to the inspector general to examine and register the same, and after being certified by him shall be a voucher to authorize the governor in council to draw on the treasurer for payment of the same; he shall also procure from the captains or officers commanding each company daily returns of the issues for each company, and shall also on the first day of every month exhibit a clear and perfect statement of the issues that may be made within the same, with columns distinguishing the number and rank of officers, and number of privates, and also columns for the different articles that compose a ration, and on the last day of every month shall present the said statement to the commanding officer, to be compared with his returns, and after being by him certified, the same shall be delivered to the inspector general, who shall examine the same; he shall keep a fair and correct register of every other official transactons, to the end that such supplies may be fully known and accounted for.

XII. And be it also enacted, That a director general in the medical department, with the pay and emoluments of a colonel shall be appointed, who shall have power to nominate and recommend the surgical assistance necessary in his department, and who shall report the number to the executive for their approbation of that body; he shall keep a fair and correct register, to be made up the last day in each month, in which he shall enter the name of each person to whom medical or surgical assistance may be administered, together with the company and regiment to which he belongs, and each assistant as shall be approved as aforesaid shall have the pay and emoluments of lieutenant-colonel, and each shall make monthly returns of all official transactons in his department to the inspector general.

XIII. And be it enacted, That the command of a brigadier-general shall consist of not less than one thousand men, a colonel three hundred and fifty, a lieutenant-colonel of two hundred and fifty, a major one hundred and fifty, a captain seventy-five, and a subaltern twenty-five.

XIV. And be it enacted by the authority aforesaid, That the commanding officer shall at all times give full protection to all traders within the towns or tribes of the Creek Indians, who shall produce satisfactory proof of his friendship to this State, and all such person or persons as shall have traded within the same, since the conclusion of the late war, except such person or persons as shall be found in arms against the same.
A. D. 1787.
No. 384.
The executive to make such arrangements of the forces to be raised as to admit of corps of artillery and cavalry, where such officers and men shall find horses without charge to the State, artillery and horses for the same excepted.

XVI. And be it further enacted by the authority aforesaid, That no State soldier be allowed a bounty as aforesaid, who does not rendezvous at such place as the executive may appoint, completely armed and accoutred, on or before the first day of February next: And provided always, That no person deemed a deserter shall be entitled to any bounty named in this act. And that this act shall be and continue in force for the government of the said troops, until a peace with the Indians is established and ratified by the legislature of this State, and so far as the same respects bounties shall be binding and perpetual.

WILLIAM GIBBONS, Speaker.

Augusta, October 31, 1787.

No. 385.
An Act to regulate the militia of this State, and for other purposes therein mentioned.
October 31, 1787.
Repealed by all of 1792, No. 468.

A. D. 1788.
No. 386.
An Act to empower the delegates of this State in Congress assembled, to sign, seal and deliver a deed of cession to the United States, of certain western territory belonging to this State.*

WHEREAS the United States in Congress assembled, did on the twentieth day of October, one thousand seven hundred and eighty-seven, represent to the States of North Carolina and Georgia, the advantages that would result to the union from a liberal cession of territory. And whereas this State is desirous of adopting every measure which can tend to promote the interest of the United States, Be it therefore enacted by the representatives of the State of Georgia in general assembly met, and by the authority of the same, That it shall be lawful for the delegates of this State, or any two or more of them, and they are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instruments in writing under their hands and seals, to convey, transfer, assign and make over unto the United States, for the use and benefit of the said United States, Georgia inclusive, all right, title and claim, as well as soil as jurisdiction, which this State hath to that territory or tract of country within the limits of the State of Georgia, situate, lying and comprehended within the boundaries herein after described, that is to say, beginning at the middle of the river Chatahouchee or Appalacheeola, where it is intersected by the thirty-first degree north latitude; and from thence due north one hundred

* See resolution of Congress rejecting the proposed cession, appendix page 530, and declaratory part of act of 1795, No. 530.
dred and forty British statute miles, thence due west to the middle of the river Missis-
ippi, thence down the middle of the said river to where it intersects the thirty-first
degree of north latitude, and thence along said degree to the beginning: Provided,
that the United States in congress assembled, shall guarantee to the citizens of the
said territory, a republican form of government, subject only to such change as may
take place in the federal constitution of the United States: And provided also, That
the navigation of all the waters included in the said cession shall be equally free to
all the citizens of the United States, nor shall any tonnage on vessels or any duties
whatever be laid on any goods, wares or merchandize that may pass up or down
either of the said waters, unless for the use and benefit of the United States: Pro-
vided also, That the sum of one hundred and seventy-one thousand four hundred
and twenty-eight dollars, and forty-five ninetieths of a dollars, which has been expended
in quieting the minds of the Indians, and refilling their hostilities, shall be allowed
as a charge against the United States, and be admitted in payment of the specie
requisitions of this State’s quota, that have been or may be required by the United
States. And also, That in all cases when this State may require defence, the expences
arising thereon shall be allowed as a charge against the United States, agreeable to
the articles of the confederation. And provided, That congress shall guarantee and
secure all the remaining territorial rights of this State, as pointed out and expressed
by the definitive treaty of peace between the United States and Great Britain; the
convention between this State and the State of South Carolina, entered into the
twenty-eighth day of April, one thousand seven hundred and eighty-seven; and the
clause of an act of this State, describing the boundaries thereof, passed the seventeenth
day of February, one thousand seven hundred and eighty-three.

II. And be it further enacted by the authority aforesaid, That the act, entitled “An
act for laying out a district of land situate on the river Mississippi, and within the
limits of this State into a county to be called Bourbon,” passed the seventh of Febru-
ary, one thousand seven hundred and eighty-five, be and the same is hereby repealed.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

An Act to extend the limitations of actions, and for other purposes
therein mentioned.*

WHEREAS it will be found highly inconvenient from the embarrasing cir-
cumstances under which this country has been lately placed, that the acts
for the limitation of actions should operate so as to bar any person or persons of their
just rights and claims:

I. Be it enacted by the representatives of the freemen of the State of Georgia in general
assembly met, and by the authority of the same, That nothing in the said act of limita-
tions contained shall in any wise be construed to prevent any person or persons from
instituting their actions and recovering their just rights and claims who was or were

A. D. 1788.
No. 387.
The period of time between the 12th July, 1782, and 18 January, 1787, to be taken out of the computation of time, so as not to affect the right of actions of the party entituled on the said 12th July.

The time limited for recording deeds and other conveyances of land heretofore made extended two years from the passing of this act.

entitled to the same, at or upon the twelfth day of July, in the year of one thousand seven hundred and eighty-two, but that all that period of time between the twelfth day of July, in the year one thousand seven hundred and eighty-two, and the first day of January, one thousand seven hundred and eighty-seven, shall be taken out of the computation of time so as not to affect the rights of actions of those who may have been entitled to the same on the twelfth day of July, in the year first aforesaid.

II. And whereas the time limited in an act, entitled “An act to render easy the mode of conveying lands and for making valid all deeds and conveyances heretofore that may be deficient in point of form,” and for other purposes therein mentioned, has not allowed sufficient time for some of the purposes for which it was intended,

Be it therefore enacted by the authority aforesaid, That no deed of feoffment, bargain, and sale, lease and release, or other conveyance of lands and tenements bona fide, executed as directed by the said recited act, shall in any wise be affected by reason of the same not being registered or recorded in the respective offices where the lands lie agreeably to the said act; but that every person or persons shall, and he or they hereby have full liberty and power to register or record his or their deed or deeds of conveyance of lands and tenements aforesaid, at any time within the term of two years from the date hereof; and the said deeds so registered or recorded as last aforesaid, are hereby declared to be good and valid in law and equity, according to the true intent and meaning thereof, any thing in the before mentioned act notwithstanding.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

† The space of time further extended. See act of 1790, No. 438, sect. 14.

No. 388.

An Act to establish an academy in the county of Chatham, and for vesting certain property in Selina, Countess Dowager of Huntington.*

WHEREAS the education of youth has been found in all ages to be of the most essential consequence, and been known to be highly beneficial to mankind, and ought to be one of the first objects of public attention. Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That an academy or seminary of learning be erected in the said county, at such place as a majority of the trustees herein after appointed, shall think fit, and that the said trustees or a majority of them shall proceed to transact the business of the said academy.

II. And whereas the estate called Zuberbuhler's, lately the property of the Reverend Bartholomew Zuberbuhler deceased, was devised by the said Bartholomew for benevolent purposes, and the same not having been carried into full execution, and appearing

* See act of 1793, No. 453, explaining this act.
† So much of this act as relates to Zuberbuhler's estate repealed by act of 1789, No. 405.
appearing to be impracticable: _Be it therefore enacted by the authority aforesaid_, That the said estate known and distinguished by the name of Zuberbuhler’s estate, in the said county of Chatham, be immediately from and after the passing of this act taken by the sheriff of the said county of Chatham, and put into the possession of the trustees hereby appointed for the said academy, and it shall be lawful for the said trustees or a majority of them, to apply the nett annual proceeds of the said estate towards erecting the said academy and carrying the intention of this act into full effect; and if there is any other property belonging to the said estate except the plantation settled near Newington village, adjoining lands of David Rees, the same shall be sold for specie, twenty days notice being first given of the sale thereof, and the monies arising therefrom shall be applied towards erecting and supporting the said academy: _Provided nevertheless_, That nothing herein contained shall bar the claim of any person who is legally the heir of the said Zuberbuhler.

III. _And whereas_ there is in this State a very considerable property, as well real as personal known and distinguished by the name of Bethesda College, or orphan house estate, originally intended for an academy, and devised in trust by the late Reverend George Whitefield, for literary and benevolent purposes, to Selina, Countess of Huntingdon. _Be it enacted by the authority aforesaid_, That the said estate be vested in the said Selina, Countess of Huntingdon, any law to the contrary notwithstanding.

IV. _And whereas_ the said estate of Bartholomew Zuberbuhler has for many years past been in the hands of agents or executors, to whom as well as to other creditors, the said estate may be indebted, or from whom sums of money may be due to the said estate, _Be it enacted_, That as soon as the said estate is vested in the aforesaid trustees, they are hereby authorized and required to call upon such executors, agents, or creditors for a full and just statement of their accounts, and upon a liquidation of them immediately to discharge the debts that may be due, or make such settlements as shall be mutually agreeable to the said trustees, and such executors, agents or creditors; and if the executors, agents, or other persons should be indebted to the said estate, the said trustees are empowered and directed to prosecute to effect any action or actions either for debt or on account, as the case may require, according to the forms of law against such debtor or debtors.

V. _And whereas_, the late Bartholomew Zuberbuhler, did by his last will and testament appoint certain persons as executors to carry the same into effect, _Be it enacted_, That the trustees aforesaid be authorized upon a final settlement with the said executors to discharge them from all the inconveniences of the said trust, if they have acted conformably to the said will.

VI. _And whereas_, There may be in the said county of Chatham lands unlocated and not granted, _Be it further enacted_, That all such vacant lands not contained within any tract for which a grant has been obtained, be reserved for the use of the said academy or seminary of learning, _Provided_, That the quantity of vacant land thus reserved shall not exceed five thousand acres.

VII.
A. D. 1788.
No. 388.

VII. And be it further enacted, That one thousand pounds specie of confiscated property lying in the county of Chatham, be put into the hands of the said trustees by the sheriff of the said county, or such other officer as may be in the lawful possession of such property, or legally entitled to such possession.

VIII. And be it enacted by the authority aforesaid, That the following persons be, and they are hereby appointed trustees for the said academy, viz. John Houftoun, John Haberham, William Gibbons, senior, William Stephens, Richard Wyly, James Houftoun, Samuel Elbert, Seth John Cuthbert, and Joseph Clay, junior, esquires.

IX. And be it further enacted by the authority aforesaid, That if either of the trustees before nominated should refuse to accept such appointment, or if after his acceptance he should resign or die, his place shall be supplied in the following manner, viz. The remaining trustees, or a majority of them, shall nominate three persons, one of whom shall be appointed by the executive to supply the vacancy.

X. And be it further enacted by the authority aforesaid, That all acts appropriating any sums or allotments for said academy be, and the same are hereby repealed.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

No. 393.

An Act to vest certain property in Anne Stuart.

February 1, 1788.

Private.

An Act for the better regulating of taverns; and for establishing a fund for building and keeping in repair the court houses and gaols in the counties of this State.

I. II. RELATING to taverns—repealed by act of 1791, No. 459.

III. And be it further enacted, That the judges of the superior court in each county shall as often as they think proper appoint three or more discreet persons to be commissioners of the gaol and court house, which said commissioners or one of them shall receive the monies arising from licenses in their respective counties, fines of defaulting jurors, fines imposed by the court, and the forfeiture of recognizances, to be a fund set apart in each county under the direction of the judges for building and repairing the gaol, court house, pillory and stocks, and for the support of prisoners; and the said commissioners shall exhibit their accounts on the first day of each term to the judges, stating in a clear and precise manner all the money by them received, from whom and for what, as also all the monies paid by them to whom and for what purpose, which said account if approved of shall be lodged in the clerk's office for the free inspection of the inhabitants.

IV.

* Court houses and gaols now under the direction of the inferior courts except in Chatham. See act of 1795, No. 555. Query as to Richmond—see act of 1795, No. 559.
IV. And be it further enacted, That the said commissioners shall give bond with security to his honor the governor for the time being in the sum of two hundred pounds for the faithful performance of the duties required of them by this act, which bond shall be taken in the presence of the court and lodged in the clerk’s office.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

An Act to amend and repeal certain parts or clauses of an act, entitled, "An act for supressing the violations of the Indians," passed the thirty-first day of October, one thousand seven hundred and eighty-seven.

WHEREAS the aforesaid recited act ordered and directed that the number of fifteen hundred men be enlisted on the terms and conditions therein mentioned, which said terms have been found inadequate, and are not sufficient for the purposes intended, Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same; That for the further encouragement of the raising and enlisting the troops of this State, an additional allowance be made for the first seven hundred and fifty men, (including the regular troops of this State now raised) who shall enlist, besides the bounties given in the aforesaid act, that is to say, each soldier shall receive one complete suit of clothes, consisting of one hat, one cloth coat, one waistcoat, two pair of overalls, one pair of shoes, one blanket, two shirts, and one black flock.

II. And be it further enacted, That the time for enlisting the State soldiers be prolonged from the first day of February next, to the thirtieth day of March next, any thing in the aforesaid act notwithstanding.

III. And whereas it will tend to fill up the regiments intended to be raised, and safe the citizens of this State, to suffer persons liable to military service under the militia law, to enlist substitutes; Be it further enacted, That any such three persons liable as aforesaid, who will furnish an able bodied recruit, to serve during the war, well armed and accoutred as aforesaid, such as shall be approved of by the inspector general, shall be exempt from all militia duty during the present war with the Indians, anything in the militia act to the contrary hereof in any wise notwithstanding: And the said recruits shall be allowed a bounty of land in like manner as the State troops, and become a part thereof after being delivered up to some officer belonging to the said regiments, and that those soldiers received as substitutes in the volunteer regiments, be annexed to the State troops.

IV. And be it also enacted by the authority aforesaid, That the commanding officers of regiments shall have a right to nominate their officers; and that any man bringing in his respective quota, that is to say, for a captain, thirty-five men; for a first lieutenant, twenty-five men; a second lieutenant, fifteen men; on completion and review of the same, commissions shall be signed by his honor the governor, giving a preference.


**A. D. 1788.**

No. 390.

The governor empowered to draw out of the treasury not exceeding £3000 for the purpose of clothing the troops.

V. And be it further enacted by the authority aforesaid, That his honor the governor in council be empowered to draw on the treasury for a sum not exceeding three thousand pounds, for the purpose of clothing the troops to be raised by virtue of this act.

NATHAN BROWNSON, Speaker.

*Augusta, February 1, 1788.*

No. 391.

An Act to amend an act, entitled, "An act for the punishment of vagabonds, and other idle and disorderly persons," passed the twenty-ninth day of February, 1764.

**Preamble.**

I. WHEREAS divers idle and disorderly persons, having no visible estate, or lawful employment, and who are able bodied men capable of laboring for their support, yet frequently frole from divers parts of the world to this State, and from one county to another within the same, neglecting to labor or to follow any honest employment for their support, and either failing altogether to lift themselves as tenants, or by their idle and disorderly life, rendering themselves incapable of paying their levies when lifted, by which means they become a pest to society; for remedy whereof, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That all able bodied persons, not having some visible property sufficient, or who follow some honest employment sufficient for the support of themselves and for their families (if any) and who shall be found loitering and neglecting to labor for reaonnable wages; and likewise all persons who run from their habitations, and leave wives or children without suitable means for their subsistence, and all other idle vagrants, or disorderly persons wandering abroad without betaking themselves to some lawful employment or honest labor, shall be deemed and adjudged vagabonds.

II. And be it further enacted by the authority aforesaid, That if any such vagabond as aforesaid shall be found within any county in this State, wandering, strolling, loitering about, or misbehaving himself, it shall be lawful for any justice of the peace of the county, on application to him made, or on his own knowledge; and he is hereby required, by a warrant under his hand to cause such vagabond to be brought before him, and to examine and inform himself as well by the oath and examination of the person apprehended, as of any other person or persons whatsoever, or by any other ways or means, the justice shall think proper, of the condition and circumstance of the person or persons so apprehended, and if it shall then appear that any person so apprehended is under the description of vagabonds within this act, or if it doth appear upon trial that any such person doth not cultivate at least three acres of ground in some grain or other, or that he is of some mechanic trade, and works at that trade for
for his support, or that he is in some honest employment engaged by the State, or some citizen thereof of good fame, that then and in that case, the said justice shall cause every such vagabond to give bond with sufficient security, for his good behavior, and for his engaging himself to some lawful calling, or honest labor; and if he shall fail to give such security, to the satisfaction of the justice, then the said justice is hereby required to commit him to the common gaol of the county, there to remain until such security be given, or until the next superior court of the said county; which court is hereby empowered if no security be then offered to bind such vagabond to service, or wages for the term of one year, and such wages after deducting the charge of the prosecution, and his necessary clothing shall be applied towards supporting the family of such person so bound (if any) or otherwise paid to the person himself after his time of service is expired, in full of all other recompence or reward whatever; but if any such vagabond be of such evil repute that no person will receive him into service, in such case the court shall order him a number of lashes not exceeding thirty-nine, to be well laid on his bare back, at the public whipping post, and then to be discharged; and in both cases every such vagabond shall be afterwards liable to the like prosecution and punishment for every offence of vagrancy whereof he shall be guilty as aforesaid: Provided nevertheless, that any such vagrant, or idle person upon his enlistment, and taking the oath pointed out by law, and fully becoming a soldier in the new levies, shall be exempted from the punishments heretofore and herein inflicted by this act.

III. And whereas it may be that some evil disposed persons, after having committed some felonious crime against the laws and good order of some one of the States in the union, and after being apprehended and found guilty of the charge, so far as to be committed to gaol, or to have been bound in a recognizance to appear before any court of record for further trial, and have since either broke gaol or from the custody of the officer, or have forfeited their recognizance, and have fled from the laws of the State where the crime was committed, and have come to this State for refuge, to the great prejudice of the fame, Be it therefore enacted by the authority aforesaid, That any person now within the limits of this State, or that may hereafter come within the fame, who may have been found guilty of any felonious crime prior to his coming within this State, so far as to have been committed to gaol for the same, or to have been bound in a recognizance to appear before any court of record for further trial, and has since broke gaol, or from the custody of the officer, or have forfeited their recognizance, and have fled from the laws of the State where the crime was committed and done; in any such case the said person or persons shall be deemed and adjudged vagrants, and subject to all the pains and penalties expressed in this law, and shall be confined in gaol until applied for by the executive authority of the State where the crime was committed, or until the executive of this State shall find it convenient to send such offender or offenders under a safe guard to the State where the crime was committed and done.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

B b b
A.D. 1788. 
No. 392. 

An Act for the ratification of certain agreements made and entered into by commissioners appointed by the legislatures of Georgia and Carolina, for the purpose of settling certain disputes relative to boundary.

WHEREAS by an ordinance passed by the legislature of this State, commissioners were appointed and authorized to meet other commissioners similarly appointed by the State of South Carolina; And whereas the said commissioners or a majority of them from each State were vested with full powers to settle all differences, controversies, disputes and claims which subsisted between the two States, relative to boundary; And whereas they conformably to those powers, did on the twenty-eighth day of April, in the year one thousand seven hundred and eighty-seven, in convention at Beaufort, in the State of South Carolina, by certain instruments of writing to which the said commissioners interchangeably set their hands and affixed their seals, make mutual concessions and agreements for the purposes aforesaid: Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That whatever was done by the said commissioners or a majority of them as aforesaid, is hereby ratified, and shall be considered as binding upon the citizens of this State, any law to the contrary notwithstanding.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

No. 393.

February 1, 1788.

No. 394.

An Act to admit George Walker and others, to practice in the courts of law and equity, within this State.

February 1, 1788.

Private.

No. 395.

An Act for repealing certain parts of the act of confiscation and banishment.

WHEREAS the legislature of this State by an act passed the fourth day of May, one thousand seven hundred and eighty-two, at Augusta, entitled "An act for confiscating and banishing certain persons therein mentioned," did confiscate the property of Nathaniel Polhill, his heirs, devisees and assigns, and the property of Paul McCormick, John Thomas, Peter Edwards, and James Butler, and did banish the said persons from this State; Be it enacted, That as far as the said act of confiscation and banishment respects Nathaniel Polhill, his heirs, devisees and assigns, be, and is hereby repealed.
II. And be it further enacted by the authority aforesaid, That one half of the estate of Nathaniel Polhill, unfold by the commissioners of confiscated property, be vested in Elizabeth Nowland, widow of said Nathaniel Polhill, and her heirs.

III. And be it enacted, That the property of the said John Thomas, which remains unfold, be, and it is hereby vested in Elizabeth Sharp wife of John Sharp, junior, and the property of Paul Mc.Cormick, which remains unfold, be, and it is hereby vested in Frances Mc.Cormack and her heirs.

IV. And be it further enacted, That as for the aforesaid act of confiscation and banishment, respecting the banishment of the said Peter Edwards and James Butler, James Jackson, John Douglas, William Corker, James Ingraham, Thomas Waters, and John Johnston, be, and is hereby repealed.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

An Act to extend the time for receiving supplies, under an act passed the 31st day of October 1787, and for other purposes therein mentioned.

February 1, 1788.
Obsolet.

An Act to admit Alexander Stephens, and others, to the rights of citizenship.

WHEREAS Alexander Stephens has petitioned the legislature of this State to be admitted to the rights of citizenship, and his petition has been supported by the recommendations of a large number of citizens, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That the said Alexander Stephens be, and he is hereby admitted to all the rights and privileges of citizenship exercised within this State.

II. And be it further enacted by the authority aforesaid, That Isaac Herbert, Thomas King and Duncan Manson, be also admitted to the privileges of citizenship within the said State.

III. And be it further enacted, That Charles Murray, Esq. of Madeira, be entitled to all the rights, privileges, and immunities of a citizen of this State, in like manner as if he had remained in America during the last war.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.
A. D. 1788. An Act to amend and repeal certain parts and clauses of "An act for regulating the trade, laying duties on all goods, wares, liquors, merchandise and negroes, imported into this State; and also an impost on the tonnage of shipping, and for other purposes therein mentioned."

Fees of pilotage. III. Be it further enacted, That every master or owner of any vessel, entering or clearing in any port in this State, shall pay the several fees of pilotage agreeable to law, if a pilot is offered, (except the constant coasting vessels to and from Charleston) and they shall pay half pilotage if they take no pilot, and whole pilotage if they take one; and the said fees shall be paid at the time of clearance, any former law, custom, or usage, to the contrary notwithstanding.

So much of this act as relates to trade and duties on imports, now under the regulation of Congress. The remainder, respecting health officer and quarantine, see act of 1789, No. 430, and act of 1793, No. 485.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

No. 399.

An Act for establishing an academy or seminary of learning at Sunbury in the county of Liberty.

WHEREAS the legislature in compliance with the constitution, and from the great advantages that necessarily result from the establishment of public seminaries, did by their resolve of the fourteenth of February, one thousand seven hundred and eighty-six, appropriate or set apart, and unfold confiscated property, in the county of Liberty aforesaid, to the amount of one thousand pounds, and empower certain commissioners therein named, to sell and dispose of the same for the said purpose, who have hitherto delivered acting under the said appointments. Be it therefore enacted by the freemen of the State of Georgia in general assembly met, and by the authority of the same, That Abiel Holmes, James Dunwoody, John Elliott, Gideon Doufe and Peter Wynn, be, and they are hereby appointed commissioners of the Sunbury academy, with full power and authority for them or a majority of them to sell and dispose of any confiscated property within the county of Liberty, at public sale, first giving thirty days notice in one of the gazettes of this State, to the amount of one thousand pounds as aforesaid, which shall remain in their hands to be appropriated to the building a suitable house for the said academy.

II. And be it further enacted, That each of the said commissioners shall previous to their acting, give bond to his honor the governor for the time being, in the sum of one thousand pounds, for the faithful discharge of said trust, and for their returning into the public treasury of this State, any monies arising from the said sale of confiscated property which may remain in their hands over and above the sum by this act vested in them.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.
LAWS OF GEORGIA.

An Act to appoint commissioners for the town of Brunswick, in the county of Glynn.

A. D. 1788. No. 499.

Commissioners named and appointed for the town of Brunswick—a survey of the same to be recorded.

B. 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 Henry Osborne, George Handley, Christopher Hillary, John Braddock, William Stephens, John Houftoun, General Lachlan Mc.Intosh, and James Seagrove, be, and they are hereby appointed commissioners* for the town of Brunswick, who, or a majority of them shall have power after giving three months notice in the gazette to re-survey or cause to be re-surveyed, the said town of Brunswick, as near as possible to the original plan or survey, and which survey when so made shall be recorded in the office of the surveyor general, and also in the office of the surveyor of the county of Glynn.

II. And be it further enacted, That the said commissioners, or a majority of them, shall have power to fell at public vendue, at such times and places as they shall think proper, all or any of the vacant lots in the said town (except such as were originally reserved for the public use) first giving four weeks public notice of such sale or sales, and the monies arising therefrom shall be applied under the directions of the said commissioners, to the building and support of an academy in the said town, and to no other purpose whatever.

III. And be it further enacted by the authority aforesaid, That in case of the death, or refusal to act of any of the commissioners aforesaid, his honor the governor, by and with the consent of the executive council shall appoint some other person or persons in his or their room and stead; and the commissioners aforesaid, or any of them, shall not take or receive any fee or reward for their services whatsover.

IV. And be it further enacted by the authority aforesaid, That nothing herein contained shall affect the right or title of any person or persons claiming or holding a lot or lots within the said town, as laid down in any former legal plan thereof.

NATHAN BROWNSON, Speaker.

Augusta, February 1, 1788.

* Other commissioners appointed by act of 1756, No. 559.

An Act to erect a court house and gaol in the county of Franklin.

WHEREAS there is no court house and gaol in the county of Franklin, and the same is necessary.

I. Be it therefore enacted by the representatives of the freemen of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same, That a court house and gaol be erected in the said county of Franklin, at such place as a majority of the commissioners herein appointed shall direct, and that the sum of two hundred and fifty pounds be allowed for building the said court house and gaol, and that his honor the governor do draw a warrant on the treasurer in favor of the said commissioners,
A. D. 1788. An act, for the sum of two hundred and fifty pounds as aforesaid, to be paid out of any monies now in the treasury.

II. And be it further enacted, That Larkin Cleveland, Thomas Payne, John Ar-lington, John Payne and Samuel Gardner, be the commissioners to carry this act into effect, and that a majority of the said commissioners be at all times authorized to proceed to business:

Provided, That the said commissioners do give bond and security to his honor the governor, for the faithful performance of the trust repose in them.

Augusta, February 1, 1788.
NATHAN BROWNSON, Speaker.

No. 401. Commissioners named and appointed.

No. 402. An Act to secure to Isaac Briggs and William Longstreet, for the term of fourteen years the sole and exclusive privilege of using a newly constructed steam engine, invented by them.

February 1, 1788.
Private.

A. D. 1789. An Act for appointing the time, manner and places for holding elections for representatives in congress.

January 23, 1789.
Obsolete.

No. 403. An Act to admit Richard Dickinson, Thomas Edward Dorsey, and others therein mentioned, to practice law in any of the courts of law and equity within this State.

February 1, 1789.
Private.

No. 404. An Act to alter, amend and repeal certain parts of an act, entitled "An act for establishing an academy in the county of Chatham, and for vesting certain property in Selina, Countess Dowager of Huntingdon."

Preamble.

WHEREAS the trustees of the academy for the county of Chatham have represented, that the estate called Zuberbuhler’s estate, hath not been put into their hands agreeably to the directions of the above recited act, but is in the possession of Bartholomew and Jacob Walburger, who claim the same as heirs at law of the reverend Bartholomew Zuberbuhler, deceased: And whereas it is provided in the said act, that nothing therein contained shall bar the claim of any person who is legally the heir of the said Zuberbuhler.

I.
I. Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That so much of the said act, entitled, "An act for establishing an academy in the county of Chatham, and for vesting certain property in Selina, countess dowager of Huntingdon," passed the first day of February, one thousand seven hundred and eighty-eight, as directs and authorizes the sheriff of the said county of Chatham to take the estate called Zuberbuhler's estate, lying and being in the said county of Chatham, and to put it into the hands of the trustees therein named; and also so much of the said act as at present directs the said trustees to apply the net annual proceeds of the said estate towards erecting the said academy, be, and they are hereby severally repealed.

II. And be it also enacted, That the trustees of the academy for the said county of Chatham be directed without delay and they are hereby empowered as trustees to institute a suit of ejectment against the said Bartholomew and Jacob Walburger, by which their or either of their right to the said estate, as heirs at law of the said Zuberbuhler may be determined.

III. And be it further enacted, That the said Bartholomew and Jacob Walburger, or one of them shall within thirty days after a demand for that purpose, give bond with sufficient security in the sum of four thousand pounds, payable unto the said trustees and their successors in office, conditioned fairly to account for and pay unto the said trustees, immediately after the final determination of the action herein directed to be commenced, the amount of the net annual proceeds of the said estate, and for every waste committed thereon, from the time of their entry into the same: Provided, their claim to the said estate as heir or heirs shall be found invalid or in words to that effect.

JOHN POWELL, Speaker.

Augusta, February 3, 1789.

* This estate is vested in the heirs of Jacob Walburger, deceased, by act of 1791, No. 449.

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An Act to prevent frauds in the making of lumber.

February 3, 1789.

Repealed by act of 1790, No. 445.

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An Act to amend and repeal certain clauses of "An act for regulating the trade, laying duties on all goods, wares, liquors, merchandize and negroes imported into this State, and also an impost on the tonnage of shipping, and for other purposes therein mentioned."

WHEREAS it is found from experience that the duties laid on goods, wares, liquors, merchandize and negroes, and also the impost on the tonnage of shipping arriving within this State is insufficient and inadequate to the purposes intended by the said act, for remedy whereof, Be it enacted by the representatives of the freemen,
A. D. 1789.
No. 407.
Tonage to be paid on all vessels.

25, per ton according to carpenters measure.
The weight of 16 per ton to be appropriated as directed by act of 1789, No. 366.

Act to be in force until congress shall direct otherwise.

Augla, February 1, 1789.

No. 408.

An Act to prevent the clipping and mutilating the current coin of this State.

WHEREAS the most mischievous consequences are daily experienced by the good citizens of this State, from the nefarious practice of clipping and mutilating the circulating specie thereof; to prevent the same, Be it enacted by the representatives of the freemen of the State of Georgia in general assembly met, and by the authority of the same, That all gold and silver coin of full weight shall pass current by tale within this State.

II. And be it further enacted, That if any person or persons shall presume to cut, clip, or mutilate the gold or silver coin current in this State, after the first day of March next, he, she, or they so offending, and shall be lawfully convicted thereof, shall forfeit for the first offence the sum of one hundred pounds, one half to go to the informer, and the other half to go to the use of the academy within the county or counties where such offence may be committed; and for the second offence, on conviction before any court of judicature having cognizance thereof, he, she, or they shall, and are hereby declared guilty of felony, and shall suffer death without benefit of clergy.

Augusta, February 3, 1789.

No. 409.

An Act for granting pardons to Budd Bailey and Nicholas Green, now under sentence of death, in the common goals of the counties of Chatham and Richmond upon certain conditions therein mentioned.

February 3, 1789.

Private.
LAWS OF GEORGIA.

An Act to redeem the paper medium of this State.

WHEREAS it is necessary and expedient from the injury which has arisen to individuals, and for the restoration of public credit, that measures be taken to redeem and take up the current medium, now in circulation in this State.

And whereas five thousand pounds of the said paper medium appropriated in the treasury towards a sinking fund agreeable to a resolution of the twenty-second instant, has been burnt under the inspection of the committee of finance, the amount and respective denominations of which, to be certified by the treasurer, and entered on the minutes of the general assembly.

I. Be it therefore enacted by the representatives of the freeman of the State of Georgia in general assembly met, and by the authority of the same, That the further sum of five thousand pounds of the tax, of the current year, and of four successive years thereafter be appropriated in like manner as aforesaid, and annually burnt, under the regulations herein before pointed out.

II. And be it enacted by the authority aforesaid, That from and immediately after the United States in congress assembled shall or may pass any act or acts for laying imposts, or laying direct taxes within this State, then and in that case such part or parts of the act, entitled, ‘An act for emitting the sum of fifty thousand pounds paper medium, and for other purposes therein mentioned,” that relate to receiving imposts or duties as aforesaid be, and the same is hereby repealed.

III. And be it enacted by the authority aforesaid, That the time for taking up the said current medium of this State be extended until the fifteenth day of January, one thousand seven hundred and ninety-four, and shall continue to be a tender in all cases except for imposts and direct taxes as aforesaid, any law to the contrary notwithstanding.

JOHN POWELL, Speaker.

Augusta, February 1, 1789.

* Tender discontinued by act of the same year, No. 426.

An Act for the relief of John Ferrie, and other persons therein mentioned.

February 3, 1789.

Private.

An Act to repeal some parts, and to amend other parts of “An act to regulate the inspection of tobacco.”

I. II. III. IV. V. RE-ENACTED with alterations by act of 1791, No. 457.

VI. And whereas several petitions have been presented to the present general assembly, praying the establishment of other inspections within this State, Be it therefore enacted by the authority aforesaid, That the following inspections be, and the same are hereby established under the same regulations as those already established.

C. c e
DIGEST OF THE

A. D. 1789.
No. 412.
In the town of Louisville; on some public lot in the town of Washington, or such other lot in the said town as the commissioners of the academy in the county of Wilkes may point out; on the land of general John Twiggs, at new Savannah, near the mouth of Butler's creek, and on lands of Henry Arrington at the same place; on the lands of Robert Forsyth in the town of Galphinton; on the lands of Arthur Fort, near the falls of Ogechee; and on the lands of George Handley and Christopher Hillary, at Reid's bluff.

JOHN POWELL, Speaker.

Augusta, February 4, 1789.

An Act for imposing a tax for the year 1789.

February 4, 1789.

An Act for the better regulation of bridges, roads and ferries.

1. 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, the *superior courts of this state shall, in their respective counties, have full power and authority to order roads, ferries, or bridges, at any place or places where the same shall in their judgment be found necessary for the use of the public.

The remainder of this and the other sections omitted, relate only to roads and bridges, repealed by act of 1792, No. 478.

JOHN POWELL, Speaker.

Augusta, February 4, 1789.

* The superior courts are authorized to establish ferries by act of 1797, No. 597.

An Act for annexing certain islands to the county of Glynn.

1. BE it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That all the islands on the south side of the Alatamaha to the river Little Satilla and St. Andrew's Sound, together with Great and Little St. Simon's, Long Island and the Hunting Islands, be, and the same are hereby annexed to, and declared to be a part of the county of Glynn.

SEABORN JONES, Speaker of the House of Representatives.

NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 20, 1789.
An Act to regulate the form and manner of holding elections for members to represent the inhabitants of this State in general assembly.

THIS act was amended by act of 1790, No. 434, and both are re-enacted with alterations by act of 1796, No. 572.

VIII. And be it further enacted, That all laws heretofore passed for regulating elections shall be and the same are hereby repealed.

SEABORN JONES, Speaker of the House of Representatives.

N. BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 8, 1789.

An Act for disposing of certain vacant lands or territory within this State.*

WHEREAS divers persons from the State of Virginia, North Carolina, and South Carolina, have made application for the purchase of certain tracts and parcels of land, lying and bordering on the Tennefiee, Tom or Don Bigby, Yazoo and Mississippi rivers, within this State, and have offered to engage to settle the same, a part of which territory has been already settled on behalf of some of the applicants, under and by virtue of an act of the general assembly of this State, bearing date the seventh day of February, one thousand seven hundred and eighty-five, at Savannah, entitled "An act for laying out a district of land situated on the river Mississippi, within the limits of this State, into a county to be called Bourbon;" Now therefore, be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That all that tract or part of territory of this State, within the following limits, to wit, Beginning at the mouth of Cole's creek, on the Mississippi, continuing to the head spring or source thereof, from thence a due east course to the Tom or Don Bigby river, thence continuing along the middle of the said river up to the latitude thirty-three, thence down along the latitude thirty-three bounding on the territory of the Virginia Yazoo Company, a due west course to the middle of the Mississippi, thence down the middle of the Mississippi to the mouth of Cole's creek aforesaid, and containing about five millions of acres, shall be reserved as a pre-emption for the South Carolina Yazoo Company for two years from and after the passing of this act; and if the said South Carolina Yazoo Company shall, within the said term of two years, pay into the public treasury of this State, the amount

* A dispute having arisen between the purchasers and the State about the mode of payment, the pre-emption expired without payment having actually been made, and no grants were passed.
A. D. 1789.
No. 418.

Boundaries of the territory referred to in the usual form, to Alexander Moultrie, Isaac Huger, William Clay Snipes, and Thomas Washington, Esquires, and the rest of their associates, and to their heirs and assigns for ever, in fee simple, as tenants in common, all the tract of land included in the aforesaid boundaries.

II. And be it further enacted, That all that tract or part of territory of this State, included within the following limits, that is to say, Beginning at the mouth of Bear Creek, on the south side of the Tennessee River, running thence up the said creek to head or source, thence a due west course to the Tom or Don Bigby, or Twenty Mile creek, thence down the same to the latitude thirty-three, thence along the said latitude, bounding on the South Carolina Yazoo Company's line, a due west course to the middle of the Mississippi, thence up the said river, in the middle thereof, to the northern boundary of this State, thence along the said boundary line a due east course to the Tennessee river, thence up the middle of the said river to the beginning thereof, and containing seven millions of acres, shall be reserved as a pre-emption for the Virginia Yazoo Company, for the term of two years from and after the passing of this act; and if the said company shall cause to be paid into the public treasury of this State, within the said term of two years, the amount of ninety-three thousand seven hundred and forty-one dollars, then it shall be lawful for the governor at the time being, and he is hereby empowered and required to sign and deliver, in the usual form, a grant of the aforesaid tract of land to Thomas Cook, William Cowan, Abraham B. Venable, John B. Scott, William Cock Ellis, Francis Watkins, and John Watts, Esquires, and the rest of their associates, and to their heirs and assigns for ever, in fee simple, as tenants in common of all the tract of land included in the aforesaid boundaries.

Amount to be paid, 93,741 dollars.

III. And be it further enacted, That all that tract or part of the territory of this State, included within the limits following, to wit: Beginning at the mouth of Bear Creek, on the south side of the Tennessee River, in the latitude of thirty-four degrees forty-three minutes, running thence up Bear Creek to the head or source, thence a due west course to the Tom Bigby or Twenty Mile creek, thence down the said Bigby or Twenty Mile creek to the latitude thirty-four degrees, thence a due east course one hundred and twenty miles, thence a due north course to the northern boundary line of this State, thence a due west course along the northern boundary line to the Great Tennessee River, thence up the middle of the said river Tennessee to the place of beginning, and containing three millions and a half acres, shall be reserved as a pre-emption for the Tennessee company, for the term of two years from and after the passing of this act; and if the said company shall cause to be paid into the public treasury of this State, within the said term of two years, the amount of forty-six thousand eight hundred and seventy-five dollars, then it shall be lawful for the governor for the time being, and he is hereby empowered and required to sign and deliver, in the usual form, a grant of the aforesaid tract of land, to Zachariah Cox, Thomas Gilbert, and John Strother, Esquires, and to the rest of their associates, and
and to their heirs and assigns for ever, as tenants in common of all the tract of land included in the aforesaid boundaries: Provided, That the said grantees of each separate grant, shall forbear all hostile attacks on any of the Indian hordes which may be found on or near the said territory, if any such there be, and keep this State free from all charge and expenses which may attend the preferring of peace between the said Indians and grantees, and extinguishing the claims of the said Indians, under the authority of this State: And provided further, and it is hereby expressly conditioned, That this State and the government thereof shall, at no time hereafter, be subject to any suit at law, or in equity or claim, or pretension whatever, for or on account of any deduction in the quantity of the said territory, by any recovery which may or shall be had on any former claim or claims.

IV. And for the better direction of the governor, Be it enacted, That the treasurer of this State shall, on application of any agent of either of the said companies, within the said term of two years, receive the sum or sums of money, which they are hereby respectively directed to advance, a certificate or certificates of which payments, under the hand of the treasurer, shall be a sufficient voucher for the governor to issue the grants to the respective companies aforesaid.

V. And be it further enacted, That all the remaining vacant territory belonging to this State, shall be disposed of as this or a future general assembly shall direct, and in no other manner whatever.

SEABORN JONES, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 21, 1789.

An Act to point out the mode of electing inferior officers.

December 22, 1789.
Repealed by act of 1792, No. 475.

An Act to ascertain the salaries and fees of the public officers of this State; granting compensation to the members of the general assembly and their officers; appropriating money, and for establishing a contingent fund.

December 23, 1789.
Obsolete.

*An Act for regulating the judiciary departments of this State.

I. Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That from and immediately after the passing of this act, two fit and proper persons, duly qualified, shall be elected judges of the superior court,

The treasurer to receive all payments within the said term and give certificates thereof.

The remaining vacant territory to be disposed of as the legislature shall direct; and in no other manner whatever.

**An Act of 1790, No. 438, "to amend explain and continue" this act of 1791, No. 456, "to revive and amend the judiciary system"—and of 1792, No. 475, repealing this, together with the intermediate acts.**
A.D. 1789.
No. 471.

Their oath.

To hold a court in each county twice in every year.
The times for holding the same.

Writs and other processes in civil actions, when returnable and how to be issued and served.

Appearances to be entered and pleaded in ten days after the return.
Judges to meet from time to time to hear motions, etc., where a jury is not necessary.
In capital cases shall require execution thirty days after sentence.
Bail in civil cases in what manner to be taken.

court, which judges shall have precedence according to the time of their election; and shall, before they enter on the duties of their respective offices, take the following oath or affirmation, to wit: "I do solemnly swear or affirm, that I will administer justice, without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as a judge of the superior court of this State, according to the best of my abilities and understanding, and agreeable to the constitution and laws of this State, and the United States. So help me God."

II. And it is further enacted, That the judges of the said superior court, or any one of them, shall hold the said courts in each county, twice in every year, at the respective times, and in manner following, that is to say, Commencing in Camden and Washington, on the first Monday in January next; the Monday after in Glynn and Greene; the Monday after in Liberty and Franklin; the Monday after in Chatham and Wilkes; the second Monday after in Effingham and Richmond; and the Monday after in the county of Burke; and that the counties from Burke to Camden, inclusive, be the eastern district, and the remaining counties the western district; and the second term shall commence on the first Monday in July next thereafter in Camden and Washington, and be continued throughout each district in the same rotation as directed in respect to the first circuit. And all writs and processes in civil actions, issuing out of the said court, shall be made returnable in twenty days exclusive of the day of service, and before the meeting of the court, which shall be called the return day; and all such writs and processes shall issue from, and be signed by the clerk of the court where the subject is to be tried, and be directed to all and singular the sheriffs of the said State, and shall contain the plaintiff's charge, complaint, allegation or demand, plainly, fully and distinctly set forth, and be signed by the party or his attorney; and a true copy thereof shall be served, or left at the defendant's usual and notorious place of abode, or where he may be found, on or before the return of such writ or process, by the sheriff or his deputy for the county; which defendant shall, within ten days after the return of such process and writ, enter an appearance, and assile, with the clerk of the court, his plea of defence to the said action; and the said judges, or either of them, shall, from time to time, meet for hearing motions, and for transacting all other ordinary business, where a jury is not required as has hitherto been the practice and usage of courts of law. And in all capital criminal cases the judge, or judges, before whom a prisoner is tried and convicted, shall respite execution until thirty days after sentence, and shall make report thereof to the governor or commander in chief for the time being; and where bail is required in any civil action, an affidavit shall be made of the debt and damages before any judge or justice of the peace which the party believes to be due, or has sustained, and shall be annexed to or indorsed on the petition or process; in which case the sheriff shall take a bail bond in double the value of the debt or damages so sworn to be due; but either of the judges, on extraordinary occasions, probable cause of action being shewn, or sworn to, shall order bail, according to the circumstances of the case, sufficient to compel the appearance of the defendant or defendants, which bail bond shall
shall be subject to the order of the court, to be assigned to the plaintiff, unless sufficient special bail be entered, or the defendant surrendered in discharge of his bail, on or before the first meeting of the court.

III. And be it further enacted by the authority aforesaid, That the said superior court shall have full power and authority to exercise jurisdiction in and to hear and determine, by a jury of twelve men, all pleas, civil and criminal; and all causes of what nature or kind soever, according to the usage and custom of courts of law and equity, (except such as are hereby referred to inferior jurisdictions) on the days and times herein before mentioned; and shall consist of at least one or more judge or judges; and that it shall and may be lawful for the said judge or judges, to proceed with a jury on petition or bill, directed to the said judges, in all disputes of a civil nature cognizable by original jurisdiction in the said court, for any debt or damages, or any sum of money above ten pounds; but the plaintiff or his attorney shall not be at liberty to sign judgment within four days after verdict; and in no civil case shall execution issue until the expiration of sixty days after the end of the court in each county: But all the property of the defendant shall, nevertheless, be bound from the day of signing judgment, which shall bear interest until paid; and in case either party shall be dissatisfied with the verdict of the jury, that then, and in such case, either party may within the said space of four days, in all cases, enter an appeal in the clerk's office, which shall be admitted, and a new trial granted and tried the next term, by a special jury; but if, on hearing such appeal and new trial, it shall appear to the judge or judges, and he or they shall certify that the appeal was frivolous, or intended for delay only, then such judge or judges shall direct the jury trying the appeal cause, to assess damages to the party aggrieved for such delay; and such jury may assess damages, and the defendant, if appellant, shall give good and sufficient security for double the amount of the verdict, for the use of the plaintiff before the appeal shall be received, or entered as a lay of judgment or execution. And in case of a jury's committing a contempt, or breaking up before giving their verdict, in civil cases, the judge may declare the same to be a mis-trial; and if any case or matter in dispute requires equitable interposition, and a common law remedy is not adequate, the judge presiding shall exercise all the powers of a court of equity, competent to compel the party defendant in a cause, to discover on oath all requisite points necessary to the investigation of truth and justice; which proofs, when obtained shall be submitted to such special jury, whose verdict shall be final, and execution thereupon may be issued. And no cause instituted in the said court, shall be suffered to lay over, or be depending more than three terms, unless very special cause be shown by affidavit of the party applying to put off the cause, to induce the judge presiding to lengthen or protract the time, which shall not in all extend to more than four terms.

IV. And be it further enacted, That all special jurors shall be taken from the grand jury of the county, and struck in the presence of the court, as follows: The clerk shall produce a list of the grand jurors present and there impanneled, from whom the party plaintiff, or defendant, or their attorney, shall each strike out one, until there shall be but twelve jurors left, who shall forthwith be impanneled and sworn as special

Judgment not to be issued within four days after verdict. Execution shall issue in no case under 60 days after the end of the court; and any property bound from the day of signing, judgment, which shall bear interest until paid. Appeal may be entered, to be tried by a special jury. If frivolous: appeals the court may direct the jury to assess damages for the delay. Defendant, if appellant, to give security for double the amount before the appeal shall be entered.

A jury committing contumacy, etc. the court may declare a mis-trial. The judges may, in certain cases, exercise all the powers of a court of equity, competent to compel the defendant to discover on oath, etc. To be submitted to a special jury whose verdict shall be final. No cause to lay over more than 3 terms without special cause; and shall not exceed 4.

Special jurors to be taken from the grand jury, in what manner to be struck.
A. D. 1789.

No. 421.

Their oath.

The judges to establish necessary rules, &c. and to punish all contempts by usual fine or imprisonment.

Oath to be taken by the clerks.

Who are to keep fair and regular minutes of the proceedings, which shall be signed by the court before adjournment, and respectively give bond and security to the governor.

Sheriffs—their power and duty.

V. And be it further enacted by the authority aforesaid, That the special jurors, summoned to try issues in the said superior court, shall, before they enter upon their duty as such, severally take the following oath or affirmation, to wit: “I do solemnly swear or affirm (as the case may be) that I will well and truly try the issue joined and now to be tried, between A. B. plaintiff, and C. D. defendant, and a true verdict give according to law and equity, and the evidence produced to me, to the best of my skill and knowledge, without favor or affection to either party. So help me God.”

VI. And be it enacted by the authority aforesaid, That the judges of the said superior courts shall be, and they are hereby vested with full power to regulate the proceedings in the said courts; and to make and establish all necessary rules for the orderly conducting business therein, according to law, and the usage of courts, and shall have power to impose and administer all necessary oaths or affirmations, and to punish, by usual fine or imprisonment, at the discretion of the judge or judges presiding, all contempts of authority in any cause or hearing before the said court.

VII. And be it further enacted by the authority aforesaid, That the clerks of the several courts shall, before they enter upon the execution of their office, take the following oath or affirmation, before one of the judges, to wit: “I do solemnly swear or affirm, that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the superior court for the county of ______ and all other matters and things which may be brought to me, as by law ought to be recorded, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God.” And that the clerks of the superior courts shall keep fair and regular minutes and dockets of the court business, which shall be signed by the presiding judge or judges on the bench, as far as the same may be gone through prior to the adjournment; and shall give bond, with two sufficient securities, to the governor or commander in chief, and to his successors in office, in two thousand pounds, for his good conduct while in office; which bond shall be deposited in the public treasury.

VIII. And be it further enacted by the authority aforesaid, That the sheriffs of the several counties shall attend the superior and inferior courts when sitting in the respective counties, and by themselves, or deputys, to execute throughout the county all writs, warrants, precepts, and processes directed to them, and issued under the authority of any judge of the said superior court, or clerk of the court, and the said sheriffs, or their deputys, shall have power to command all necessary assistance in the execution of their office, and to appoint, as there shall be occasion, one or more deputys, who shall be removable from office by any one or more of the judges
of the said court; and before the said sheriffs enter on the duties of their office, each of them shall become bound for the faithful execution and performance of the same, by himself and by his deputies, before any one of the said judges, to the governor of this State for the time being, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of the county, to be approved by one or more of the judges, in the sum of five thousand pounds; and the said bond shall remain in the clerk's office of the county for which such sheriffs are appointed, and may be sued for by order of the said court for the satisfaction of the public, and all private persons aggrieved by the misconduct of the said sheriffs or their deputies. And the said sheriffs respectively, shall take, before either judge or justice of the county, and the same shall be recorded in the office of the clerk of the superior court, before they enter on the duties of their office, the following oath, to wit: "I do solemnly swear " or affirm, that I will faithfully execute all writs, warrants, precepts and processes " directed to me, as the sheriff of the county of " and true returns " make, and in all things well and truly, and without malice or partiality, perform " the duties of the office of sheriff of the county of " during my " continuance in office, and take only my lawful fees. So help me God." And an oath to the same purport shall be taken, in like manner, by each of the deputies of the said sheriff.

IX. And be it further enacted, That in all causes wherein the sheriff of either of the said counties, or his deputy, shall be a party, or interested therein, the writs, precepts and processes, shall be directed to the coroner of the county, and the said coroner is hereby authorized to execute and return the same; and in case of the death of either of the said sheriff's, his deputy or deputies shall continue in office, unless otherwise specially removed; and shall execute the same in the name of the deceased until another sheriff be appointed and sworn, and the defaults and misfeasances in office of such deputy or deputies in the mean time, as well before as after, shall be adjudged a breach of the condition of the bond given as before directed, by the sheriff who appointed them; and the executor or administrator of the deceased sheriff shall have the like remedy for the defaults and misfeasances in office of such deputy or deputies, during such intervals, as they would be entitled to if the sheriff had continued in life and in the exercise of his said office until his successor was appointed and sworn.

X. And for the case of the sheriffs, Be it enacted by the authority aforesaid, That the sheriff for each county shall, at the expiration of his office, turn over to the succeeding sheriff, by indenture and schedule, all such writs and processes as shall remain in his hands unexecuted, who shall duly execute and return the same; and in case any sheriff shall refuse or neglect to turn over such processes, in manner aforesaid, every such sheriff so neglecting or refusing shall be liable to make such satisfaction, by damages and costs, to the party aggrieved, as he, she or they shall sustain by such neglect or refusal; and the said sheriff shall also deliver up to his successor the custody of the gaol, and the bodies of such persons who shall be confined therein, and the cause of their detention.
XI. And be it further enacted, That no writ, return, process, judgment, or other proceedings in civil causes, shall be abated, arrested, quashed or reversed, for any defect or want of form, or any clerical mistake, or omission, not affecting the real merits of the case; but the judge presiding shall cause the same to be amended, on motion in court, without any additional costs, and proceed to give judgment, according to the right of the cause and matter in law, as shall appear unto such judge, without regarding any imperfections, defects, want of form, or clerical mistake or omission, in such writ, return, process, judgment, or cause of proceeding whatsoever; and all causes in the said court shall be managed by council, or the party themselves, under such orders as the court shall establish.

XII. And be it enacted by the authority aforesaid, That the clerks of the respective courts shall make out, sign and issue executions, under their hands and seals, bearing in the name of one of the judges before whom the cause was tried, and directed to all and singular the sheriffs, for all debt or damages and costs recovered in the said courts, which may be levied on the estate and property, or issued against the person of the party cast, in any county of this State; and the same may be continued until the amount thereof is satisfied.

XIII. And be it further enacted, That the office of attorney general shall be, and is hereby declared to be placed in commission, and the duties thereof shall be performed by two persons, to be styled the attorney and solicitor general, one to attend in the eastern and the other in the western district; who shall exercise the functions of their office jointly or severally, and shall be sworn or affirmed to the faithful execution of their office; and it shall be their duty, or one of them, to prosecute all delinquents for crimes and offences cognizable under the authority of the said court, and all civil actions in which this State shall be concerned; and to give his or their advice and opinion, in writing if required, on questions of law to the governor, or other officers, touching any matters that may concern their department.

XIV. And be it further enacted by the authority aforesaid, That the sheriffs of the several counties in this State, shall have the like powers and authorities, and they and their under sheriffs and gaolers, constables and other officers belonging to the court, be subject and liable to all actions, suits, fines, forfeitures, penalties, and disabilities whatsoever, which they or either of them may incur, for or in respect of the escape of prisoners, or for, or in respect of any other matter or thing whatsoever, relating to, or concerning their several or respective offices, in the same manner as they have hitherto been liable by the laws of force in this State; and no clerk of the court, sheriff, under sheriff, sheriff's clerk, or other sheriff's officers, shall act as an attorney in his own name, or in the name of any other person, or be allowed to plead or practice in any of the courts of this State during the time he is in any such office.

XV. And be it further enacted, That the said superior courts shall have power to issue writs of seire facias, habeas corpus, mandamus, and all other writs which may be necessary for the exercise of their jurisdiction, and agreeable to the principles and usages of law and equity.

XVI.
LAWS OF GEORGIA.

XVI. And be it further enacted, That in all cases where mutual debts are plead as off-fetts, and the jury shall find a balance due from the plaintiff to the defendant, they shall find such balance for the defendant; and the said defendant may, by himself or his attorney, enter up judgment and proceed to execution in the same manner as plaintiffs recovering may proceed.

XVII. And be it further enacted, That the said courts shall have power in the trial of all cases, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceedings in equity; and if a plaintiff shall fail to comply with such order to produce books or writings, it shall be lawful for the said courts, on motion, to give the like judgment for the defendant as in cases of non-fuit; and if a defendant shall fail to comply with such order to produce books or writings, it shall be lawful for the said courts, on motion as aforesaid, to give judgment against him or her by default.

XVIII. And be it enacted, That where any suit shall be depending, and either of the parties shall die before final judgment, the executor or administrator of such deceased party, who was plaintiff, petitioner or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action until final judgment; and the defendant or defendants are hereby obliged to answer thereunto accordingly. And the court before whom such cause may be depending, is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, having been duly served with a scire facias from the office of the clerk of the court where such suit is depending twenty days before hand, and shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit. And the executor or administrator, who shall become a party as aforesaid, shall upon motion to the court where the suit is depending, be entitled to a continuance of the same, until the next term of the said court, and if there be two or more plaintiffs or defendants, and one or more of them shall die if the cause of action survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

[From this to the 32d section, relates only to the form and manner of drawing and summoning jurors.]

XXXII. And be it further enacted, That in cases of unavoidable accidents, the said courts or any of them shall fail to be held at the times respectively appointed for holding the same, the proceedings shall not be discontinued, but that the clerk of the said court shall and may adjourn the said courts from day to day, not exceeding four days, until the said court shall meet; and in case the said court shall not meet and sit in that time, the said clerk of the court, as aforesaid, shall adjourn the same to the next court, to which time all causes then depending shall be continued over.

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

XXXIV. And whereas it may happen that the attorney or solicitor general for the State cannot attend at some of the said courts, to prepare and prosecute indictments for criminal offences: Be it therefore enacted, That in case the attorney or solicitor general, or one of them, shall not attend any of the said courts, then any barrister or attorney at law, or other fit person, may prepare and prosecute indictments or civil actions, in which the State is a party, by leave and appointment of the judge or judges of the said court, and be allowed the same fees for his trouble therein as the attorney or solicitor general would be entitled to.

XXXV. And whereas divers suits have been instituted under the late constitution, and are now depending and undetermined, Be it therefore enacted, That all such suits shall be heard and determined, or other order taken thereon, as if the same were instituted in the superior courts established under this act; and no demurrer or exception shall be sustained on any question on the legality of such suits, returnable to any court, term, or time previous to the passing of this act, and without additional costs; and appeals now pending shall be tried as appeals to be entered under this act are directed to be tried. And in case of error and other good and sufficient cause shown to the judges of the superior court, or any of them, he or they may cause the proceedings in any case now depending, or that may hereafter be depending, to be stayed; and the judges, or any one of them, shall in such case at or before the next term cause to be done, as to justice shall appertain.

XXXVI. And whereas the constitution of this State authorizes the establishment of courts of an inferior jurisdiction, Be it further enacted, That in every county within this State a court shall be held once in every three months, by the justices appointed in the manner therein after mentioned, to preside in and hold the same at the several places assigned by law; and on the several days herein after limited for each county respectively, and at no other time or place: Which courts shall be called the inferior county courts, and shall be held and administered by the first five justices mentioned in the commission of the peace, or any three of them, who shall have full power and jurisdiction to hold the said county courts, and to hear and determine all causes and other matters, and controversies, properly appertaining and referred by law to their jurisdiction.

XXXVII. And be it further enacted, That the said inferior county courts shall be held once in every three months throughout the year; and shall commence the first Monday in February in Camden and Washington, the second Monday in Glynn and Greene, the third Monday in Liberty and Franklin, the Monday after in Chatham and Wilkes, the Monday two weeks thereafter in Effingham and Richmond, and the Monday week thereafter in Burke county. Provided nevertheless, If the business of the said court cannot be determined on the court day, the justices may sit from day to day, until all causes, not postponed by consent, or for sufficient reason, are tried.

* Held half yearly—See act of 1791, No. 456, sect. 20.
tried and determined, Sundays excepted. And all causes and controversies then laid before them, which cannot be heard and determined within that time, shall be adjourned over until the next inferior county court.

XXXVIII. Be it further enacted by the authority aforesaid, That the said justices, or any three of them shall have full power and jurisdiction to hear and determine causes at common law, within their respective counties: Provided always, That where the damages in the writ is laid, or sworn to be, or exceed fifty pounds sterling, then the said cause may by the defendant be removed to the superior court, to be there tried in the first instance by a common jury, and by a special jury afterwards if either party fees fit. And where any cause tried and determined in the inferior court, shall be above five pounds, then an appeal shall be admitted into the superior court, there to be tried, heard and concluded. And provided also, That no causé touching the right or title of lands or tenements, shall be cognizable in the inferior courts.

XXXIX. *And be it further enacted, That it shall be lawful for any justice aforesaid, upon complaint made to him upon oath by any person that his debtor is removing out of the State privately, or abfconds and conceals himself so that the ordinary process of law cannot be served upon him, to grant an attachment against the estate of such debtor, or so much thereof as shall be of value sufficient to satisfy the debt and costs of such plaintiff, which attachment shall be returnable to the next inferior court of the county where the same was issued, and shall be directed to and served by the sheriff of the county, or his deputy; and it shall be lawful for such sheriff or deputy to serve and levy the same upon the estate both real and personal of the party aborning, whereforever the same may be found, or in the hands of any person or persons indebted to, or having any effects of the person aborning, and to summon such person or persons to appear at the next court to be held for the said county, there to answer upon oath what he or she is indebted to such party, and what effects of such party he or she hath in his or her hands, or had at the time of serving such attachment, which being returned executed, the court may thereupon compel by order, such person or persons to appear and answer as aforesaid: Provided always, That every justice of the peace, before granting such attachment, shall take bond and security of the party for whom the said attachment shall be issued, in double the sum to be attached, payable to the defendant, for satisfying and paying all costs that shall be awarded to the defendant; in case the plaintiff for the attachment therein mentioned shall discontinue, or be cast in his suit; and also all damages which shall be recovered against the said plaintiff, for his fauing out such attachment, which bond the justices shall return to the court to which the attachment is returnable, on or before the return day, and the party entitled to such costs and damages, may bring suit thereon and recover, and every attachment, issued without such bond taken, or where no bond shall be returned as aforesaid, is hereby declared to be illegal, and shall be disfmissed with costs: Provided always, That every attachment which may be issued as aforesaid, shall be attested and publicly advertised at the court house of the said county, at least thirty days before the setting of the next court; and if any attachment

* Repealed by act of 1792, No. 475.
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attachment shall be sued out within thirty days of the next court, the said attachment shall be made returnable to the next court to be held after the expiration of the said thirty days, and not otherwise; and all attachments issued and returned in any other manner, than that herein before directed, shall be, and the same are hereby declared null and void. And all goods, lands and effects, subject to such attachments, shall be repleivable by appearance, and putting in special bail, or by the defendant's giving bond, with good security, to the sheriff, or other officer serving the same, which bond the sheriff or other officer is hereby empowered and required to take, compelling the defendant to appear at the court to which such attachment shall be recoverable, and to abide by and perform the order and judgment of such court.

XL. And be it further enacted, That upon the defendant or defendants replevying any attached effects, by giving bond and security to the sheriff, or other officer as aforesaid, the sheriff shall return the name or names of the security by him so taken, and if such security, upon motion, shall be judged insufficient by the court, and if the defendant shall fail to appear, and give special bail if thereunto ruled by the court, such sheriff or security shall be subject to the same judgment and recovery, and have the same liberty of defence and relief, as if such defendant was legally present in court. And upon complaint made to a justice of the peace, that any person indebted to the complainant, in a sum not exceeding five pounds, where a single justice by this act has jurisdiction, is about to remove, or is removing out of the county privately, or so absconds or conceals himself so that a warrant of summons cannot be served upon him, it shall be lawful for such justice, taking bond and security in the manner herein before directed in other cases, to grant an attachment against the estate of such debtors, or so much thereof as shall be of value sufficient to satisfy the debt and costs of the plaintiff, directed to some constable of his county, and returnable before himself or some other justice of the peace thereof, who shall and may proceed and determine thereupon as to justice shall appertain.

XLI. And be it further enacted by the authority aforesaid, That if any attachment returnable to the county court, or before a justice of the peace, shall be returned executed, and the goods or effects attached shall not be replevied as aforesaid, the subsequent proceedings thereupon shall be the same as an original process against the body of the defendant where there is default of appearance; and all goods and effects attached, and not replevied as aforesaid, shall, by order of the said court, be sold and disposed of for and towards satisfaction of the plaintiff's judgment, in the same manner as if the same had been taken under execution; and where any attachment shall be returned served in the hands of any third person, it shall be lawful upon his or her appearance and examination, in the manner by this act before directed, to enter up judgment as against the original debtor, and award execution against every such third person for such monies as may be due from him to the absconding debtor, such effects as may be in the hands or keeping of the said third person belonging to such debtor, or so much thereof as will be of value sufficient to satisfy the judgments and costs of the plaintiff's attachment.

XLII. And be it further enacted by the authority aforesaid, That all original process by writ, petition and summons, or any other kind whatsoever, and all subsequent process
proceeds thereupon, to bring any person or persons to answer in any action commencing or to be commenced in any county court, and all attachments awarded by the said courts at the common law, shall be issued and borne to the clerk of every county court respectively, and be dated on the day wherein the same shall be issued, returnable to the next succeeding county court, and shall be executed twenty days at least before the sitting of the court, which shall be called the return day thereof; and if any process shall be delivered to the sheriff or other officer serving the same, so late that he cannot execute such process twenty days exclusive of the sitting of the court, such process shall notwithstanding be executed and returned on the return day of the next succeeding court; and all process issued or returned in any other manner than that herein before directed, shall be, and the same are hereby declared to be null and void.

XLIII. And be it further enacted by the authority aforesaid, That all manner of civil process issued by the clerks of the county courts as aforesaid, wherein the sheriff, who ought to execute the same, shall be any way interested, shall be directed to and served by the coroner of each county respectively. And when any process shall be executed wherein common bail shall be required, the sheriff shall return the name or names of the bail by him taken, and if he shall not return bail, or if the bail returned shall be adjudged insufficient by the court, or if the defendant shall fail to appear, or to give special bail when ruled thereon by the court, such sheriff or bail shall be subject to the same judgment and recovery, and shall have the same liberty of defense and relief as the defendant himself should have were he personally present in court; and in cases where the plaintiff shall move for special bail upon the defendant's appearance, the court may, if they think proper, rule him to bail accordingly, or commit him on failure to the custody of the sheriff, until bail shall be given, and the persons becoming special bail shall be liable to the judgment and recovery of the plaintiff, unless the body of the defendant shall be rendered in execution or in discharge of such bail: Provided, That no special bail shall be required in any suit brought upon a penal law, unless by such law bail shall expressly be directed to be taken.

XLIV. And be it further enacted, That where any writ shall issue from any inferior court within this State, and the defendant shall give bail for his or her appearance, and shall make default and not enter special bail as aforesaid, the suit shall be prosecuted to judgment and execution against such defendant, before any proceedings shall be had against the common bail; and if the sheriff shall return upon the execution that the defendant is not to be found, or hath no effects wherein to levy the debt and cost, then the plaintiff may sue forth a scire facias against such bail, to shew cause why the execution for the judgment and costs should not issue against him or them; and on such scire facias being returned executed judgment shall be entered up against such bail, and execution go forth as against the original defendant; and if the sheriff shall return in the said writ of scire facias, that the defendant or defendants are not to be found in his county, or that he resides in some other county, then the plaintiff shall have judgment and execution against the estate and effects of such bail
as if he had been personally served with such writ: Provided nevertheless, That nothing herein contained shall be construed to deprive the common bail in such action from appearing and entering himself special bail, at any time before judgment in such action shall be signed.

XLV. And for the regular determination of suits, entering up judgments, and preservation of the records, Be it further enacted, That the following rules and regulations shall be observed, to wit: That the plaintiff in any suit shall file his declaration before or at the first calling of the cause in court, which shall plainly and substantially set forth the cause of action; that if the plaintiff fails to file his declaration, or to appear and prosecute his suit, upon motion of the defendant, he shall be non-suited; that upon every non-suited, the defendant shall recover five shillings sterling, and costs of suit: That every defendant, upon the return of the process against him, shall appear by himself or his attorney, and shall put in his plea in writing which may contain as many several matters as he may think necessary for his defence; but no demurrer shall be received, unless in the opinion of the court the declaration shall not plainly and substantially set forth the cause of action, or that the matter thereof is not actionable; and where the pleas pleaded shall appear to the court to be evasive or defective, infomuch that legal justice cannot be done, upon the motion of the plaintiff or his attorney the defendant shall be ruled to plead a good and sufficient plea, and upon failure, judgment shall be awarded as in the case of nihil dicit. That any defendant pleading in abatement, (except upon matter appearing upon record) shall be obliged to make affidavit of the truth thereof, before the same shall be admitted. That upon the last day of the court wherein the declaration shall be filed, the defendant by himself, or by his attorney, shall put in his plea, which shall be founded on the merits of the cause, and all frivolous and dilatory pleas shall be suppressed by the court upon motion at the time such plea shall be tendered, and the defendant ruled to plead substantially, instanter, and the plaintiff or his attorney shall on the same day join issue on the said plea, which issue shall be tried at the next succeeding court by a jury, in like manner as issues are tried in the superior court, on which verdict shall be given and judgment entered up immediately, unless where either of the parties shall make oath in open court, that he, she or they, have done every thing in their power to enforce the attendance of witnesses essentially necessary in such trial, and without whose attendance justice cannot be done; in which case the court may at their discretion, continue the cause over and refer the issue for trial to the next court. Provided, That in all cases where the act of God or the non-attendance of witnesses shall, (upon the motion of either of the parties alleging and making the same appear to the court at the first calling of the cause, after the same shall be at issue as aforesaid) render a continuance to the next court necessary, such continuance shall be at the costs of the party praying the same, as also all extraordinary costs which such continuance may occasion to the adverse party. That the clerk of the inferior court do carefully preserve the declarations, pleas, evidences, and all other necessary papers relating to any cause in court, and that they be all filed together in his office.

XLVI.
XLVI. That for preventing errors in entering the orders and judgments of the courts, the justices, before any adjournment from day to day, shall cause the minutes of their proceedings to be publicly read by the clerk, and corrected where necessary, and then the same shall be subscribed by the justices then present, which minutes so taken in a book, to be kept for that purpose, and subscribed as aforesaid, shall be carefully preserved among the records, and no proceedings or judgments of any court shall be of force or valid until the same be so read and signed.

XLVII. And for the more speedy recovery of small debts, Be it enacted, That the justices of the several counties, or any one or more of them, shall have authority and jurisdiction to hear and determine all suits, for any debt or liquidated demand due by judgment, specialty, or account, for any sum or sums of money not exceeding five pounds sterling, by petition in a summary without the solemnity of a jury. And the said justice or justices is, and are hereby authorized to give judgment, and ten days after giving such judgment, award execution thereon, and not before; Provided security be given for debt and costs; And provided always, That if any person or persons, thinking him, her, or themselves aggrieved by the judgment of such justice or justices, it shall be lawful for every such person or persons to appeal to the next inferior court, so as that such appeal be made and entered within four days, and security given to prosecute the same to effect: And the said justice or justices, shall transmit the proceedings had before him or them, to the next county court as aforesaid, for final hearing and determination by jury.

XLVIII. And be it further enacted by the authority aforesaid, That no process depending in any county court, shall be discontinued for or by reason of the justices failing to hold the court upon the days appointed by law; but in such case, all suits, processes, matters and things depending, shall be continued over to the next succeeding inferior court in the same manner as if such succeeding court had been the same court to which such processes had continued, or such returns or appearances should have been made; and all bonds and obligations for appearances, and all returns shall be of the same force and validity for the appearance of any person or persons at the next succeeding court, and all summonses for witnesses as effectual as if the succeeding court had been expressly mentioned therein; and all causes depending on the docket, and undetermined at any adjournment to the next court, shall stand continued in the same order to such court, as fully as if such causes were called over, and continued by order of court.

XLIX. And for the better discovering the truth in controversies depending in inferior county courts: Be it further enacted, That the clerk of every inferior county court shall, upon the request of either party, issue one or more subpenas or subpenas for any person or persons to attend as witnesses in any case depending in the county court; expressing in every subpoena the time and place when the witnesses are to appear, the names of the parties to the suit or cause wherein they are to give evidence, and at whose request they are summoned; and if any witness shall be an inhabitant of another county, the clerk shall issue a subpoena directed to the sheriff of such county, where such witnesses usually reside, which shall be by such officer executed and returned to the office whence the same issued. And if any person or persons summoned as aforesaid
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Witnesses failing to attend may be fined for contempt, and liable to action of the party injured.

shall be free from arrest except for criminal offences.

Refusing to give evidence how to be treated.

Appeals to be allowed to the superior court.

said shall fail to attend accordingly, or being present shall refuse to give evidence, he or she so failing shall be fined by the court for a contempt, and shall be liable to the action of such party, at common law, for all damages sustained for want of such witness's testimony. But if the person so failing to attend shall, at the court to which the summons is returnable, or at the next succeeding court, shew cause satisfactory to the court of his or her inability to attend at the time he or she ought to have appeared, then no fine or forfeiture shall be incurred by such failure, except to the party aggrieved. That every witness, during the time of his or her coming to and returning from court, as well as during his or her attendance, allowing twenty-five miles per day for the travelling of such witnesses, shall be privileged and free from all arrests or imprisonment, except for criminal offenses; and all civil process whatsoever, served or executed on such witness, coming to attending or returning from such court shall be void and of none effect. That if any person whatsoever summoned as witness, upon his or her appearance before the court or before commissioners appointed to take his or her examination and deposition, shall refuse to give evidence, on oath or affirmation, to the best of his or her knowledge, every person so refusing shall be committed to the common gaol, there to remain without bail or mainprize, until he or she shall give such evidence. That in any bill of costs there shall not be allowed the charge of more than three witnesses to the proof of any one particular matter or fact.

And to the intent that erroneous proceedings and judgments of the said courts of this State may be corrected and amended: Be it further enacted by the authority aforesaid, That where any persons or bodies politic or corporate, shall at any time be aggrieved by the judgment or sentence of any county court of this State, in any action or suit whatsoever, where the judgment shall exceed the sum of five pounds lawful money, it shall be lawful for such party or parties to enter an appeal from such judgment or sentence to the superior court of the said county; and if, upon the hearing in the superior court, such judgment or sentence shall appear to be just, according to the right of the case, the same shall be affirmed notwithstanding any mispleading in matter of form. That where the defendant appeals from the judgment or sentence of the county court, he shall previous to obtaining such appeal, pay into open court all legal costs which shall and may have accrued in the county court on such judgment, and shall also give bond, with good security, to be approved of by the court, for prosecuting the appeal with effect, and to pay all legal costs and damages awarded to the appellee, if the judgment of the county court shall be affirmed. And where the plaintiff shall appeal, then the special bail given by the defendant in the county court, shall stand bound to answer the judgment of the superior court, or render in execution the body of his principal; and such appellant shall also give bond with sufficient security to prosecute the appeal with effect; which bond shall be made payable to the appellee, conditioned as aforesaid; and upon failing to appear and prosecute such appeal according to the condition, such bond shall be forfeited and enure to the appellee. And if upon trial of any appeal the judgment or sentence of any county court
court shall be reversed, the superior court shall enter such judgment thereupon, as should have been entered or made in the court below.

II. And be it further enacted by the authority aforesaid, That the clerks of the several county courts shall provide, and keep at their own expense, all necessary record books for the proceedings of the county courts, and shall make a fair record of such proceedings, together with all such other papers appointed by law to be by them recorded. And the justices presiding in the several county courts, shall annually appoint two fit persons of their number, to inspect the clerk's office of their county, and report to the next court the condition in which they find the papers and records.

III. And be it further enacted, That in all sales of lands and tenements to be sold under execution from the superior or inferior county courts, not less than twenty-five days notice shall be given; and in all cafes of sales of personal property, fifteen days notice shall be given by the sheriff or his deputy in the public papers, or three or more of the most public places in his county; and all sales shall be at the court houses or places appointed for holding courts in the said counties, between the hours of ten and one o'clock on each day. Provided always, That it shall be at the option of the defendant or defendants to point out to the sheriff, and he is hereby obliged to levy on the property such defendant chooseth to be levied on, if the same be sufficient. Provided always, That nothing herein contained shall prevent the sheriff or his deputy, from levying on any property of the defendant; but he shall in all cafes first sell that which the defendant may point out.

IV. And be it further enacted by the authority aforesaid, That where any judgment shall be obtained in any county court for any debt or damages, and the person against whom such judgment shall be obtained, shall remove with his or her effects out of the county, it shall be lawful for the clerk of the court where such judgment was given, at the request of the person or persons obtaining such judgment, to issue execution, directed to the sheriff of any county within the State wherein the defendant or debtor, or his lands, tenements or goods and chattels shall be found, which said sheriff, or his lawful officer, is hereby empowered to serve and execute the same, and shall make return thereof to the court where the judgment was given, in the same manner as the executions served and returnable in the county are directed.

V. And for the relief of the citizens of this State against baseless and vexatious suits, and for the better enabling them to recover their just rights, Be it further enacted by the authority aforesaid, That in all actions of assault, battery, or slander, commenced and prosecuted in the county court, if the jury find under two pounds lawful money, the plaintiff shall not recover but pay costs. And in all actions of trespass, by force and arms, unless the court be of opinion, and shall order such opinion to be entered on record, that such trespass was wilfully committed, if the jury find under forty shillings, the plaintiff shall not recover more costs than damages; and where several persons shall be made defendants in any action of trespass by force and arms, assault and battery, slander or false imprisonment; and upon trial thereof, one or more shall be acquitted by verdict, every defendant so acquitted shall have and recover his or their costs of suit, in like manner as if a verdict had been given against:
against the plaintiff or plaintiffs generally in favor of all the defendants, unless the court at the time of trying such action shall be of opinion there was reasonable cause for making such person or persons defendant or defendants thereto, and shall so order; and in all cases where judgment shall be given for the defendant, he shall recover his costs against the plaintiff, and have execution for the same.

LV. And be it further enacted by the authority aforesaid, That all actions brought in the county courts where the plaintiff shall die after an interlocutory judgment, and before final judgment obtained therein, such action shall not abate if the same might be originally prosecuted or maintained by the executor or administrator of such plaintiff: And if the defendant shall die after such interlocutory, and before final judgment, such action shall not abate, if the same were originally maintainable against the executors or administrators of such defendant, but the plaintiff (or if he be dead after such interlocutory judgment) his executors or administrators shall and may have a feire facias against the defendant, if living, after such interlocutory judgment, (or if he died after, against his executors or administrators) to shew cause why damages in such action should not be assessed and recovered by the plaintiff or plaintiffs; and if such defendant or his executors or administrators shall appear at the return of such writ, and not shew or allege a sufficient cause to arrest the final judgment, or being returned executed, or upon two writs of feire facias be returned that the defendant or his executors or administrators had nothing whereby to be summoned, or could not be found in the county, or shall make a default, a writ of enquiry of damages shall be thereupon awarded, which being executed, judgment final shall be given for the said plaintiff, his executors or administrators, and if there be two or more plaintiffs or defendants, and one or more of them should die, if the cause of action should survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the action shall proceed, and in all actions in any of the county courts in this State, if either party shall die between verdict and judgment, there shall be no abatement of such action, but the same shall proceed as if both parties were living.

LVI. And be it further enacted, That when any process shall be sued forth and prosecuted in any county court, or before any justice of the peace, by virtue of any letter or warrant of attorney, or letter of substitution from any person or persons residing out of this State, against any person or persons residing within this State, the person suing forth such process, or prosecuting such suit, at the first calling thereof in court or any time thereafter when required, shall, upon motion, be ruled to give sufficient security to the defendant, for all costs accruing in such action or other suit before the clerk or one of the justices of the court, and if such person or his attorney shall fail to give such security, being thereunto required, the suit shall be dismissed, and the defendant shall have judgment against the attorney for costs.

LVII. And be it further enacted by the authority aforesaid, That all judgments, bonds, bills, promissory notes or other writings, with or without seal, where the debt or demand is liquidated, and signed with the hand of the debtor, such writing shall constitute specialty for such debt; and all suits to be commenced thereon in the county courts, may be by action of debt, any law, usage or custom, to the contrary notwithstanding.
LVIII. And be it enacted, That the drawing, summoning, and impannelling jurors, and the fines, forfeitures and penalties be the same as herein before pointed out for the government of the superior courts. And all writs which may be issued in the county courts shall be after such form and rule as practised in the superior courts of this State.

LIX. And whereas it is necessary to vest the said county courts with a jurisdiction over taverns: Be it further enacted by the authority aforesaid, That the justices of the said county courts respectively, on the first court which shall be held in each succeeding year, shall hear in open court all applications for licenses to keep taverns or public houses within their respective counties, or shall reject such applications or grant such licenses for one year, as to them shall seem meet, on paying the sum or sums pointed out by law, to and for the uses therein mentioned: And every person who shall obtain a license to keep tavern, shall give bond, with two sufficient securities, in the sum of fifty pounds sterling, payable to the justices of the court where such license shall be obtained, for the use of the county, that such persons shall keep good and wholesome meat and drink, and lodging for travellers, and the usual provender for horses. And if any person shall presume to keep a tavern, without having obtained such licenses, such person shall forfeit and pay a sum not exceeding fifty pounds sterling, to be recovered by information upon motion in any court of record having jurisdiction thereof, one moiety to the use of the county, and the other to the person who shall inform and prosecute the same.

LX. And be it further enacted by the authority aforesaid, That the several justices at the courts wherein such licenses shall be granted, shall cause a fair rate of meat, drink and lodging, and provender for horses to be made and ascertained, allowing tavern keepers a just and reasonable profit, attested copies thereof shall be made out by the clerk of the court, and each licensed tavern keeper shall have one, and shall affix the same in the most conspicuous part of his most public room, convenient for the inspection of all persons calling at such tavern, and shall charge no more than is allowed in such rates. And if any tavern keeper shall charge or demand more than in the said rates, he, she or they, or are allowed and authorized to charging, he, she or they, shall forfeit and pay three times the amount of such charge, to be recovered by warrant or information, before any justice of the peace, or court having jurisdiction thereof, one half to the person who shall inform, and due for the same, and the other for the use of the county where the same shall be recovered.

LXI. And be it enacted, That in all causes heard before the judges, justices or justices of the peace, having cognizance of causes, shall in all such cases receive the best evidence the nature of the case will admit.

LXII. And be it enacted, That the justices of the said inferior courts shall have power to enquire into the circumstances of the poor, bind out orphans, and appoint guardians where necessary, in the manner pointed out by law, and other children that have not a comfortable subsistence or abilities to procure common education, to some mechanic trade or lawful occupation, and appoint overseers of the poor. And the said justices and overseers of the poor shall have power to levy annually, a tax, rate and
and as to all taxable property belonging to residents in their respective counties, not exceeding one fifteenth part of the general tax of such county annually, which shall be collected in such manner as the justices shall direct. And in case any person or persons shall refuse or neglect to pay such tax, it shall and may be lawful for such collectors to distraint for the same in like manner as is directed in collecting the general tax, and shall have the like commision therefor. And the money arising from the said tax shall be paid into the hands of the said overseers of the poor, for the relief of the poor.

LXII. And it is further enacted, That the said justices shall have and exercise all the powers and authority heretofore had and exercised by the justices in and out of seccion, in cases of bailardy.

To appoint constables annually.

LXIV. And it is enacted, That the justices of the inferior courts shall yearly and every year on the first court after the first day of January next, appoint constables in like manner, under such rules, and subject to such penalties as is pointed out by law.

LXV. And it is enacted, That no person shall be allowed to practice or plead in any of the superior or inferior courts, until examined in open court, and admitted by one or more of the judges of the superior court: Provided, That the persons heretofore admitted shall not be deprived by this act from practicing in either court; but the justices may suspend, and the judges or either of them may try an attorney for malpractice in his profession. And all fines, forfeitures and penalties imposed by this or any other act, shall be recovered in the most usual or summary way.

LXVI. And it is enacted, That the act, entitled "An act for opening and regulating the superior courts in the several counties of this State, and for the more convenient administration of justice in the same, agreeable to the constitution thereof," passed the first day of March, one thousand seven hundred and seventy-eight; the act, entitled "An act to repeal some parts of the superior court act, and for other purposes therein mentioned," passed the thirteenth day of February, one thousand seven hundred and eighty-six; the act, entitled "An act for the more speedy recovery of small debts and damages," passed on the twenty-fourth day of April, one thousand seven hundred and sixty; the act, entitled "An act to explain and amend an act, entitled An act for the more easy and speedy recovery of small debts and damages," passed the fourth day of March, one thousand seven hundred and sixty-two; the act, entitled "An act for opening the courts of justice under certain restrictions therein mentioned," passed the fifth day of August, one thousand seven hundred and eighty-two; the act, entitled "An act for ascertaining the qualifications necessary for the admission of attorneys, solicitors and proctors, in this State," passed the twentieth day of January, one thousand seven hundred and eighty-four; and the act, entitled "An act to amend an act for ascertaining the qualifications necessary for the admission of attorneys, solicitors and proctors, in this State," passed the thirteenth day of February, one thousand seven hundred and eighty-six; except to much of the last recited act as relates to the persons therein named, be, and the same are hereby repealed.

LXVII. * See act of 1793, No. 488, on this subject.
LXVII. **And be it enacted**, That the clerks of the superior courts may be clerks of the inferior courts.

LXVIII. **And whereas** there are now depending in the courts of conscience, causes on which no determination have been had: **Be it therefore enacted**, That where such causes are cognizable, the same to be transferred to the inferior court, and those not, to the determination of a justice as is heretofore pointed out in the said act, without obliging or compelling the party to commence new proceedings thereon.

LXIX. **And be it further enacted**, That the places for holding the superior and inferior courts for the counties of Glynn and Camden, shall be left to the inhabitants of the said counties to point out. **Provided**, The same be done on or before the first day of March next, any law to the contrary notwithstanding.

LXX. **And be it enacted**, That this act shall be and continue in force until the first Monday in November, one thousand seven hundred and ninety, and from thence to the end of the next session of assembly and no longer.

SEABORN JONES, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1789.

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A supplement to the several land laws of this State.

I. **Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met**, That the governor be, and he is hereby empowered to direct the form* and manner of passing grants for lands through the secretary of State's office, any law, custom or usage to the contrary notwithstanding.

II. **And be it further enacted**, That the governor be, and he is hereby vested with all the powers of governor and executive council, under the late constitution, so far as the said powers extended to the hearing and determining on caveats and signing of grants.

III. **And be it also enacted**, That any three or more justices of the peace, in their respective counties, shall use and exercise the powers given to four justices and an assistant justice, by the act, entitled "**An act to repeal and amend some part of an act entitled, An act for opening the land office,"** passed the first day of August one thousand seven hundred and eighty-three: **Provided**, That the said three or more justices shall each of them sign all warrants for land by them granted.

IV. **And be it further enacted**, That no plat of any survey shall hereafter be allowed to pass the office of the surveyor general, or any county surveyor, which does not clearly set forth the beginning corner† of such survey: And no county surveyor shall be allowed to proceed in the duties of his office, without first giving bond and approved

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* The form and manner of passing grants prescribed, page 408.
† See order of the executive, page 409.
proved security, in the sum of two thousand pounds, payable to the governor for the time being and his successors in office, for the faithful discharge of the duties required of such county surveyor.

SEABORN JONES, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1789.

STATE HOUSE, Augusta, Thursday, January 14, 1790.

A SUPPLEMENT to the several land laws of this State, passed at Augusta the twenty-third day of December, one thousand seven hundred and eighty-nine, being taken up, the following proceedings are therein directed.

That the form of a grant be in the words following:

STATE OF GEORGIA.

By his excellency ———— -———, captain general, governor, and commander in chief in and over the said State, and of the militia thereof.

To all to whom these presents shall come, GREETING:

Know ye, That, in pursuance of the act for opening the LAND OFFICE, and by virtue of the powers in me vested, I HAVE given and granted, and by these presents, in the name and behalf of the said State, do give and grant unto heirs and assigns for ever, all that tract or parcel of land, containing acres, situate, lying and being in the county of

having such shape, form, and marks, as appear by a plat of the same hereunto annexed; together with all and singular the rights, members, and appurtenances thereof, whatsoever, to the said tract or parcel of land belonging, or in any wise appertaining; and also all the estate, right, title, interest, claim and demand of the State aforesaid, of, in, to, or out of the same; To HAVE AND TO HOLD the said tract or parcel of land, and all and singular the premises aforesaid, with their and every of their rights, members, and appurtenances, unto the said heirs and assigns, to and their own proper use and behoof for ever, in fee simple.

GIVEN under my hand, and the great seal of the said State, this ———— day of ————, in the year of our Lord ————, and in the ———— year of American independence.

Attest,

JAMES MERIWETHER, S. E. D.

Ordered,
Ordered, That the surveyor general, and the several county surveyors do not after the date of the before recited supplement, pass any plat of any survey of land that does not clearly set forth the beginning corner of such survey. And that the surveyor general transmit to each of the said surveyor’s plans of town commons, and of any other lands reserved for public use.

Attest,

JAMES MERIWETHER, S. E. D.

An Act for imposing a tax for the year 1790.

December 23, 1789.

An Act for incorporating the Anabaptist Church on the Kioka, in the county of Richmond.

Whereas a religious society has for many years past been established on the Kioka, in the county of Richmond, called and known by the name of the Anabaptist Church, on the Kioka: And whereas it is necessary for the promotion of religion and virtue, that churches or religious societies be made capable of holding, enjoying, and defending any property which they may acquire by donations or otherwise: Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same, That Abraham Marshall, William Willingham, Edmund Cartledge, John Landers, James Simms, Joseph Ray, and Lewis Gardner, and their successors in office shall be, and they are hereby declared to be a body corporate by the name and style of the Trustees of the Anabaptist Church on the Kioka.

II. And be it further enacted by the authority aforesaid, That the said Abraham Marshall, William Willingham, Edmund Cartledge, John Landers, James Simms, Joseph Ray, and Lewis Gardner, trustees aforesaid, and their successors in office, shall be invested with all manner of property both real and personal, all donations, gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said church at the time of passing this act, or which may hereafter be made, conveyed or transferred to them or to their successors in office, to have and to hold the same for the proper use, benefit and behoof of the said church; and also that the said trustees and their successors in office shall be, and they are hereby declared to be capable of suing and being sued, impleading and being impleaded, and of using all necessary legal steps for recovering or defending any property whatever, which the said church may hold, claim or demand, and also for recovering the rents, issues and profits of the same or any part or parcel thereof.

III. And be it further enacted by the authority aforesaid, That the trustees of the said anabaptist church shall hold their office for the term of three years; and on the third Saturday of November, in every third year after the passing of this act, the support- ers of the gospel in said church shall convene at the meeting house of said church, and
and there, between the hours of ten and four, elect from among the supporters of the gospel in said church, seven discreet persons as trustees who shall hold their office for three years as aforesaid, with the same powers and for the same purposes as above declared.

SEABORN JONES, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.
December 23, 1789.

An Act to incorporate the episcopal church in Savannah, called Christ church; and the independent congregational church or meeting house, at Midway, in Liberty county; and to authorize the governor to grant charters of incorporation to other religious societies.

WHEREAS it is necessary, for the promotion of religion and virtue, that churches or religious societies be made capable of holding, enjoying, and defending any property that they have or may acquire by gifts, grants or otherwise: And as Christ church in Savannah has, long since, been established; and a religious society at Midway, denominated the Independent Congregational Society, have likewise, long since, had a church or meeting house there: Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met, That Leonard Cecil, and John Habershon, church wardens; and Joseph Clay, James Mofiman, James Habershon, Jofeph Habershon, George Houftoun, William Stephens, Samuel Stirk, John Houftoun, George Basil Spencer, and George Jones, and their successors in office, shall be, and they are hereby declared to be, a body corporate, by the name and style of the Church Wardens and Veftry Men of the episcopal church in Savannah, called Christ church; and they the said Leonard Cecil, and John Habershon, church wardens; and Joseph Clay, James Mofiman, James Habershon, Jofeph Habershon, George Houftoun, William Stephens, Samuel Stirk, John Houftoun, George Basil Spencer, and George Jones, veftry men as aforesaid, shall be invested with all manner of property, both real and perfonal; all monies due, donations, gifts, grants, hereditaments, privileges and immunities whatever, which may belong to the said church; and all monies that have been granted for re-building the said church, or for building a new church; or which may hereafter be given, granted, conveyed or transferred for re-building the said church, or for building a new church in Savannah; or which may be made or transferred to them, or to their successors in office: To have and to hold the same, for the proper use, benefit and behoof of the said church: And the said church wardens and veftry men, and their successors in office shall be, and they are hereby declared to be, capable of suing and being sued, and of using all necessary legal steps, for recovering and defending any property whatever, which the said church may hold, claim, or demand, and is herein secured or otherwise; and also with power to make all necessary regulations and rules, and to recover
recover in their own name or otherwife, as well the said monies as other property, with all rents, issues and profits of the same, or of any lands, monies or other estate belonging thereto, or of any part thereof.

II. And be it further enacted, That the said church wardens and vestry men shall hold their offices until Easter Monday next; and on that day, and on every other Easter Monday annually thereafter, the members and supporters of the gospel in said church shall convene at the church aforesaid, and there, between the hours of ten and two o'clock, elect from and among the members and supporters of the gospel in the said church, two discreet persons as church wardens, and seven other discreet persons as vestrymen for the said church, who shall be, and is and are hereby declared to be, vested with all necessary powers to carry the purposes intended by this act fully into effect.

III. And be it further enacted by the authority aforesaid, That Samuel Saltus, Gideon Dowfe, John Elliott, William Quarterman, and Peter Wynn, and their successors in office, shall be, and they are hereby declared to be, a body corporate, by the name and style of the Select Men of the congregational church or meeting house at Midway; and they the said Samuel Saltus, Gideon Dowfe, John Elliott, William Quarterman and Peter Wynn, select men as aforesaid, shall be invested with all manner of property, both real and personal; all monies due or to grow due, gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said independent congregational church, meeting house, or religious society under the said denomination, together with all monies that have been granted for rebuilding the said church or meeting house, or for building a new church or meeting house at Midway, or any other place in Liberty county aforesaid; or which may hereafter be made or transferred to them the said select men or their successors in office: To have and to hold the same for the proper use, benefit and behoof of the said independent congregational church or meeting house: And the said select men, and their successors in office, shall be, and they are hereby declared to be capable of suing and being sued, and of using all necessary legal steps for recovering and defending any property whatever, which the said church or meeting house may hold, claim or demand, and is hereby secured or otherwise; and also with power to make all necessary regulations, and to recover in their own name or otherwise, as well the said monies as other property, with all rents, issues and profits of the same, or of any lands, houses, or other estate belonging thereto, or any part thereof.

IV. And be it further enacted, That the said select men shall hold their offices until the second Wednesday in March next; and on that day, and every second Wednesday in March annually thereafter, the members and supporters of the gospel in the said church or meeting house, shall convene therein, and there between the hours of ten and two o'clock elect from and among the members and supporters of the gospel in the said church or meeting house, five fit and discreet persons as selectmen, who shall be, and is and are hereby declared to be vested with all necessary powers, to carry the purposes intended by this act fully into effect.

V.
V. And be it further enacted, That it shall and may be lawful to and for his excellency the governor at any time or times hereafter, on application in writing of any religious society, belonging to any church or place of worship, now erected or that may be erected hereafter, to grant under his hand and the great seal of the State, usual and customary charters of incorporation to such members of the said churches or places of worship; and to authorize such bodies politic or corporate, to sue and be sued; and to have and to hold all lands and tenements, monies and other goods and chattels, that already belong to such religious societies, or which may hereafter be given, granted or bestowed, and the same to have and receive to the proper use and behoof of such churches or places of worship, in such manner, as the members and supporters of such church or places of worship shall point out in their application for such charter, on the principles of this act, and with the same privileges and advantages as are granted, given and secured to any church or religious society incorporated by this act.

SEABORN JONES, Speaker of the House of Representatives.

NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1789.

An Act for repealing certain parts of acts therein mentioned.

Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, That so much of an act passed the fourteenth day of August, one thousand seven hundred and eighty-six, for emitting the sum of fifty thousand pounds in bills of credit, and for establishing a fund for the redemption of the same, and for other purposes therein mentioned, as declares that the bills of credit issued by virtue of the said act, and therein declared to be a legal tender in all past and future bargains, contracts, purchases, agreements, dealings, debts, dues and demands, according to the time specified in the said bill, shall no longer be and continue a legal tender in any past or future bargains, contracts, purchases, agreements, dealings, dues and demands whatever, from and after the fourteenth day of August next.

II. And be it further enacted, That so much of an act, passed the third day of February one thousand seven hundred and eighty-nine, entitled "An act to redeem the paper medium of this State," which extended the tender of the said paper medium until the fifteenth day of January one thousand seven hundred and ninety-four, shall be and the said several clauses of both acts are hereby repealed.

SEABORN JONES, Speaker of the House of Representatives.

NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1789.
An Act for prescribing the regulations and restrictions under which the governor shall appoint militia officers and secretaries.

I. II. ALTERED by act of 1792, No. 468, sect. 5.

III. And be it further enacted, That the secretaries of the governor, (not exceeding two) shall be citizens and residents of this State; and shall have attained to the age of twenty-one years.

SEABORN JONES, Speaker of the House of Representatives.

NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1789.

An Act for regulating the appointment of justices of the peace in the several counties of this State, and for empowering the governor to fill up all vacancies that may happen in office during the recess of the general assembly.*

I. BE it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, That from and immediately after the passing of this act a commission of the peace for each county shall be issued by the governor, under the great seal, directed to the persons who shall be appointed justices of the peace by the general assembly. That the justices so appointed and commissioned shall before they respectively enter on the duties of their office, take and subscribe before the clerk of the county in open court, the following oath or affirmation, viz. "I A. B. do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as a justice of the peace for the county of ———, agreeably to the constitution and laws of the State, and according to the best of my abilities and understanding. So help me God." And shall also take and subscribe the oath required by the constitution of the United States.

IV. And be it further enacted, That it shall be a part of the duty of the attorney or solicitor general, or one of them, to prepare the form of all commissions when required, and to present the same to the governor for his concurrence before they shall be acted on by the secretary of the State, and that the said attorney or solicitor general shall give, from time to time, when required by the governor, opinions in writing on any matter or thing, relative to, or pending before the executive department.

SEABORN JONES, Speaker of the House of Representatives.

NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1789.

* So much of this act as relates to the appointment of justices of the peace and empowering the governor to fill vacancies, rendered of no force by the constitution of 1798.
An Act to carry into effect the sixth section of the fourth article of the Constitution, touching the distribution of the intestate estates, directing the manner of granting letters of administration, letters testamentary, and marriage licenses.

I. BE it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, That the true construction of the sixth section of the fourth article of the Constitution, shall, and is hereby declared to be as follows: When any person holding real and personal estate, shall depart this life intestate and without will, the said estate, real and personal, shall be considered as altogether of the same nature, and upon the same footing; so that in case of there being a widow and children, or child, they shall draw equal shares thereof, unless the widow shall prefer her dower; in which event she shall have nothing further out of the real estate than such dower; but shall nevertheless receive her proportionable part or share out of the personal estate. In case any of the children shall have died before the intestate, their lineal descendants shall stand in their place and stead; in case of there being a widow and no child or children, or legal representatives of children, then the widow shall draw a moiety of the estate, and the other moiety shall go to the next of kin in equal degree and their representatives. If no widow, the whole shall go to the child or children. If neither widow, child, or children, the whole shall be distributed among the next of kin in equal degree, and their representatives; but no representatives shall be admitted among collaterals further than the child or children of the intestate’s brothers and sisters: If the father or mother be alive, and a child dies intestate, and without issue, such father (or the mother, in case the father be dead, and not otherwise) shall come in on the same footing, as a brother or sister would do. The next of kin shall be investigated by the following rules of consanguinity, that is to say, children shall be nearest; parents, brothers and sisters shall be equal in respect to distribution, and cousins shall be next to them: The half blood shall be admitted to a distributive share of the real and personal estate in common with the full blood.

II. And be it further enacted, That the same rules shall obtain in regard to the granting letters of administration on intestate estates, as are before mentioned for the distribution thereof; and should any case arise, which is not expressly provided for by this act, respecting intestate estates, the same shall be referred to and determined by the common law of this land, as it hath stood since the first settlement of this State, except only, that real and personal estate shall always be considered, in respect to such distribution, as being precisely on the same footing: And in cases of intermarriage, since the twenty-second day of February, one thousand seven hundred and eighty-five, the real estate belonging to the wife shall become vested in, and pass to the husband, in the same manner as personal property doth: And in case of the death of the husband thereafter, intestate and without will, the said estate shall descend and become subject to distribution, in the same manner as personal property.

* See act of 1797, No. 582, sect. 8, pointing out the mode of compelling distribution.
III. And be it further enacted by the authority aforesaid, That all letters of administration shall be granted, letters testamentary issued by, and the proving of wills, be before the register of probates of the county; and where applications are made for letters of administration, the register shall give thirty days notice thereof in some public gazette, and by advertisement at the court house in each county, before such letters shall be granted: But such register shall or may, at his discretion, grant letters to collect, and take care of the estate and effects of the deceased, as well during the thirty days, as pending any suit touching the right of granting such administration or otherwise, as the occasion shall require, taking good and sufficient security from the person or persons to whom he shall grant such temporary letters.

IV. And be it further enacted by the authority aforesaid, That the judge or judges of the superior court shall be, and they are hereby authorized and empowered to take cognizance of, to hear and determine all controversies respecting the proving of wills and testaments, the granting letters testamentary, and letters of administration; and that in all cases wherein a caveat has been before entered, and is yet undetermined, or wherein a caveat may hereafter be entered, to prevent the proving of a will, granting letters testamentary, or letters of administration, the register of probates shall twenty days before the first meeting of the superior court of each county, make up the record of all proofs and allegations touching the matter in dispute before him, and lay the same before the judge or judges of the superior court, who, after hearing the parties, and considering the proofs exhibited or to be exhibited shall proceed to determine on such caveat agreeably to the rules and principles of law and equity.

V. And be it further enacted, That where the register of probates applies for letters of administration or letters testamentary, the same shall, in such case only, be granted by the clerk of the county, under the regulations herein contained: Provided always, That a record of such proceedings shall nevertheless be made in the office of such register after the proceedings are completed.

VI. And be it further enacted, That the register of probates in each county shall grant marriage licenses to any minister of the gospel or justice of the peace to join persons of lawful age, and authorized by the levitical degrees, to be joined together in the holy state of matrimony; and where such persons, intending to marry, shall have the banns of the marriage published three times in some public place of worship, it shall be lawful for such minister or justice to marry the persons so published aforesaid; and any persons marrying without such license or publication, the person marrying them shall forfeit one hundred pounds, to be recovered for the use of the academy of the county.

SEABORN JONES, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1789.
A. D. 1789. No. 430.  

An Act for regulating the town of Augusta; and to amend an act, entitled "An act for regulating the town of Savannah, and hamlets thereof."

[THE sections omitted relate to the incorporation of Augusta.—Repealed by act of 1795, No. 529.]

X. And whereas, by an act of assembly passed the tenth day of February one thousand seven hundred and eighty-seven, entitled "An act for better regulating the town of Savannah, and the hamlets thereof," It is therein enacted, That certain persons, styled wardens, are to be elected in the said town annually, by the proprietors of lots or houses, who are to elect from such wardens a person that is styled President of the Board of Wardens; Now be it enacted, That the said town of Savannah shall be hereafter known and called by the style and name of the City of Savannah; and that on the first Monday in March, one thousand seven hundred and ninety, and thereafter annually, the owners or occupiers of any lot or house in the said city or hamlets, shall, under the direction of any two or more justices in the said city, elect an alderman for each ward, mentioned in the said act; from among the said citizens generally, who shall, on the Monday following after the election of such aldermen, choose from their own body a mayor; and that from and after the election of such aldermen and mayor, their style shall be the Mayor and Aldermen of the city of Savannah, and the hamlets thereof; and are hereby empowered to carry into execution, the powers intended by the said act; and shall be a body politic and corporate, to have and to use a common seal, with power to sue and be sued, plead or be impleaded, and may acquire, have, hold and enjoy, real or personal property, for the use and benefit of the said city and hamlets.

XI. And be it further enacted, That so much of the said recited act as is repugnant to the principles of this act be, and the same is hereby repealed.

XII. And to prevent disorders or contagious distempers from being spread throughout the State, Be it enacted, That a health officer, being a physician, shall be appointed for the port of Savannah, whose duty it shall be to go on board every vessel arriving from a foreign port, and before her arrival at Five Fathom Hole, and there examine as to the health of the crew and passengers on board, and certify the same to the captain or commander of such vessel, for which certificate such physician shall be entitled to receive, and the captain of such vessel shall pay three dollars, after which being granted, the said crew and passengers shall be permitted to pass Fort Wayne, and not otherwise.

The rest respecting the performance of quarantine repealed by act of 1793, No. 485.

SEABORN JONES, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1789.

§ See alterations respecting the election of aldermen by act of 1797, No. 559.
† Additional number of aldermen. See act of 1795, No. 529.
‡ Their jurisdiction extended to the trial of civil causes. See act of 1796, No. 548.
An Act to make compensation to the troops in the service of this State, for discharging the said troops, and for collecting and securing the public arms.

I. Be it enacted by the Senate and House of Representatives of the State of Georgia, in general assembly met, and by the authority of the same, That the pay of the officers and soldiers in the service of the State, shall be the same as the militia when in actual service; and that the auditor be directed to liquidate their respective claims, upon proper vouchers being produced, and shall grant each officer and soldier a certificate for the amount of pay due them; which said certificates shall be received at the treasury as other audited certificates are.

II. And to the intent that no officer or soldier, who is not actually in the service of the State at this present time, shall receive pay; Be it enacted, That there shall be a general muster of the said regiment, at the town of Washington, within three months from the passing of this act, and that no officer or private shall be entitled to receive his pay unless he makes his appearance at the said muster, or finds a sufficient excuse, on oath or affirmation, that he has been prevented from attending, by sickness or some other unavoidable calamity. Provided, That no man who is now returned a deferter, shall be entitled to receive pay, nor any person who has served as a substitute.

III. And be it further enacted, That on the day of general muster as aforesaid, the troops shall deposit their arms in the public store house, and the store keeper shall immediately forward a certificate of the number of arms, with the names of the privates depositing the same, to the auditor; and that no private soldier shall be entitled to receive pay for any time previous to the date of his captain's commissio, and the captains or commanding officers of the respective companies, are hereby required to make a return of the number of men in their respective companies, with the dates of their enlistment, which shall be sworn to before the auditor, in the words following:

"I, A. B. captain or commanding officer of company of the State troops, do solemnly swear, that the return I now give in, is a full and true return of all the non-commissioned officers and soldiers in my company with the dates of their enlistments, in which I have distinguished between those who have been received or served as substitutes, from those who were not; and that I have not returned a man who has been absent more than thirty days, without leave, at any one time from the regiment of State troops; all which I declare without any equivocation or mental reservation whatever. So help me God."
A. D. 1789.
No. 432.
To be administered by the auditor.
Non-commisioned officers and soldiers to be also sworn.
Substitutes not to be barred from receiving the bounty in land engaged to them.
The said troops shall be allowed the bounty of land pointed out in an act for suppressing the violences of the Indians.
The legal representatives of deceased soldiers entitled to their pay and emoluments.
The governor empowered to discharge the said troops, &c.

Which said oath the auditor is hereby empowered and required to administer to the captains or commanding officers of the said companies respectively; and before the auditor proceeds to give any non-commisioned officer or private soldier a certificate, such non-commisioned officer or private shall take an oath, that the date of his enlistment returned by his captain or commanding officer, is just and true; and that he has never been absent more than thirty days, without leave, at any one time from the service of the State, and that he has not been a substitute. Provided, That nothing herein contained shall extend to debar the substitutes in the said regiment from receiving the bounty in land engaged to them by "An act to amend and repeal certain parts of an act for suppressing the violences of the Indians," passed the first day of February, one thousand seven hundred and eighty-eight.

IV. And be it further enacted, That the said troops shall be allowed the same bounty of land as is pointed out to them respectively, in "An act for suppressing the violences of the Indians." Provided nevertheless, That all officers and soldiers who have been entrusted with any species of public property, shall be accountable for the same, and shall not be entitled to receive either his pay or bounty as aforesaid, until he shall return the arms so received by him or them; and a receipt or acquittance for such public property be produced to the auditor.

V. And be it further enacted, That in case of the death of any of the soldiers, then the captain or commanding officer of the company, shall give a certificate of the same to the legal representative of such person, who shall be entitled to his pay and other emoluments, on producing the same to the auditor.

VI. And be it also enacted by the authority aforesaid, That from and after the passing of this act, the governor shall have full power to discharge the said troops, and take such further order as he may deem necessary to secure the public property which may be forthcoming; and that he also be directed and required to cause the commanding officers of the different brigades of militia within this State, to have immediate returns made from each brigade, of the persons exempted from militia duty therein, under the law authorizing the enlistment of substitutes, together with a copy of the certificates given to the individuals claiming such exemption; and that the inspector general be also required to make a return of the substitutes actually received, and that have been in service.

SEABORN JONES, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 24, 1789.

No. 433.

An act for ascertaining the fees of public officers of this State.

December 6, 1790.

See act of 1792, No. 474.
An Act to amend an act, entitled "An act to regulate the form and manner of holding elections for members to represent this State in general assembly."

December 6, 1790.
Re-enacted with alterations, by act of 1796, No. 572.

An Act to pardon Patrick Carr, now under sentence of death in the common goal of the county of Burke.

December 6, 1790.
Private.

An Ordinance securing upon certain conditions to Wade Hampton, Esq., his heirs or assigns the exclusive right to erect a bridge over the river Savannah, at Augusta; and for other purposes therein mentioned.

WHEREAS in and by an act for laying out the reserve land in the town of Augusta into acre lots, the erecting an academy or seminary of learning and for other purposes therein mentioned, the public ferry is vested in the commissioners or trustees of the said town, and by them applied to the endowments of the seminary establisheby the said act: And whereas, the said trustees have represented to the general assembly, that Wade Hampton, Esq. hath contracted with them to erect a bridge over the river Savannah, at or near the said ferry, and to pay an equivalent to the profits arising from the ferry, on condition that the property of the bridge on the Georgia side, and the public ferry aforesaid, be vested in him, his heirs and assigns forever, with the right of tollage agreeable to the present legal ferry rates, and a prosecution against the establishment of another bridge or ferry between Wallicom's and Cambleton ferry; and have earnestly recommended that the legislature will sanction a measure so replete with general convenience and utility, as well as the immediate aggrandizement of the town; without which sanction it cannot be executed.

I. Be it therefore ordained by the senate and house of representatives of the State of Georgia in general assembly met, That the exclusive privilege of erecting a bridge on the Georgia side over Savannah river, opposite the town of Augusta, at or near the present ferry landing, is hereby fully and absolutely vested in the said Wade Hampton, Esq. his heirs and assigns for ever, with the right of building the same either with wood or stone, on the following terms and conditions: That the said Wade Hampton, his heirs and assigns, shall be bound to erect the said bridge in a complete and substantial manner, and of at least sixteen feet in width, opposite the town of Augusta, capable of sustaining and passing all carriages in common use, on or before the seventeenth day of February, in the year of our Lord one thousand seven hundred and ninety-one, and rebuild when necessary, or keep the said bridge in good and sufficient repair for ever:

Enacted.

The exclusive privilege of erecting a bridge over Savannah river opposite Augusta, vested in Wade Hampton and his heirs.

The terms and conditions thereof.

A. D. 1790.
No. 424.

No. 425.

No. 426.
ever: That every year during the first twelve years, commencing on the said seventeenth day of February, one thousand seven hundred and ninety one, the said Wade Hampton, his heirs or assigns, shall pay unto George Walton, William Glascoc, Abraham Baldwin, Robert Forysth, Edward Telfair, Seaborn Jones, and John Milton, Esquires, trustees of the said town of Augusta, or their successors in office, the sum of twenty pounds sterling money in specie, and the sum of fifty pounds like money, for every year for ever thereafter, both in quarterly payments, and shall moreover when thereunto required, mortgage unto the said trustees, and their successors in office, the said bridge, together with one acre of land in South Carolina on which the same shall lodge and but, for the faithful performance of the conditions herein after contained: That the masters and professors, and all scholars and students, for the time being, belonging to the aforesaid seminary of learning, shall be permitted to pass and repass over the said bridge and ferry toll free for ever.

II. And be it further ordained, and specially provided, That in case the said bridge shall not be erected within the time herein before mentioned, or being so erected and completed shall not be kept up in good and sufficient repair, (allowing a reasonable time not exceeding twelve months at any one time for repairing and re-building) the privileges and rights of the said Wade Hampton, his heirs and assigns, on failure of either of the aforesaid provisos and conditions, shall cease and be wholly void, and the said ferry and property as aforesaid on the Georgia side shall revert to the trustees aforesaid and to their successors in office.

III. And whereas, for promoting and encouraging so laudable an undertaking, it is necessary to afford every security in the power of the legislature to grant; Be it therefore ordained, That the said Wade Hampton, his heirs and assigns, shall and may legally demand and receive during the continuance of the said bridge, (except from the masters, professors and others belonging to the seminary of learning aforesaid) a toll to correspond, and be equal to the established rates of ferryage at the said ferry, that is to say, for every loaded waggon and other four wheeled carriage four shillings and eight pence, for every empty waggon, two shillings and four pence for every loaded cart or other two wheeled carriage, two shillings and four pence, for every empty cart or dray, one shilling and two pence, for a man and horse six pence, for a foot passenger three pence, for all black cattle per head three pence, for hogs sheep and goats two pence, for every rolling hoghead with two horses and drawn, one shilling and two pence; for every rolling hoghead with one horse and drawn one shilling, and no more, and shall and may at all such times as the said bridge may be impassable from accident or decay, have the free and quiet use and enjoyment of the ferry on the Georgia side, on the same conditions as that of the bridge.

IV. And be it also ordained, That no other bridge or ferry between Walliscon's ferry opposite for Moore and Rae's ferry, opposite Cambleton, shall be established or permitted on any pretext whatsoever, during the continuance of the right of the said Wade Hampton, his heirs and assigns, to the privileges hereby vested in, and confirmed to him and them.
V. And whereas, the situation of the ferry at Great Ogechee, in the county of Chatham, demands that encouragement be likewise given to some person or persons to erect a bridge thereat; Be it ordained by the authority aforesaid, That the said Wade Hampton, together with James Gunn, Esq. their heirs and assigns, shall be bound to erect a bridge in a compleat and substantial manner, and of at least sixteen feet in width, at or near the present ferry on the said river, capable of suftaining and passing all carriages in common use; Provided, That the said bridge be compleated on or before the last day of December, in the year of our Lord one thousand seven hundred and ninety-two, and re-build when necessary, and keep the said bridge in good and sufficient repair, to hold the same, and all emoluments arising therefrom to them, their heirs and assigns for ever, as tenants in common.

VI. And be it further ordained, That the said Wade Hampton and James Gunn shall also have, to them, their heirs and assigns for ever, as tenants in common, upon conditions that the said bridge be kept in repair as aforesaid, all the public land on the south side of the said ferry not exceeding one acre, and also one acre of the high land on the north side, not to include the building called the ferry house, and that the said lots of land shall be allotted and marked off, as herein directed by the surveyor of Chatham county, when required by the said Wade Hampton and James Gunn, or either of them, or either of their heirs, executors, administrators or assigns.

VII. And be it further ordered, That the said Wade Hampton and James Gunn, their heirs, executors, administrators and assigns be entitled to receive and may legally demand, during the continuation of the said bridge, a toll equal to that herein before granted, to the said Wade Hampton as toll over the river Savannah, and established by this ordinance, and shall and may at all such times as the said bridge may be impassable, from accident or decay, have the free and quiet enjoyment of the ferry, on the same conditions, as that of the bridge.

VIII. And be it further ordained, That it shall not be lawful for any person or persons at any time or times, to build any bridge or keep any ferry on the said river Ogechee, within three miles either above or below the said bridge, which is hereby exclusively vested in the said Wade Hampton and James Gunn, their heirs and assigns; Provided, That such bridge shall not be so constructed as to impede the navigation of the said river, but that it shall be a draw-bridge, so as to admit vessels that are usually employed in the said river, to pass and repair the same.

IX. And be it further ordained, That the person now holding the lease of said ferry shall enjoy the same until the expiration thereof, any thing in this ordinance to the contrary notwithstanding.

X. And be it also ordained, That this ordinance shall be deemed, adjudged, and taken to be a public ordinance, and shall be judicially taken notice of as such by all judges, justices and other persons whatsoever, without specially pleading the same.

JOSEPH HABERSHAM, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 6, 1790.
DIGEST OF THE

A. D. 1790. An Act prescribing the time, manner and places of holding elections for persons to represent this State in the congress of the United States.

December 8, 1790.
See act of 1790, No. 461.

No. 438. * An Act to amend, explain and continue the "Act for regulating the judiciary departments of this State."

I. WHEREAS the act above mentioned is not found in all cases adequate to the intention thereof, Be it therefore enacted by the Senate and House of representatives of the State of Georgia in general assembly met, and by the authority of the same, That, from and after the passing of this act, the justices of the inferior courts, or any one of them, in each county, may, in the absence of the judges of the superior court, grant a writ of habeas corpus in the same manner, and under the same regulations, as a judge of the superior court is empowered to do: And in all cases, not capital, such justice may discharge, admit to bail, or remand to gaol, a prisoner, at his discretion, according to law and justice; but, in all cases of a capital nature, it shall be necessary that two other justices of the said county court do associate with the justice granting such writ of habeas corpus, at the return thereof, and that two of the three do concur in opinion before any prisoner shall be discharged or admitted to bail.

II. And be it further enacted, That the superior court shall, in all cases respecting the discovering transactions between co-partners or co-executors, compelling distribution of interstate estates or payment of legacies, or in any other case whatsoever, which by usage did or doth appertain to a court of equity, be competent to sustain a suit by bill, and proceeding therein, until the sitting down of the cause for hearing; such superior court shall then submit the merits of the suit, with the evidence thereon, (which in all cases shall be given viva voce in court, or otherwise, within the rules of the common law) and all matters respecting the same, to a special jury, as directed by the before mentioned law, who shall give their verdict on the same; but if either party shall be dissatisfied with such verdict, an appeal may be entered in the clerk's office, within ten days after trial, and on argument by both parties, the superior court before the same is had, may either grant or refuse a re-hearing before another special jury, as they shall think proper; but if a re-hearing be granted and had, the same shall be final and conclusive.

III. And be it enacted, That any person having a claim or demand against the State, where (in like cases) one citizen might sue and maintain an action against another, such person shall be at liberty to file a bill or petition in the superior court of the county in which the seat of government may be, making the governor for the time being defendant thereto, a copy whereof shall be served on the auditor, whose duty

* See act of 1791, No. 456, "to revise and amend the judiciary system," which, together with this, is repealed by act of 1792, No. 475.
duty it shall be to make a special report to the court and attend the trial, if thought necessary; the original shall be filed and docketted in court; the attorney or solicitor general shall appear to and defend the same; and on the trial, the same rules, with respect to the admission of evidence, shall prevail as in common cases, except that the burden of the proof shall lie on the claimant. Should either party (that is to say, the attorney for the claimant or the State) be dissatisfied with the determination, an appeal shall be entered and tried before a special jury; and the final decision of the jury, if in favor of the plaintiff, shall be transmitted to the succeeding legislature, who may provide, as they may think proper, for payment of such judgment or judgments.

IV. And whereas the State is divided into districts, Be it further enacted, That either the attorney or solicitor general shall attend the circuits in each district, and one or other of them shall give his personal attendance whenever the business of the State shall make it necessary; and the proceedings had in the said districts respectively, shall, in all motions and arguments concerning the same, be confined to their proper districts.

V. And be it further enacted, That each county shall be underlaid to be divided into districts, according to the division made for forming militia companies in the same; and the justices of each county shall only exercise the powers given them by the said judiciary act for recovering of debts under five pounds, in their several and respective districts; and all such suits, before the said justices, shall be brought in the district in which the defendant resides.

VI. And be it enacted, That the last Thursday in every month shall be the time of holding courts by any justice, and at no other time, (unless by consent of parties) and on giving security there shall be a stay of levy forty days from the time of giving such judgment: Provided always, That no justice of the inferior court shall be allowed to hold any such justice court; and upon good cause shown, any suit so depending shall be postponed until next court day; and no justice shall hold court but at the place mentioned in the warrant or summons; which summons or warrant shall be served four days before the day of trial; and any warrant or summons, which does not express such place of holding court, shall be considered as void, and may be reversed by the inferior court of the county; and where there is no justice residing within a district, in such case the defendant may have his trial before the next nearest justice in some other district.

VII. And be it further enacted, That in future it shall not be necessary to affix a declaration in the inferior court, but the petition and process, issued in like manner as heretofore, shall be sufficient for the parties to proceed upon; and no execution shall be stayed in the superior or inferior court, but where the party shall give good security within four days (Sundays not included) after the verdict is received and entered.

VIII. And be it enacted by the authority aforesaid, That the method of foreclosing mortgages in this State, shall be as follows: The person or persons entitled to foreclose a mortgage, or his, her or their attorney, shall petition the superior court of the county wherein such mortgaged property may be, stating the case, and the amount
amount of his, her or their demand, and describing such mortgaged property, and
the court shall grant a rule, that the principal, interest and costs, be paid into court
within twelve months thereafter: The rule shall be published in one of the public
gazettes of this State, or served on the mortgager or his attorney, at least nine months
previous to the time when the money is directed to be paid, and unless the principal,
interest and costs be so paid, the equity of redemption shall, from thenceforth be
foreclosed. In case of any dispute as to the amount due on any mortgage, the court
shall, on application, appoint one or more fit persons to audit and liquidate the same,
with the liberty of an appeal thereon, or the submission of any other matter respect-
ing the same to a special jury, who shall be taken from the grand inquest, as in other
appeals whose decision shall be final. And it shall and may be lawful for the superior
courts in the several counties of this State, to order a sale, which shall be at public
auction, first giving forty days notice thereof in one of the gazettes, of such part
or the whole of the real estate of any testator or intestate, on the application of the
executor or executors, administrator or administrators, of such testator or intestate,
where it is made fully and plainly appear that the same will be for the benefit of the
heirs or creditors of such estate. And such court shall also be, and they are hereby
empowered to grant an injunction to stay proceedings at law in behalf of, and on the
application of any executor or administrator, who shall appear in equity and justice
to be entitled to the same, such injunction not to direct a stay of above twelve
months in any one instance.

IX. And be it enacted by the authority aforesaid, That all suits of a civil nature, not
referred to the decision of a single justice, shall be instituted and tried in the inferior
county courts, from whence an appeal may be had and prosecuted to the superior
court, as directed by the judiciary act; and all bonds and other specialties, and all
promissory notes and other liquidated demands bearing date at any time after the
expiration of six months from the passing of this act, whether for money or specific
articles, shall be of equal dignity, and be hereafter negociable by indorsement; and
may be sued by the indorsor or assignee, in his, her or their name, any law to the
contrary notwithstanding. Provided, That nothing herein contained shall prevent
the party giving any bond, note or other writing, from restraining the negociability
whereof by any words inserted therein expressive of such agreement.

X. And be it further enacted, That the several inferior courts be, and they are
hereby authorized to grant licenses to such persons as may apply for the same, to
keep taverns, and also to appoint constables at any of their feisions within the year,
any law to the contrary notwithstanding.

XI. And whereas whilst the paper medium of this State remained a tender, many
suits were instituted in the courts of conscience, for specific articles, where the
specie value of such demand is under five pounds: And whereas by the judiciary act,
passed the twenty-third day of December, one thousand seven hundred and eighty-
ine, such causes were with others, directed to be returned to and tried in the infe-
rior courts; to remedy which, Be it enacted, That on the application of the plaintiff,
such suits shall be discontinued without costs, and the party thereupon be at liberty
to proceed, before a justice, in the recovery of such demand.

XII.
XII. And be it further enacted by the authority aforesaid, That all the officers, now in office, shall continue in the exercise of the same, until the time herein after mentioned, that is to say, all sheriffs, register of probates, county surveyors, clerks of the counties, and coroners, until the first Thursday in January, one thousand seven hundred and ninety-two, and all other officers until the end of the session of the general assembly, commencing the first Monday in November next; and on the said first Thursday in January, one thousand seven hundred and ninety-two, and on the same day annually thereafter, the justices of the several counties, or a majority of them, shall meet at the usual place for holding courts in the respective counties, and there elect by ballot, a sheriff, register of probates, county surveyor, clerks of the county, and coroner, to serve for one year; and all the other officers shall continue to be elected as heretofore, by the legislature, that is to say, all, (except those appointed for a time limited by the constitution) for one year from their appointment, and no longer; and no member of the general assembly shall be appointed to any office of profit, (except the governor) during the time for which he shall have been elected.

XIII. And be it also enacted, That the place for holding courts in the county of Richmond, be at the court house on the Kioka, any law to the contrary notwithstanding. Provided, That nothing herein contained shall be construed to extend to prejudice the building of a gaol for the county of Richmond in the town of Augusta.

XIV. And be it further enacted by the authority aforesaid, That the "Act to extend the limitation of actions, and for other purposes therein mentioned," passed at Augusta the first day of February, one thousand seven hundred and eighty-eight, be, and the same is hereby revived and continued until the first day of February, one thousand seven hundred and ninety-three, and no longer.

XV. And be it further enacted, That all parts of the "Act for regulating the judiciary departments of this State," which shall be incompatible with the present act, shall be, and the same are hereby repealed; and all the other parts of the said act shall remain in full force, and the same, together with this act, be and continue so in force, until repealed by law.

JOSEPH HABERSHAM, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 9, 1790.

An Act making appropriations of money for the year 1791.

December 10, 1790.

An Act to authorize and empower George Baillie, administrator of the goods and chattels, rights and credits, which were of his father Robert Baillie, deceased, to sell and dispose of any lands or other real estate of the deceased.

December 10, 1790.

Private.
An Act to divide the county of Richmond.

I. Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That the county of Richmond shall be divided into two counties, in the following manner, viz. beginning on the river Savannah, at the mouth of Red's creek; from thence a line shall be drawn, running south forty-five degrees west; and all that part of Richmond county lying above, or north-westwardly of the aforesaid line, shall be one county, and known by the name of Columbia, and shall have two representatives apportioned to it, from the representation of the county of Richmond.

II. Be it further enacted, That Charles Crawford, Lewis Gardner, and Rufus Howard, Esquires, or any two of them, be, and they are hereby appointed commissioners to fix on the most convenient place for holding a superior court, and for erecting a court house* and gaol in the said county of Columbia.

III. Be it further enacted, That all that part of Richmond county, lying below or south-eastwardly of the aforesaid line, shall compose one other county, and retain the name of Richmond; and that George Handley, John Meals; and Robert Forsyth, Esquires, or any two of them, be, and they are hereby appointed commissioners; to fix on a place to build a court house and gaol for said county of Richmond, in the town of Augusta.

IV. Be it further enacted, That the collectors of tax in the counties aforesaid, shall annually collect on each person liable to pay tax in their respective counties, a sum in specie which shall be equal to one fifth part of such persons general tax, until the sum of five hundred pounds for the county of Richmond, and the like sum of five hundred pounds shall be collected for the county of Columbia, and the collectors aforesaid, shall collect said tax agreeably to the rules and regulations for collecting the general tax for the time being, and after deducting two and a half per centum, shall pay the same unto the aforesaid commissioners of their respective counties.

V. Be it further enacted, That the before mentioned commissioners shall apply all such monies as they may receive from the aforesaid collectors of tax, towards building a court house and gaol in their respective counties; and shall from time to time, specially report their disbursements of such monies to the superior court respectively, and on refusal or neglect so to do, they shall be subject to a fine at the discretion of the court.

VI. Be it further enacted, That all writs issued in the county of Richmond, previous to the passing of this act, shall be brought to issue, and finally determined in said county.

VII. Be it further enacted, That the surveyor for the county of Columbia, shall run and plainly mark, gratis, the aforesaid line, dividing the county of Columbia from the county of Richmond, within thirty days after his appointment.

VIII. Additional commissioners appointed by act of 1791, No. 452.

† Mayor and aldermen commissioners. See act of 1791, No. 452.
VIII. And be it further enacted, That the superior court for the county of Columbia, shall commence on the fourth Monday in March and October, and the inferior court of said county shall commence on the second Monday of March, June, September and December.

JOSEPH HABERSHAM, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 10, 1790.

An Act for the support of government, from the first Monday in November, 1790, to the first Monday in November, 1791, by raising a tax on persons and property.

December 10, 1790.

An Act for appointing "commissioners for superintending the clearing and improving the navigation of Great Ogechee and Brier creek, and for other purposes therein mentioned.

I. Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That Andrew Burns, Benjamin Jenkins, and Samuel Whitaker, be, and they are hereby appointed commissioners for the purpose of superintending the clearing and improving the navigation of Great Ogechee, from the Big Shoals to Hardwick, vested with full power to employ, at the lowest rates, any number of laborers they may deem necessary for carrying the intentions of this act into effect; and that Alexander Carter, Amos Whitehead, and Francis Paris, be, and they are hereby appointed commissioners for the purpose of superintending the clearing and improving the navigation of Brier creek, from Walker's bridge to the mouth thereof, and also vested with the like powers.

II. And be it further enacted, That his excellency the governor for the time being, be, and he is hereby authorized and required, to draw on the treasury in favor of the commissioners, or a majority of them, of Great Ogechee, for the sum of two hundred and fifty pounds; also in favor of the commissioners, or a majority of them, of Brier creek, for the sum of one hundred pounds, which sums are hereby appropriated for the particular purposes herein before recited.

III. And be it further enacted, That the commissioners, before they enter upon the duties of their appointment, shall give bond with good and sufficient security, in the sum of five hundred pounds each, to his excellency the governor and his successors in office, for the faithful discharge of the trust reposed in them.

IV. And be it further enacted, That Thomas Lance, John M'Call, and John London, be, and they are hereby appointed commissioners for the purpose of erecting a court

Commissioners named and appointed for improving the navigation of Great Ogechee. Their powers.

Others appointed for Brier creek with like powers.

The governor empowered to draw on the treasury in favor of the commissioners of Ogechee for 250L. In favor of those of Brier creek for 100L.

The commissioners to give bond and security.

Commissioners appointed for erecting a court house and gaol in Elfiningham.

See alterations and other commissioners appointed for a certain part of the river by act of 1793, No. 481.
A. D. 1790.

No. 443.

And for the like purpose in Camden, shall give bond and security.

All laws relating to the clearing of Brier creek, repealed.

court house and goal in the county of Efingham; and that Jacob Weed, Henry Wright, and Thomas Stafford, be appointed commissioners for the county of Camden, for the like purpose; which commissioners shall give bond, as is herein before directed, for the faithful performance of the duties required of them.

V. And be it further enacted by the authority aforesaid, That all laws heretofore made, so far as relate to the clearing of Brier creek, be, and the same is hereby repealed.

JOSEPH HABERSHAM, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 10, 1790.

† Other commissioners appointed. See act of 1791, No. 452.

An Act to prevent the pernicious practice of hunting deer in the night time by fire light.

Perfons hunting deer in the night by fire light to forfeit £5.

How to be applied.

How recovered.

Offenders unable to pay, shall receive 39 lashes.

I. Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, That from and immediately after the passing of this act, any person or persons who shall hunt with a gun by fire light, or kill any deer so hunting by fire light in the night time without his or their own enclosures, every such person or persons being thereof convicted, upon the oath of one or more credible witnesses, before any justice of the peace for the county where such offence shall be committed, shall for every such offence forfeit and pay, not exceeding the sum of five pounds, one half thereof shall be paid to the informer or informers, and the other half into the clerks office of the inferior court, and to be applied to the use of the poor of the county where such offence shall be committed.

II. And be it further enacted, That the forfeitures incurred by this act, as aforesaid, shall be levied by distress and sale of the offender’s goods and chattels, lands and tenements, by warrant under the hand and seal of the justice before whom the person or persons so incurring shall be convicted, returning the overplus, if any, to the owner or owners thereof, after deducting the said penalty or forfeiture and lawful charges; and in case the person or persons so offending and convicted shall not have goods and chattels, lands or tenements, sufficient to answer such forfeiture and charges, it shall and may be lawful for such justice to order such offender or offenders so convicted, severally to receive not exceeding thirty-nine lashes, well laid on his or their bare back.

III. And be it also enacted, That this shall be deemed a public act, and given in evidence.

JOSEPH HABERSHAM, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 10, 1790.
An Act to repeal all laws of this State respecting the admmeasurement of lumber.

I. BE it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That all laws of this State heretofore passed, so far as they relate to the inspection or admmeasurement of lumber, be, and the same are hereby repealed.

JOSEPH HABERSHAM, Speaker of the House of Representatives.

NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 10, 1790.

An Act for dividing the county of Wilkes; and for other purposes.

I. BE it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That all that part or parcel of the county of Wilkes, lying on the north side of Broad river, from the mouth thereof to the main fork, thence up the south main fork to where it intersects the line dividing the county of Wilkes from Franklin, shall be one county; to be called, and known by the name of Elbert, and all that part of the said county of Wilkes, lying on the south side of Broad river, shall retain the name of Wilkes; and the court house and gaol thereof shall be and continue at the town of Washington, the place formerly appointed by law for holding courts in said county.

II. And be it further enacted by the authority aforesaid, That the justices of the inferior court of the county of Elbert, be, and they (or any three of them) are hereby fully authorized and empowered to fix on the most convenient place for building a court house and gaol in the said county of Elbert, and until such court house and gaol shall be compleated, the superior and inferior courts of said county shall be held at some place to be agreed on by the said justices.

III. And be it further enacted, That the justices of the inferior court of the aforesaid county of Elbert, are hereby authorized and empowered to contract with some person or persons to undertake, carry on and completely finish the aforesaid public buildings on such plan, and in such manner and form as the said justices or any three of them shall direct; and when such public buildings shall be compleated, to raise by tax on said county to be by them asseized, such sum or sums of money as shall be sufficient for the above purposes, provided the same does not exceed two hundred and fifty pounds.

IV. And be it also further enacted, That the aforesaid county of Elbert shall be entitled to elect one *member to represent them in the house of representatives out of the number allowed by the constitution to the county of Wilkes.

V. Entitled to one member in the house of representatives.

* Representation to be according to enumeration. See constitution of 1798.
DIGEST OF THE

A. D. 1790.
No. 446.
V. And be it enacted, That the time for holding the superior and inferior courts in the county of Elbert, be on the Thursday in the week for holding the superior and inferior courts in the county of Franklin.

JOSEPH HABERSHAM, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.
December 10, 1790.

No. 447.
An Act to punish persons convicted of stealing horses, asslocks or mules, with death.
December 2, 1791.
Repealed by act of 1792, No. 462.

No. 448.
An Act to repeal an act, entitled "An Act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," so far as respects the banishment of Doctor Thomas Taylor, Absalom Wells, Corday Sharp, Benjamin Fox, William Powell, and John Johnston.
December 8, 1791.

No. 449.
An Act to quiet the heirs and representatives of the late Reverend Bartholomew Zuberbuhler, in and to a certain estate lying and being in the counties of Chatham and Glynn.

WHEREAS the aforesaid Bartholomew Zuberbuhler, in and by his last will and testament made certain dispositions of his estate for benevolent purposes, which were declared by the legislature of the State of Georgia to be impracticable, and could not be carried into execution, in and by an act entitled, "An act to establish an academy in the county of Chatham, and for vesting certain property in Selina counter's dowager of Huntingdon," passed at Augusta the first day of February, one thousand seven hundred and eighty-eight: And it further appearing by the said act that the rights of any persons legally the heirs of the said Bartholomew Zuberbuhler should not be barred from their claims: And whereas the legislature by their act passed at Augusta on the third day of February, one thousand seven hundred and eighty-nine, did declare that Bartholomew and Jacob Waldburger, being then in possession of the said estate, should keep the same, subject to an action of ejection or claim of the said trustees, that the right of the heirs and applicants to the same might be determined.

I. Be it therefore enacted, That the real estate of the said Bartholomew Zuberbuhler, and of which he died possessed of, or was entitled to in the then province now State of Georgia, shall go to and be vested in the said Bartholomew Waldburger as eldest son and heir of his father Jacob Waldburger, who was the nephew of the said Bartholomew

Enacted.
The estate real and personal of Bartholomew Zuberbuhler vested in the heirs of Jacob Waldburger, dec'd.
On ballot coni» any And faid the hold And and Reprefentatives. majority the January be further which the and by ability failure for burger, in againft years, Jacob Bartholomew therein for, them, and by the hands of the said Bartholomew and Jacob Waldburger; and subject also to an annuity of one hundred pounds for four years, payable to the trustees of the academy of the county of Chatham, to be applied for by them, and their successors in office, for the support of the said academy: On failure thereof the trustees aforesaid are empowered to sue for, and recover the same against the said Bartholomew and Jacob Waldburger in any of the courts of law within this State.

II. And be it further enacted, That all claims of the said trustees of Chatham county, in and to the said estate of the said Bartholomew Zuberbuhler (except as to the annuity herein directed to be paid) shall be and is hereby barred.

WILLIAM GIBBONS, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.
December 8, 1791.

An Act for the better regulating of the town of Sunbury.

WHEREAS the town of Sunbury requires regulation; Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, That on the second Monday in January, in the year one thousand seven hundred and ninety-two, and on the second Monday in January in every third year thereafter, the proprietors of lots or houses in the town of Sunbury, who shall be of the age of twenty-one years and upwards, shall meet at the place of holding the courts in the said town, and under the direction of two or more justices of the peace for the county of Liberty, proceed to ballot for five persons, each of whom shall be a proprietor of a house or lot in the said town of Sunbury, and shall also be an inhabitant thereof, and shall have arrived to the age of twenty-one years; which five persons shall be styled Commissioners of the Town of Sunbury. And the commissioners so chosen, or a majority of them, shall meet on the Monday next following, and appoint a clerk and such other officers as they shall deem necessary to carry this act into execution.

II. And be it further enacted, That the commissioners so chosen shall have full power and authority to make such by-laws and regulations, and inflict or impose such pains, penalties and forfeitures, as shall be conducive to the good order and government of the
the said town. Provided, such by-laws and regulations be not repugnant to the laws and constitution of the State, or extending to life or member.

III. And be it further enacted, That it shall and may be lawful for the said commissioners, or a majority of them, yearly and every year to make, lay and afliefs, a rate or aflessment, upon all and every person or persons who do or shall inhabit hold ufe, occupy, poffefs or enjoy any lot, ground, house, building, tenement, or hereditament within the limits of the town of Sunbury, for raising such sum or sums of money, as the said commissioners or a majority of them shall judge necessary for and towards carrying this act into execution; and in case of a refusal or neglect to pay fuch rate or aflessment, the fame fhall be levied and recovered by warrant of dilrefs and sale of the offender's goods, under the hands and feals of the said commissioners or a majority of them, or under the hand and feal of any juftice of the peace for the county of Liberty.

IV. And be it further enacted, That the persons fo chosen to be the commissioners of the town of Sunbury be, and they are hereby appointed to be commissioners to superintend the pilotage of the port of Sunbury; and also have, and are hereby vested with the power and authority of juftices, fo far as to keep the peace, and preferve good order in the said town.

WILLIAM GIBBONS, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 8, 1791.

An Act to empower the senators or one senator and two representatives from this State in the congress of the United States, to sign, feal and deliver a deed of ceflion of the light house on Tybee island, and five acres of land belonging thereto to the United States.

I. Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That from and immediately after the passing of this act, it shall be lawful for the senators of this State in the congress of the United States, or for one of the said senators, with any two of the representatives of this State to the said congress, to sign, seal and deliver a deed of ceflion to the United States, on behalf of this State, of the light house on Tybee island, of the property and jurisdiction of this State, of, in, and to the same, and of five acres of land nearest adjoining and belonging thereto, to hold the same and every part thereof to the said United States for ever. Provided always, That the said United States shall keep the same in proper repair, and shall supply the same with the necessary lights. And provided also, That the act allowing three pence per ton for clearing and removing wrecks and other obstructions in the river Savannah, be continued until the same shall be completely cleared.

WILLIAM GIBBONS, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 15, 1791.
LAW OF GEORGIA.

An Act to grant monies for the purpose of building and repairing court houses and gaols.

WHEREAS it is but reasonable that government shall render its support and aid towards building and repairing court houses and gaols in the different counties in addition to the private tax of each county herein directed to be levied;

Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, and by the authority of the same, That the commissioners of the court houses and gaols for the several counties which have not heretofore received such sum of money from the government subsequent to the resolution for the purpose of building court houses and gaols, shall be and they are hereby entitled to receive from the public treasury, for and to the use of said several court houses and gaols, the sum of one hundred pounds sterling, the said several commissioners giving security for the faithful application of such monies to the uses intended by this act.

II. And be it further enacted, That the mayor and aldermen of the city of Savannah, for the time being, and their successors in office shall be, and they are hereby appointed commissioners of the court house and gaol in Chatham county.

III. And be it further enacted, That the mayor and aldermen to be appointed for the corporation of the town of Augusta and their successors in office be, and they are hereby vested with powers of regulating a court house* and gaol for the county of Richmond.

IV. And be it further enacted, That Larkin Cleveland, Thomas Arington, John Conner, senior, Burwell Pope, and William Harden be, and they are hereby appointed commissioners† for building the court house and gaol for Franklin county.

V. And be it further enacted, That John Michael, John Moore, and John McCall, be, and they are hereby appointed commissioners for building a court house and gaol in Effingham county: And James Dunwoody, James Powell, and Francis Codington be, and they are hereby appointed commissioners for building a court house and gaol in Liberty county: And that Hugh Brown, Abner Williams and Alexander Young be, and they are hereby appointed commissioners for building a court house and gaol in Camden county: And that John Braddock, Samuel Wright, and John Burnett be, and they are hereby appointed commissioners for building the court house and gaol in Glynn county.

VI. And be it further enacted, That the commissioners already established, together with John Walton, Solomon Ellis, James Sims, and Benjamin Catchings, shall be commissioners for the court house and gaol in the county of Columbia, and in case the place whereon the present court house and gaol now is, shall not be found on examination to be in a central situation, that then the said commissioners, or a majority of them, shall have power to sell and dispose of the same, and with the monies

* Corporation act repealed; and other commissioners appointed. See act of 1795, No. 559.
† Additional commissioners appointed by act of 1792, No. 464.
‡ By act of 1796, No. 555, court house and gaol under direction of inferior court.
§ Other commissioners appointed by act of 1797, No. 606.
§ Under direction of the inferior court. See act of 1796, No. 555.
monies arising from such sale, and the sum allowed by this law, it shall be the duty of the said commissioners to contract for another court house and gaol, to be erected or to remove the old court house to such spot, as a majority of the said commissioners may determine to be proper as aforesaid, at their option. Provided, That the superior and inferior courts for the county of Columbia shall be held at the court house now erected, until another court house shall be built, or the commissioners therein appointed shall find it necessary to sell or remove the same; And provided, That this act shall not extend to exclude the county of Richmond from receiving such hundred pound, that county being divided since the receipt of such monies for the uses of the court house and gaol; and the said building being erected in that part of the county now known as Columbia. And provided always, That if the monies arising from the sale of such court house shall not be sufficient to build and complete the new one, the balance shall not be raised by any county tax or allowance from the public funds, but by subscription only.

VII. And be it further enacted, That the justices of the inferior courts of each county in this State may levy a tax in specie upon the several persons liable to pay tax in the respective counties, not exceeding one fifth part of such persons general tax, and not exceeding the sum of three hundred pounds for each county to be collected by the tax collector in their respective counties, and by said collectors paid into the hands of such commissioners after deducting two and an half per centum. Provided, That nothing in this act shall extend to the collection of a tax for the counties of Columbia and Elbert.

WILLIAM GIBBONS, Speaker of the House of Representatives.
N. BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 15, 1791.

This act is repealed by act of 1792, No. 472.

An Act to explain an act, entitled, "An act to establish an academy in the county of Chatham, and for vesting certain property in Selina countess dowager of Huntingdon."

WHEREAS, there is in this State a considerable property, known and disting-
guished by the appellation of Bethesda college, or orphan house estate, originally intended for an academy, and devised in trust by the late Reverend George Whitefield, for literary and benevolent purposes, to Selina countess dowager of Huntingdon; and the same was, in and by an act, entitled "An act to establish an academy in the county of Chatham, and for vesting certain property in Selina countess dowager of Huntingdon," vested in her accordingly: And whereas the said Selina countess dowager of Huntingdon was a British subject, and is, since the passing the said act, departed this life, whereby the said trust is concluded, and the heirs of the said