Provided,

II. And be it further enacted, That the said property, both real and personal, called Bethesda college, or orphan house estate, as aforesaid, shall, from and after the passing of this act, be under the direction of thirteen trustees, a majority of whom shall have power to employ such professors and tutors, and to establish such rules and regulations for admission into and the government of the said college, and to employ such overseers and managers for the working the said estate to advantage, and do all other and further acts and things in and concerning the same as they may think necessary and beneficial for carrying the original intention of the aforesaid institution into full effect, to hold the same, and the powers hereby vested to the said trustees, and their successors in office for ever.

III. And be it further enacted, That the trustees hereby appointed shall be and they are hereby declared a body corporate, and as such shall be authorized to use a common seal, and shall be liable to sue and be sued; Provided, That no action shall be brought against the said trustees for the term of two years after the passing of this act.

IV. And be it further enacted, That George Houftoun, William Stephens, William Gibbons, senior, Joseph Haberham, Joseph Clay, junior, William Gibbons, junior John Morell, Josiah Tatnall, junior, John Milledge, James Whitefield, junior, George Jones, Jacob Waldburger, and James Jackson, shall be, and they are hereby appointed trustees for the purposes hereby intended; and in case of vacancy, either by death, resignation, or other means, the said trustees, or a majority of them, shall ballot for three persons, out of whom his excellency the governor shall select one to fill the same.

V. And be it further enacted, That the said trustees, or a majority of them, shall, once in every year, well, truly and faithfully account for, and have their accounts, receipts and expenditures, in, and concerning the premises, audited, and the same, with a copy of their proceedings, laid before the governor for public information.

WILLIAM GIBBONS, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 20, 1791.
A D. 1791.
No. 454.

An Act concerning estrays, and for improving the breed of horses.

Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That it shall and may be lawful for any person, upon his own freehold, or other person having charge of such freehold in the absence of the owner thereof, and not elsewhere, to take up all estrays, whether horse, mare, colt, or filly, neat cattle, asies, mules, or sheep, hogs or goats that may be found straying away from their owners; and any person taking up estrays as above, shall within ten days, in case such estrays have been broke to service, take or drive it or them before a justice of the peace in the county, whose duty it shall be, and is hereby required to take down in writing a particular description of the marks, natural and artificial, brands, stature, age and color of such estray or estrays, and immediately to issue his warrant to two or more freeholders of the vicinage, commanding them, having been first duly sworn thereto, well and truly to appraise, or ascertain the value of such estray, which appraisement or valuation and description as above, together with the name of the taker up, and the place of his abode, the said justice shall, within ten days thereafter, transmit to the clerk of the superior court in said county, taking special care that the person or persons taking up such estray, do solemnly swear, or affirm, that he or they have not altered or caused to be altered, the marks or brands of such estray, and to the best of his or their knowledge and belief, such marks or brands have, or have not, as the case may be, in any wise been altered, and that the owner is to him or them unknown.

II. And be it further enacted, That in case any person shall take up any such estrayed neat cattle, sheep, goats, or hogs, he shall cause the same to be viewed by a freeholder in the county where the same shall happen, and shall immediately go with such freeholder, before a justice of the said county and make oath before him that the same was taken up at his plantation or place of residence in the said county, and that the marks or brands of such estray or estrays, have not by him, or to the best of his knowledge been altered; and then the justice shall take from the taker up and freeholder, upon oath, a particular and exact description of the marks, brands, color and age of all and every such neat cattle, sheep, goat, or hog, and such justice shall, in manner above directed, issue his warrant for the appraisement of such estrays, which description and valuation shall by the said justice within ten days be transmitted to the clerk of the superior court, by him to be disposed of as hereafter directed.

III. And be it further enacted, That it shall be the duty of every justice of the peace before whom any estray shall be carried as aforesaid, to enter a true copy of the certificate transmitted by him to the clerk of the court, in a book to be by him kept for that purpose.

IV. And be it further enacted, That it shall be the duty of the clerk of the superior court in each county in this State, and he is hereby required to receive and enter in a book by him to be provided and kept for that purpose, all such certificates of description and appraisement, as to him shall be transmitted from the respective justices.
justices in the county; and it shall also be the duty of the said clerk to affix a copy of every such description and valuation to the court house of his county, for two terms successively, after the same shall be transmitted to him.

V. And it be further enacted, That in case no owner shall appear in the term of twelve calendar months from the time of taking up any horse, mare, colt, as, mule or neat cattle, in that case it shall be the duty of the clerk, upon giving thirty days previous notice, by advertisement at the court house, to proceed to sell such estrays for ready money to the highest bidder, which money, shall in the hands of the said clerk, be subject to the order of the superior court for county purposes, after defraying the charges or fees herein after directed.

VI. And it be further enacted, That in case any person shall take up as aforesaid, any sheep, goats or hogs, and no person or persons shall appear and make satisfactory proof that the said estrays are his or their property, within three months from the time of taking up such estrays, the clerk having advertised for three months at the court house, in that case the clerk is hereby directed and authorized to proceed to the sale of such estrays as above directed, and the monies arising therefrom shall also be applied as above.

VII. Nevertheless, be it further enacted, That if any person or persons shall, within the term of twelve months from the time of such sale, prove to the satisfaction of the court, that the property so sold was his or their own, or that of his or their employers, as the case may be, in that case the court shall, after deducting the fees and charges hereafter described, pay the balance of the money arising from such sales to the claimant of such property.

VIII. And it be further enacted by the authority aforesaid, That the justices, for his services as above, shall receive from the taker up, at the time such estray or estrays shall be brought before him, or a description and valuation thereof presented to him as above, the sum of three shillings and six pence for each horse, mare, colt or filly, as or mule, and the sum of three pence half-penny for each head of neat cattle, sheep, goats, or hogs.

IX. And it be further enacted, That the taker up of such estrays, shall as a compensation for maintaining and keeping of the same, put them to immediate labor, if capable of service, and if incapable, or he should prefer it, receive from the owner if claimed, or from the court if sold, a reasonable satisfaction, to be adjudged by the clerk and a justice of the peace in the county, according to the circumstances of the case: Provided nevertheless, That in case of putting him to labor he shall be bound to produce them to the owner, if claimed, or to the clerk if sold (casualties excepted) in as good condition as when appraised.

X. And it be further enacted, That upon the delivery of any such estray to the legal owner, or in case of sale, upon the sale thereof, the taker up shall receive, from the owner or clerk, as the case may be, the sum of four shillings and eight pence for each horse, mare, colt or filly, as, mule or ox, in addition to the sum by him paid to the justice; and the sum of seven pence for each head of neat cattle, sheep, goats or hogs, in addition to the sums above mentioned, for the keeping and maintenance of the same.
XI. And be it further enacted, That the clerk of the said court shall, for the receiving, entering and publishing every certificate as above directed, and advertising the property for sale, if necessary, the sum of two shillings and four pence, to be paid by the owner, upon claiming the property, or deducted out of the money arising from such property, in case of sale, and the further sum of five per centum upon the balance of such money, as a compensation for selling, collecting and paying.

XII. And be it further enacted, That it shall be the duty of the superior court in each county, at each term, to call upon the clerk of the said counties, to give in a full statement of all monies by them collected in consequence of this act: And also, to require a just and true account and reckoning, of and from all justices, toll-masters, or other persons, heretofore concerned in taking up or selling estrays, and of the monies that have arisen, and not accounted for, or shall arise from the sale of such estrays taken up under the former laws of this State; and such justice, toll-master or other person so concerned is and are required, under the penalties incurred by this law to render such account, and the balance of monies remaining in their hands, after deducting the legal charges therein, shall be paid into the hands of the clerks of the superior court, to be applied as hereinafo is provided for.

XIII. And be it further enacted, That any person taking up any estray as aforesaid, and failing or neglecting to comply with and fulfil the true intent and meaning of this act, and being thereof duly convicted before three magistrates, shall for every such offence, forfeit and pay a sum equal to double the value of such estray so neglected to be tolled and advertised as aforesaid, to be recovered on information before any court having cognizance thereof, one half to the informer, the other half to the use of the county.

XIV. And be it further enacted, That if any justice or clerk shall refuse or neglect to perform the duties required of them by this act, each justice or clerk neglecting or refusing, shall, for every such neglect or refusal, forfeit the sum of five pounds, one moiety to be paid to the party informing, and the other moiety to the use of the county where such offence shall be committed, to be recovered by action of debt in any court having cognizance of the same, and shall moreover be liable to an action of damages to the party injured, and upon conviction, pay double costs.

XV. And for the improvement of the breed of horses within this State, Be it further enacted, That if any stone horse, above eighteen months old, shall be found running at large, it shall and may be lawful for any person to take up the same, and having taken him before the nearest justice of the peace in the county, by the permission of the said justice, may geld the same, taking care that the operation is performed by a person usually doing such business in the neighbourhood, for which the person so gelding shall receive one dollar, to be paid by the owner of the horse: Provided neverthelesse, That if any person shall take up and geld any such stone horse, contrary to the true intent and meaning of this act, or without fully pursuing the above direction, he shall, for every such offence, forfeit to the party injured, double the value of such horse, which value shall be ascertained by two respectable freeholders, who are acquainted with such horse, who shall act upon oath, to be recovered in any court having cognizance of the same.

XVI.
XVI. And be it further enacted, That all former laws, or parts of laws concerning estrays, shall be and they are hereby repealed, so far as respects the taking up such estrays contemplated by this act.

WILLIAM GIBBONS, Speaker of the House of Representatives.
N. BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.
December 20, 1791.

An Act to raise a tax for the support of government, for the year one thousand seven hundred and ninety-two.

XXIII. Be it further enacted, That the receivers to be appointed under this act to take in the returns of the taxable property for the county of Chatham be, and they are hereby directed to require of the inhabitants of the districts of Great Ogeechee and Cherokee Hill on oath, a list of the taxable property, each of them were posted of at the time when the property ought to have been given in to the receiver appointed under and by virtue of the tax act for the year 1789, aforesaid; which list, such receiver shall keep separate from the tax return to be made under this act, and shall return the same to the treasurer, together with the general return to be made under this act; and the receiver shall have and receive the same allowance for his trouble, as is by this act allowed receivers: And every person or persons neglecting or refusing to give in such list, shall be returned a defaulter, and shall be subject to all the pains and penalties as other person or persons refusing or neglecting to give in their taxable property under this act, are and shall be recovered in the manner herein pointed out; Provided nevertheless, That where it shall appear to the receiver, that any person or persons hath or have given in their property for the aforesaid year, in such case, such person or persons shall not be compelled to give their return of taxable property, and that no person who is in arrear for the taxes of the said year, shall be compelled to pay in specie, more than the real value of the paper medium at that time, which was four for one; and the collector for the county of Chatham shall receive and account with the treasurer for the aforesaid arrearages in the same manner as for the tax imposed by this act.

WILLIAM GIBBONS, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.
December 22, 1791.

*An Act to revise and amend the judiciary system of this State.

I. Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That from and after the passing of this act, that the judges of the superior courts, or any one of them, shall hold the said courts in each county

* Repealed by act of 1792, No. 475.

A. D. 1791.

No. 454.
All former laws so far as respects taking up estrays repealed.

No. 455.
The receivers of returns for Chatham vested with certain powers respecting the returns not made in the district of Great Ogeechee and Cherokee Hill, agreeably to the tax act of 1789.

No. 456.
Two terms of the superior court to be held in each county.
A. D. 1791.
No. 456.
The times appointed for holding the
court, twice in every year, at the respective times and manner following, that is to
say, commencing in Camden and Washington on the first Tuesday in January next;
the Tuesday two weeks after in Glynn and Greene; the Tuesday two weeks after in
Liberty and Franklin; the Tuesday two weeks after in Chatham and Elbert; the
Tuesday two weeks after in Effingham and Wilkes; the Tuesday two weeks after in
Columbia; the Tuesday two weeks after in Richmond; and the Tuesday two weeks
after in Burke. And the second term shall commence on the first Tuesday in July
next thereafter, in the counties of Camden and Washington, and be continued in the
same rotation as directed with respect to the first circuit.

II. And be it further enacted, That all writs and processes, of what nature or kind
they may be, issuing out of the courts, shall be drawn if required, issued and signed
by the clerk of each court respectively, and bear set in the name of one of the judges
of the said courts, returnable to the first day of the next succeeding term, and be executed
by serving a copy of the same on the defendant or defendants, or leaving such copy at his or their usual or notorious place of abode, at least twenty days before the
day therein mentioned for the return thereof, and be directed to the sheriff of the
county where they are to be executed, except in cases of execution, which may be
issued in the manner now established by law.

III. And be it further enacted, That the said superior courts shall have exclusive
original jurisdiction in all criminal cases arising under the laws of this State, and
concurrent jurisdiction with the inferior courts hereby established and confirmed, in
all civil cases whatever.

IV. And be it further enacted, That the trial of all cases of what nature or kind
they may be, shall be by jury in the customary and established mode, which jury shall
be composed as follows, that is to say, the names of the whole number of the citizens
of each county, from the age of twenty-one to the age of sixty years, and who have
paid taxes, to be taken from the tax office, (justices of the peace excepted, who shall
be considered liable to serve on the grand jury only) shall, every third year be placed
in a box, and one third of the same shall be drawn therefrom, who, together with
the justices as before mentioned, shall compose the grand jury list, and the remaining
two thirds shall compose the petit jury list of each county; when the division as aforesaid shall have taken place, the names of the grand jury and the names of the
petit jury shall be placed in two boxes, one to be denominated the grand jury box,
and the other the petit jury box, each of which shall be divided into the partitions,
numbers one and two: The names of each respective jury shall, in the first instance,
be placed in the partition number one, and as they are drawn for service, be placed in
the partition number two, and those so drawn therefrom, shall not be liable to further
service until the whole number are so drawn from the number one, when they shall
be shaken up and again be placed in the partition number one, and be again drawn as
aforesaid. Provided always, That no judge of the inferior court, ministers of the
gospel in orders, practitioners of law or physic, apothecaries, millers, or schoolmas-
ters shall be eligible to serve on any grand or petit jury.

V. Relates only to juries.

VI.
VI. And be it further enacted, That in all cases where bail shall be required, the amount of debt or damages shall appear by the oath of the plaintiff or plaintiffs, or his or their agent or agents, before any justice of the peace, which shall be lodged in the clerk's office, and be filed of record, and a copy thereof shall be affixed to the original and copies of the process; and thereupon the sheriff shall take a bail bond, with sufficient security for the appearance of the defendant or defendants, at the court to which the said writ or process may be returnable, and if the defendant or defendants shall not appear agreeably to the tenor of the said bond, or to enter special bail to answer the action, and to pay the condemnation money thereof, it shall be the duty of the sheriff, on application therefor, to indorse or make an alignment of the bail bond to the plaintiff or plaintiffs, who may recover the amount of the debt sworn to, with legal interest, by action of debt founded on the same against the principal and bail: Provided, That the said bail, on paying costs, shall be at liberty to enter special bail at any time before trial, but no imparlance, advantage, or delay, shall be had or taken thereupon, but the proceedings thereon shall be made up immediately, and come on in the same course and order as such action on the bail bond, and the proceedings against the special bail, shall be in the form now used in the course and practice of the said courts respectively.

VII. And be it further enacted, That no justice of the peace shall hold any justice court, or pass any judgment (except by consent of parties) at any other or more times than one day in each month within his district, which day shall be in the option of the said justice to appoint on any day (Sundays excepted) and that that part of an act, entitled "An act to amend and explain an act for regulating the judiciary departments of this State," so far as directs the justices to hold their respective courts on the last Thursday of each month only, be and the same is hereby repealed.

VIII. And be it further enacted, That no sales in future shall be made by sheriffs, of property taken under execution, but on the first Tuesday in every month, and twenty days notice at least of the same shall be given.

IX. And be it further enacted, That the causes now depending in the respective inferior courts may be removed on the application of either party, and in case of removal, the clerks of each court shall divide the fee; for removing the same, Provided, That where the same shall be removed, all costs as far as the action shall have proceeded, shall be first discharged by the party removing the same.

X. And be it further enacted by the authority aforesaid, That no cause shall be dismissed before the last day of the term unless when called in regular order, or then, unless the plaintiff shall refuse to try the same or shew good cause, on oath, why he cannot at that time proceed to trial.

XI. And be it further enacted by the authority aforesaid, That from and after the passing of this act, in all cases where there has been a trial by special jury, (which the constitution declares to be final) all business of injunctions and other proceedings had thereafter, by the judges at chambers, shall be stopped, cease, and determine in its present stage, and the judgment had on the verdict of the said special jury, stand confirmed.

K k k

A. D. 1797.
No. 456.

Bail how to be taken, &c.

Provided.

Such bail may enter special bail at any time on paying costs—proceedings therein.

No justice to hold a court more than one day in each month—which he may appoint.

Sheriff's sales to be on the Tuesday in every month—what notice necessary.

Causes now depending in the inferior courts may be removed to the superior court.

Provided.

Causes when to be dismissed.

Trial of appeals by special jury, declared to be final; all injunctions and other proceedings thereafter to cease.

XII.
XII. Wherein injunctions have been issued upon judgments had on the first trial, and no appeal entered; it is further enacted, that in such cases the bill of injunction shall be dismissed in its present stage, and the defendant be and is hereby allowed to enter an appeal, to a special jury at the next term held for the county where the defendant resides, after the passing of this act; and in future no injunction shall issue on any judgment to be obtained in any superior or inferior court, but in all cases where execution shall issue illegally, or the sheriff shall execute property claimed by any person other than him against whom such execution issued upon oath, by the party or other proof, either by himself or his attorney, shall be and is hereby declared to be, the duty of such sheriff to postpone the sale of such property, and to stay further proceedings on the execution until the next court, and report specially thereon to the court, whose duty it shall be to decide thereon, at the term to which such report is made, as to the legality of the execution, and cause the right of property to be decided on by a jury, under such regulations as they may establish.

XIII. And it is further enacted, that his excellency the governor be, and is hereby vested with the power of qualifying justices, sheriffs, and clerks, by a dedimus &c. to hold a court before the grand jury as hereunto aforesaid:

Provided, That any person or persons so appealing shall, previous to obtaining such appeal, pay all costs that may have arisen thereon, and give security for the eventual condemnation money; and that no executor or administrator, as such, shall be liable to give such security.

XIV. And it is further enacted, that all appeals shall be had before the grand jury of the county, in the same manner as is directed for appeals by the judicial law now in force; provided, That any person or persons so appealing shall, previous to obtaining such appeal, pay all costs that may have arisen thereon, and give security for the eventual condemnation money; and that no executor or administrator, as such, shall be liable to give such security.

XV. And, for the more speedy determination, and orderly conducting of all causes in the superior court, it is enacted, That the judges together with the attorney or solicitor general, shall at their first meeting frame, and agree upon a set of rules of proceedings and practice for all parties, practitioners and others in the said courts, shall be the same in all the said counties, and which shall in no case be altered, but at a meeting of the said judges, attorney or solicitor general as aforesaid; provided nevertheless, That the said rules shall not extend to alter the present mode of suit by petition and process, which shall continue as heretofore used in this state, and wherein it shall be sufficient to set forth the plaintiff's charges plainly and substantially.

XVI. And it is further enacted, That it shall not be necessary to file a declaration or plea in the superior or inferior courts, but the petition and process issued in like manner as heretofore shall be sufficient for the parties to proceed upon.

XVII. And it is further enacted, That no suit shall be instituted, nor execution issue, against an executor or administrator for any debt or demand due or owing from a testator or intestate, until the expiration of twelve months from the death of such testator or intestate, and where suits have been brought against such testator or intestate, and depending in any of the courts of law within this state, at the time of his or her death, the same shall remain undetermined until the time limited as aforesaid shall expire.

XVIII. And it is further enacted, That in cases of mutual debts and set-offs, where the jury shall find a balance for the defendant, the defendant shall be at liberty to enter
enter up judgment, and to take out executing thereof. Notice of such
off-set is given to the plaintiff or his attorney, and within the second day of the first
term.

XIX. And be it further enacted, That the sheriff shall be liable, either to an action
on the case, or an attachment for contempt of court at the option of the party,
whenever it shall appear that he has injured the same either by false returns, taking
insufficient bail or by neglecting to arrest the defendant, or to levy on his property.

XX. And be it also enacted, That the inferior courts shall continue as now established
and held (except as to the jurisdiction and the times of meeting) the said courts shall
have concurrent jurisdiction with the superior court in all civil cases above the sum of
five pounds, and shall be vested with all the powers heretofore used by the superior
courts, respecting high roads, bridges, taverns and billiard tables, (except within
the jurisdiction of the corporation of Savannah) and the time of sitting or holding
the said courts, shall be in the counties of Camden and Washington on the first
Tuesday in March and September, annually; the Tuesday two weeks after in Glynn
and Greene; the Tuesday two weeks after in Liberty and Franklin; the Tuesday
two weeks after in Chatham and Elbert; the Tuesday two weeks after in Effingham
and Wilkes; the Tuesday two weeks after in Columbia; the Tuesday two weeks
after in Richmond; and the Tuesday two weeks after in Burke.

XXI. And be it further enacted by the authority aforesaid, That where it may be
necessary to commence a suit, in any justices' court for the recovery of any sum or
sums of money due, by the justice of any district, the party complainant may, and
he is hereby authorized to commence and prosecute the same to judgment before the
next nearest justice of the peace.

XXII. And be it further enacted by the authority aforesaid, That no more than one
attorney shall plead in behalf of any plaintiff or defendant, in any cause to be insti-
tuted in the inferior courts of this State; but this clause is not to extend to causes
already commenced; and where any witness resides out of the State or out of any
county wherein his testimony is required in a cause in the county wherein such witness
does not reside, it shall be lawful for either party, plaintiff or defendant, or his attor-
ney, on ten days notice given to the adverse party or his attorney, to obtain a com-
mission from the clerk of either court, directed to certain commissioners to examine
all and every such witness or witnesses, on such interrogatories, as the parties may
exhibit, and such examination shall be read at the trial of the cause, if either party
shall see fit.

XXIII. And be it further enacted, That where causes are removed from the infer-
ior court to the superior, after the first trial had in the inferior court, the second
trial in the superior court shall be before the special jury as pointed out by law.

XXIV. And be it further enacted, That so much of the former judiciary as mili-
tates with this law, shall be and the same is hereby repealed.

WILLIAM GIBBONS, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1791.
An Act for regulating the inspection of tobacco.

WHEREAS it has been found by experience that the several laws now in force for regulating the inspection of tobacco throughout this State are unequal to the purpose for which they were intended: Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in general assembly, That from and immediately after the passing of this act, no person shall put on board, or receive into any ship, brigantine, schooner, sloop, bylander, boat or other vessel, in order to be exported therein, any tobacco which shall not have been packed in hogheads or casks, upon any pretence whatever, before the same shall have been viewed and inspected according to the directions of this act: That all tobacco whatever to be received or taken on board any ship, brigantine, schooner, sloop, bylander or other vessel, and to be therein exported, or to be carried and put on board any other ship, brigantine, schooner, sloop, bylander, or other vessel for exportation as aforesaid, shall be received or taken on board at the several warehouses for that purpose herein after mentioned, or some or one of them, and at no other place or places whatsoever; and any master, mate, or boatswain of any ship or other vessel, which shall arrive in this State in order to load with tobacco during the continuance of this act, shall, before the said ship or vessel be permitted to take on board any tobacco whatever, make oath before the collector of the customs of the port where such ship or vessel shall arrive, which oath the said collector is hereby empowered and required to administer, that they will not permit any tobacco whatsoever to be taken on board their respective ships or other vessels, except the same be packed in hogheads or casks, stamped by some inspector, legally thereunto appointed, which oath they shall subscribe, in a book to be kept for that purpose by the said collector: and if any master shall cause any person, who is not really and bona fide mate or boatswain, to come on shore and take such oath, he shall for said offence forfeit and pay five hundred pounds; and if any commander or master of any ship or vessel shall take on board, or suffer to be taken on board the ship or vessel wherein he is master, any tobacco brought from any other place than such public place herein mentioned, or any hoghead or cask of tobacco not stamped by such lawful inspector, or shall suffer to be brought on board any tobacco, except in hogheads or casks, stamped as aforesaid, every such commander or master shall forfeit and pay twenty pounds for each hoghead, one moiety thereof to the use of the informer and the other moiety to the use of the State, to be recovered by bill, plaint or information, before any court of record.

II. And be it further enacted, That every master of a ship or vessel wherein tobacco shall be laden, shall at the time of clearing out, deliver to the collector a fair manifest of all the tobacco on board his ship or vessel, expressing the marks and numbers of every hoghead, and the tare and nett weight stamped thereon, the person by whom shipped, and from what warehouse, and shall make oath thereto that the same is a just and true account of the marks, numbers, tare and nett weight of each respective hoghead, as the same was taken down by the person or persons appointed by him to
to take the same, before the said tobacco was flowed away, and no ship or vessel shall be cleared by the collector before he shall have received such list or manifest, which shall by the said collector, be transmitted to the treasurer of this State for the time being.

III. And be it further enacted by the authority aforesaid, That public warehouses for the inspection of tobacco pursuant to this act, shall be kept at the several places herein after mentioned, that is to say, at Augusta, the three tobacco inspections already established, called and known by the name of Call's, Richmond, and Augusta; at Henry Arrington's, on Savannah river, at New-Savannah, on the land of John Twiggs; at *Yamacraw, on the lot of Mordecai Shetfall; at Hardwick's, at the mouth of Ogeechee; at Louisville, on the land of John Shelton; at Galphinton, on the land of Robert Forsthy; at Georgetown, on the land of Arthur Fort; at Lexington, on the land of Charles Statum; at the Rockland, on the land of John M'Kenzie; at Montpellier, on the land of Charles M'Donald; in the town of Greensborough, on the land of John Armour; at the town of Washington, on the lot of ; at the mouth of Broad River, on the land of John Oliver; on the land of White, Robison and co. at their iron works, on Sweet Water; and at Pace's ferry, on the land of Drury Pace: And the proprietors of each warehouse are hereby entitled to demand and receive for the storage of each hoghead of tobacco inspected at his warehouse, the sum of one shilling and two pence; Provided, The said tobacco does not lay longer in such warehouse than twelve months; and for every month after, the owner or proprietor of such tobacco shall pay at the rate of six pence per month; which duty or storage shall be paid to the several inspectors before the same be removed from the said warehouse, who shall be answerable to the owner or proprietor thereof for the full amount of such storage by them received.

IV. And be it further enacted, That there shall be kept at the several warehouses herein appointed and all others hereafter to be appointed, a good and sufficient pair of scales, with weights sufficient to weigh fifteen hundred weight at least, and a set of small weights, the same that are or ought to be provided for the standard weights of each county, and that the proprietors of such warehouses provide the same.

V. And be it further enacted, That all tobacco brought to any of the public warehouses shall be received, inspected and examined by two persons thereunto appointed, who shall be called inspectors; which said inspectors shall be appointed in the following manner, that is to say: † The judges of the inferior courts in the several counties in which inspectors are appointed, except as herein after is excepted, shall at their county courts, to be held between the first day of May and first day of September in each year, nominate and appoint three fit and proper persons for inspectors at each of their several warehouses within their respective counties, who shall be commissioned by the governor; the two first in the nomination shall be considered as the acting inspectors for the ensuing year; and in case of sickness, death, or inability of either of the two first inspectors, the third shall act; and also on the disagreement of

* So much as relates to this inspection repealed by act of 1798, No. 627.
† The manner of appointing inspectors altered by act of 1798, No. 627.
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The said inspectors may dismiss them from office, and fill vacancies.

In cases of death or removal of any inspector the third shall act.
The inferior courts failing to nominate, the governor to make such appointments.

Inspection how to be appointed in the county of Richmond.

Bond and security to be given.

Inspection when to attend the warehouses.

How liable for neglect.

Their duty.

of the said inspectors the third shall be called in to decide on such hoghead or hogheads of tobacco: And the said judges shall have power on complaint in writing, being lodged in the office of the clerk of the inferior court, and being duly notified thereof by such clerk, such justices or any three of them shall within three days after such notice to them given, summon the inspector before them, first ordering a copy of the complaint to be served on him or them, and within five days thereafter, such justice shall consider such complaint, and may continue or dismiss from office him or them as the court shall judge just; and such courts shall fill up all vacancies that may happen at any of their said courts to continue to the end of the then inspection.

VI. Provided always, and be it enacted, That the third inspector on the death or removal of any inspector in the same nomination, shall be considered as inspector and shall act accordingly; And provided nevertheless, That where the inferior courts shall fail to nominate persons for inspectors, the governor is hereby empowered to make such appointments, except that the first five magistrates on the list for the county of Richmond, not being merchants, shall annually, betwixt the tenth day of May and the tenth day of August, nominate to his excellency the governor three lifts, containing persons, each capable and fit to serve as inspectors at the respective warehouses at Augusta; and the governor shall, within ten days after the said lifts shall be transmitted to him, appoint and commission three fit and different persons out of each lift to serve as inspectors at each warehouse at Augusta, as described by this act, and that every person so appointed inspector by virtue of this act, shall, before he enters on the execution of his office give bond with security, in the penalty of five hundred pounds, payable to the governor for the time being and his successors in office, conditioned for the true and faithful performance of his duty according to the directions of this act, and liable to be put in suit upon any neglect of duty; which bond shall be given or entered into before the inferior court or any judge thereof, and lodged in the clerk's office of the county.

VII. And be it further enacted, That all inspectors to be appointed by virtue of this act, shall constantly attend their duty at the warehouse or warehouses under their charge, from the first day of October till the first day of August, yearly, (except Sundays and the holydays observed at Christmas, Easter, and Whitsuntide, or when hindered by sickness) and afterwards, they or one of them, shall constantly attend at the same (except Sundays) to deliver tobacco for exportation, until all the tobacco remaining there the said first day of August, be delivered: And no inspector shall be obliged to view any tobacco between the said first day of August and the said first day of October: And every inspector neglecting to attend as aforesaid, shall forfeit and pay to the party aggrieved five shillings for every neglect, or shall be liable to an action to recover all such damages as he or they shall have sustained by occasion of every such neglect, together with his or their full costs, at the election of such party: And that all persons having tobacco at the public warehouses may have equal justice, the inspectors shall enter into a book, to be kept for that purpose the marks and owners names of all tobacco brought to their respective warehouses for inspection,
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inspection, as the same shall be brought in, and shall view and inspect the same in due turn as it shall be entered in such book, without favor or partiality, and unease and break every hogfhead or cask of tobacco brought them to be inspected, as aforesaid; and if they shall agree that the same is good, found, well conditioned, merchantable, and clear of trash, then such tobacco shall be weighed in scales, with weights of the lawful standard, and the hogfhead or cask shall be stamped in the presence of the said inspectors, or one of them, with the name of the warehouse at which inspected, and also the tare of the hogfhead or cask, and quantity of nett tobacco therein contained; and the inspector at such warehouse shall issue a receipt for each hogfhead of tobacco they shall pass, if required by the owner, if the same weighs nine hundred and fifty, which receipt shall be in form following, to wit:

| River warehouse | the day of 179 |  |
| Received of | hogfhead of crop tobacco, marks, number, weights, and species as per above, to be delivered by us to the said | | |

VIII. And be it further enacted, That the size of the hogfhead or cask shall not exceed forty-nine inches in length, and thirty-one inches in the raising head, and to weigh nine hundred and fifty pounds nett at leaft.

IX. And be it also enacted, That no inspector or inspectors shall, under any pretence whatever, issue a receipt for any other than such as shall be printed, in which the date shall be inserted at full length; and if any inspector or inspectors shall presume to issue a receipt in any other manner than is hereby expressed, he or they for such offence shall forfeit and pay twenty pounds, to be recovered with costs by any perfon who may sue for the same, in any court within this State, having cognizance thereof; which receipts as aforesaid, shall be furnished by the proprietor of the warehouse: But if the said two inspectors shall at any time disagree concerning the quality of tobacco brought for their inspection to any warehouse under their charge, they shall, as soon as convenient may be, call in an additional inspector appointed to attend such warehouse, who shall determine and pass, or reject such tobacco; and if he shall pass the same, his name shall be entered in a book kept by the inspectors appointed, opposite the mark, number and weight of the hogfhead by him passed, together with the name of the inspector at such warehouse, who shall sojourn with him: And the inspectors at each of the warehouses established by this act, shall constantly keep so many able hands, at their respective warehouses, not less than two, for the purpose of taking care of all tobacco brought to such warehouse, and flowing it away after the same shall be inspected and stamped; and it shall be lawful for the inspectors to employ the said hands in the yard when not otherwise sufficiently employed by this act. And no inspector shall, by self, his servant or any other person, either directly or indirectly, be concerned in picking any refused tobacco (unless it be his own property) on any pretence whatever, under the penalty of being forever thereafter disabled from holding the office of inspector.

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The receipts to be printed, £20 to be forfeited for issuing them otherwise.

In cases of disagreement in passing tobacco how to proceed.

Hands to be kept by inspectors for taking care of, and flowing tobacco.

Maybe employed in the yard.

No inspector to be concerned in picking refuse tobacco, except his own, under penalty of being disqualified for ever thereafter.
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Refuse tobacco how to be picked.

Shall be burnt, under penalty of £50.

Receipts for transfer tobacco

X. And be it further enacted, That when any tobacco shall be refused by the inspector, the proprietor thereof shall be at liberty to separate the good from the bad; but if he refuses or neglects so to do, within one month of such refusal, the inspectors shall employ one of the pickers attending the warehouse, to pick and separate such refused tobacco, and give the owner credit for so much thereof as shall be found merchantable, after paying the pickers one tenth part of the quantity saved; and the inspectors shall cause the tobacco which shall be judged by them unfit to pass, to be burnt, under the penalty of fifty pounds for every failure, one half to the informer, recoverable with costs, before the court of the county wherein such warehouse shall be.

XI. And be it further enacted, That when any tobacco shall be brought to any warehouse for the discharge of any public or private debt or contract, in bulk or casks, the inspectors or one of them, after they have received, examined and weighed the said tobacco, according to the directions of this act, shall deliver to the person bringing the same, as many receipts under the hands of the said inspectors as shall be required for the full quantity of tobacco so received by them; in which shall be expressed whether the tobacco received be sweet scented, Orenoke leaf, or stemmed, which receipts shall be in the form following, to wit:

"Received of river, warehouse, the day of pounds of transfer tobacco, to be delivered on demand, to him or his order."

XII. And be it enacted, That from and after the passing of this act, if any inspector shall presume to deliver any tobacco in his warehouse without an order from the owner or proprietor of such tobacco, every inspector so offending and being thereof duly convicted in the superior court or the inferior court of any county, shall be incapable of serving ever after as an inspector in this State, and shall moreover be liable to pay a penalty of fifty pounds, one half to the informer, and the other half to the use of the State, to be recovered by bill, plaint or information.

XIII. And be it further enacted, That no inspector shall accept or receive, directly or indirectly, any gratuity, fee or reward, for any thing by him to be done in pursuance of this act, other than his said allowance or fees by this act allowed; such inspector being thereof convicted, shall forfeit and pay one hundred pounds, to be recovered with costs by any person who shall inform and sue for the same.

XIV. And be it also enacted, That if any person hereafter shall make a fire within any of the public warehouses, or within fifty yards of such warehouse, other than in a room for the use of the inspectors, or in some house having a chimney, such person or persons shall, for every such offence forfeit twenty pounds, to be recovered with costs, by information to the use of the informer; and if a servant or slave, he or she shall, by order of some justice of the peace, receive on his or her bare back twenty five lashes for every such offence.

XV. And be it further enacted, That he or they who shall forge or counterfeit, alter or erase the stamp or receipt of any inspector or inspectors, or shall cause or procure such stamp or receipt to be forged or counterfeited, altered or erased, or shall aid or assist in forging or counterfeiting, altering or erasing such stamp or receipt,
receipt, or shall have in his custody or possession any inspector's stamp or receipt, which shall have been altered or erased, knowing the same to have been altered or erased, and shall not discover such altered or erased stamp or receipt to a justice of the peace, within five days after they or either of them shall have come to his or their possession; or cause to be exported any hoghead of tobacco, stamped with a forged or counterfeited stamp, or shall receive or demand tobacco of an inspector upon forged or counterfeited, altered or erased stamp or receipt, knowing the same to be counterfeited or forged, or shall put or pack, or cause to be put or packed, into any hoghead or cask stamped by an inspector any tobacco whatever, or shall draw or take out, or cause to be taken out, any slave or slaves, plank or heading board, of any hoghead or cask of tobacco so stamped as aforesaid, after the same shall have been delivered out of any of the public warehouses aforesaid, and being thereof convicted, shall suffer six months imprisonment, stand four hours in the pillory, and pay a fine of one hundred pounds.

XVI. And be it enacted, That if any inspector or inspectors shall give, deliver or issue to any person whatever, his or their receipt, expressed to be for any hoghead or cask of tobacco, which they have not actually received into the warehouse whereof they are inspectors, at the time of giving such receipt, or shall give, deliver or issue more than one receipt for any one hoghead or cask of tobacco by him or them received, except where authorized by law so to do, such inspector or inspectors, being thereof convicted by due course of law, shall be adjudged a felon, and shall suffer death by being hanged.

XVII. And be it further enacted, That if any inspector's receipt be actually lost, mislaid or destroyed, the person or persons entitled to receive the tobacco by virtue of any such receipt, shall make oath before any justice of the peace of the county where the same is payable, to the number and date of every such receipt, to whom, and when payable, and for what quantity of tobacco the same was given, and that such receipt is lost, mislaid or destroyed; and that he, she, or they, at the time such receipt was lost, mislaid or destroyed, was lawfully entitled to receive the tobacco therein mentioned, and shall take a certificate thereof from such justice; and upon producing a certificate thereof, the inspectors who signed such receipt, and lodging the same with them, the inspectors shall, and they are hereby required and directed to pay and deliver to the person obtaining such certificate the tobacco for which any such receipt was given, if the same or any part thereof shall not have been before by them paid by virtue of the said receipt, and shall be thereby discharged from all actions, suits and demands on account of such receipt: And if any person shall be convicted of making a false oath, or producing a forged certificate in the case aforesaid, such person shall suffer as in case of willful and corrupt perjury or forgery, as the case may be.

XVIII. And be it further enacted, That the inspectors at the several warehouses (except Calls', Richmond, and Augusta) shall be and they are hereby entitled to receive for each hoghead of tobacco by them inspected, the sum of two shillings, which shall be paid to the inspectors by the merchants or other persons to whom the same

 receipt, or shall have in his custody or possession any inspector's stamp or receipt, which shall have been altered or erased, knowing the same to have been altered or erased, and shall not discover such altered or erased stamp or receipt to a justice of the peace, within five days after they or either of them shall have come to his or their possession; or cause to be exported any hoghead of tobacco, stamped with a forged or counterfeited stamp, or shall receive or demand tobacco of an inspector upon forged or counterfeited, altered or erased stamp or receipt, knowing the same to be counterfeited or forged, or shall put or pack, or cause to be put or packed, into any hoghead or cask stamped by an inspector any tobacco whatever, or shall draw or take out, or cause to be taken out, any slave or slaves, plank or heading board, of any hoghead or cask of tobacco so stamped as aforesaid, after the same shall have been delivered out of any of the public warehouses aforesaid, and being thereof convicted, shall suffer six months imprisonment, stand four hours in the pillory, and pay a fine of one hundred pounds.

XVI. And be it enacted, That if any inspector or inspectors shall give, deliver or issue to any person whatever, his or their receipt, expressed to be for any hoghead or cask of tobacco, which they have not actually received into the warehouse whereof they are inspectors, at the time of giving such receipt, or shall give, deliver or issue more than one receipt for any one hoghead or cask of tobacco by him or them received, except where authorized by law so to do, such inspector or inspectors, being thereof convicted by due course of law, shall be adjudged a felon, and shall suffer death by being hanged.

XVII. And be it further enacted, That if any inspector's receipt be actually lost, mislaid or destroyed, the person or persons entitled to receive the tobacco by virtue of any such receipt, shall make oath before any justice of the peace of the county where the same is payable, to the number and date of every such receipt, to whom, and when payable, and for what quantity of tobacco the same was given, and that such receipt is lost, mislaid or destroyed; and that he, she, or they, at the time such receipt was lost, mislaid or destroyed, was lawfully entitled to receive the tobacco therein mentioned, and shall take a certificate thereof from such justice; and upon producing a certificate thereof, the inspectors who signed such receipt, and lodging the same with them, the inspectors shall, and they are hereby required and directed to pay and deliver to the person obtaining such certificate the tobacco for which any such receipt was given, if the same or any part thereof shall not have been before by them paid by virtue of the said receipt, and shall be thereby discharged from all actions, suits and demands on account of such receipt: And if any person shall be convicted of making a false oath, or producing a forged certificate in the case aforesaid, such person shall suffer as in case of willful and corrupt perjury or forgery, as the case may be.

XVIII. And be it further enacted, That the inspectors at the several warehouses (except Calls', Richmond, and Augusta) shall be and they are hereby entitled to receive for each hoghead of tobacco by them inspected, the sum of two shillings, which shall be paid to the inspectors by the merchants or other persons to whom the
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Inspectors oath.

fame shall be delivered: And every such inspector, before entering on the duties of his office, shall take the following oath, to wit:

"I, A. B. do solemnly swear, that I will diligently and carefully view, examine and inspect all tobacco brought to the warehouse whereof I am appointed inspector, and that, not separate and apart from, but in presence of my fellow, and that I will not receive any tobacco that is not in my judgment found, well conditioned, merchantable, and clear of trash, and that I will not change, alter, or give out any tobacco other than such hogheads or casks for which the receipt to be taken was given, but that I will in all things well and faithfully discharge my duty in the office of an inspector to the best of my skill and judgment, and according to the directions of this act, without fear, favor, affection, malice or partiality. So help me God."

XIX. And be it further enacted, That the inspectors at the different warehouses in this State shall, and they are hereby required to prize up all such parcels of transfer tobacco as shall or may be lodged in their respective warehouses into crop hogheads, to contain nine hundred and fifty pounds nett, or upwards each, within two months after the date of the receipt past or given by the inspectors for such tobacco; and the said inspectors shall keep a book, to be called a transfer book, in which an exact and particular account of all such parcels of tobacco shall be kept, and where any perfons or persons holding such transfer receipts to the amount of nine hundred and fifty pounds, and producing the same to such inspectors, they shall deliver to such owner or proprietor a crop hoghead or hogheads of tobacco, to the amount of such receipts, first deducting from such receipts the sum of eight per centum for cask, shrinkage, and prizing the same, for which they shall pass their receipts or notes, and the several inspectors at each of the warehouses within this State, shall proceed to sell all the transfer tobacco that may remain in their possession, on the second Monday in September, annually, at the warehouse in the respective counties; and the inspectors selling such transfer tobacco, shall be accountable to the owner or owners of such transfer tobacco, for the monies arising from such sales, deducting at the rate of eight per centum for waftage, cask, prizing and cooperage.

XX. And be it also enacted by the authority aforesaid, That every hoghead of tobacco shall have at least six good hoops; and the owner or owners of such tobacco failing to have his, her or their tobacco in such state, shall be obliged to pay the inspectors for finding such hoop or hoops, the sum of two pence per hoop before the delivery of such tobacco. And the inferior court of the county in which such tobacco inspections may be, is hereby directed to appoint some fit and discreet person or persons to examine the weights at the different inspections on the first Mondays in October and January in each year, and regulate the same agreeably to the standard of this State.

XXI. And be it further enacted by the authority aforesaid, That every proprietor or owner of a warehouse shall keep the same in repair, and shall always have a sufficient shelter or house room to secure all tobacco which shall be brought to the same, the doors to be well secured by good locks, bolts or bars, in default whereof the owner or proprietor shall be accountable and pay to the person or persons whose tobacco shall be lost or damaged, all damages and costs, which may be recovered by action
in either of the superior or inferior courts: And the courts of the several counties within this State wherein any warehouse for the inspection of tobacco now is or may hereafter be established shall, and they are hereby required at their first meeting annually, to appoint three of their number to examine from time to time into the state and condition of such warehouses, and whether they are built and secured according to this act; and the justices so appointed, or any two or more of them, finding that the said warehouses are not in good and sufficient repair, shall within ten days give notice, in writing, to the proprietor or proprietors of such warehouse or warehouses, to repair the same; and if such proprietor or proprietors having notice as aforesaid, shall refuse or neglect so to do within two months from the time of such notice, it shall and may be lawful for the justices so appointed or any two or more of them, to let such repairs to the lowest bidder, taking bond with sufficient security of the undertaker in double the sum to be paid him for such repairs, conditioned for the due performance thereof: And the inspectors at any warehouse, wanting repairs as aforesaid, are hereby empowered and directed to stop all in their hands, the amount of the sum to be paid for such repairs, out of the monies arising on storage; which money so stopped as aforesaid shall be paid into the hands or to the order of the justices letting such repairs, to be by them paid to the undertaker thereof.

XXII. And be it further enacted, That from and after the passing of this act any person or persons bringing to any of the aforesaid warehouses any hoghead or hogheads of tobacco, and the inspectors on weighing the same, shall judge it good and merchantable according to the directions of this act, and under nine hundred and fifty pounds nett, such tobacco shall be kept by the inspector, marked in their transfer book as light crop tobacco; but no receipt or note shall be given for the same in less than two months, except the owner or proprietor thereof shall require the same; and the owner or proprietor of any such hoghead may at any time within two months prize into such light hoghead so much other tobacco as will make the same nine hundred and fifty pounds nett or upwards, in which case the inspectors shall pass their receipt for the same as crop tobacco, and mark it on their books as such. And if the owner or proprietor of such tobacco shall neglect or refuse to prize the same within two months, the inspectors shall, and may consider the same as transfer, and shall be allowed the same per centum thereon as other transfer tobacco.

XXIII. And wherever, from the situation and condition of any hoghead of tobacco, the inspectors find it necessary they shall have the same re-packed; and for every such hoghead the pickers shall be entitled to receive for their services in prizing and cooperating the same, the sum of five shillings, except it be done by the owner of such tobacco.

XXIV. And be it further enacted by the authority aforesaid, That no person shall attend any warehouse to pick refuded tobacco, or act as a cooper, except he shall have been appointed by the court, and approved of by a majority of the inspectors at such warehouse; any such picker shall take the following oath, viz.

"I, A. B. do solemnly swear, that I will carefully pick such refuded tobacco that I may have charge of, and will faithfully and truly make a return of the nett proceeds thereof, without any waste or embezzlement to my knowledge. So help me God."

And
And the pickers and cooper s so appointed shall be under the directions of the inspectors. *Provided*, that nothing herein contained shall be construed to prevent the planter from picking or cooper ing his own tobacco, and the planters shall at all times have the free use of the prizes for that purpose.

**XXV. And be it further enacted**, That the several inspectors appointed by this act shall be obliged to deliver each hoghead to the person shipping the same, well coopered with at least six good hoops; and every hoghead of tobacco before it be removed from any warehouse, within this State, shall be branded with the word, *Georgia*, in letters of one inch long, which brand shall be provided at the expense of the owner or owners of each respective warehouse.

**XXVI. And be it further enacted**, That from and after the first day of October next, the cooper s of each of the several warehouses shall have and receive for each hoghead by them coopered, and for finding nails the sum of one shilling and six pence, and no more, to be paid by the owner thereof; and if any cooper or cooper s shall demand or receive any greater fee or reward for such services, he or they shall for every such offence forfeit and pay fourfold to the party aggrieved, to be recovered before a justice of the peace in the county where such offence is committed; and on being convicted thereof, shall be rendered incapable of acting as a cooper at any of the warehouses thereafter.

**XXVII. And be it further enacted**, That no inspector or inspectors of tobacco shall receive any emolument for cooper ing any tobacco that may be brought to the warehouse at which they are inspectors, under the penalty of being removed from office, upon information and proof thereof before the county inferior court. And that from and after the passing of this act, the pickers at the several warehouses shall have and receive for their trouble in picking any refused tobacco, one tenth part of all such tobacco by them saved.

**XXVIII. And be it further enacted**, That from and after the first day of October next, the two acting inspectors at Call s', Richmond and Augusta inspections, shall have and receive an annual salary for their services, that is to say, to the inspectors at Call s' the sum of eighty pounds each; to the inspectors at Richmond the sum of eighty pounds each; to the inspectors at Augusta the sum of eighty pounds each; which shall be paid them by the treasurer on the settlement of their respective accounts: And there shall be paid by the owner or proprietor of each hoghead of tobacco inspected at either of the above warehouses, before the same shall be delivered, by the person shipping the same, into the hands of the said inspectors, the sum of one shilling and nine pence per hoghead: And the several inspectors at each of the said warehouses at Call s', Richmond and Augusta, shall, on or before the first day of September in each year, pay the same into the treasury, and shall render every three months a just and true account, upon oath, to the treasurer, of the number of hogheads by them inspected, including those prised with transfer and marked as crop tobacco, distinguishing in their accounts those shipped, and by whom, together with those then remaining in the warehouse; every inspector failing or neglecting to make such return, or making a false return, shall forfeit and pay for every such offence, the
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The treasurer shall keep an exact account of all such inspectors returns.

The treasurer to keep an exact account of such returns.

WILLIAM GIBBONS, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, Governor.

December 23, 1791.

An Act appropriating money for the year 1792.

December 24, 1791.

An Act for regulating taverns, and reducing the rates of tavern licenses.

Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That from and after the passing of this Act, any person or persons willing to keep a tavern or house of entertainment, shall petition the justices of the inferior court held for the county where such petitioner resides, and the court to whom such petition shall be exhibited, shall thereupon consider the convenience of such place intended for a tavern, and having regard to the ability of such petitioner to keep good and sufficient accommodation for travellers, their horses and attendants, may at their discretion grant a license to such person or persons for the term of one year next ensuing the date of such license, and from thence to the next inferior court held for the said county, and no longer; which license, upon petition, may be renewed from year to year, if the court think proper. Provided always, That before issuing such license, the court shall cause the petitioner to enter into bond, with sufficient security, to be approved of by the court, in the sum of fifty pounds, conditioned for their keeping an orderly and decent house, with good and sufficient accommodations for travellers, their horses and attendants; which bond shall be filed in the clerk's office, and subject to be put in suit upon any breach thereof.

II. And be it further enacted, That the justices of every inferior county court, at the first term in every year, shall fix and establish the rates and prices to be paid at taverns for liquors, diet, lodgings, provender, stabling and pasturage: And every tavern keeper shall, within one month after the rates so established, obtain of the clerk of said court a fair table of such rates, which shall be openly set up in the public entertaining room in every tavern, and there kept throughout the year, until the rates shall be fixed or altered again by the court; and then a copy thereof shall be
A. D. 1791. again fo obtained and kept from time to time, under a penalty of ten pounds on every tavern keeper failing so to do: And if any tavern keeper shall demand and receive any greater price for any liquor, diet, lodging, provender, stabling or pasturage, than by such rate shall be allowed, he, she or they so offending, shall forfeit and pay the sum of two pounds over and above the sum extorted for every such offence to the informer, recoverable with cost, before any justice of the peace, in the county where such tavern shall be.

III. And be it further enacted, That if any person shall presume to keep a tippling house, or retail liquors, or sell by retail any wine, beer, cider, brandy, rum or other spirits, or any mixture of such liquors, in any house, booth, arbor, stall or other place whatsoever, without license first obtained as aforesaid, he or they so offending and being thereof convicted, shall forfeit and pay the sum of ten pounds, one half to the informer and the other to the use of the county. Provided always, That nothing herein contained shall extend to prohibit any merchant from retailing liquors not less than one quart; nor to prevent any planter or other person from disposing of such brandy, rum or whisky, as they may make from their own grain, orchards, or distilleries, so that it be not sold in a less quantity than one quart, nor drank or intended to be drank at the house, store or plantation, where the same shall be so sold, except in the counties of Chatham, Liberty and Effingham, wherein it shall not be lawful for any merchant, to dispose of any quantity less than one gallon.

IV. And be it further enacted, That each person petitioning for tavern license as aforesaid, shall pay for such license the sum of two pounds, which the clerk is directed to receive before signing or renewing the same; for license to keep a billiard table the sum of five pounds; and any person presuming to keep any billiard table without having obtained a license in the manner herein before directed for obtaining tavern license, shall be subject to the like penalty as persons presuming to keep tavern without having obtained license.

V. And be it further enacted, That all acts heretofore made respecting any thing within the purview of this act, shall be and the same are hereby repealed. Provided always, That the corporations of the city of Savannah and Augusta, shall have the sole regulation and power of governing and directing taverns and granting licenses within their several jurisdictions.

WILLIAM GIBBONS, Speaker of the House of Representatives.
NATHAN BROWNSON, President of the Senate.

EDWARD TELFAIR, GOVERNOR.

December 24, 1791.

No. 465. An Act to compensate the evidences attending on the trial of the honorable Henry Osborne.

December 24, 1791:

No. 461. An Act prescribing the times, places and manner of holding elections for members to represent this State in the Congress of the United States.

December 24, 1791.

See act of 1794, No. 514.
An Act to punish persons convicted of stealing horses, asses or mules, with death.

December 3, 1792.
Re-enacted with amendments by act of 1793, No. 499.

An Act for the pardon of a certain negro man slave, named Peter.

December 3, 1792.
Private.

An Act to establish a town on St. Mary's river, in the county of Camden; for altering the place of holding the courts and elections within the said county; and for appointing commissioners to erect a court house and gaol in the county of Franklin.

I. Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That a town heretofore laid out on the river St. Mary's, in the county of Camden, a plat whereof has been recorded in the office of the county surveyor of said county, shall be, from and after the passing of this act, veiled in five commissioners, and be known by the name of St. Mary's; and that James Seagrove, William Maulrey, William Johnston, Thomas King and John King, be appointed commissioners thereof, who or a majority of them, are hereby authorized and required within twelve months after the passing of this act to transmit to the surveyor general a fair and correct copy of the plan of the said town by him to be recorded in the office of the surveyor general of this State.

II. And be it further enacted, That in case of the death or refusal to act of any of the said commissioners, his excellency the governor is hereby authorized and empowered to appoint some other person or persons in his or their room.

III. And be it further enacted, That James Seagrove, William Maulrey, William Johnston, John King, Thomas King and Abner Hammond, be, and they are hereby appointed commissioners of the court house* and gaol for the said county of Camden, in addition to those already appointed, whose duty it shall be within six months after the passing this act to convene at some place to be by them or a majority of them agreed on for that purpose, and then, and there, by such majority to decide on the most eligible place for erecting the same; at which place, after the said determination, the courts and elections for the said county shall be thereafter held.

IV. And be it further enacted, That James Little, Benjamin Echols, George Henning, James Whitney, Roderick Edley, Esquires, be, and they are hereby appointed commissioners to fix upon the most convenient place for a court house and gaol in Franklin county, and for erecting the same, in addition to those appointed by an act, entitled "An act to grant money for the purpose of building and repairing court houses and gaols," passed the fifteenth December, one thousand seven hundred and ninety-one.

* Under direction of the inferior court. See act of 1796, No. 555.
V. _And be it further enacted_, That from and after the time of fixing and agreeing on the place for holding the said courts and elections, that so much of an act, entitled "An act for fixing on proper places in the counties of Effingham, Glynn and Camden; for erecting gaols and court houses; and for establishing superior courts in the counties of Franklin and Greene," passed at Augusta the tenth day of February, in the year of our Lord one thousand seven hundred and eighty-seven, as respects the erecting a gaol and court house, and holding elections for the county of Camden at the town of St. Patrick's, on the Great Satilla river, be and the same is hereby repealed.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 5, 1792.

No. 465.

_An Act to revise and amend *a* An act for recording marks and brands in this State._

BE it enacted by the senate and house of representatives of the State of Georgia, in general assembly met, That from and after the passing this act it shall and may be lawful for all persons residing within this State to record their marks and brands in the clerk's office of the superior court of the county in which such person resides; and if any person or persons shall neglect to record the same, then and in that case, whenever any property shall or may happen to be in dispute between the party for recording his marks and brands, and any other person not having recorded as aforesaid, both having one and the same marks or brands, the property being found in the possession of the person complying with this act, the party for claiming any such property in dispute as aforesaid, shall not be allowed to take the same out of the hands of the person found in possession, without such claimant can prove, by disinterested testimony, such property so in dispute, and that the same is his property, such proof when the value of the property is under five pounds, to be made before any justice of the peace in the county where such property may be found and if above that value, before any court having jurisdiction thereof.

II. _And be it further enacted by the authority aforesaid_, That where two or more persons shall have the same marks and brands, each of them recorded; in such case the oldest record shall be evidence of right so far as to compel the other party to prove his property by disinterested testimony in the manner herein before pointed out: _Provided_, That nothing in this act contained shall compel such person or persons as have already had their brands and marks recorded in the secretary's office, to record the same in the clerk's office aforesaid, but such record in the secretary's office shall be good and valid.

III. _And be it enacted_, That it shall be the duty of the clerks of the superior courts, upon the application of any person or persons to record all marks and brands, in

* The act here referred to cannot be found,
books to be kept by them for that purpose, and give certificates thereof when there-
unto required by any person or persons, and for which they shall receive the fees
pointed out by the act to revise and amend "An act for ascertaining the fees of the
public officers of this State."

WILLIAM GIBBONS, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 8, 1792.

An Act for the relief of the heirs and representatives of Alexander Inglis deceased.
Private.

No. 466.

An Act to protect religious societies in the exercise of their religious
duties.

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 if any person or
persons whomsoever, shall interrupt or disturb any congregation of white persons,
assembled at any church, chapel or meeting house, or any other place of public wor-
ship, during the time of divine service, it shall be the duty of any justice of the
peace, sheriff, constable or any civil officer of the county, being present where the offence
shall be committed, to take the person or persons so offending into custody; or on
complaint made by any person on oath, to issue a warrant against him or them so
offending, and the said justice is hereby empowered to impose a fine on such offender
not exceeding five pounds; or on default of payment of the same, to commit him or
them to the common gaol of the county, or to the nearest gaol thereto, for a space of
time not exceeding ten days; and if such offender be a slave, to order him or her to
be punished by whipping, on the bare back, not exceeding thirty-nine lashes.

II. And be it further enacted, That it shall be the duty of the sheriff and other
officers who may collect the fines and forfeitures imposed by this act, to make a return
of the amount so collected to the clerk of the inferior court, and to pay the same into
the hands of the overseers of the poor, for the sole purpose of supporting the poor of the
county wherein such offence shall have been committed. And no congregation or
company of negroes shall, under pretence of divine worship, assemble themselves
contrary to the act of regulating patrols.

WILLIAM GIBBONS, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 13, 1792.
A.D. 1792. No. 462.

An Act to revise and amend the militia law of this State, and to adapt the same to the act of the congress of the United States, passed the eighth day of May, one thousand seven hundred and ninety-two, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States."

In conformity to act of congress, the militia laid off into divisions, &c.

Brigades and divisions defined.

I. Be it enacted by the senate and house of representatives of the State of Georgia, in general assembly met, That in order to comply as nearly as may be convenient with the act of congress of the United States, passed at Philadelphia, on the eighth day of May, in the year of our Lord, one thousand seven hundred and ninety-two, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States;"—the militia of this State shall be laid off and apportioned into divisions, brigades, regiments, battalions and companies, in the manner herein after particularly expressed.

II. And be it further enacted, That the counties of Camden, Glynn, Liberty and Chatham shall compose a brigade, to be known as the first brigade of the first division; and the counties of Effingham and Burke as the second brigade of the said division; and the said two several brigades shall compose the first division of the militia of this State; and the counties of Richmond and Columbia shall compose a brigade, to be known as the first brigade of the second division; and the counties of Washington and Greene as the second brigade of the said division; and the said two several brigades shall compose the second division of the said militia; and the counties of Wilkes shall compose a brigade, to be known as the first brigade of the third division; and the counties of Franklin and Elbert as the second brigade of the third division, and the said two several brigades shall compose the third division of the said militia.

III. And be it further enacted, That each division of the said militia shall be under the direction of, and be commanded by a major general, and each brigade shall be under the direction of, and be commanded by a brigadier general; and there likewise shall be appointed an adjutant general, to have the rank of lieutenant-colonel: All which said officers shall be appointed and commissioned by the commander in chief of this State, under the regulations and restrictions herein after pointed out.

IV. And be it further enacted, That within two months after the passing of this act, the said several brigades shall be subdivided into regiments, battalions and companies, as nearly as may be, in conformity to the aforementioned act of the congress of the United States, by the executive department of this State. Provided, That the respective counties be kept distinct from, and unblended with any other county in such sub-division, unless alterations in such counties should hereafter by law take place.

V. * Effingham, McIntosh, and Bryan, added. † Montgomery, Scriven, Bullock, and Jefferson, added. ‡ Warren and Lincoln, added. § Oglethorpe and Jackson, added.

See acts of 1793, No. 534, and 1796, No. 562.
V. And be it further enacted, That the officers of companies shall be nominated by election of the citizens liable to bear arms in each company district, and be appointed agreeably to the constitution by the governor of this State, under the following rules and restrictions, that is to say, the free white inhabitants so liable to do militia duty shall, within ten days after such company district shall have been defined by the executive, assemble at a place to be appointed therein by any two or more magistrates within such company district, or if there should not be two residing magistrates within such district, by any two or more magistrates of the county such company may be in, ten days public notice being first given by such magistrates of such meeting and the intention thereof; and the free white inhabitants liable to do duty therein, and so convened, shall proceed to nominate, by ballot, one fit and proper person to fill each respective commission of captain, lieutenant and ensign of such company; the election so held, and the names of the persons so nominated for each commission as aforesaid, shall be certified under the hands and seals of the said magistrates, and be by them sent, within fifteen days so certified, to his excellency the governor, who shall within five days after the receipt thereof, appoint and commission the persons so nominated for the respective commissions of captain, lieutenant or ensign, as the case may be, and in case of the neglect or refusal of the inhabitants of any company district to meet, and by ballot to nominate the persons aforesaid within the time herein before pointed out for such meeting; the executive department shall proceed to appoint the officers of such company district without any such nomination.

VI. And be it further enacted, That the captains and subalterns of companies so nominated and appointed shall, within twenty days after the notification of their appointments by his excellency the governor has taken place, meet and assemble at some convenient place within the battalion or regimental district, as the case may be, to which such officers belong, under the direction of any two or more of the captains so appointed, not being candidates, ten days notice being given of the meeting and its intention by them; and when so met, the said officers shall proceed to nominate, by ballot, one fit and proper person for each commission of lieutenant colonel of the regiment or major commandant of the battalion, as the case may be. Provided, That where the lieutenant colonel, when appointed, will command a regiment, consisting of two battalions, the officers of companies of both battalions shall assemble together in like manner at a convenient place for each battalion, under the direction of two or more captains, one of which at least belonging to each respective battalion; and the captains so assembling, the said officers shall, within ten days after such nomination, certify the same, and the names of the persons so nominated, and send such certificate to the executive department, which shall within five days thereafter, appoint and commission the persons so nominated to fill such appointments of lieutenant colonel or major, as the case may be.

VII. And be it also enacted, That where a country will not permit its being formed into two battalions, the same shall compose a regiment to be commanded by a lieutenant colonel commandant.†

† See act of 1792, No. 494, sect. 8, pointing out the manner of certifying and returning such elections.

† To be commanded by a major if a county has not more than 4 companies. See act of 1795, No. 334.
VIII. *And be it further enacted*, That where any officer now in commission shall be nominated and appointed to fill the same commission he before held, he shall take rank† from the date of the commission he so before held, any thing herein contained to the contrary notwithstanding, and the officers in commission at the time of passing this act shall continue to act until the nomination or appointment of some other person to fill the same.

IX. *And be it enacted*, That the commanding officer of each company of militia shall enroll the names of all the male inhabitants (slaves excepted) above the age of eighteen and under the age of forty-five years, who shall have resided therein for the space of ten days, and shall cause the persons so enrolled to be summoned and duly noticed by a proper non-commissioned officer, to appear at such times and places as he shall appoint for company musters; and the persons so enrolled, shall be from thenceforth deemed and held to belong to such company, and liable to appear at all its musters, whether battalion or company, and on all other necessary occasions, and to perform the whole duty of a militia man without any further notice whatsoever.

X. *And be it further enacted*, That every person so enrolled shall provide himself, agreeably to the act of congress, with a musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein, to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot pouch and powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutered and provided, when called out to exercise or into service; except that when called out to exercise only on company days, he may appear without a knapsack. And if any person so enrolled shall neglect to provide himself, or shall appear at musters not properly accoutered as before expressed, or shall neglect or refuse to appear at such battalion or company musters, or on any other necessary occasion, at any time within nine months after the passing of this act, shall be fined in a sum not exceeding two dollars for every such offence; and for every such neglect after that time, the sum not exceeding six dollars if a battalion muster, and four dollars if a company muster.

XI. *And be it further enacted*, That every commissioned officer of the rank of captain and under, shall provide himself with a sword or hanger, an espadrille, and a complete suit of uniform, to be determined on by the officer commanding the brigade he belongs to, and in case of any such officer appearing at musters, or on other necessary occasions, not so provided, at any time within nine months after his appointment, every such officer so offending, or who shall neglect or refuse to appear at such musters shall be fined, if a captain, in a sum not exceeding thirty dollars; if a lieutenant, not exceeding twenty dollars; and if an ensign, not exceeding fifteen dollars. And every general and field officer shall in like manner appear, when on duty, in a complete uniform, and armed with a sword or hanger;—the uniform of the general officers to be determined by the commander in chief, and the uniform of

† See act of 1793, No. 494, sect. 6, respecting the rank of lieutenant-colonels.
of the field officers, by the officer commanding the brigade; and in case of their appearing at muster, or on other necessary occasions, not so provided, every such officer shall forfeit and pay, if a major-general, a sum not exceeding two hundred and fifty dollars; if a brigadier, a sum not exceeding two hundred dollars; and if a field officer, a sum not exceeding one hundred dollars.

XII. And be it further enacted, That the said militia shall exercise in battalion twice in each year, and in companies four times in every year; and in case of neglect thereof, if a battalion or regimental muster, the commanding officer of such regiment or battalion shall be fined in a sum not exceeding one hundred dollars, to be imposed by a court martial, to be ordered by the officer commanding the brigade; and if a company muster, the officer commanding and so neglecting shall be fined for every such neglect in a sum not exceeding thirty dollars, to be imposed by a court martial, to be ordered by the officer commanding the regiment or battalion to which such company shall belong, and due notice shall be given of such regimental, battalion or company musters, by the officers commanding the same.

XIII. And be it further enacted, That every officer commanding a company shall, on the days appointed to exercise his men by company, have the same formed under arms by eleven o'clock in the forenoon, by which hour every person liable to militia duty in such company shall attend, and the said officer shall then have his roll called over, and mark all defaulters, and shall proceed to instruct and exercise his men in the evolutions and manual exercise pointed out and required by the before mentioned act of congress, and in case of neglect of such instructing and exercising, the officer so commanding shall be liable to a penalty not exceeding thirty dollars for every such neglect.

XIV. And be it further enacted, That if any person liable to bear arms, at any exercise or training, hereby appointed, shall behave in a contemptuous or unsoldier-like manner, at either battalion or company musters whilst under arms, or shall infult or threaten his field, company or other officer commanding, after his discharge, for or on account of such officer's performing the duty hereby required of him whilst such person was under arms, every such person shall for every such offence forfeit and pay a sum not exceeding four dollars: And if such offender shall be a commissioned officer, and shall be guilty of contemptuous or unsoldier-like behavior whilst on duty, or shall, after his discharge from such duty, threaten or infult his superior officer for or on account of the duty required of such officer by this act, every such commissioned officer so offending shall for every such offence forfeit and pay a sum not exceeding twenty dollars or be cashiered, at the option of a court martial.

XV. And be it further enacted, That any person interrupting the military exercises required by this act, may be committed by the officer commanding the body of militia so interrupted, to the nearest common gaol, for a space of time not exceeding five days for every such offence.

XVI. And be it further enacted, That every master or other person who hath the command, government or power over any indented man servant, liable to do militia duty by this act, shall, at his or her own proper costs and charge, furnish and provide every
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every such indented man servant during his servitude, with the arms, ammunition and accoutrements directed by this act, and every such master or other person shall send such indented servant completely armed and furnished as is herein required, to all battalion, regimental or company musters, and on all other necessary occasions, which such indented servant would have been liable to attend were he not a bondsman; and in case such indented servant shall not appear thereat, or on appearance shall be defective in arms or accoutrements hereby required, such master or other person shall be liable to all the fines, penalties and forfeitures imposed in like cases on other persons liable to bear arms by this act.

XVII. And be it further enacted, That the several fines, penalties and forfeitures to be inflicted by this act on persons liable to attend at company musters, may be imposed by a court consisting of a majority of the commissioned officers of such company; or in case of vacancies of two commissioned officers of the regiment or battalion such companies belong to. Provided, one of the said officers be an officer of such company. And the several fines, penalties and forfeitures to be inflicted on persons liable to attend battalion or regimental musters, shall be imposed by a court, to consist of at least seven commissioned officers of such battalion or regiment; and it is hereby made the duty of the officers appointed members of such courts martial, on being duly notified thereof, to attend the same; and in case of neglect or refusal of any such commissioned officer to attend, he shall be liable to the penalties herein pointed out for non-appearance at regimental or battalion orders; and ten days notice at least, in writing, shall be given defaulters and offenders to be tried at such company, battalion or regimental courts martial, under the hand of the commanding officer of the company such offender or defaulter belongs to, who shall be served with the same personally, or be otherwise notified by a non-commissioned officer thereof, by such non-commissioned officer’s leaving the same at such defaulter's or offender’s usual place of abode, and proof of such service shall be made to such court, on oath, previous to its proceeding to the trial of such offender or defaulter.

XVIII. And be it further enacted, That all warrants for fines, penalties or forfeitures inflicted by this act shall, if in conformation of the sentence of a company court martial, be under the hand and seal of the commanding officer of the company; and if in conformation of the sentence of a regimental or battalion court martial, under the hand and seal of the commanding officer of such regiment or battalion; and every such warrant shall clearly express the offence, and recite the sentence of the court, and shall be directed to, and executed by a sergeant of the company the offender belongs to, or be directed to, and executed by any lawful constable of such district; and such non-commissioned officer or constable shall make return of such warrant within thirty days after his receiving the same; and if on such return it shall happen that such offender or defaulter has not wherewithal to be levied to satisfy the forfeiture or fine imposed by such court, it shall be the duty of such officer commanding, to renew the warrant, and thereby to commit the offender or defaulter to the common gaol of the county, or the nearest gaol thereto, if there shall be no such county gaol, for the space of one day for each dollar contained in such
such fine or forfeiture; and it is hereby made the duty of the keeper of such gaol to receive such offender or defaulter, and to keep him in close custody for the term in such warrant expressed, without bail or mainprize, and until such offender or defaulter shall have satisfied such keeper for his fees on such confinement. Provided, That no gaoler shall detain such person or persons more than three days for his fees; And provided, That where this act admits of persons being committed to gaol in the first instance, no return or renewal of such warrant shall be necessary.

XIX. And be it further enacted, That the non-commissioned officers of the respective companies shall be appointed in the following manner, that is to say, the names of all persons liable to bear arms in each company district shall be placed in a box to be kept in the custody of the commanding officer of such company and have two partitions, to be known by the numbers one and two, and the names in the first instance shall be put in the partition number one, and within one month after the respective companies shall be organized, it shall be the duty of the commissioned officers thereof to assemble and draw from the said partition number one, the names of eight persons, which shall be thrown into the partition number two, and the eight persons so drawn shall be the non-commissioned officers of the company and are hereby declared liable to execute and perform all the duties of such station, and they shall serve as such for the space of twelve months, and shall not be liable to serve again in that capacity until all the names shall be drawn from the partition number one; and in case of refusal to act in such appointment, or to procure some fit and proper person, to be approved of by the officer commanding the company, to do the duty of a non-commissioned officer in his stead, such person so drawn and refusing to act or to procure such fit and proper person, shall forfeit and pay the sum of ten dollars, to be recovered by warrant of the officer commanding the company such person shall belong to, and the said commissioned officers shall proceed to draw another person to fill the office of such person so refusing until the number of non-commissioned officers shall be completed; and the four first persons so drawn as aforesaid, shall be the serjeants, and the last four so drawn, the corporals of such company. Provided nevertheless, That if fit and proper persons for non-commissioned officers should be procured by the commissioned officers of such company, the mode of drawing in this clause contained may be dispensed with; but after such fit and proper persons have accepted such officers, they shall be liable to serve in such station, at least for the term of twelve months as is herein before expressed for persons drawn to serve in the same; and in consideration of the duties in this act assigned to them, one half of the fines of such company shall be set apart as a fund for defraying the expense of executing such duty, and be divided to and among such non-commissioned officers; but if any non-commissioned officer after accepting such office, shall neglect or refuse to do the duty required by this act, he shall for every such offence, forfeit and pay a sum not exceeding five dollars.

XX. And be it further enacted, That it shall be the particular duty of the officers commanding companies, to pay a due attention that the law for establishing and regulating patrols in force in this State, passed the eighteenth day of November, in the
year of our Lord, one thousand seven hundred and sixty five, under the then province of Georgia, be strictly executed, and in case of neglect or default of such execution, every officer commanding the company defaulting, and not punishing the defaulters agreeable to the said act, be subject to a fine not exceeding fifty dollars or be cashiered, at the option of a court martial.

XXI. And be it further enacted, That the officers commanding regiments or battalions, shall once in every year, make proper and complete returns of their regiment or battalion as the case may be, to the officer commanding the brigade to which they respectively belong, and the officers commanding brigades, shall in like manner, make proper and complete returns of their brigades, to the officers commanding the division to which they respectively belong, and the officers commanding divisions, shall receive and distribute all such orders to the brigades of their divisions as may from time to time be issued from the commander in chief, or by his direction, from the adjutant general; and the officers commanding brigades, shall in like manner, receive and distribute to and among the respective regiments and battalions of their respective brigades, all such orders as may from time to time be issued to them by the officers commanding divisions, by the commander in chief, or from his directions by the adjutant general, and the officers commanding regiments or battalions shall cause to be distributed to, and executed by the respective companies under their command all such orders as they may from time to time receive from officers commanding divisions and brigades, or from the commander in chief, or the adjutant general; and in case of neglect or refusal to perform such duty, every officer so offending shall, if a major general, be fined in a sum not exceeding five hundred dollars, if a brigadier, in a sum not exceeding three hundred dollars, and if a field officer, in a sum not exceeding two hundred dollars or be cashiered at the option of a court martial to be ordered, if on a major general by the commander in chief, if on a brigadier by the officer commanding the division, and if a field officer by the officer commanding the brigade. Provided, That nothing in this clause contained, shall be construed to debar the commander in chief from arresting and ordering courts martial for the trial of any officer of the militia of this State, or to debar any officer commanding a division, brigade, regiment or battalion from arresting and ordering courts martial for the trial of any officer belonging to his division, brigade, regiment or battalion.

XXII. And be it further enacted, That a court martial for the trial of a major-general shall consist of at least one major-general, three brigadier generals and five field officers; and for the trial of a brigadier general the court shall consist of at least two brigadier generals and seven field officers; and for the trial of a field officer it shall consist of at least one brigadier, three field officers, and five captains, or of four field officers, and five captains; and a court martial for the trial of a captain or subaltern shall consist of at least seven commissioned officers, the president thereof to be of superior rank to the officer tried; and every sentence of a court martial, where the officer shall be cashiered, shall be transmitted by the president of the court through the adjutant-general to the commander in chief, who may approve of, mitigate the sentence or pardon the offender as he may see fit: and in case of sentences

* See act of 1793, No. 494, sect. 3, prescribing the manner of appointing courts martial.
ences merely pecuniary, the officer ordering the court may approve, disapprove or
mitigate the same.

XXIII. And be it further enacted, That from and after the organization of the mi-
litia as before pointed out, whenever any vacancy shall happen in any captain’s dis-trict,
battalion, regiment, brigade or division, by death, resignation or otherwise, the va-
cancies shall be filled up by nominating a person or persons to fill such vacancy or
vacancies in the same manner as before pointed out by this act.

XXIV. And be it further enacted, That his excellency the governor be, and he is
hereby empowered to assemble and embody such part of the militia of the State as he
may from time to time think necessary, to repel any invasion, insurrection or rebellion
which may happen within the same, and to order such officers to command the said
militia as he shall see fit. Provided, That the officers of one company shall not be
placed to command another company, unless where the death, resignation or inabil-
ity of such officer shall make it necessary. And provided, That nothing in this clause
contained shall prevent part of such company from being detached, or piquet or other-
wise under any officer.

XXV. And be it further enacted, That where volunteer corps of artillery, horse
or infantry shall be formed in pursuance of the aforementioned act of congress; the
volunteers composing the same shall not be permitted to leave such corps until he or
they shall have given two weeks notice of such intention, and shall have produced a
certificate from under the hand of the commanding officer of the company district he
belongs to, that his name is enrolled therein; and until the expiration of such notice
such person shall be liable to continue to do duty in such volunteer corps; and in case
of removal of residence of any person liable to do militia duty from one district to
another, five days notice shall be given to the officer of the company such person in-
tends to remove from, and shall produce a certificate from the officer of the company
he intends to remove to, that his name is therein enrolled, and until such notice and
certificate, such person shall be liable to do militia duty in such company from which
he so intends to remove.

XXVI. And be it further enacted, That any officer acting in an infamous or scan-
dalous manner unbecoming the officer, and which is likely to bring the militia service
down into disrepute, may be arrested by order of the commander in chief, or the com-
manding officer of a division or brigade, on sufficient grounds appearing to them of such
conduct, and on conviction thereof by a court martial, such officer may be cashiered.
And all disorders and neglects whilst on duty, or under orders which officers or pri-
vates may be guilty of to the prejudice of good order and discipline, though not herein
particularly provided for, may be noticed by a general, regimental or battalion court
martial, and be punished by fine or forfeiture, not exceeding the penalties herein
apportioned for other offences according to the rank of the offender.

XXVII. And be it further enacted, That all fines* and forfeitures accruing by virtue
of this act shall, if arising from default at regimental or battalion musters, be paid
into the hands of the major of such regiment or battalion for the express purpose of

* See act of 1793, No. 494, sect. 2, respecting other fines.
DIGEST OF THE

A. D. 1792. No. 458.

procuring regimental and company colours: and all fines and forfeitures arising from defaults at company musters (except as herein excepted) shall be lodged in the hands of the captain thereof, to be applied in the purchase of drums and fifes; and such captain, after such purpose is attained, shall yearly account with, and pay to the major of such regiment or battalion, the overplus of such fines and forfeitures, who shall, after the expense of colours is deducted therefrom, pay the overplus of such regimental, battalion or company forfeitures into the public treasury, where all fines on general officers shall also be paid.

XXVIII. And be it further enacted, That the commanding officer of regiments shall have the sole appointment of the regimental staff as pointed out by the aforesaid act of congress, and that for the better understanding of this law as it has reference to the said act, the executive be empowered to direct a sufficient number of copies of that act to be struck off with this law, to be distributed one to each company of militia within this State, and one to each field and general officer within the same: And it is declared to be the duty of each company officer to have the said act, together with this law, publicly read over at least twice in each year to his company whilst under arms; and it shall be the duty of the field officers to have the same once in every year, read to the respective regiments or battalions whilst under arms, to which they may respectively belong: And the executive department is also further empowered and required to have a like number of copies of the rules and articles of war, in force with the troops of the United States, to be distributed in like manner, that the militia be not ignorant thereof when called into actual service.

XXIX. And be it further enacted, That the major generals, brigadier generals, and adjutant general created by this act, shall be nominated in the following manner: The senate and house of representatives shall concur in the nomination of one person as major general for the first division; one other person as major general for the second division; and one other person for the major general for the third division of the militia of this State; and shall also concur in the nomination of one other person for the brigadier general of the first brigade of the first division; one other person for the brigadier general for the second brigade of the said division; one other person for the brigadier general of the first brigade of the second division; one other person for the brigadier general for the second brigade of the said last mentioned division; one other person for the brigadier general for the first brigade of the third division; and one other person as a brigadier general for the second brigade for the third and last division; and shall also concur in the nomination of one other fit and proper person as adjutant general; and a list of the names of such persons as shall be nominated as aforesaid, shall be signed by the president of the senate and speaker of the house of representatives, and transmitted to the governor within two days after such nomination, for the purpose of appointing and commissioning each and every of such nominated persons within ten days after he shall receive such lists of names as aforesaid.

XXX. And be it further enacted, That in case any officer shall remove out of the district, battalion or regiment for which he shall be appointed, then and in that case his commission shall be void; and all officers of divisions, brigades, regiments, battalions and companies shall be residents of the divisions, brigades, regiments, battalions and companies to which they severally belong.

XXXI.
XXXI. And be it further enacted, That the people called quakers, on producing a certificate from a quaker meeting of their being bona fide quakers, shall be exempt from all militia duty required by this act, and shall pay an extra tax of twenty-five per centum in addition to their general tax. Provided, That this act shall not extend to affect persons nor their estates who are herein exempt either from years, appointments or imbecility.

XXXII. *And be it further enacted, That the members of the legislature for the time being, and their officers, all judicial and executive officers, all ministers in orders, practitioners of physic, all public printers, all ferrymen, millers, all tutors and students, all justices of the peace, registers of probates, the treasurers, the surveyor general and county surveyors, the secretary of the State, invalids, post riders, madmen and idiots,† shall be and they are exempted from any of the duties required by this act, in addition to those exempted therefrom by the act of the United States.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 14, 1792.

* So much of this sect. as exempts the "several officers" named, and all militia laws prior to this act, repealed by act of 1793, No. 494. sect. 15.
† See other exemptions by acts of 1794, No. 522, and 1795, No. 534.

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An Act for the more effectually preventing and punishing forgery.

Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That from and after the passing of this act, if any person or persons shall falsely make, forge, alter or counterfeit, or cause or procure to be falsely made, forged, altered or counterfeited, or willingly act or affirm in the falsely making, forging, altering or counterfeiting any audited certificate, issued by the auditor general, or any order or warrant issued by his excellency the governor, or the honorable the president of the senate, or speaker of the house of representatives of this State, on the treasurer thereof, for any money or other thing, or any warrant for land issued by the justices of any land court within this State, or any certificate, draft, warrant or order from any of the public officers of this State, issued under or by virtue of any act or resolve of the general assembly, any deed, will, testament, bond, writing obligatory, bill of exchange, promissory note, or order for money or goods, or acquittance, or receipt for money or goods, or any endorsement or assignment of any bond, writing obligatory, bill of exchange, promissory note, or order for money or goods, with intent to defraud any person or persons whatsoever, or shall utter or publish as true, any false, forged, altered or counterfeited audited certificate, governors, presidents, speakers or other public officer's certificate, draft, warrant or order, so as aforesaid issued under or by virtue of any act, or resolve of the general assembly of this State, or any deed, will, testament bond, writing obligatory, bill of exchange, or to utter or publish the same as true.
DIGEST OF THE

A. D. 1792.
No. 469.

Exchange, promissory note, or order for money or goods or acquittance, or receipt for money or goods, or any endorsement or assignment of any bond, writing obligatory, bill of exchange or promissory note, or order for money or goods, with intent to defraud any person or persons whatsoever, knowing the same to be so falsely made, forged, altered or counterfeited, every such person or persons so offending, and being thereof convicted according to the due course of law, he, she or they shall be deemed guilty of felony, and suffer death without the benefit of clergy.

WILLIAM GIBBONS, Speaker of the House of Representatives.

EDWARD TELFAX, Governor.

December 14, 1792.

No. 470.

An Act for laying off a town, to be called Williamsburg, upon the Little St. Savilla Bluff, on the river Alatamaha, and for other purposes therein mentioned.

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 William Williams, Farr Williams, John William Lambert, William Cooke, and Roswell King, be, and they are hereby appointed commissioners to admeasure and lay out a town, to be called Williamsburg, upon the Little St. Savilla Bluff, on the river Alatamaha, in the county of Glynn, upon the lands of William and Farr Williams, under the restrictions herein after mentioned.

II. And be it further enacted, That the quantity of land thus to be laid out for the said town of Williamsburg, shall not exceed one hundred and fifty, nor be less than one hundred acres; and that the said commissioners or a majority of them, shall, within nine months from the passing of this act, actually survey, or cause to be surveyed and laid off, the said town, into such lots or parcels as to them may seem most conducive to the speedy settlement, improvement and population thereof; and transmit a copy of the plan of the same to the surveyor general, to be recorded in his office.

III. And be it further enacted, That in case of the death, resignation or refusal of any of the said commissioners to act, his excellency the governor shall, and he is hereby authorized and empowered to appoint some other fit and proper person or persons in his or their room.

IV. And whereas, in and by an ordinance, entitled "An ordinance securing upon certain conditions to Wade Hampton, Esquire, his heirs or assigns, the exclusive right to erect a bridge over the river Savannah at Augusta, and for other purposes therein

Further time allowed Wade Hampton and Jas. Gunn to erect a bridge over Great Ogeechee river.
An Act allowing further time to the officers and soldiers of the late State troops who have received no compensation for their services, to make their claims, and have them liquidated by the auditor.

WHEREAS the purpose and intention of the legislature, expressed in an act, entitled "An act for making compensation to the troops in the service of this State, for discharging the said troops, and for collecting and securing the public arms," have not been answered or carried generally into effect, by means of the short time allowed the officers and soldiers to repair to the general muster at the town of Washington; for remedy whereof, Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, and by the authority of the same, That from and immediately after the passing this act, it shall and may be lawful for any officer or soldier of the late State troops, to make application to the auditor, who is hereby authorized and required to audit and liquidate the claims of all such officers and soldiers of the late State troops as have not received a compensation for the services, in like manner as such claims were audited and liquidated in pursuance of the above recited act, and under the restrictions herein after mentioned.

II. And be it further enacted, That where any officer or soldier shall make application to the auditor to have his claim liquidated and signed as aforesaid, the said officer or soldier so making application, shall make affidavit and subscribe the same in the presence of the auditor, who is hereby authorized to administer such oath, that he hath well and faithfully served his time agreeably to his enlistment, that he did not serve as a substitute, and that he hath received no compensation for his service therefor, which affidavit, together with another to the like effect, made by the captain of the applicant or other officer of the line, shall be received by the auditor, and filed in his office.

III. And be it further enacted, That the auditor shall, previous to issuing his certificate to any non-commissioned officer or soldier as aforesaid, demand and receive from them
them two certificates, the one from the colonel of the regiment, stating that such
non-commisioned officer or soldier hath faithfully served his time agreeably to the
terms of his enlistment, and one other from the keeper of the magazine or officer
commanding the company in which such non-commisioned officer or soldier served,
that such officer or soldier had given up or restored the public arms; on which vouch-
ers the auditor is requested to issue his certificate as under the former act, any law
to the contrary in any wise notwithstanding.

IV. *Provided always, and be it further enacted*, That in all cases where any officer
or soldier has departed this life, who would have been entitled to receive a certificate
under this act, that such certificate shall be given to the heirs or legal representatives
of such deceased officer or soldier.

V. *And be it further enacted*, That James Armstrong, Esq. be allowed his pay as a
colonel in the first regiment of State troops for the time he served in the same; and
that the auditor be, and he is hereby authorized and required to audit his accounts on
the necessary vouchers being produced, and give a certificate for the amount thereof.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 17, 1792.

*An Act to appoint commissioners for the towns of Frederica and Brunf-
wick, in the county of Glynn.*

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 James Spalding,
John Braddock, Raymond Demere, John Palmer, John Burnett, John Piles, Moses
Burnett, Samuel Wright, and William Williams, be, and they are hereby appointed
commissioners* for the towns and commons of Frederica and Brunswick, who, or a
majority of them, shall have powers after giving three months notice in the gazette,
to survey or cause to be surveyed, the said towns of Frederica and Brunswick as
near as possible to the original plan of survey; which survey, when so made, shall
be recorded in the surveyor general's office, and also in the office of the surveyor
of the county of Glynn.

II. *And be it further enacted*, That the said commissioners or a majority of them,
shall have power to sell at public vendue, at such times and places as they shall think
proper, all or any of the vacant lots in the said towns; (except such as were originally
reserved for the public use) first giving four weeks public notice of such sale;
or sales; and the monies arising therefrom shall be applied under the direction of
the said commissioners to the building and support of an academy in the county of
Glynn, and to no other purpose whatever, except so much as may be necessary for
defraying the expence of surveying and laying out the said towns.

III. *So much of this act as relates to the appointment of commissioners, repealed, and others appointed by,
an act of 1796, No. 559.*
III. And be it further enacted, That nothing herein contained shall affect the right or title of any person or persons claiming or holding a lot or lots within the said towns, as laid down in any former legal plan thereof.

IV. And be it further enacted, That all and every act or parts of acts which respects the surveying or laying out the town of Frederica, and also the act, entitled "An act to appoint commissioners for the town of Brunswick in the county of Glynn," passed at Augusta, the first day of February, one thousand seven hundred and eighty-eight, be and the same is hereby repealed.

WILLIAM GIBBONS, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.
December 17, 1792.

An Act for vesting certain powers in the commissioners of the court house and gaol in the county of Chatham, and for other purposes therein mentioned.

I. Be it enacted by the senate and house of representatives, in general assembly met, That it shall and may be lawful to and for the commissioners of the court house and gaol of the said county, or a majority of them, together with the justices of the inferior court of the said county, or a majority of them, to issue bills of credit to be redeemed by fines and forfeitures of recognizances, ordered and taken to the superior and inferior courts of the said county, and the tax to be levied on the inhabitants and property in the county as aforesaid.

II. And be it further enacted, That the commissioners of the court house and gaol of the said county, or a majority of them, together with the justices of the inferior court of the said county, or a majority of them, shall be, and they are hereby authorized to levy a tax* on all persons and property within the said county liable to pay tax, not exceeding the one eighth part of their general tax for each year, while and until they shall be enabled fully to repair the said court house, build a new gaol, poor house and hospital as aforesaid.

WILLIAM GIBBONS, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.
December 18, 1792.

* So much as relates to county tax repealed by act of 1796, No. 555. Sed que.

An Act to revise and amend an act for ascertaining the fees of public officers of this State.

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 fees of the different
A. D. 1792. different public officers herein after mentioned, may be by them respectively received, as follows:

GOVERNOR’S FEES.

For signing a grant for five hundred acres or under, four shillings and eight pence.
For signing a grant above five hundred acres, and not exceeding a thousand acres, nine shillings and four pence.
On all grants above one thousand acres, at and after the rate of nine shillings and four pence for every thousand acres therein contained.
Ordering the great seal of the State to any paper of a private nature, four shillings and eight pence.
Which sums shall be paid into the treasury for public use, before any such grant or other paper is signed by the governor.

SECRETARY OF STATE’S FEES.

For a grant of land and preparing and affixing the seal thereto, if five hundred acres or under, four shillings and eight pence; if above five hundred acres, nine shillings and four pence.
For registering a grant, two shillings and four pence.
For a bond, two shillings and four pence.
For a testimonial with the great seal, seven shillings.
For every search, seven pence.
For every militia commission, to be paid for by the public, two shillings and four pence.
Preparing and countersigning a dedimus potestatem, two shillings and four pence.
Entering satisfaction on every mortgage, one shilling and two pence.
Drawing and engrossing a proclamation, four shillings and eight pence.
Fixing the great seal of the State to any other paper, four shillings and eight pence.
For a certified copy of a grant or other paper, per copy sheet, three pence halfpenny.

SURVEYOR GENERAL’S FEES.

For examining a plat, two shillings and four pence.
For recording a plat, not exceeding five hundred acres, three shillings and six pence; if exceeding five hundred acres, seven shillings; if exceeding a thousand acres, fourteen shillings.
Recording a plan of a town, township or village, forty-six shillings and eight pence.
Transmitting a caveat to the governor, and attending thereon, four shillings and eight pence.
A certified copy of an original record, three shillings and six pence.
A certified copy of an original warrant, two shillings and four pence.
A search, seven pence.
Recording and issuing a certificate of a town lot, two shillings and four pence.

COUNTY SURVEYOR’S FEES.

Surveying a town lot and returning a certificate thereof to the surveyor general’s or office, four shillings and eight pence.
Surveying a tract of land of or under one hundred acres, twelve shillings and six pence.

Each hundred acres after the first, two shillings and fix pence.

Making a plat, recording, advertising and transmitting the same to the surveyor-general's office, four shillings and eight pence.

Entering a caveat, advertising and giving a certified copy thereof, seven shillings; attending trial of the same, three shillings and fix pence; each postponement, two shillings and four pence, to be paid by the person postponing the same.

Recording judgment, and giving a certified copy thereof, two shillings and four pence.

Entering an appeal, and giving a certified copy thereof, four shillings and eight pence.

For a re-survey of land by order of court, of or under one hundred acres, twelve shillings and fix pence, for the first one hundred acres; for every hundred acres after the first, two shillings and fix pence.

For making and certifying a plat thereof, and transmitting the same, four shillings and eight pence.

And for any other re-survey, the same as aforesaid.

SHERIFF'S FEES, in civil cases.

For serving a copy of a process, and returning the original, seven shillings; if more than one defendant for each additional copy served, two shillings and four pence.

Levying execution on the body or property, seven shillings.

Summoning each witness, two shillings and four pence.

On all sums where the execution does not exceed fifteen pounds, five per centum, on the amount of property sold; on all sums above fifteen pounds, and where the execution does not exceed one hundred pounds, two and a half per centum; on all sums where the execution exceeds one hundred pounds, one per centum; and that no commission shall be demanded, where property is not actually sold.

Making out and signing a bill of sale of other property, four shillings and eight pence: Provided, That fees shall be allowed only for one bill of sale, where the same will be sufficient to convey the property sold to one person or joint purchasers; unless the purchaser or purchasers, shall choose more than one.

Conducting a debtor under confinement before a judge or court, four shillings and eight pence.

Summoning a jury to try a caveat, and attendance, four shillings and eight pence.

Summoning a special jury, and all other services, attending trial of an appeal, four shillings and eight pence.

For a bail bond, four shillings and eight pence.

Making out, and executing titles to land, fourteen shillings; (if wrote by the purbafer, four shillings and eight pence.)

SHERIFF'S FEES, in criminal cases.

For re-committing any person, when a habeas corpus is brought to his relief, four shillings and eight pence.

Summoning
DIGEST OF THE

A.D. 1792. Summoning a jury, four shillings and eight pence.
No. 474. On every copy of a mittimus, one shilling and two pence.
For every mile a prisoner shall be removed on a habeas corpus, one shilling and two pence.
For removing a prisoner by habeas corpus, when no mileage is paid, per day, four shillings and eight pence.
Executing a criminal, thirty-seven shillings and four pence.
Attending a person, taken by a warrant, to the judges' chambers, three shillings and six pence.
Conducting a prisoner before a judge or court to and from gaol, four shillings and eight pence.
Executing a warrant of escape, three shillings and six pence.
Each mile to serve the same, two pence.
Executing and returning a bench warrant, four shillings and eight pence.
Each mile to serve the same, two pence.
Putting a person in the stocks, two shillings and four pence.
For whipping, cropping or branding a criminal, four shillings and eight pence.
Apprehending a person suspected, if committed or held to bail, four shillings and eight pence.
For each person, not exceeding two, who may be employed to guard a prisoner to gaol, per day, four shillings and eight pence.

G A O L E R ' S  F E E S .

Gaoler. Receiving a prisoner or debtor, two shillings and four pence.
Turning the key or discharging a prisoner in virtue of a habeas corpus, or by order of the court, judge or justice, two shillings and four pence.
Dieting a prisoner per day, allowing two pounds of bread, one and a half pound of beef, or one pound of pork, with a sufficiency of water, all wholesome provisions, one shilling and nine pence.
Turning the key on commitment of any person, two shillings and four pence.
Dieting negroes, allowing one quart of rice or corn meal per day, seven pence.

N O T A R Y  P U B L I C ' S  F E E S .

Notary public. For every protest and oath included, not exceeding sixteen copy sheets of ninety words, nine shillings and four pence.
Administering an oath in any other case, one shilling and two pence.
For each attendance on any person, to prove any matter or thing as notary public and certifying the same, two shillings and four pence.
Every other certificate, one shilling and two pence.
Noting a protest, four shillings and eight pence.
Registering a protest, per copy sheet, one sixteenth of a dollar.
Copy of a protest, per copy sheet, one sixteenth of a dollar.

C O R O N E R ' S  F E E S .

Coroner. For summoning an inquest on a dead body, and returning the inquisition, forty-six shillings and eight pence.
For providing a coffin, and burial expences, fourteen shillings.
In all other cases, the same as the sheriff.

**REGISTER of PROBAT's FEES.**

Receiving application and granting citation, four shillings and eight pence.
Signing a warrant of appraisement, two shillings and four pence.
Signing the probate of a will, four shillings and eight pence.
Recording a will or other paper, per copy sheet, three pence half-penny.
A certified copy of a will or other paper, per copy sheet, three pence half-penny.
Receiving an appraisement and recording the same, if under one hundred dollars,
two shillings and four pence; if above one hundred dollars, four shillings and eight pence.
Receiving an application and granting letters dispensatory, four shillings and eight pence.
Granting citation, to shew cause why administration should not be repealed or set
aside, nine shillings and four pence.
For granting letters of administration, or letters testamentary, nine shillings and
four pence.
For entering a caveat against administration being granted, or will proven, four shil-
lings and eight pence.
For every marriage licence, four shillings and eight pence.
Attending judges for determining a caveat, per day, four shillings and eight pence.

**FEES of the GOVERNOR's SECRETARIES.**

A copy of any paper, not exceeding two copy sheets, one shilling and two pence.
A copy of any paper, exceeding two copy sheets, seven pence per copy sheet.
Administering an oath of office to any person where the profits thereof amounts to
upwards of twenty-five pounds per annum, and giving a certificate thereof,
four shillings and eight pence.
Certifying a copy or extract, one shilling and two pence.
For entering a testimonial, one shilling and two pence.

**FEES of the ATTORNEY-GENERAL.**

Drawing a *copy* against a person indicted and not bound over, or against a person
presented by a grand jury, one shilling and two pence.
Drawing a *copy* against a defaulting juror, two shillings and four pence.
Drawing an indictment against a person presented by the grand jury, and bound
over, four shillings and eight pence.
Entering a *noli prosequi*, seven pence.
Attending at judges chambers, to take the affidavit of any person, in criminal cases,
four shillings and eight pence.
Drawing an affidavit, or any other instrument of writing, per copy sheet, three
pence half-penny.
For a *subpoea* in criminal cases, one shilling and two pence.
Retaining fee against persons indicted, fourteen shillings.

**TREASURER's**
DIGEST OF THE
TREASURER's FEES.

For every search, seven pence.

An extra, two shillings and four pence.

ATTORNEY's FEES.

On each cause commenced and tried in the superior or inferior courts, eighteen shillings and eight pence.

On each appeal prosecuted to judgment, except appeals from a justice's court, eighteen shillings and eight pence.

Where the defendant prevails, to receive the fee in lieu of the plaintiff's attorney.

JURORS AND WITNESSES' FEES, in civil cases.

To the petit jury for each cause tried, to be paid by the plaintiff, and taxed in the bill of cost, four shillings and eight pence.

Special jury for each appeal tried, to be paid by the appellant, and taxed in the bill of cost, four shillings and eight pence.

To each witness per day, for his or her attendance, and for coming and returning, allowing thirty miles for a day, not allowing for more than three witnesses, to be paid by the person summoning the same, and taxed in the bill of costs, three shillings and six pence; the witnesses to have the same allowance in criminal cases, where the person prosecuted is found guilty.

CLERK's FEES, in criminal cases.

Every writ and seal, one shilling and two pence.

Every pannel of a jury, one shilling and two pence.

Order for fine on a juror, (unless excuse made) and entering the same, one shilling and two pence.

Ordering a fine peremptory, entering and reading, one shilling and two pence.

Copying the same for the attorney-general, one shilling and two pence.

Fee on a writ of capias and seal, one shilling and two pence.

The clerk's attendance in hearing a motion in arrest of judgment, or at the judges chambers on a petition preferred, or a habeas corpus, or to take the examination or information of any person, three shillings and six pence.

Taking an examination, information or affidavit, per copy sheet, one sixteenth part of a dollar.

Drawing a warrant, one shilling and two pence.

A commitment or liberate, one shilling and two pence.

Taking an acknowledgment of bail before the judge, or in court, and drawing recognizance thereof, two shillings and four pence.

Every subpœna ticket, seven pence.

Every indictment, if the criminal be found guilty, two shillings and four pence.

Every arraignment, or charging a defendant with indictment, if found guilty, one shilling and two pence.

Entering a plea, seven pence.

Calling a jury, seven pence.
Clerk's attendance on every cause tried, one shilling and two pence.
Every sentence or judgment, and entering the same, one shilling and two pence.
Copy of every indictment or other paper, four pence.
Copy of judgment to the sheriff, and order thereon, one shilling and two pence.
Calling a traverse or discharging a recognizance, one shilling and two pence.
Recording the proceedings of a cause, per copy sheet, one sixteenth part of a dollar.
Every person acquitted by proclamation, one shilling and two pence.
Every search, seven pence.
A writ of dedimus postesltem, four shillings and eight pence.
Renewal of copies, one shilling and two pence.

FEES OF THE CLERK, in the superior court, in civil cases.
Every suit commenced therein, if settled before judgment, and each non-suit, seven shillings.
For each copy of a writ, where there are more than one defendant, after the first copy, two shillings and four pence.
Every suit prosecuted and professed to judgment, including every service to entering up satisfaction, fourteen shillings.
For each appeal, if settled before verdict, four shillings and eight pence.
For each appeal prosecuted to judgment, including every service to entering up satisfaction, nine shillings and four pence.
For every writ of subpoena and ticket, seven pence.
For a writ of partition of land, fourteen shillings.
For issuing a commission to examine witnesses, four shillings and eight pence.
For making out letters of guardianship and taking security, four shillings and eight pence.
For every order for the sale of land, and copy thereof, two shillings and four pence.
Recording any instrument of writing, per copy sheet, one sixteenth part of a dollar.
Each search, seven pence.
A certified copy of any record, per copy sheet, three pence half-penny.
For every foreclosure of mortgage and recording proceedings, four shillings and eight pence.
Every query of title respecting property levied on by the sheriff and claimed by a third person, four shillings and eight pence.
For every tavern license, including every service therein, four shillings and eight pence.

CLERK OF THE INFERIOR COURT.
For each cause settled before judgment, and each appeal to the superior court, seven shillings.
For each copy of a writ where there are more than one defendant, after the first copy, two shillings and four pence.
Each cause commenced therein and prosecuted to judgment, not appealed from, including every service to entering satisfaction, fourteen shillings.
A.D. 1792. No. 474. For subpœna tickets, commissions and letters of guardianship and enquiries respecting property claimed, non-suits and any other service performed, the same fees as allowed to the clerk of the superior court.

Each appeal prosecuted to judgment from a justices' court, four shillings and eight pence, if settled by the parties, two shillings and four pence, including every service to entering satisfaction.

FEES TO THE CLERK OF THE HOUSE OF REPRESENTATIVES, AND SECRETARY OF THE SENATE.

For every extract of a private nature, three pence half-penny per copy sheet.

For certifying an extract of a private nature, one shilling and two pence.

For an act, passed for the benefit of an individual, or to incorporate a private society, nine shillings and four pence.

FEES OF A CONSTABLE.

Serving a warrant, summons or attachment in civil cases, one shilling and two pence.

Returning the same, and attending the justices' court, one shilling and two pence.

Summoning every witness, one shilling and two pence.

Levying an execution and advertising the sale, one shilling and two pence.

For selling, to satisfy an execution from a justice, five per centum on the amount of the debt.

For attending grand jury, for each bill found, to be paid by the delinquent, one shilling and two pence.

Serving a warrant in criminal cases, four shillings and eight pence.

For carrying a prisoner to gaol, two pence per mile.

For keeping and maintaining a prisoner, before examination, not exceeding twenty-four hours, one shilling and nine pence.

FEES OF THE POWDER RECEIVER.

Every barrel of powder of one hundred pounds weight, lodged in the public magazine, and delivered out, to be paid by the owner, one shilling and nine pence; and in proportion for any other quantity.

II. And be it further enacted, That none of the fees herein before set down or expressed, shall in any case (gaoler's fees for dieting prisoners, and coroner's fees for summoning an inquest, and returning an inquisition, and providing a coffin and burial expenses of a person found dead, and the sheriff's fees for executing a criminal; excepted) be charged to the public, for or on account of any inability in the person who ought to have paid the same.

III. And be it further enacted, That every public officer and person herein mentioned, or their deputy or agent, and every person acting as such, shall, if thereunto required, be obliged to give a statement of the fees demanded, and a receipt for the same to any person paying any lawful or pretended fee or fees of office, claimed by and paid to any such public officer, or person herein before mentioned, his deputy or agent, or person acting as such, under pain that every public officer, or person herein
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herein before mentioned, his deputy or agent, or person acting as such, shall for every neglect or refusal, forfeit the sum of twenty-five shillings, with costs of suit, to be sued for, recovered and applied in manner herein after directed. Provided always nevertheless, That all suits and actions which shall be brought or commenced by virtue of this act, shall be instituted before the end of twelve months; and not otherwise.

IV. And be it further enacted, That if at any time after the passing of this act, any public officer or person herein mentioned, or his deputy or agent, or any person acting as such, shall under pretence of any matter or thing done, transacted or performed by any such public officer or person, or his deputy or agent, or any person acting as such, demand any other or greater fee than is set down in the table hereunto annexed, every such person so offending shall, for every such offence, forfeit and pay four fold to the party aggrieved, for the sum so unjuftly demanded or taken, to be recovered with costs of suit, before any justice of the peace. Provided, the sum does not exceed his jurisdiction, or in any court of record within this State.

V. And be it further enacted, That every public officer or person herein named, and every deputy, agent or person acting as such, shall within ninety days after the passing of this act, cause a true and exact copy of the table or docket of his fees, as the same is established by this act, such table or docket to be in fair words and figures, without any abbreviations, except sums, to be placed up, and to be constantly kept in a conspicuous part of the room or place where he shall usually execute the business of his office or employment, under pain of forfeiting two shillings and four pence for every day's neglect of fixing up the same.

VI. And be it further enacted, That in case any public officer, or any person herein before mentioned, shall be sued or prosecuted for, or by reason of any fee of office whatever, and verdict shall be given for such public officer or other person; or if the plaintiff or prosecutor shall discontinue such suit or prosecution, or shall be nonsuited, then such public officer or other person shall recover double costs.

VII. And be it further enacted, That all fines, penalties and forfeitures, incurred under and by virtue of this act, shall be recovered, by action, in the superior or inferior courts, without any delay; and shall be applied, one moiety to the use of the State, and the other to the person or persons carrying on the prosecution to the conviction of the offender; except such as come within the jurisdiction of a justice of the peace, and except also those forfeitures, which are declared payable to the party aggrieved.

VIII. And be it further enacted, That any public officer, who shall charge or take fees not allowed by this act, shall on conviction thereof, be dismissed from office.

IX. And be it further enacted, That the State fees in the executive department may be paid in the paper medium of this State.

X. And be it further enacted, That the clerks of the courts respectively shall make a return on oath, of the fees collected on behalf the State, designating the paper medium from the specie, received by them previous to the passing of this act, and shall settle with the treasurer agreeably thereto.

XI.

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Penalty for neglect or refusal.

Provided.

Suit to be brought within 12 months.

To forfeit four fold for over charges.

Tables of fees to be set up in public offices.

Penalty for neglect.

Officers sued may recover double costs.

Fines & forfeitures how to be recovered and applied.

Penalty for charging or taking fees not allowed by this act.

State fees to the executive may be paid in paper medium.

Clerks how to settle for State fees heretofore collected.
XI. And be it further enacted, That any public officer, who shall presume on any pretence whatever, to charge, demand or receive fees for services not done or performed, every such person to offending shall forfeit and pay to the party aggrieved four fold the sum so illegally charged, demanded or received, and shall be immediately dismissed from office.

XII. And be it further enacted, That no justice or justices of the peace shall tax any costs for the attendance of witnesses in any case tried before him or them.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 18, 1792.

An Act to revise, amend and consolidate the several judiciary acts of this State.*

I. Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, and by the authority of the same, That from and immediately after the palling of this act, two fit and proper persons duly qualified shall be elected judges of the superior courts, which judges shall, before they enter on the duties of their respective offices, take the following oath or affirmation, to wit,

"I do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as a judge of the superior courts of this State, according to the best of my abilities and understanding, and agreeable to the laws and constitution of this State and the constitution of the United States. So help me God."

II. And be it further enacted, That the judges of the superior court, or one of them, shall hold the said courts in each county twice in every year, at the respective times and in the manner following, to wit, on the first Tuesday in January, in Camden; the Tuesday after in Glynn; the Tuesday after in Liberty; the Tuesday two weeks after in Chatham; the Tuesday two weeks after in Effingham; and the Tuesday after in Burke; the aforesaid counties shall be the Eastern district. And the said courts shall be held on the first Tuesday in January in Washington; the Tuesday after in Greene; the Tuesday two weeks after in Franklin; the Tuesday after in Elbert; the Tuesday after in Wilkes; the Tuesday two weeks after in Columbia; and the Tuesday after in Richmond; the aforesaid last counties shall be the Western district.

And when from indisposition of either of the judges of the superior courts the same cannot be held in manner as aforesaid, it shall and may be lawful for the governor for the time being, to issue a commission to some fit and proper person, being a barrister of the said court, authorizing and requiring such person to hold the same during the indisposition...

* Revised and amended by act of 1793, No. 509; and both repealed by act of 1796, No. 574.
indisposition of the judge who may be sick, or until the end of the circuit for which he shall be appointed; and the person so appointed shall receive for his services four dollars per day, which person, before he enters on the duties of such appointment, shall take the oath prescribed to the judges of the superior courts, and shall have the same power and authority.

III. And be it further enacted, That the mode of proceeding in all civil causes in the superior and inferior courts shall be by petition and process, and no plea, demurrer or rejoinder shall be admitted or allowed of in either of the said courts: And in all cases wherein demurrers are now filed, or issues in law made up, the same shall be submitted to a jury on the merits of the cause, without respect to the pleadings here- tofore had; and if either of the parties are not prepared to proceed to trial on the merits of the cause, the court shall, upon sufficient cause being shown upon oath, grant a continuance thereon until the next term; and the said petition and process shall be sufficient to carry the merits of the cause before a jury; which petition shall contain the plaintiff's charge, complaint, allegation or demand, plainly, fully and distinctly set forth, and be signed by the party or his attorney: And no writ, petition, return, process, judgment or other proceeding in civil causes shall be abated, arrested, quashed or reversed for any defect or want of form, or for any clerical mistake, or omission not affecting the real merits of the case, but the judge presiding shall cause the same to be amended on motion in court without any additional cost, and proceed to give judgment according to the right of the cause and matter in law, as shall appear unto said judge, without regarding any imperfections, defects, want of form, clerical mistake, or omission in such writ, return, process, petition, judgment, or cause of proceeding whatsoever: And all causes in the said courts shall be managed by counsel or the party or parties themselves, under such order as the courts shall establish.

IV. And be it further enacted by the authority aforesaid, That the said superior court shall have full power and authority to hear and determine, by a jury of twelve men, all pleas, civil and criminal, and all causes of what nature or kind soever, according to the usages and custom of courts of law and equity (except such as are hereby referred to inferior jurisdiction) on the days and times before mentioned, and shall consist of at least one or more judges: And that it shall and may be lawful for the said judge or judges to proceed with a jury on petition or bill directed to the said judges in all disputes of a civil nature, cognizable by original jurisdiction in the said court, for any debt or damages, or any sum of money above five pounds; but the plaintiff or his attorney shall not be at liberty to sign judgment within four days after verdict, within which time the party against whom such verdict shall pass, upon giving security, may stay the execution sixty days after the end of the court; but all the property of the defendant shall nevertheless, be bound from the day of signing judgment, which shall bear interest until paid, and in case either party shall be dissatisfied with the verdict of the jury, that then, and in such case, either party may, within the space of four days after the adjournment of the court, in all cases enter an appeal in the clerk's office, which shall be admitted, and a new trial granted, and tried next term by a special jury. Provided, The person or persons so appealing...
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All costs incurred, to be first paid and security given.  
No executor or administrator, liable to give such security.  
In frivolous appeals, the jury may assess damages for the delay.  
And all give security, for the discovery of frivolous points etc.

The court may in certain cases exercise all the powers, of a court of equity, for the discovery of frivolous points etc.

To be submitted to a special jury, whose verdict shall be final.  
Confession of judgments shall not be entered without proclamation.

Causes, when not to be dismissed—shall not be depending more than four terms.

Special jurors to be taken from the grand jury list—in what manner to be struck.

Special jurors oath.

pealing shall, previous to obtaining such appeal, pay all cost that may have arisen on the first trial, and give security for the eventual condemnation money; and that no executor or administrator, as such, shall be liable to give such security; but if, on hearing such appeal and new trial, it shall appear to the judge or judges, and he or they shall certify that the appeal was frivolous or intended for delay only, then such judge or judges, shall direct the jury trying the appeal, cause to affix damages to the party aggrieved for such delay. And in case of a jury committing contempt, or breaking up before giving in their verdict in civil cases, the judge may declare the cause to be a mis-trial; and if any cause or matter in dispute requires equitable interposition, and a common law remedy is not adequate, the judge presiding shall exercise all the powers of a court of equity, competent to compel the party defendant in a cause to discover, on oath, all requisite points necessary to the investigation of truth and justice; which proofs, when obtained, shall be submitted to such special jury, whose verdict shall be final, and execution thereupon may be issued.

V. And be it further enacted, That no confession of judgment shall be hereafter entered up, unless the said confession be made under proclamation, in open court, and where the justice of the same shall appear to the satisfaction of the judge or justices of the said court.

VI. And be it further enacted, That no cause instituted in the superior courts shall be dismissed before the last day of the term, or then, unless the plaintiff shall refuse to try the cause; neither shall any cause, instituted as aforesaid, be suffered to lay over, or be depending more than three terms, unless very special cause be shewn, by affidavit of the party applying, to put off the cause, to induce the judge presiding to lengthen or protract the time, which shall not in all extend to more than four terms.

VII. And be it further enacted, That all special jurors shall be taken from the grand jury list of the county, and struck in the presence of the court, in the following manner: The clerk shall produce a list of the grand jurors present, and there impanelled, from whom the party, plaintiff or defendant, or their attorney, shall strike out one until there shall be but twelve jurors left, who shall forthwith be impanelled and sworn as special jurors, to try the cause; and in all causes the appellant shall strike first; and in case of refusal in either to strike such special jurors, after due notice given for the purpose and proof thereof, the judge before whom such notice is given for such special jury to be impanelled, shall, on behalf of such absent party or his attorney, proceed in the same way and manner as if the party absent or refusing had been present, or confedered to do the same.

VIII. And be it further enacted, That the special jurors summoned to try causes in the superior court shall, before they enter upon their duty as such, severally take the following oath or affirmation, as the case may be:

"That I will well and truly try the cause now pending between A. B. plaintiff, and C. D. defendant, and a true verdict give according to equity and the evidence produced to me, to the best of my skill and knowledge, without favor or affection to either party. So help me God."
IX. And be it further enacted, That the judges of the said superior courts shall be, and they are hereby vested with full power to regulate the proceedings in the said courts, and make and establish all necessary rules for the orderly conducting of business therein according to law, and shall have power to administer all necessary oaths or affirmations, and to punish by usual fine and imprisonment, at the discretion of the judge or judges presiding, all contempts of authority in any cause or hearing before the said court.

X. And be it further enacted, That the clerks of the several courts shall, before they enter upon the execution of their office, take the following oath or affirmation before one of the judges or the justices of the said court, to wit:

"I do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders and decrees, judgments and proceedings of the superior or inferior courts for the county of , and all other matters and things which may be brought to me as by law ought to be recorded, and that I will, faithfully and 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 and inferior courts shall keep regular and fair minutes and dockets of all court business, which shall be signed by the presiding judge or judges on the bench as far as the same may be gone through, prior to the adjournment from day to day, and shall give bond, with two securities to the governor or commander in chief, and his successors in office, in two thousand pounds, for his good conduct while in office, which bond shall be deposited in the public treasury.—That all writs and processe of what nature or kind they may be, issuing out of the courts shall be drawn, if required, signed and signed by the clerk of each court respectively, and bear the name of one of the judges of the said courts, returnable to the next succeeding term, and be executed by serving a copy of the same on the defendant or defendants, or leaving such copy at his or their usual or notorious place of abode, at least twenty days before the day therein mentioned for the return thereof, and be directed to the sheriff of the county where they are to be executed, except in cases of execution which shall be directed to all and singular the sheriffs of the State, signed by the clerk, bear seal as aforesaid, and may be levied on the estate both real and personal, or signed against the person of the party caff, in any county of this State, and the same may be continued until the amount thereof is satisfied.

The remainder of this and the sections omitted, relate only to juries.

XVII. And be it further enacted, That the sheriffs of the several counties shall attend the superior and inferior courts when sitting in the respective counties, and by themselves or deputies, execute throughout the counties all writs, warrants, precepts and processe directed to them, and issued under the authority of any judge of the said superior court, or clerk of the court; and the said sheriff or his deputies shall have power to command all necessary assistance in the executions of their office, and to appoint, as there shall be occasion, one or more deputies; and before the said sheriffs enter on the duties of their office, each of them shall be bound, for the faithful execution and performance of the same, by himself and his deputies, before any one of the

Oath to be taken by the sheriffs.
the said judges, to the governor of the said State for the time being, and to his successors in office, jointly and severally, with two good and sufficient securities, inhabitants and freeholders of the county, to be approved of by one or more of the judges of the superior court, or the justices of the inferior court, in the sum of five thousand pounds: And the said bond shall remain in the clerk's office of the county for which sheriffs are appointed, and may be sued for by order of the said court, for the satisfaction of the public, and all private persons aggrieved by the misconduct of the said sheriffs or their deputies: And the said sheriffs respectively, shall take the following oath before either the judge or justices of the court, and the same shall be recorded in the office of the said court before they enter on the duties of their office, to wit: "I do solemnly swear, or affirm, that I will faithfully execute all writs, warrants, precepts, and process, 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.

XVIII. And be it further enacted, That in all cases wherein the sheriff of either of the said counties or his deputy shall be a party, or interested therein, the writs, precepts and process, shall be directed to the coroner, and he shall return the same. The sheriff—how to act in case of sheriffs death.

Sheriff's failing, to turn over to their successors, all process &c. unexecuted; how liable—shall also deliver up the custody of the gaol and bodies of prisoners.

The officers of court to have like powers and subject to suit &c. in like manner as heretofore.

XIX. And be it enacted by the authority aforesaid, That the sheriff for each county shall, at the expiration of his office, turn over to the succeeding sheriff, by indenture and schedule, all such writs and process as shall remain in his hands unexecuted, who shall duly execute and return the same; and in case any sheriff shall refuse or neglect to turn over such process in manner aforesaid, every such sheriff to neglecting or refusing shall be liable to make such satisfaction, by damages and costs to the party aggrieved, as he, she or they shall sustain, by such neglect or refusal; and the said sheriff shall also deliver up to his successor the custody of the gaol, and the bodies of such persons who shall be confined therein, and the cause of their detention.

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

XXI. And be it further enacted, That no injunction on any judgment obtained in the superior or inferior courts shall be issued or allowed of; but in all cases where execution shall issue illegally, on matter which shall have arisen subsequent to judgment, or the sheriff shall execute property claimed by any person other than him against whom such execution issued, in which latter case it shall appear by the oath of the person so claiming, or by the oath of his attorney, it shall be the duty of the sheriff to postpone the sale or further execution of the judgment, until the next adjourned court or term of the superior court, which ever may first happen; and such court shall itself determine on the illegality of the execution, and shall cause the right of property to be decided on by a jury at such court, if in term time, or at the next court thereafter if such report be made at an adjournment court.

XXII. And be it further enacted by the authority aforesaid, That the sheriff shall be liable, either to an action on the case, or an attachment for contempt of court, at the option of the party, wherever it shall appear that he hath injured such party, either by false returns, taking insufficient bail, or by neglecting to arrest the defendant, or to levy on his property, or to pay over to the plaintiff or his attorney the amount of any sales which shall be made under or by virtue of any execution.

XXIII. And be it further enacted, That no suit shall be instituted, nor execution issued against any executor or administrator, for any debt or demand due or owing from a testator or intestate, until the expiration of twelve months from and after the death of such testator or intestate; and where suits have been brought against such testator or intestate, and depending within any of the courts of law in this State at the time of his or her death, the same shall remain undetermined until the time limited as aforesaid shall expire.

XXIV. And be it further enacted, That in case of mutual debts and sets off, where the jury shall find a balance for the defendant, the defendant shall be at liberty to enter up judgment, and take out execution thereupon: Provided, Notice of such set off, be served on the plaintiff or his attorney on or before the last day of the first term.

XXV. And be it further enacted, That no sales in future shall be made by sheriffs, of property taken under execution, but on the first Tuesday in every month. And it shall be the duty of the sheriffs of the different counties in this State, to give thirty days notice in one of the public gazettes of all sales of lands by him executed, and advertise the same in three of the most public places in the county where such sales are to be made, and shall give a full description of the property to be sold; making known the name of the defendant, and the person who may be in the possession of the property, except horses, hogs and neat cattle, which may be sold at any time by the
the consent of the defendant, and in which case it shall be his duty to give the plaintifff five days notice thereof.

XXVI. And be it enacted by the authority aforesaid, That from and immediately after the palling of this act, the justices of the inferior court, or any one of them in each county, may, in the absence of the judges of the superior court, grant a writ of habeas corpus in the fame manner, and under the fame regulations as a judge of the superior court is empowered to do: And in all causes not capital, such justices may discharge, admit to bail, or remand to gaol a prisoner at his discretion, according to law and justice; but in all causes of a capital nature, it shall be necessary that one or more justices of the said county court do associate with such justice granting the writ of habeas corpus at the return thereof, and that a majority of the said justices do concur in opinion.

XXVII. And be it further enacted, That if any sheriff, clerk or other county officer shall be guilty of extortion, or other mal-practice in the execution of his office, upon complaint made upon oath to the attorney or solicitor-general, it shall be the duty of such attorney or solicitor-general to exhibit a bill of indictment against the person so offending, who, upon conviction thereof, if for extortion, shall be fined and removed from office, and suffer such other punishment as the law directs.

XXVIII. And be it further enacted, That the said superior courts shall have power to issue writs of seire facias, mandamus, habeas corpus, and all other writs which may be necessary for the exercise of their jurisdiction, and agreeable to the principles and usages of law and equity. And where any witness resides out of the State, or out of any county wherein his testimony is required in a cause in the county wherein such witness does not reside, it shall be lawful for either party, plaintiff or defendant, or his attorney, on ten days notice given to the adverse party or his attorney, to obtain a commission from the clerk of either court, directed to certain commissioners to examine all and every such witnesses or witnesses, on such interrogatories as the parties may exhibit, and such examination shall be read at the trial of the cause, if either party shall see fit.

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

XXX. And be it further enacted, That in cases of unavoidable accident, if the said courts or any of them shall fail to be held at the times respectively appointed for holding the same, the proceedings shall not be discontinued, but the clerk of the
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The said courts shall be courts of record. Writs to be free from arrest.

Attorney & solicitor general: their duty.

In cases of their non-attendance, the court may appoint some fit person to act.

Bail—how to be taken.

Affidgment of bail bond.

Provided. Such bail may, on payment of costs, enter special bail—proceedings thereon.

faid courts respectively shall and may adjourn the said superior or inferior courts from day to day, not exceeding four days, until the said court shall meet; and in case the said courts shall not meet and sit in that time, the clerk of the court as aforesaid, shall adjourn the same to the next court, to which time all causes then depending shall be continued over.

XXXI. And be it further enacted, That the said several courts shall be courts of record, and all witnesses necessarily going to, attending on, and returning from the same, shall be free from all arrears in any civil action.

XXXII. And be it further enacted, That the office of attorney-general shall be, and is hereby declared to be in commission, and the duties thereof shall be performed by two persons, to be styled the attorney and solicitor-general, one to attend the eastern and the other the western district, who shall execute the functions of their office jointly or severally, and shall be sworn or affirmed to the faithful execution of their office; and it shall be their duty, or one of them, to prosecute all delinquents for crimes and offences cognizable under the authority of the said courts, and all civil actions in which this State shall be concerned; and to give his or their advice and opinion, in writing, to his excellency the governor, on questions of law in which the State may be interested.

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

XXXIV. And be it further enacted, That in all cases where bail shall be required, the amount of debt or damages shall appear, by the oath of the plaintiff or plaintiffs, or his or their agent or agents, before any justice of the peace, which shall be lodged in the clerk’s office and be filed of record, and a copy thereof shall be affixed to the original and copies of the process, and thereupon the sheriff shall take a bail bond, with sufficient security, for the appearance of the defendant or defendants, at the court to which such writ or process may be returnable; and if the defendant or defendants shall not appear agreeably to the tenor of the said bond, or to enter special bail to answer the action, and to pay the condemnation money thereof, it shall be the duty of the sheriff, on application therefor, to indorse or make an affidavit of the bail bond to the plaintiff or plaintiffs, who may recover the amount of the debt sworn to, with legal interest, by action of debt, founded on the same, against the principal and bail: Provided, That the said bail, on paying costs, shall be at liberty to enter special bail, at any time before trial, but no impairment, advantage or delay shall be had or taken thereupon, but the proceedings thereon shall be made up immediately, and come on in the same course and order as such action on the bail.
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**Rules of court, how to be made.**

XXXV. And for the more speedy determination and orderly conducting of all causes in the superior courts, *Be it enacted*, That the judges, together with the attorney or solicitor-general, shall frame and agree upon a set of rules of proceedings and practice for all parties, practitioners and others in the said courts, which shall be the same in all the said counties, and which shall in no case be altered, but at a meeting of the said judges, attorney or solicitor-general as aforesaid.

XXXVI. And be it further enacted, That the superior courts shall, in all cases respecting the discovering transactions between co-partners and co-executors, compelling distribution of intestate estates, or payment of legacies, be competent to sustain a suit by bill and proceedings therein, until the setting down the cause for hearing; such superior courts shall then submit the merits of the suit, with the evidence thereon, which in all cases shall be given *viva voce* in court, (or otherwise within the rules of the common law) and all matters respecting the same, to a special jury, who shall give their verdict on the same; but if either party shall be dissatisfied with such verdict, an appeal may be entered in the clerk's office within ten days after trial, when a hearing of such cause shall again be held before another special jury, and such trial shall be final and conclusive.

XXXVII. And be it further enacted by the authority aforesaid, That the method of foreclosing mortgages in this State shall be as follows: The person or persons entitled to foreclose a mortgage, or his or their attorney, shall petition the superior court of the county wherein such mortgaged property may be, stating the case, and the amount of his, her, or their demand, and describing such mortgaged property; and the court shall grant a rule, that the principal, interest and cost be paid into court within twelve months thereafter; the rule shall be published in one of the public gazettes of this State, or served on the mortgager or his attorney, at least nine months previous to the time when the money is directed to be paid; and unless the principal, interest and cost be so paid, the equity of redemption shall be from thenceforth foreclosed. In case of any dispute, as to the amount due on any mortgage, the court shall, on application, appoint one or more fit persons to audit and liquidate the same, with the liberty of an appeal thereon, or the submission of any other matter respecting the same to a special jury, who shall be taken from the grand inquest as in other appeals, whose decisions shall be final.

XXXVIII. And be it further enacted, That all bonds and other specialties, and all promissory notes and other liquidated demands, bearing date at any time after the passing of this act, whether for money or specific articles, shall be of equal dignity, and be hereafter negotiable by indorsement, and may be sued by the indorsee or assignee, on his, her or their names, any law to the contrary notwithstanding. Provided, That nothing herein contained shall prevent the party giving any bond, note, or other writing, from restraining the negotiability thereof by any words inserted.
inferred therein expressive of such intention. *And no verdict shall be received on any unliquidated demand, wherein the jury have increased their verdict on account of interest, nor shall interest be given on any open account in nature of damages.

XXXIX. And whereas, the constitution authorizes the establishment of courts of an inferior jurisdiction; Be it further enacted, That in every county within this State a court shall be held once in every six months, which courts shall be called the inferior county courts, and shall be held and administered by the first five justices mentioned in the commission of the peace, or any three of them, who shall have full power and jurisdiction to hold the said county courts, and to hear and determine all causes and controversies properly appertaining and referred by law to their jurisdiction.

XL. And be it further enacted, That if the business of the said court cannot be determined on the court days, the justices may sit from day to day, until all the causes not postponed by consent or for sufficient reason, are tried and determined; (Sundays excepted) and all causes and controversies then laid before them, which cannot be heard and determined within that time, shall be adjourned over until the next inferior county court. Provided, That the justices shall have power to make such adjournment as they think proper to go through the necessary business of the court; and that the said justices or any three of them shall have full and concurrent jurisdiction with the superior courts in all civil cases whatsoever; and where any cause tried and determined in the inferior courts of the respective counties shall be above five pounds, then an appeal shall be admitted to the superior court, and therein tried at the next succeeding term, unless special cause is shown to induce the judge or judges to postpone the same to the second term, after such appeal may be depending therein: And the time of holding such courts shall be in the counties of Camden and Washington on the second Tuesday in March and September annually; the Tuesday after in Glynn and Greene; the Tuesday after in Liberty and Franklin; the Tuesday after in Elbert; the Tuesday after in Wilkes and Chatham; the Tuesday two weeks after in Effingham and Columbia; the Tuesday after in Burke; and the Tuesday after in Richmond.

XL. And be it further enacted, That the several justices of the respective counties in all cases cognizable before them, shall have the same power to hold to bail, as by this act is given in cases commenced in the superior or inferior courts.

XLII. And be it further enacted, That it shall and may be lawful for any judge or justice of the peace, upon complaint made to him upon oath by any person, that his

Q q q

May besides the court days, sit from day to day 'til the business thereof be finished.

Provido. The justices may make such adjournments as they think proper. Their jurisdiction, Appeals shall be allowed to the superior court.

The time for holding the inferior courts in the respective counties.

May hold to bail in like manner as the superior court.

Attachments in what manner to be issued.

* Here, we believe, commenced the doctrine of open accounts or unliquidated demands, bearing no interest in this State. On the contrary it appears that interest has always been claimed on such contracts and uniformly allowed in our courts until this period. How far this act can constitutionally be suffered to "impair the obligation of contracts," by a retrospective operation, belongs to another department to determine: And it is to be regretted that decisions in the state courts, on this point, have varied.

According to the uniform decision of the federal courts, the citizens of this State are bound to pay interest to citizens of other States and to foreigners, on all such contracts; and, this practice appears to be sanctioned as well by the common law as an express statute of our own. See act of 1759, No. 46. It might therefore be asked upon what principle can the citizens of this State be deprived the right of recovering like interest, of each other, on any contract entered into prior to the date of this act? 

† Repealed by act of 1796, No. 574.
A. D. 1792. debtor is removing out of the State privately, or absconds and conceals himself, or stands in defiance of a peace officer so that the ordinary process of law cannot be served upon him, to grant an attachment against the estate of such debtor, or to much thereof as shall be of value sufficient to satisfy the debt and costs of such plaintiff, which attachment shall be returnable, if the sum sworn to by the plaintiff be under the sum of five pounds, to any justice of the peace; and if above that sum, to either the superior or inferior court of the county where the same was issued, and shall be directed to, and served by the sheriff of the county or his deputy, or to any constable legally appointed, and it shall be lawful for such sheriff; his deputy or a constable, to serve and levy the same upon the estate both real and personal of the party abounding, wherefore the same shall be found, either in the hands of any person or persons indebted to, or having effects of the person abounding, and to summon such person or persons to appear at the next court to be held for the said county, and to which the said attachment is returnable, there to answer upon oath, what he, she or they are indebted to such party, and what effects of such party, he, she or they, hath or have, in his, her or their hands, or had at the time of serving such attachment, which being returned executed, the court may thereupon compel, by order, such person or persons, to appear and answer as aforesaid: Provided, That every judge or justice of the peace, before granting such attachment, shall take bond and security of the party for whom the said attachment shall be issued, in double the sum to be attached, payable to the defendant, for satisfying and paying all costs that shall accrue to the defendant in case the plaintiff suing out such attachment therein mentioned, shall discontinue or be cast in his suit; and also all damages, which shall be recovered against the said plaintiff, for suing out such attachment; which bond, the judge or justice shall return to the court, to which the attachment is returnable, on or before the last day of the term, and the party entitled to such cost and damages, may bring suit and recover; and every attachment issued without such bond taken, or where no bond shall be returned as aforesaid, is hereby declared to be illegal and shall be dismissed with 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 sitting of the next court, to which such attachment is made returnable, and if any attachment shall be sued out within thirty days of the next court, the said attachment shall be made returnable to the next court to be held after the expiration of the said thirty days, and not otherwise; and all attachments issued and returned in any other manner than that herein before directed, shall be and the same are hereby declared null and void; and all goods, chattels, lands and tenements subject to such attachments shall be repleviable, by appearance and putting in special bail, or by the defendant’s giving bond, with good security to the sheriff or other officer serving the same, which bond, the sheriff or other officer is hereby empowered and required to take, compelling the defendant to appear at the court to which such attachment shall be returnable, and to abide by and perform the order and judgment of such court; Provided always, That all goods and effects attached and not repleived as aforesaid, where
where it shall appear to the court that the same are of a perishable nature, on motion of the plaintiff or his attorney, the court may, and they are hereby authorized and required to order a sale of such perishable property; and that the monies arising from such sale, shall by the sheriff or other officer selling the same, be deposited in the clerk’s office, to answer the demands of the plaintiff if the same shall be established, and the balance, if any there be, after satisfying the plaintiff’s demand and all cost, shall by order of the court be returned to the defendant or his attorney.

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

XLIV. And for the more speedy recovery of small debts, Be it enacted, That the justices of the several counties or any one or more of them, shall have authority and jurisdiction to hear and determine all suits for any debt or liquidated demands due by judgment, specialty, or account for any sum or sums of money, not exceeding five pounds sterling, by summons or warrant, without the solemnity of a jury. Provided, no justice being a judge of the inferior court, or clerk of courts, or attorney, being a justice, shall try any warrant, or give judgment thereon in any civil case whatever. And the said justice or justices is, and are hereby authorized to give judgment and award execution thereupon: Provided nevertheless, That the party, if he shall not hold any justice’s court, or pass any judgment (except by consent of parties) at any other or more times than one day in each month, within his district, which day shall be in the option of the said justice to appoint; and no justice shall hold court, but at the place mentioned in the warrant or summons, which summons or warrant shall be served four days before the day of trial: And all warrants or summons which do 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.
XLV. And be it further enacted, That in all cases where distress for rent, or rent arrear shall take place, no replevin shall be granted without oath is made by the person or persons applying for the same, that he, she or they are not indebted to the person so making distress. Provided, That nothing in this clause contained, shall debar the person or persons so applying for a writ of replevin, to bring suit against the person levying the distress, in any court of this State, for or on account of illegality therein.

XLVI. And be it further enacted by the authority aforesaid, That where property shall be executed by any confable under the authority of an execution issued by any justice of peace, such constable shall give public notice, by advertisement at the usual place of holding courts in such justice's district, at least ten days before such sale, and all moneys arising from such sale shall be paid into the hands of the said justice by the constable, in five days thereafter, under the penalty of ten pounds: And it shall be the duty of the said justice to pay the amount of the judgment to the party obtaining such execution; and if any overplus shall remain from such sale after satisfying such judgment, the same shall be returned to the party defendant in the action: And where any dispute may arise touching property executed as aforesaid, it shall be the duty of said justice to issue his summons to three freeholders of the vicinage, whose duty it shall be to attend, and after being sworn, well and faithfully to try the issue in dispute, to decide thereon.

XLVII. And be it further enacted, That the sheriffs, clerks of the courts, coroners, county surveyors, and registrars of probates now in office, shall continue in their respective offices until the first Monday in October next, at which time the electors of each county shall, at the time of their ballotting for members to represent them in the State legislature, vote for a sheriff, clerks of the courts, coroner, county surveyor, and registrar of probates.* The sheriffs to hold their office for the term of two years, if they shall so long well behave themselves, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of four years: And the said clerks, coroners, county surveyors, and registrars of probates so elected, shall hold their respective offices during the term of two years. Provided, That in case of death, resignation, or removal out of the county of either of the aforesaid officers, his excellency the governor shall fill up such vacancy until the next general election for the county, when another shall be elected instead of the person so deceased, resigned, or removed out of the county as aforesaid. And all acts, clauses, or parts of acts heretofore made respecting the appointment of the said officers, shall be, and the same are hereby declared to be repealed.

XLVIII. And be it further enacted, That all former acts for regulating the judiciary departments of this State, be, and they are hereby repealed.

WILLIAM GIBBONS, Speaker of the House of Representatives.

EDWARD TELFAIR, Governor.

December 18, 1792.

* See art. of 1796. No. 572, Respecting the election of these officers.
LAW OF GEORGIA.

An Act to protect the estates of orphans, and to make permanent provision for the poor.

WHEREAS there is no law in this State which sufficiently points out the manner in which the estates of deceased persons shall be ascertained, and the duties of executors and administrators prescribed, whereby orphans and others are injured in their just rights; for remedy whereof,

I. Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, That every executor and administrator shall annually, whilst the estate shall remain in his or their care or custody, on the first day of January, or within ten days thereafter, render to the register of probate in the county in which they obtained probates of will or letters of administration, a just and true account upon oath of the receipts and expenditures of such estate the preceding year, which, when examined and approved, shall be deposited, with the inventory and appraisement, or other papers belonging to such estate, in the said office, there to be kept for the inspection of such persons as may be interested in such estate, and that no charge shall be made for such search and inspection by persons interested: And if any executor or administrator shall neglect to render such annual account, he shall not be entitled to any commissions for his trouble in the management of the said estate; and shall moreover, be liable to be sued for damages by any person or persons interested in the said estate. And in all cases wherein probate of will or letters of administration have been at any time heretofore obtained, and letters of administration have not been had thereupon, every such executor or administrator shall, within twelve months after the passing of this act, render into the register of probate’s office, in the county wherein the said probate of will or letters of administration have been obtained, a just and true account upon oath, of the receipts and expenditures of such estate for the time that he or they hath, or have had the charge, care or custody of the same; and in case such executors or administrators shall neglect to render such accounts fairly stated, together with a copy of the several vouchers to establish such accounts, such executor or administrator shall not be entitled to any commissions for his trouble in the management of such estate, and shall moreover, be liable to be sued for damages by any person or persons interested in such estate; and in such several cases of neglect, the charge of commissions shall not be admitted in any court of record in this State. And in cases where any person shall die intestate, and appoint an executor or executors to his will, against which executor or executors there shall be any charge of neglect or mal-practice, by any devisee, legatee or creditor, that the superior court shall hear and determine such charge and complaint; and if the judge of such court shall determine in favor of the application, then, and in such case, the judge of the court shall order and direct, that the executor so complained of, shall give security in the direction of the court, for the faithful execution of the trust.

II. And be it further enacted by the authority aforesaid, That when any will shall be proved, or application is made for administration of any person dying intestate, the register shall direct the executors or administrators to make out an exact inventory of the estates—when to be inventoried & appraised.
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shall give conclusive evidence of the value.

The personal estate of the deceased, and shall appoint three or more respectable freeholders, who shall appraise the same on oath; which inventory and appraisement shall be returned within three months into the register's office; and every appraisement made as aforesaid, may be given in evidence in any action against such executors or administrators, to prove the value of the estate, but shall not be conclusive, if it shall appear on the trial of the cause that the estate was really worth, or bona fide sold for more or less than such appraisement.

III. And be it further enacted, That when any person shall make a will in writing, without appointing any executor or administrator therein, or such executor or executors shall refuse to qualify, the register of probates of the county wherein such will shall be proved, shall, on application, grant letters of administration with the will annexed, to such person or persons as would have been entitled thereto if the deceased had died intestate. And if any person shall die intestate, the register of the county wherein the will of such person (had he or the left one) would have been proved, shall grant letters of administration to them who would have been entitled thereto.

IV. And be it further enacted, That if any person having in possession the will of a deceased person, shall neglect to produce the same to be proved, upon application to the superior court of the county where such will ought to be proved, proceed as for contempt shall issue, and the person shall be fined and imprisoned until the will shall be delivered.

V. And be it further enacted, That every executor or administrator, with the will annexed, at the time of proving the will, or granting administration shall take the following oath:

"I do solemnly swear that this writing contains the true last will of the within named A. B. deceased, so far as I know or believe, and that I will well and truly execute the same by paying first the debts, and then the legacies contained in the said will, as far as his goods and chattels will thereunto extend and the law charge me, and that I will make a true and perfect inventory of all such goods, and chattels. So help me God."

VI. And the administrator with the will annexed, shall enter into bond with good and sufficient security in a sum equal to the value of the estate at least, the condition of which bond shall be in form following, to wit: The condition of this obligation is such, that if the above bound C. D. (administrator with the will annexed) of the goods, chattels and credits of E. F. deceased, do make or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hands or possession or knowledge of the said C. D. or into the possession of any other person for him; and the same so made, do exhibit to the superior court of the county, or to the register of probates thereof, at such time as he shall be thereto required, by the said court or register; and the same goods, chattels and credits, do well and truly administer according to law, and make a just and true account of his actions and doings, when by law required; and further do well and truly pay and deliver all the legacies contained and specified in the said will, as far as the said goods, chattels and credits will extend, or the law require,
LAWs OF GEORGIA.

require, then this obligation to be void, else to remain in full force. Which bond shall be made payable to the register of probates for the county, and his successors in office, and recorded in the clerk's office of the superior court, and may be sued for from time to time by any person injured by the breach thereof, until the whole penalty be recovered and damage sustained; being affixed on such suit by the verdict of a jury, may be levied by execution, and paid to the party for whom they were affixed.

VII. Every administrator when letters are granted to him, shall take the following oath or affirmation, as the case may be, before the register of probates:

"I do solemnly swear or affirm, that A. B. deceased, died without any will, as far as I know or believe, and that I will well and truly administer on all and singular the goods and chattels, rights and credits of the said deceased, and pay all his just debts as far as the same will extend, and the law requires me, and that I will make a true and perfect inventory of all and singular the goods and chattels, rights and credits, and a just return thereof, when thereunto required. So help me God."

VIII. And such administrator shall also enter into bond with good security, to be appointed by the register, in a sum equal to the full value of the estate, with a condition following, to wit: The condition of the above obligation is such, that if the above bound A. B. administrator of the goods, chattels and credits of C. D. deceased, do make a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hands, possession or knowledge of the said A. B. or into the hands or possession of any other person or persons for him; and the same so made, do exhibit into the said court of when he shall be thereunto required; and such goods, chattels and credits do well and truly administer according to law, and do make a just and true account of his actions and doings therein when required by the superior court, or register of probates for the county. And all the rest of the goods, chattels and credits, which shall be found remaining upon the account of the said administration, the same being first allowed by the said court, shall deliver and pay to such persons respectively as are entitled to the same by law. And if it shall hereafter appear that any last will and testament was made by the said deceased, and the same be proved before the court, and the executors obtain a certificate of the probate thereof, and the said A. B. do in such case, if required, render and deliver up the said letters of administration, then this obligation to be void, else to remain in full force. Which bond shall be made payable to the register of probates for the county in which the same shall be given, and to his successors in office, and recorded in the clerk's office of the superior court, and may be sued in like manner, as is prescribed in the preceding clause of this act, in the case of bonds given by executors with the will annexed. And in such case the register shall fail to take bond, with sufficient security as aforesaid, such register shall be liable to be sued for all the damages arising from such neglect, by any person or persons interested in the estate.

IX. If the sureties for administrators conceive themselves in danger of being injured by such suretyship, they may petition the superior court of the county, wherein
wherein they stand bound, for relief; which court shall summon the administrator to appear, and thereupon make such order or decree as shall be sufficient to give relief to the petitioner.

X. That if any widow, after having obtained letters of administration, shall marry again, it shall be in the discretion of the judge of the superior court, to revoke the administration to her granted, or join one or more of the next of kin to the intestate, in the administration with her.

XI. The debts due by any testator or intestate, shall be paid by executors or administrators in the order following, viz: Funeral and other expenses of the last sicknes; charges of probate and will, or of the letters of administration; next debts due to the public; next judgments, mortgages and executions, the eldest first; next rent; then bonds or other obligations; and lastly, debts due on open accounts; but no preference whatever shall be given to creditors in equal degree, where there is a deficiency in assets, except in the cases of judgments, mortgages that shall be recorded, from the time of recording, and executions lodged in the sheriff's office, the eldest of which shall be first paid; or in those cases where a creditor may have a lien on any part of the estate.

XII. Every executor or administrator shall give six weeks notice by advertisement in one of the public gazettes in this State, or at three different places of the most public resort in the county, for creditors to render an account of their demands; and they shall be allowed twelve months to ascertain the debts due to and from the deceased, to be compared from the probate of the will or granting letters of administration. And creditors neglecting to give in a state of their debts within the time aforesaid, the executors or administrators shall not be liable to make good the same, nor shall any action be commenced against any executor or administrator for the recovery of the debts due by the tettor, or intestate, until twelve months after such testator or intestate's death.

XIII. That all and every the executors and administrators of any person or persons, as executor or executors in his or their own wrong, or administrators, shall waste or convert any goods, chattels, estates or assets of any person deceased to their own use, shall be liable and chargeable in the same manner as their testator or intestate would have been if they had been living.

XIV. And be it further enacted, That it shall and may be lawful for the inferior courts in the several counties of this State, to order a sale, which shall be at public auction, and on the first Tuesday of the month, at the place of public sales in the said county, first giving sixty days notice thereof in one of the gazettes, and at the door of the court house in the county where such application shall be made, of such part or the whole of the real estate of every testator or intestate, on the application of the executor or executors, administrator or administrators of such testator or intestate, where it is made fully and plainly appear that the same will be for the benefit of the heirs or creditors of such estate; Provided, That a notice of such application for sale be first made known in one of the gazettes in this State, and at least nine months before any order absolute shall be made thereupon.

XV.
XV. And be it further enacted, That an act, entitled "An act to direct executors and administrators in the manner and method of returning inventories and accounts of their testators and intestates' estates, and for allowing them and all other persons who shall or may be entrusted with the care and management of minors and other estates, to charge commissions thereon," passed the twenty-ninth day of February, one thousand seven hundred and sixty-four; and an act, entitled "An act to carry into effect the sixth section of the fourth article of the constitution, touching the distribution of the intestate estates, directing the manner of granting letters of administration, letters testamentary, and marriage licenses," passed the twenty-third day of December, one thousand seven hundred and eighty-nine, be and the same are hereby declared to be in force in cases where they apply, but no clauses therein shall be admitted to operate against this present act.

XVI. And to the end that permanent provision be made for the poor, Be it further enacted, That the inferior courts in the several counties in this State, shall have power to enquire into the circumstances of the poor, bind out orphans, and appoint guardians, in the manner pointed out by law, and appoint overseers over the poor. Provided, That no justice of the inferior court shall be appointed an overseer of the poor. And the said justices and overseers of the poor, shall have power to levy annually a tax,* and afeils all taxable property, returned in their respective counties, not exceeding one fourteenth part of the general tax of such county annually, which shall be collected by the tax collector of the county, who shall be allowed at and after the rate of five per centum on the net amount of such collection, and who shall at the first inferior court, after the first Monday in May annually, make to the justices of the inferior court a true return of the State of the collection of such tax, and a report in writing of his proceedings, and shall therein fairly state the amount of his collection; and that the tax collector's statements and collections so made up, shall be filed in record in the clerk's office, open to the inspection of any person interested therein. And in case any person or persons shall refuse or neglect to pay such tax, it shall and may be lawful for the Sheriff of the county, to distrain for the same in like manner as the collectors are authorized to distrain for the general tax, and shall have the like commissions therefor, and the money arising from the said tax shall be paid into the hands of the said overseers for the relief of the poor; and the said overseers shall, once in every year, make up their accounts and lay the same before the justices of the said court, who shall express their approbation or disapprobation of the same on the back of the said accounts so to be produced.

XVII. And whereas, The justices of the inferior court were authorized in and by an act, entitled "An act for regulating the judiciary department of this State," to make assessments for the relief of the poor in the several counties in this State, and no mode was therein express'd in which a statement should be made of the same. Be it enacted, That all monies raised by any such assessment shall be accounted for within six months after the passing of this act, and the tax collector shall bring a fair

* Repealed by act of 1796, No. 555, which authorizes a larger tax to be levied for county purposes generally.
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fair statement of the same into his first report; and in case the person or persons who shall have received the said monies, and upon demand and due notice by the said collector, shall refuse or neglect to account for such monies as aforesaid, then in that case the collector shall procure such evidence as may be necessary to substantiate such account, and shall thereupon apply to the attorney or solicitor general to commence suit or suits at law, for the recovery of the money so withheld, and the delinquent shall moreover be subject to treble costs.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 18, 1792.

No. 477.

An Act to point out the mode under which property reverting to the State shall be disposed of.

The sections omitted, not being carried into effect, are re-enacted with alterations, by act of 1793, No. 502.

VIII. And whereas, the general assembly did by their joint resolution of the fourteenth day of December, one thousand seven hundred and ninety-one, declare, that all original purchasers of confiscated property, or their heirs, executors or administrators may, within three months after the date of such resolution, signify to the treasurer, how they wish the monies so paid in by them to be applied, whether in discharge of the principal or interest bond, which resolutions require the further sense of the legislature, Be it enacted, That no transfer of payment shall be had or admitted from the principal bond to the interest, in any case wherein the purchaser or purchasers or their representatives, had made sale of such property, but that payments made on the principal bond in such cases, shall be considered as payment therein only, and that the said resolutions did not extend to the injury of fair purchasers under the State title, but only as a relief to persons holding their purchases in their own right.

X. And whereas, there are debts due by citizens of this State to persons named in the act of confiscation and banishment aforesaid, which by the said act became the property of the State, but no mode was therein pointed out for their discharge. Be it further enacted, That the citizens so indebted to persons named as aforesaid, shall be at liberty for and during the term of one year, from and after the passing this act, to pay the same into the public treasury of the State, in any paper emission, or public securities thereof, (except O'Brien and Wade's or Seth John Cuthbert's certificates) and the treasurer is hereby authorized to receive the same on oath, and to grant full acquittance or discharge therefor; and after that period any person who was a citizen of the United States, on the eleventh day of July, one thousand seven hundred and eighty-two, to whom persons named in the act of confiscation were indebted, shall and may sue out and prosecute his or her attachment, against the person or persons so named on the said act, and thereby attach the goods and chattels of such confiscated
confiscated and banished person which belonged to him or them on the aforesaid eleventh day of July, one thousand seven hundred and eighty-two, in the hands of any person or persons whomsoever, in like manner as attachments now issue, and the person or persons to whom copies of the attachment may be served, shall be bound to appear and answer as is the customary mode in the courts of this State. Provided, That nothing herein contained shall be construed to extend to grant any power to attach real estate. And provided, That where personal property shall be so attached, twenty per cent. shall be paid into the public treasury, out of the amount of every attachment so issued and prosecuted to judgment. And provided also, That nothing herein contained shall extend to authorize an attachment of any property that may have been disposed of by donation or sale by the public of the State.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 20, 1792.

An Act for the better regulation of high roads and bridges.*

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 several county courts within this State have, and they are hereby vested with full power to direct, from time to time, the alteration of all public roads already made, or hereafter to be made, and also the making or opening such new roads and in such places as to them shall seem convenient and necessary; and that all such roads or high ways now made or hereafter to be made, shall at all times be kept well cleared from logs, trees, bushes and other obstructions, thirty feet wide, and the roots well grubbed up, at least sixteen feet in width.

II. And be it further enacted by the authority aforesaid, That any person deadening any tree or trees within fifty feet of any high road or roads, and the said deadened tree or trees should fall in or across any high road, then it shall be the duty of such person to have the said tree or trees removed within two days, under the penalty of four shillings and eight pence for every such offence.

III. And be it further enacted by the authority aforesaid, That when an application is made to the county court to have a new road opened, or any former old road altered, such court shall and they are hereby directed to appoint three or more fit and proper persons to view and examine the lands whereon such road or roads are proposed to be cleared or altered; which persons so appointed as aforesaid, shall take an oath before some justice of the peace faithfully and impartially, to perform such service, and shall report to the next county court their opinions of the conveniences or inconveniences of such intended new road or alteration as the case may be.

IV. * By act of 1793, No. 482, the counties of Chatham, Liberty, Glynn, and Camden, are excepted as to the operation of this act; and so much of that act as relates to lines and laying out new roads, was in force in all the counties until 1796, the act of 1793 was then repealed, except as to the above named counties. This act has since been in force in all the other counties. (Bryan and M'Intosh also excepted.)
IV. And be it further enacted by the authority aforesaid, That the several county courts of this State shall, as soon as they conveniently can, divide the public roads within their county into such number of districts as they shall think convenient, and shall annually, at their first term, appoint an overfeer or surveyor of each district; and all male laboring persons between the age of sixteen and fifty years shall be, and they are hereby declared liable to work on any road within the district to which he or they belong; Provided, That no person shall be liable to work on any other than the most adjacent road; (persons situate on islands only excepted) and any free male laboring persons as aforesaid, who shall fail to attend or send some person in his room with proper tools when required by such surveyor, or who shall refuse or neglect to work, shall for every such refusal or neglect, forfeit and pay a sum not exceeding two shillings and four pence; and any owner or master of any male laboring slave or slaves between the age aforesaid, who shall fail to send such slave or slaves, or for many thereof as shall be required by the overfeer or surveyor, at any time so to do: Provided, That no person liable to work on the roads agreeable to this law, shall be compelled to work more than twelve days in a year, or six days at one time, or who shall not furnish such slave with sufficient tools, shall forfeit and pay a sum not exceeding two shillings and four pence for each slave not sent and furnished as aforesaid; and any overfeer or surveyor of a road appointed under this act, who shall refuse to work his own slaves on the road, shall forfeit and pay a sum not exceeding two shillings and four pence for each male slave between the ages aforesaid, or who shall fail or neglect to do his duty as surveyor as by this act required, shall forfeit and pay the sum of four pounds for every such failure or neglect.

V. And be it further enacted by the authority aforesaid, That where a bridge or bridges shall be found necessary, every surveyor or overseer of the highways within all the hands liable to work on roads within his district, shall be and they are hereby required to build the same; which bridge or bridges shall be at least fifteen feet broad, and shall be worked on and kept in good repair; and wherever a bridge or bridges shall be necessary over any swamp or water course, where the surveyor with the hands liable to work on roads within his district, cannot build and complete the same by working thereon three days, the court of the county wherein such swamp or water course may lie, are hereby authorized and required to contract and agree with some person or persons for the building and repairing thereof, and to tax them the sum contracted for in their next county tax. And where bridges or causeways are or shall be necessary over any swamp or water course, dividing one county from another, the courts of both such counties shall provide for building and keeping the same in repair, and the charges thereof shall be defrayed by both counties in proportion to the number of male persons liable to work on roads and bridges as aforesaid.

VI. And be it further enacted by the authority aforesaid, That if any mill dam over which any public road shall lead, or the bridge or passage over the pier head, flood gates or waffle, shall be less than twelve feet in breadth at top for the whole length of the dam, bridge or passage, the owner or owners, occupier or occupiers of such mill, shall forfeit and pay four pounds for every such offence; and every owner or occupier

* See act of 1796, No. 355, respecting county tax.
occupier of a mill, shall cause strong rails to be set up and kept in repair on each side of such bridge or passage, flood gate, or waste, under the like penalty: Provided always, That if any mill dam, or the flood gates, or pier head, shall happen to be destroyed or carried away by tempest or other accident, the owner or occupier thereof shall not be liable to any of the said penalties until one month after such mill dam shall be completely repaired for grinding, and where any bridge over the pier head, flood gates or waste of any mill is already ten feet wide with strong rails to the same, such bridge shall be deemed sufficient so long as it shall be in good repair.

VII. And be it further enacted by the authority aforesaid, That where two or more cross roads or highways meet, the surveyor thereof shall cause to be erected and kept in repair, from time to time, in the most convenient place where such roads join, a stone or post with plain inscriptions thereon, in large letters, directing to the most noted place to which each of the said roads lead, with the distance thereto; and it shall be lawful for the said surveyor to take any trees from any adjacent lands for setting up such posts; and if any surveyor shall neglect or refuse to cause such stone or posts to be set up, or shall not cause them and the inscription thereon to be repaired or renewed from time to time, as shall be necessary, he shall forfeit and pay ten shillings for every month such stone or post shall be wanting, to be recovered and applied in the same manner as the penalty for not keeping the roads or highways in repair: And if any person shall presume to cut, pull up, destroy or deface any such stone or post, or the inscription thereon, and be thereof convicted by confession, or the oath of one or more creditable witnesses, before a justice of the peace of the county where any such offence shall be committed, he or she shall forfeit and pay forty shillings for every such offence to the informer, recoverable with costs before the same justice of the peace; but where the informer shall be a witness sworn upon trial in that cause, the penalty shall be to the use of the county towards lessening their county tax.

VIII. And be it further enacted by the authority aforesaid, That the justices of the inferior courts of the counties of Liberty, Glynn and Camden, shall, at their first court after the passing of this act, appoint one fit and discreet person a commissioner, which commissioner so appointed shall meet within ninety days after such appointment, at that part of Liberty county where the road from the court house of the county of Greene to Liberty county hath been laid out, and from thence to mark and lay out to the town of St. Mary's, a road which, to the majority of said commissioners, shall appear most convenient.

IX. And be it further enacted, That no clause or part of a clause in this act, shall authorize or empower the commissioners of the roads, or the justices of the inferior courts in the county of Chatham or Liberty, to lay out or work upon any new roads, other than such as has been establisht and worked upon prior to the year one thousand seven hundred and eighty-nine, unless such new road shall be deemed necessary by the grand jury of such counties.

X. And be it further enacted by the authority aforesaid, That all fines and penalties imposed by virtue of this act, shall be recovered by warrant, under the hand and seal
A.D. 1792.
No. 478.

Proviso.
The roads in Camden, Glynn, Washington, Greene, and Franklin may not exceed 12 feet in width.

Inferior counties may be authorized to levy a county tax for the use of bridges, court houses, and gaols.

Former acts repealed.

X. Provided, That the commissioners of the counties of Camden, Glynn, Washington, Greene, and Franklin, shall not be bound by this act to open the roads or bridges in their respective counties more than twelve feet.

XI. And be it further enacted, That the inferior courts in the several counties shall have power to levy a county tax on all the taxable returns, not exceeding one eighth part of the general tax for the purpose of erecting and repairing bridges, and repairing the court house and gaol in the respective counties.

XII. And be it further enacted by the authority aforesaid, That all and every other act and acts, clause and clauses heretofore made, for or concerning any thing within the purview of this act, shall be and they are hereby repealed.

WILLIAM GIBBONS, Speaker of the House of Representatives.

EDWARD TELFAIR, Governor.

December 20, 1792.

* This section repealed by act of 1796. No. 555.

No. 479.

An Act to impose a tax on the inhabitants of this State for the support of government for the year 1793.

II. And be it further enacted, That the value or estimation of such lands shall be rated agreeably to the estimation or value of lands in and by the act, entitled "An act to raise a tax for the support of government for the year one thousand seven hundred and ninety-two.

IV. Provided, That no sale of lands shall take place under this law, unless thirty days notice of such sale shall have been given by publishing the same in some one of the public gazettes of this State, together with the best description of such land the collector is able to procure, and which charge for publishing such notice, such collector may deduct from the amount of the property sold, or lawfully demand from the person owning and paying the tax for the same. And provided, That no sale for taxes shall be construed to have effect where it has already taken place or may hereafter take place, of property mortgaged or secured to the State, or where the State has otherwise a legal or equitable title to the same.

VII. Be it further enacted, That sales for taxes, where the property shall be purchased in for, or be held by the person or persons previously entitled thereto, or by his, her or their executors or administrators, or by any other person or persons in trust for him, her or them, shall be held and considered as good evidence of a fraudulent intention and sale, where the same shall be contested, by a bona fide creditor, lineal
lineal representative or legatee, in any court of law and equity in this State; and such person or persons, on conviction of such fraudulent intention and sale, shall forfeit the amount of taxes he, she or they may have paid on the same.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 20, 1792.

An Act for appropriating money for the year one thousand seven hundred and ninety-three.

IX. And be it further enacted, That the commissioners of the court houses and gaols of the counties of Chatham, Liberty, Camden, Glynn, Effingham, Franklin, Elbert, Greene and Washington, or their agents, be and they are hereby severally authorized and empowered to purchase to the amount of one hundred and fifty pounds at the sale of confiscated property, to be made by virtue of the Act for pointing out the mode by which property reverting to the State shall be again disposed of, any thing in the said act to the contrary thereof notwithstanding.

XI. And be it further enacted, That the sum of two hundred and forty-five pounds remaining in the hands of the collector of Columbia, after the payment of the sum of two hundred and fifty-five pounds to William Stevens, out of the sum of five hundred pounds, to be collected from the said county as declared by the Act, entitled "An Act to divide the county of Richmond," passed the tenth day of December, in the year one thousand seven hundred and ninety, be paid into the hands of the present commissioners of the said county for the purpose of completing and defraying the expense accruing from the building of the court house and gaol thereof, any law to the contrary notwithstanding.

All the rest obsolete.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

EDWARD TELFAIR, Governor.

December 20, 1792.

An Act for opening and keeping clear the navigation of Ogeechee river.

I. BE it enacted by the senate and house of representatives of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same, That all male inhabitants between the ages of sixteen and forty years, residing within seven miles on either side of said river, from the lower line of Effingham, to the mouth of Horfe creek, shall be, and they are hereby declared and made liable to work on the Ogeechee.

* Other commissioners appointed for improving the navigation as far as Louiville and tax levied on adjacent lands by act of 1796, No. 534. Lottery authorized, also for that purpose, by act of the same year, No. 569.
A. D. 1793. No. 481.

Ogechee aforesaid, for the purpose of opening and making good the navigation there-of, at such times and in such manner as the commissioners herein named, or a majority of them, shall think best and most effectual for carrying the purposes of this act into execution. Provided always, That no person residing within the limits aforesaid shall be obliged to work more than eight days in a year, or more than four days at one time.

II. And be it further enacted, That any person made liable to work by this act as aforesaid, who shall neglect or refuse to comply therewith after due notice given, shall forfeit and pay half a dollar for each day he shall be absent when required to labor as before mentioned, or if present and shall refuse to labor or work as by this act is required; and in case the master, owner, or manager of any slave or slaves, when lawfully called on at such time and place as the commissioners, or a majority of them shall appoint, to work on Ogechee river as aforesaid, such master, owner or manager shall forfeit and pay half a dollar per day for each of his or her slave or slaves who shall be absent when called upon as aforesaid, unless a excuse to the satisfaction of the commissioners be made.

III. And be it further enacted by the authority aforesaid, That the commissioners appointed by virtue of this act, or a majority of them, in their respective districts, shall have full power and authority to divide the inhabitants within their several districts into companies, and appoint overseers in said companies, whose duty it shall be to give five days previous notice to the inhabitants when required to work on said river as aforesaid, to see the business completed, and to make returns, on oath to the said commissioners of all defaulters within their respective companies; and in case any person appointed as overseer under this act, after having accepted his appointment, shall neglect or refuse the duties thereby imposed, every such overseer, shall forfeit ten dollars, unless a reasonable excuse be made for such neglect, of which the commissioners shall judge, to be recovered and applied as herein after directed. Provided, The said overseer shall not be obliged to continue in office more than twelve months from the acceptance of his appointment.

IV. And be it further enacted by the authority aforesaid, That the commissioners herein named, or a majority of them in their respective districts, shall have full power and authority to cite any person or persons who shall incur any of the penalties herein inflicted, by their warrant or summons, directed to any constable of the district wherein the defaulter shall reside, with notice for such defaulter to appear at such time and place as they may appoint, and on the day so appointed proceed to hear and determine thereon, agreeably to the directions of this act, and upon conviction shall issue execution, directed to any constable as aforesaid, to levy the said fine (together with half a dollar cost to the constable, for levying, falling and making return of the monies received in satisfaction of such execution to the commissioners who inflicted the same) on the offenders goods and chattels, and after ten days public notice, fell and dispose of the same until the said fine and costs are fully satisfied, any law of this State to the contrary notwithstanding.
LAWS OF GEORGIA.

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

VI. And be it further enacted by the authority aforesaid, That the persons herein named shall be, and they are hereby declared commissioners for the several districts herein after mentioned, viz. from the lower line of Effingham county to John Lanier's ferry, James Kirk, Jeffe McCall and John Lanier; from John Lanier's ferry to the mouth of Little Ogechee, James Hines, Stephen Dunmark, and John Rolls; and from the mouth of Little Ogechee to the mouth of Horfe Creek, Luke Prigen, Luke Mezall, and Joseph Plummer, be, and they are fully invested with all the powers intended by this act to be given to them as commissioners aforesaid: That if by death or resignation or otherwise, it shall be impossible to form a majority of the commissioners aforesaid, in either of the districts aforesaid, that then his excellency the governor shall appoint one or more fit persons near Ogechee river aforesaid; to act as commissioner or commissioners, who shall on their appointment, be vested with all the powers hereby given to the commissioners herein named.

VII. And be it further enacted, That if any person or persons shall fell any tree or trees in the said river, and leave them in such fallen condition, so that the same may tend to obstruct and impede the navigation aforesaid, they shall for every such offence, forfeit and pay five dollars, to be recovered and applied as other forfeitures incurred by this act.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

November 29, 1793.

An Act for regulating and keeping in repair the public roads and bridges in the several counties in this State.*

WHEREAS several laws have heretofore been passed for the regulation of public roads and bridges in the several counties within this State, which laws, by experience have been found to be defective and ineffectual in many parts.

I. Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same, That the commissioners or surveyors of the several districts or divisions which may be laid under, and by virtue of this act, are hereby empowered and required to continue to work upon, clear, amend, repair, erect and improve the several roads, bridges, fords, caufeways, and water passages, in this State, as are already laid out, opened, erected and cleared, and to lay out, open, erect and clear, any others that may hereafter be found necessary; and to establish such ferries as they shall think proper for the more direct communication and better convenience of the inhabitants thereof, according to the several regulations and restrictions of this act.

SSS

* Repealed as to certain counties by act of 1796, No. 566

II. Enacted.

Commissioners or surveyors of roads—their powers & duty.

May lay out new roads and erect such bridges as they may deem necessary.
A. D. 1793.
No. 481
Persons liable to work on the same.

II. And be it further enacted, That all male white inhabitants, (except those of the city of Savannah and town of Sunbury) free negroes and mulattoes, and all negroes and other male slaves from the age of sixteen to fifty years, in the several counties in this State, shall be, and they are hereby declared to be obliged to appear and work upon the several roads, creeks, causeways, water passages and bridges within the several districts or divisions to which such male white inhabitants, free negroes and mulattoes, and negroes and other male slaves shall be allotted (according to their places of residence) pursuant to the mode herein after pointed out, or such white male inhabitants, free negroes and mulattoes, and owners, managers or employers of such negroes and other male slaves, shall be liable to the fines and penalties in this act defined and expressed. Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to subject the governor or the judges of the superior courts, to personal working or attendance on the roads, causeways, bridges or water passages within the several districts or divisions wherein such persons shall or may reside. Provided, That this clause of exemption shall not extend to exempt such persons from doing their duty as commissioners or surveyors of the roads, if he or they be appointed to, and except of the said office.

III. And be it further enacted, That if any commissioner or surveyor, who may be appointed under and in obedience to this act, shall die, depart the State, or decline to accept the said office, or after accepting shall refuse to act therein, the commissioners or surveyors of the district or division for which such commissioner or surveyor was appointed, shall, as soon as may be, after the death, departure, or refusal to act of such commissioner or surveyor, proceed to appoint another commissioner or surveyor in the room of him so dying, departing, or refusing to act as aforesaid, unless by such deaths, departure or refusals to act, it shall so happen at any one time, that a majority of the commissioners or surveyors of any one district or division, have become vacant, in which case, on information of the remaining commissioner or commissioners or otherwise, the inferior court of the county wherein such vacancies may happen, shall, at their next term proceed to appoint others in the room of those departing the State, declining neglecting or refusing to act as aforesaid.

IV. And be it further enacted, That the commissioners or surveyors appointed under this act, or the majority of them, shall, and they hereby have full power and authority to appoint one or more person or persons within their several districts or divisions, to summon all such persons as are obliged to work within the said districts or divisions, at such times of the year, and for as many days as they may think convenient and necessary, (not to exceed six days at one time; or twelve days in one year) to repair, erect, open, clear and work upon the several roads, bridges, causeways, water courses and water passages within the same, and the several owners, managers or employers of male slaves within the several divisions or districts, shall, when summoned as aforesaid, deliver to the person summoning him, her or them, a list of all such male slaves as by this act are liable to work, in writing, signed by such owner, manager or employer, under a penalty of three pounds for a neglect thereof, which list
the person summoning shall deliver to the surveyors or commissioners of such districts or divisions, and the said commissioners or surveyors are empowered and required, to swear any owner manager or employer, giving and signing such lift, to the truth thereof; and the person or persons summoning as aforesaid, shall be exempted from his or their personal labor in such district or division; and in case any person or persons appointed to summon as aforesaid, shall neglect or refuse so to do, such person or persons shall severally forfeit six dollars for every such offence.

V. And whereas, it may not be convenient or practicable for the several persons subject to work by this act, to erect bridges over the several creeks or rivers within their several districts or divisions: Be it further enacted, That the commissioners or surveyors of such districts or divisions, by consent of the justices of the inferior court of the county, shall, and they are hereby empowered to contract and agree with any person or persons willing to undertake the same for the erecting or building such bridge or bridges, not less than sixteen feet broad, over rivers or creeks not exceeding eighty feet in width, and to defray the expence thereof by an equal assessment upon all persons and property within the said district or division. Provided nevertheless, That where it may appear necessary to erect such bridge over any creek or river being between two divisions, the labor and charge of erecting the same shall be defrayed or done by an equal assessment upon both divisions, and that such bridge shall afterwards be kept in repair by the joint labors of such districts or divisions; and if any person or persons shall refuse or neglect to pay his, her or their assessment, the same may and shall be levied upon his, her or their goods and chattels in the manner hereafter mentioned.

VI. And be it further enacted, That every male white inhabitant (except as before excepted) free negro or mulatto, who being duly summoned to work within the respective districts or divisions, wherein by this act such male white inhabitant, free negro or mulatto is obliged to work, shall neglect or refuse to obey such summons, he shall for each day he or they shall refuse or neglect to appear or work as aforesaid, forfeit a sum not exceeding half a dollar; and for every day the owner, manager or employer of any male slaves liable to work as aforesaid, shall neglect or refuse to send such slaves to perform such work, he, she or they shall forfeit a sum not exceeding half a dollar for each slave; causes of sickness in the slave always excepted.

VII. And be it further enacted, That every male white inhabitant liable to work and appear as aforesaid, shall, when summoned and appearing as aforesaid, in his division or district, carry with him one good and sufficient gun or pair of pistols, and at least nine cartridges to fit the same, or twelve loads of powder and ball, or buck shot, under the penalty of one dollar for every day he shall neglect so to do.

VIII. And be it further enacted, That no civil officer or any person whatsoever shall on any pretence, execute any warrant or process, unless for felony, treason or breach of the peace, on any person or persons during the time any such person or persons shall be working upon the said roads, or in going or returning from working or appearing as aforesaid, on the same, or within twenty-four hours after such person or persons shall be discharged from working upon such road, under the penalty of ten
A.D. 1793.
No. 482.

Arms, accoutrements &c. not liable to be seized.

Commissioners to appoint overseers.

Their powers and duty.

Persons obstructing or damaging roads &c.—how to be punished.

The width of roads.

ten dollars, and the service of such warrant or summons on any such person or persons, is hereby declared to be null and void to all intents and purposes; and during the time aforesaid, not any implement of labor shall be liable to be seized, distraint or taken in execution, for any cause, matter or thing whatsoever, except it be for any payment or assessment mentioned in or for any fine or forfeiture incurred by this act; but arms and accoutrements shall not be liable to be seized or taken under any pretence whatsoever; and in case any person shall seize, distrain or levy upon any such implements of labor, arms or accoutrements, (excepted as aforesaid) every such person shall forfeit the sum of ten dollars.

IX. And be it further enacted, That the commissioners or surveyors aforesaid, or any one of them, shall have power and authority to nominate and appoint one or more overseer or overseers in their respective districts or divisions, to attend, view, manage and direct all persons working within the same; and such overseer or overseers hereby have full power to correct any slave or slaves neglecting the work by them to be done, or otherwise offending, by whipping them with a cow skin, switch or whip, not exceeding twenty lashes; and in case any white person, free negro or mulatto shall neglect to work or perform the duty required of him or them, the commissioners or surveyors, or a majority of them, upon report thereof by the overseer or overseers, shall fine every person so offending in a sum not exceeding half a dollar for each day he shall so refuse or neglect; and if any person or persons chosen overseer as aforesaid, shall refuse to act as such, or after accepting the same, shall neglect or refuse to do and perform the duty thereof, such person or persons shall, at the discretion of the said commissioners or surveyors, or a majority of them, be fined in a sum not exceeding six dollars for every such offence.

X. And be it further enacted, That if any person or persons shall at any time stop up, alter or in any wise damage, by topping of water or by any means whatever, any of the roads, bridges, causeways or passages already laid out, or that may be hereafter laid out, cleared and erected by virtue of this or any former act or acts of the general assembly of this State, every such person or persons so offending, shall be summoned by the commissioners or surveyors of the districts or divisions wherein any such offence shall be committed, or a majority of them, forthwith to amend, clear or repair the same; and in case of the refusal or neglect of such person or persons so to do, such person or persons so offending shall be fined in a sum not exceeding thirty dollars; and the said commissioners or surveyors, or a majority of them, are hereby empowered and required to hire and employ such a number of hands as may be necessary to attend, repair and clear the same, and the expense of such amendment, repairing, and clearing shall be defrayed and paid by the person or persons so offending, neglecting or refusing as aforesaid; which fine and expence shall, on refusal of payment, be levied on the goods and chattels of such offenders, as in this act hereafter directed.

XI. And be it enacted, That the several roads already laid out, or to be laid out, within the several districts or divisions, shall be at least twenty-four feet, and not exceeding thirty-six feet wide.

XII.
XII. And be it enacted, That if any person or persons shall by themselves, their slaves or servants (for whom their respective masters, owners, managers or employers shall be answerable) by any means whatever, obstruct or stop the passage of any of the roads, bridges, rivers or creeks in any division or district within this State, or hinder or forbid any traveller from going through or upon the same, or obstruct or oppose the commissioners or surveyors of such division or district, the overseers, white persons, free negroes, and mulattoes or slaves working in and upon or clearing the same, in so doing or making use of any trees or timber, wood, earth, sand or stones, in or near the same, for making, mending, or repairing the said roads or bridges, or any causeways whatever, within the same, such person or persons shall forfeit a sum not exceeding forty dollars.

XIII. And for the better and more effectually carrying this act into execution, Be it enacted, That the several commissioners or surveyors to be nominated and appointed by virtue of this act, shall meet yearly, and at such time or times as the commissioners or surveyors in the several divisions may appoint at the most convenient place within the respective counties, or at the choice of such commissioners or surveyors; and then and there determine all matters relating to the several roads, bridges, rivers, creeks, causeways or water passages already laid out, erected, cleared or made, or which may be erected, cleared or made, and all such particular part of the duty to be performed by any particular person or persons, commissioner or surveyor, and to appoint the time or times of working within their respective divisions or districts, and also to appoint other commissioners or surveyors in the room of any dying, departing the State, declining, refusing or neglecting to act, as shall be agreed upon and determined by a majority of the commissioners then present.

XIV. And be it enacted, That whenever the commissioners or surveyors of any district or division shall appoint ferries over the rivers or creeks within the same, the said commissioners or surveyors shall agree with a proper person to attend the same, who shall provide a sufficient boat or flat for such ferry, and shall settle the rates to be taken for the same, which shall be paid until altered by the general assembly; and that in the agreement for attending such ferry, the preference shall always be given to the proprietor of the land whereon the ferry shall be established; but in case such person shall refuse accepting the charge of the said ferry, the commissioners or surveyors may, and they are hereby empowered to lay out a piece of ground, not exceeding two acres, for the use of the person or persons who may accept the same, upon such person or persons paying the owner or owners of such land a reasonable yearly rent to be ascertained by three neighboring freeholders, to be chosen by the said commissioners or surveyors, and the owner or owners; except such ferries as are already established by law, any thing herein contained to the contrary notwithstanding.

XV. And be it further enacted, That the commissioners or surveyors within their respective districts, upon application being made to them by any person concerned, shall and they hereby have power to lay out any private path for the convenience of any particular settlement, to the nearest public road or landing place, which roads are to be cleared, opened and kept in repair solely by the joint proportional

A. D. 1793.
No. 482.
Penalty for obstructing roads &c. and impeding the repairing of the same.
tional labor and expence of those who may apply for, and use the same in common, of which proportional labor and expence the said commissioners or surveyors are declared to be sole judges: and any person or persons so liable to keep in repair the said private paths, who shall refuse or neglect to keep the said roads in repair as aforesaid, shall be liable to such penalties and forfeitures as are inflicted on persons who refuse or neglect to work upon the public roads.

XVI. And be it enacted, That all fines, assessments and forfeitures directed and inflicted by this act, shall upon refusal or neglect of any person or persons assessed or fined by virtue of the same, be levied by warrant of distress and sale of the offenders' goods and chattels, under the hands and seals of a majority of the commissioners or surveyors of the district in which the same shall be assessed or be incurred, and directed to any capable within the county wherein such offender shall reside, and shall be paid into the hands of the said commissioners or surveyors, or any one of them, who shall apply the same towards the repairs of the several roads, bridges and causeways within such division, and be severally answerable for the sums by them received, to the inferior court of the several counties, and shall make a return of the sum or sums of money by them received as aforesaid, and of the particular bridges, causeways or roads, about which they have expended and laid out the same or any part thereof, on the first term of the said courts in each year.

XVII. And be it enacted, That any surveyor or commissioner to be appointed by virtue of this act, shall not daily and every day attend upon the roads within their respective divisions or districts, during the term of working upon the same, or whenever thereunto required by a majority of the commissioners or surveyors of such division or district, or if any of the commissioners or surveyors so appointed, shall, after accepting such appointment, refuse or neglect to do and perform the duties required of them by this act, such commissioner shall (at the discretion of the other commissioners or surveyors of his district or division) forfeit and pay a sum not exceeding twenty-five dollars; this clause not to extend to fine any commissioner or surveyor who after serving as such by virtue of this act the space of two years, shall choose to decline the said office.

XVIII. And to prevent doubts and difficulties that might arise, Be it enacted, That the several commissioners appointed under and by virtue of this act, and their successors in office, shall cause an accurate survey of the public roads within their respective districts or divisions, to be made, and a plan thereof delineated, with the distance and courses of the same laid down, and mile and direction stones or posts to be erected; which said plan shall be kept in the hands of the said commissioners and their successors, and a copy thereof shall be lodged in the clerk's office of the inferior court; and the expense of surveying and delineating the same, and erecting such stones or posts, shall be defrayed by the said commissioners out of the monies arising from fines and penalties incurred by this act, any thing herein contained to the contrary notwithstanding.

XIX. And be it enacted, That the justices of the inferior court shall, at their first session or term, in the year one thousand seven hundred and ninety four, in the counties
counties of Chatham, Liberty, Glynn, and Camden; and such others as may be laid out of any part of the same, proceed to appoint the commissioners to each district or division within their respective counties, and they are likewise authorized and required to prescribe and point out as many and such districts or divisions as to them shall seem meet and proper, having due regard to proportioning the said district so as to divide the labor and expense of the roads, bridges, causeways and water passagés equally among the citizens of the respective counties; and in case there should be no inferior court held in the time of the spring sessions, or should the commissioners not be appointed at that time, the justices of the inferior court or a majority of them shall, as soon as may be, meet and appoint the same.

XX. And be it enacted, That if at any time after the passing of this act, any number of persons shall wish or desire a new road to be laid out, opened and cleared, they shall advertise at least twenty days previous to the meeting of the superior court, in two or more public places in the captain’s district or districts through which such road is intended to run, an accurate and full description of the road they wish laid out, with the places from whence, and whither they wish it to lead, and a notice, that they intend to apply to the grand jury at the next superior court for a recommendation of the said road; which recommendation being obtained and certified by an extract from the minutes of the said superior court, under the hand of the clerk thereof, shall be laid before the inferior court of the county wherein such road is prayed or desired, who are hereby empowered and required to order such new road to be laid out, and to determine and prescribe the districts or districts of such road or roads, and forthwith to appoint three commissioners to each division, who will accordingly proceed to lay out and cause to be opened, cleared and kept in repair, such road or roads; Provided, That if the said new road shall not be of sufficient length or difficulty to form, or require a separate district, the said inferior court may at their discretion, allot the same to such other district or districts as may appear to them most equal and fair.

XXI. And be it further enacted, That the regulations herein before mentioned shall not extend to, or be in force in any of the counties of this State, except the new counties of Chatham, Liberty, Glynn and Camden,* except as to the fines to be imposed, and the manner of collecting the same, and the mode and manner in which for the future, any new road may be established and laid out: And that an act, passed at Augusta, the twentieth day of December, in the year one thousand seven hundred and ninety-two, entitled “An act for the better regulating high roads and bridges,” shall be and the same is hereby declared to be in full force, except in the counties of Chatham, Liberty, Glynn and Camden, and as before excepted. Provided, That the inhabitants of Effingham county, liable to work on Ogechee river, shall not be obliged to work more than four days in the year, on the roads within the respective districts to which they belong.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 9, 1793.
An Act to dispose of the common of the town of Washington, in the county of Wilkes.

WHEREAS by an act, entitled "An act for laying out the reserved land in the town of Augusta, into acre lots, and the erecting an academy or seminary of learning, and for other purposes therein mentioned," passed the thirty-first day of August, one thousand seven hundred and eighty-three, among other things commissioners were appointed to lay off and dispose of the lands or lots of the town of Washington, in manner and form as the said act particularly directed:

And whereas, the said commissioners did, in pursuance of the said act, dispose of said lots, and take certain steps towards building an academy, and did employ professors and teachers for the instruction of youth in said academy, whereby considerable sums are by the said commissioners owing to individuals, which they, in justice and good faith, wish to pay:

And whereas, a certain quantity of said land or lots, was by the said commissioners referred as a common to the said town of Washington, the timber whereof is already consumed, nor is the said common of any use to the lot-holders in said town:

I. Be it therefore enacted by the Senate and House of Representatives in general assembly met, and by the authority of the same, That it shall and may be lawful, and is the duty of the commissioners of the said academy in the said town of Washington, they, or their successors in office for a year after the said academy should be formed, may sell, lay off, fell and dispose of the said reserve or common, in the same manner the lots in the said town of Washington were disposed of by the above recited act, (excepting the improvements required by said act.) And the said commissioners, or their successors, are hereby authorized to execute deeds or titles to the said lots, in fee simple, to the respective purchasers, in as full and ample a manner as the State does or can do. Provided, That no title shall be made to any lot by this act to be sold, before good and sufficient security be taken for the purchase money: And on failure of taking such security, the commissioners executing such titles, their heirs, executors or administrators, shall be liable to any creditor for the purchase money, with lawful interest, to be recovered for the use of the said academy.

WILLIAM GIBBONS, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

BENJAMIN TALIAFERRO, President of the Senate.

December 14, 1793.

An Act to lay out a county out of part of the counties of Burke and Effingham.

New county to be laid out of Burke and Effingham.

Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, and by the authority of the same, That a new county shall be laid off out of part of the counties of Burke and Effingham, in the following manner: A line shall be run beginning at the mouth of Rocty Branch, on Savan-
nah river, near Nathaniel Lundy’s, to run in a direct course to the mouth of Little Ogeechee; and in the same direction, from thence to Canouchee; another line shall be run, beginning at Somerlin’s ferry, on Savannah river, to run in a direct course from thence to the junction of Buck-head creek and Ogeechee river; and from thence up the said river to the dividing line between Washington and Effingham; from thence along the said line to Canouchee and down that stream to where the first mentioned line strikes it. And all that part of Burke and Effingham counties comprehended within, and lying between the said lines, and between Savannah river and Canouchee, not above or below the lines aforesaid, shall form a county, and be known by the name of Scriven; And that Paul Bevil, William Skinner, and John Lott, senior, shall be, and they are hereby appointed commissioners,* and they or a majority of them are vested with full power and authority to fix on the most central and convenient place within the said county, at which the courts and elections shall be held, as soon as suitable buildings are erected thereat. And the said commissioners, or a majority of them, are authorized and empowered to contract with fit and proper persons, for the purpose of building a court house and gaol in the county aforesaid, which, after at least thirty days notice, shall be let to the lowest bidder. Provided, That until the court house shall be erected, the elections and courts for said county shall be held at the house of Benjamin Lanier.

II. And be it further enacted by the authority aforesaid, That the justices of the inferior court for the aforesaid county of Scriven, to be hereafter appointed, shall be, and they are hereby authorized and empowered to lay a tax on the inhabitants of the aforesaid county of Scriven, which shall not exceed two hundred and fifty pounds, for the purpose of erecting a court house and gaol for the county aforesaid.

III. And be it further enacted by the authority aforesaid, That the surveyor to be appointed for the said county, shall run the lines aforesaid, in order that the boundaries thereof may be ascertained; and that the charges thereof shall be paid by the inferior court of the said county, to be levied as in this act directed.

IV. And be it further enacted by the authority aforesaid, That the electors in the county of Scriven shall be entitled to send one† representative to the general assembly, which shall be apportioned from, and taken out of the present representation, allowed by the constitution to the county of Burke.

V. And be it further enacted, That all suits already commenced in the aforesaid county of Scriven, shall continue and be prosecuted in the counties of Effingham and Burke, until the courts of the county of Scriven aforesaid, are properly organized; and such justices of the former counties of Effingham and Burke, as may fall within the county of Scriven, shall continue to exercise their respective appointments.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 14, 1793.

* Other commissioners appointed by act of 1797, No. 587, with power to fix on the seat of public buildings.

† Representation to be according to the enumeration. See constitution of 1798.
A. D. 1793. No. 423.

**An Act to oblige vessels and persons coming from places infected with epidemical distempers to perform quarantine, and to prevent the bringing into, and spreading malignant and contagious disorders in this State.**

WHEREAS it is highly necessary to preserve the health of the inhabitants of this State, that vessels, persons or merchandize coming from places infected with malignant or epidemical distempers should perform quarantine, and means adopted to prevent the spreading of such disorders.

I. **Be it therefore enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same**, That when any county shall be infected with the plague, or other malignant distemper, all vessels, boats, persons and goods, shall be subject to, and be liable to perform quarantine, as is in this act directed; and during such quarantine, no person or persons coming, or goods imported in any such ship, vessel or boat, shall come on shore, or go on board any other ship or vessel, or boat, or be landed or put into any other ship, or vessel, or boat, in any place within this State, other than such place as shall be appointed for that purpose; nor shall any person go on board any such ship, or vessel, or boat, without license first had and obtained, in writing, under the hand of such person or persons who shall be appointed to see quarantine performed; and the said ships, or vessels, or boats, and the persons and goods, coming and imported in or going on board the same, during the time of quarantine, and all ships, vessels, boats and persons, receiving any persons or goods under quarantine, shall be subject to such orders, rules and directions, touching quarantine, as shall be made by the authority directing the same.

II. **And be it further enacted by the authority aforesaid**, That if any commander or master, or other person taking the charge of any ship, or vessel, or boat, coming from any place, infected as aforesaid, shall go himself, or permit or suffer any seaman or passenger to go on shore, or on board any ship, or vessel, or boat whatsoever, during the quarantine, or until such ship, or vessel, or boat, shall be discharged from quarantine, without such license as aforesaid, then, and in all such cases, the person offending shall forfeit and pay for every such offence the sum of one hundred pounds sterling, to be recovered by action of debt, bill, plaint or information, in any of the courts of this State, and to be for the purpose of building of a pest house; and the judges of any of the said courts, are hereby empowered to allow such reward to the informer or informers (if any there shall be) out of the said fine, as in their judgment they shall see fit, so as the same shall not exceed a moiety of the fine levied:

And if any person or persons whatsoever, who shall arrive in any port or place within this State, in any ship or vessel, or boat, which shall, by reason of his coming from any country or place infected with any contagious distemper, be obliged to keep quarantine, shall quit such ship, or vessel, or boat, by coming on shore, or going on board any other ship, or vessel, or boat, before or while under quarantine, it shall and may be lawful for the person or persons appointed to see such quarantine duly performed, and they are hereby required to compel such person or persons to return...
on board such ship, or vessel, or boat, and there to remain during the time of quarantine, and such person or persons, so leaving such ship, or vessel, or boat and being thereof, after the expiration of his quarantine, convicted by one or more credible witnesses or witnesses, before any one justice of the peace, living near the place where the offence shall be committed, and three freeholders, sworn to try the truth of the said charge, shall forfeit and pay into the hands of the said justice, the sum of fifty pounds sterling, one third thereof shall be for the informer, and the remainder, after the necessary expenses are discharged, shall be applied as herein before provided; and in default of such payment, it shall be lawful for the said justice to commit such offender to one of the public gaols of this State, for any time not exceeding twelve months, nor less than six months.

III. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, shall presume to go on board, and return from such ship, or vessel, or boat, required to perform quarantine, without a license aforesaid, every such offender shall be compelled, and in case of resistance, by force and violence be compelled, by the person or persons appointed as aforesaid, to return on board such ship, or vessel, or boat, and there to remain during the time of her quarantine, and shall afterwards be liable to the fine or imprisonment as herein before directed. in case of persons quitting a ship, or vessel, or boat, performing quarantine, and to be disposed of as in that case provided; and the master of such ship, or vessel, or boat, is hereby obliged to receive and maintain such person on board accordingly.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any officer of the customs, or such as shall be appointed to take care that such quarantine be duly performed, to seize any boat or skiff belonging to such ship or vessel, or which shall therewith be found, and to detain the same until the quarantine shall be performed; and in case any officer or other person instructed as aforesaid, shall voluntarily suffer any seaman belonging to such ship, or vessel, or boat, or any passenger therein, to quit such ship, or vessel, or boat, while under quarantine, every such offender shall forfeit and pay the sum of one hundred pounds sterling for every such offence, one third thereof to the informer, and the remaining part thereof to be applied as herein before directed, to be recovered in any of the courts of this State with costs of suit.

V. And be it further enacted by the authority aforesaid, That after the quarantine shall have been duly performed, according to the directions of this act, and upon proof to be made by oath, of the master or other person having charge of the said ship, or vessel, or boat, and two of the persons belonging to the said ship, or vessel, or boat, before any one of the justices of the peace of this State, that such ship, or vessel, or boat, and all and every person therein, have duly performed the quarantine aforesaid, and that the ship, or vessel, or boat, and all the persons on board are free from any infectious distemper, then in such case, such justice is hereby required to give a certificate (gratis) thereof, and thereupon such ship, or vessel, or boat, and all and every person therein, shall not be liable to any further restraint, by reason of any matter or thing contained in this act.

VI.
VI. Provided nevertheless, and it is hereby enacted, That the goods imported in such ships, or vessels, or boats, shall after such quarantine performed, be opened and aired in such places and for such time as shall be directed concerning the same.

VII. And be it further enacted by the authority aforesaid, That whenever the governor or commander in chief for the time being, shall find it necessary to give any orders or directions for preventing any contagious distemper being brought into this State, or from any part of this State infected therewith, into any uninfected part of this State, by persons travelling by land or by water, it shall and may be lawful for the said governor or commander in chief, by proclamation for that purpose to be issued, to prohibit all and every person or persons coming from such infected places, to enter into or come within such bounds, limits, or lines, as shall be in such proclamation described, for and during such time as shall be therein mentioned, and to appoint boats and sentinels to put the same in due execution; and the persons appointed and every of them, shall have the same power to compel any person attempting to pass through or within such bounds, limits or lines, to return as is by this act given to the persons to be appointed for seeing quarantine duly performed, and shall be liable to the same penalties, for suffering persons wilfully to pass through or within the same; and all and every person or persons wilfully passing through or within the said bounds, limits or lines, shall be liable to the fine or imprisonment herein before directed, in case of persons quitting any ship, vessel or boat, performing quarantine, and to be disposed of as in that case provided.

VIII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the pilot or pilots belonging to the several ports of this State, do, before his or their entering on board any ship or vessel designed for this State, make strict enquiry of every master or commander of the same, whether the plague, small pox, malignant fever, or any other contagious distemper, be in such ships or vessels; and every such master or commander is hereby strictly enjoined, without equivocation or reserve, to give just and true answers to all such enquiries of the pilot or pilots, under the penalties hereafter mentioned and expressed, and in case the said pilot or pilots shall, upon enquiry as aforesaid, find that the plague, small pox, malignant fever, or any other contagious distemper, be in such ship or vessel, such pilot or pilots are hereby strictly forbidden and prohibited from entering therein, on any pretence whatever. And if the master or commander of any ship or vessel, or any doctor, officer, or foremast man belonging thereto, shall refuse to answer, or give any untrue answer to any pilot or pilots, relating to the healthiness of all persons on board the said ship or vessel, or shall refuse to be sworn or affirm to, or to answer such questions as may be put to him by the health officer, or other person having authority so to do, such master or commander, or such doctor, officer, or foremast man, shall forfeit and pay the sum of one hundred pounds sterling, to be recovered and applied as herein before mentioned.

IX. And it further enacted, That the quarantine of any person or vessels, or of their goods, shall be of such duration, and in such places, and under such regulations as shall be devised and held expedient, so far as respects the arrival of vessels or persons in
in Tybee and Wafflaw inlets and rivers thereof, under the inspection of the corporation of Savannah; and so far as respects other inlets or rivers in this State, under the inspection of the justices of the county or commissioners of the town, adjacent to such inlet or river, or commissioners of pilotage of such port as the case may happen; and such corporation, justices or commissioners, are hereby fully authorized to fix such centinels, guard-boats and to use all and every means in their power to enforce this law for the purposes intended.

X. And be it further enacted, That on the notification of such corporation, justices or others herein empowered, after notifying to the people of the district they live in, of the necessity of ordering quarantine to be performed, forthwith to transmit by express, or post, an exact account and statement thereof to the governor or commander in chief for the time being, who is directed to publish the same by proclamation, enjoining and requiring a due obedience to the rules adopted for the preventing contagious distempers being spread in this State, and a due obedience of the duties required of such regulations accordingly.

XI. And be it further enacted, That the health officer for the port of Savannah, and the visiting physicians of any other port, that shall visit any vessel or vessels, and grant a certificate of the health of the crew and passengers on board, or visit the same if directed so to do, under this law, shall be entitled to have and receive the following fees from the captain or owner of such vessel, before such vessel shall be permitted to enter: For every ship, snow, brig or bilander, two dollars; for every schooner, sloop, periauger or boat, one dollar; coating vessels coming from one inlet in the State to another inlet in the same, excepted.

XII. And be it further enacted, That from and after the passing this act, every master or commander of any ship or vessel, who shall arrive in this State with any negroes on board, exceeding ten in number, from Africa or elsewhere, shall, before such ship or vessel be permitted, upon any pretence whatever to enter, be obliged to land and put on shore all such negroes, there to remain for and during the term of ten days, and shall suffer them to be and remain on shore at least six hours, in summer, and five hours in winter, in each of the said ten days, at the party's own election, for the better purifying and clearing the said ship or vessel, and slaves, from any malignant or contagious distemper, any law, custom or usage, to the contrary notwithstanding.

XIII. And be it further enacted, That in case any negroes imported or brought into this State, shall be sold, landed or put on shore in any part of the State, before such negroes shall have been landed, and remained on shore at least ten days, or five days, or six hours, or five hours in those days, agreeable to the direction of this act, all such negroes shall, and they are hereby declared to be forfeited, one third to the informer or informers, and the remaining two thirds to the use of a pest house.

XIV. And it is hereby declared enacted, And an appropriation made of all monies that shall be expended by any of the powers or constitutioned authorities, that shall arise from enforcing this act, and the same shall be defrayed by the government of this
this State, and charged to the contingent fund thereof; all former laws respecting performing quarantine, and to prevent the spreading contagious distempers, so far as relates thereto, are hereby repealed.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 17, 1793.

An Act to incorporate the Savannah association of mechanics.

WHEREAS William Lewden, president; David Moses Vollaton, vice-president; John Peter Lang, secretary; Balthasar Shaffer, Thomas Palmer, John Herb, George Farries, Simon Connor, John Glafs, William Henry Spencer, Joseph Roberts, Paul H. Wilkins, John Eppinger, Ezra Plummer, Peter Miller, James Simpson, John Armour, David Gugel, Daniel Gugel, John Trever, James Shaw, Nathaniel Lewis, Michael Asper, Joseph Dunlap, Gabriel Leaver, Elisha Elon, John Cole, John Miller, James Clarke, and Benjamin Bennet, have by their petition represented, that they are mechanics of different trades, residing in the city of Savannah; that they are desirous of placing their various crafts on a more social and respectable footing than heretofore, and of establishing by their united exertions and contributions, a lathing fund for the relief and support of such of their unfortunate brethren, or their families, as are or may become objects of charity; and for those purposes have voluntarily united, and formed themselves into a society under the style and name of The Savannah association of mechanics. And in order to infuse and establish their said institution in a permanent and effectual manner, so that the charitable and beneficial objects thereof may be executed with success and advantage, have prayed the legislature to grant them an act of incorporation.

I. Be it therefore enacted by the senate and house of representatives of the State of Georgia, in general assembly met, and by the authority thereof, That the several persons herein before named, and others who are or may become members of the society before mentioned, respectively, the officers and members thereof, and their successors, shall be, and they are hereby declared to be a body incorporate, in name and deed, by the style and denomination of the president and vice-president of the Savannah association of mechanics; and by the said name and style, shall have perpetual succession of officers and members, and a common seal to use; and shall have power and authority to make, alter, amend and change such by-laws as may be agreed on by the members of the same. Provided, such by-laws be not repugnant to the laws or the constitution of this State or the United States, or to the laws and ordinances of the city of Savannah aforesaid. And provided also, That the society shall not consist of more than seventy-five, or less than twenty members, who shall all be residents of the said city of Savannah, and citizens of the United States.

II. And be it further enacted by the authority aforesaid, That they shall have full power and authority, under the style and name of the president and vice-president of the
the Savannah association of mechanics, to sue for, and recover all such sum or sums of money, as now are or may hereafter become due the said society, by any name or style whatever, in any court of law, or at any tribunal having jurisdiction thereof; and the rights and privileges of the said society in any court or at any tribunal whatever, to defend, and also to receive, take, and apply such bequests or donations as may be made, to and for the uses and purposes intended by the said institution; and shall be, and are hereby declared to be vested with all the powers and advantages, privileges and emoluments of an association or society of people incorporated, for the purposes and intentions of their said association.

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

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 16, 1793.

An Act to secure to William Thompson and Thomas McCall, for the term of ten years, the sole and exclusive right of running a line of stage-carriages between the city of Savannah and town of Augusta.

December 16, 1793.

This act not having been carried into effect—repealed by act of 1796, No. 571.

An Act respecting bastardy and other immoralities.

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 any justice of the peace in any county within this State, who of his own knowledge, or on information to him on oath made, of any free white woman having a bastard child, or being pregnant with one, which it is probable will become chargeable to the county, he may thereupon cause a warrant under his hand and seal, directed to the sheriff or any constable of the said county where the case may arise, and oblige the offender to be brought before him to give security to the inferior court of the county, in the sum of one hundred and fifty pounds for the support and education of such child or children till the age of fourteen years, or to discover, on oath, the father of such bastard child; which being done, the said justice shall issue his warrant in like manner, to bring before him the person sworn to be the father of such child or children, so born or to be born, who, on refusing to give security for the maintenance and education of such child or children, until they arrive to the age of fourteen years, and also the expenses of lying-in with such child or children, boarding, nursing, and maintenance, while the mother of such child is confined by reason thereof; that then it may and shall be lawful for the said justice to bind over such delinquent in a sufficient recognizance, to be and appear before the next superior court which may be
A. D. 1793.

No. 488.

Such women refusing to comply with the terms of this act, may be committed.

II. And be it further enacted, That in case the woman who shall have been delivered, or is likely to be delivered, when brought before a justice, refuses to discover, on oath, the father of such child or children born, or to be born, or give such security to appear before the next superior court, to be held in and for the said county, and to give such security as may be then and there required of her by the said court for the maintenance and education as aforesaid, of the said child or children; and then it shall be lawful for the justice to commit her in manner and form aforesaid, as pointed out by this act: And in case of her refusing to make known to the said court the father of such child, or give security as aforesaid, that then it may and shall be lawful for the said court to imprison her, not exceeding three months.

III. And whereas, it is highly injurious in civilized society, that men or women should live in adultery or fornication together: Be it further enacted by the authority aforesaid, That from and after the passing of this act, that any man or woman who shall live together in like manner, it shall be the duty of any of the neighboring justices, if within their knowledge, or upon information to them on oath, that such man and woman do live in adultery or fornication, he shall thereupon causeth the said man and woman to be brought before them or either of them, whose duty it shall be to bind them over to appear at the next superior court; and the attorney or solicitor-general shall then and there prefer a bill of indictment against both the man and the woman, and on conviction thereof they shall pay for the first offence a sum not exceeding twenty pounds; and for the second offence a sum not exceeding fifty pounds; and for the third offence a sum not exceeding one hundred and fifty pounds; and fland committed to gaol, until all and every of the several sums imposed as aforesaid shall be paid, or continue therein not exceeding twelve months.

WILLIAM GIBBONS, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

December 16, 1793.

No. 489.

An Act to divorce and separate Andrew Maybank and Mary his wife, and for protecting each of them in their respective estates.

December 16, 1793.

Private.

No. 490.

An Act for preventing controversies concerning the bounds of lands, and for processioning the same.

December 17, 1793.

Repealed by act of 1798, No. 615.
An Act to vest certain powers therein mentioned with the commissioners of the port and pilotage of the river Savannah.

WHEREAS it is thought expedient, from a late survey of the river Savannah, that a greater body of water should be thrown into the main channel.

I. Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, That from and immediately after the passing of this law, the commissioners of the port and pilotage of the river Savannah, are hereby authorized and empowered to turn and alter any water course or courses, to make cut-offs from river to river, and from creek to creek, so that the same be confined within the upper point of the South end of Argyle island, on the main stream of the said river, and to the mouth thereof; any law to the contrary notwithstanding.

WILLIAM GIBBONS, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.
December 17, 1793.

An Act to lay out a county out of the part of the counties of Washington and Greene.

I. Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, and by the authority of the same, That a new county shall be laid off out of part of the counties of Washington and Greene, in the following manner: A line shall be run beginning near Alexander’s mill, on the north fork of Ogeechee, to run in a direct course to Foster’s plantation, on the Oconee river; thence down the same to the mouth of Buck Creek, near the Rock landing; thence a direct line to where the lower trading road crosses Town Creek, from thence with a road leading from the Rock landing to Georgetown, to where the same crosses the river Ogeechee, thence up Ogeechee to the beginning; and all the part of the counties of Washington and Greene comprehended within, and lying between the said lines and boundaries, shall be a county, and known by the name of the county of Hancock: and Harmon Reynolds, Mathew Rabon, James Adams, Abraham Miles, and John Mitchell, shall be, and they are hereby appointed commissioners, and they or a majority of them, are vested with full power and authority to fix on the most convenient and central place within the said county, at which courts and elections shall be held, as soon as suitable buildings are erected thereat. And the said commissioners, or a majority of them, are hereby authorized and empowered, to contract with fit and proper persons for the purpose of building a court house and gaol in the county aforesaid; which, after at least thirty days notice, shall be let to the lowest bidder. Provided, That until the court house shall be erected, the courts and elections for said county shall be held at the house of John Whatley’s.

II. And be it further enacted by the authority aforesaid, That the justices of the inferior court of the said county are hereby authorized and empowered to levy a tax
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A tax* on the inhabitants and taxable property within the same, for the purpose of erecting a court house and gaol as aforesaid, which shall be done in such a manner as in the judgment of the court shall be left burdensome to the inhabitants.

III. And be it further enacted by the authority aforesaid, That Henry Graybill shall be, and he is hereby appointed to run the upper and lower lines bounding the said county; and that the charges thereof shall be paid by the inferior court of the said county, to be levied as in this act directed.

IV. And be it further enacted by the authority aforesaid, That all civil and military officers within the boundaries of the said county, shall be, and they are hereby confirmed in their commissions.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 17, 1793.

*See act. of 1796, No. 555, authorizing inferior courts to levy county tax.

No. 493.

An Act to repeal an act, entitled "An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," so far as respects the banishment of George Baillie, of Chatham county, merchant, a person therein named.

AND be it further enacted by the authority aforesaid, That all disqualifications laid on the persons of John Fox and William Jones, by the act of confiscation and banishment, passed at Augusta, the fourth day of May, one thousand seven hundred and eighty-two, be, and the same are fully taken off, and they are hereby restored to all the rights and privileges of citizenship; except that nothing herein contained shall extend to authorize a recovery of property sold or appropriated by the public, belonging to the said John Fox and William Jones, under the act aforesaid.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 17, 1793.

No. 494.

An Act supplementary to an act, entitled "An act to revise and amend the militia law of this State, and to adopt the same to the act of the congress of the United States," passed the eighth day of May, one thousand seven hundred and ninety-two, entitled "An act more effectually to provide for the national defense by establishing an uniform militia throughout the United States."

I. Be it enacted, That the governor shall have power and authority to order out as many companies of mounted infantry, or riflemen, from time to time,
as may be necessary for the defence of the frontiers; who shall be allowed only the pay and and rations of footmen, with the addition of forage. Provided also, That no such companies of mounted infantry or riflemen shall be continued in service more than thirty days at one time.

II. And be it further enacted, That any person or persons not herein excepted, neglecting or refusing to perform his tour of duty, when called into service by the authority of his excellency the governor, under and by virtue of the laws of this State, if a commissioned officer in person, or if a non-commissioned officer or private, either in person or by substitute, shall, if a commissioned officer, be cashiered, and fined in a sum not exceeding one year’s pay, nor les than one month’s pay; and if a non-commissioned officer or private, in a sum not exceeding one year’s nor less than one month’s pay, for each neglect or default, at the discretion of a court martial to be held for the trial of all and every such offenders, and recovered in the manner pointed out in the aforesaid act: And all such fines shall be paid to the major of the regiment or battalion to which the defaulter or defaulters belong; who shall therefrom provide a sufficient quantity of powder for the use of the regiments and battalions on reglemental or battalion musters, and pay the overplus into the public treasury within sixty days after the receipt of the said fines.

III. And be it further enacted, That no officer, except the commander in chief, ordering an arrest, shall appoint a court for the trial of the person or persons so arrested; but shall notify the said arrest to the officer next in command, who shall order a court for the trial of the person or persons arrested as aforesaid.

IV. And be it further enacted, That when any officer shall be cashiered, he shall not be eligible to hold any commission for the term of three years thereafter.

V. And be it further enacted, That the officers composing courts martial, convened agreeably to law, shall take the following oath, viz:

"I, A. B. do solemnly swear, that I will well and truly try and determine, to the best of my judgment, according to the militia law of this State, now of force, and the evidence before me, the several defaulters legally returned to this court, without partiality, favor or affection; and if any doubts shall arise which are not explained by the said laws, according to my conscience, the best of my understanding, and the customs of war in like cases. And I do further swear, that I will not divulge the sentence of the court until it shall be published by the commanding officer. So help me God."

VI. And be it further enacted, That all lieutenant-colonels shall only take rank according to the date of their commissions, without regard or preference to the word commandant.

VII. And be it further enacted, That all aliens shall be liable to do, and perform the duties herein, and by the aforesaid militia acts required, in like manner with the citizens. Provided always, That when the United States shall be at war with the nation to which any such alien or aliens shall belong, such service shall be immediately suspended; and the said alien or aliens shall be entitled to all the benefits in such cases arising under the law of nations.

VIII.
VIII. And be it further enacted, That the magistrates holding elections for the nomination of company officers, hereafter shall return a list of the names of voters, together with the names of the candidates, with the number of votes for each, to his excellency the governor, as soon as possible after the election.

IX. And be it further enacted, That in future it shall not be lawful for any person or persons to have or hold more than one militia commission within this State; and where any person or persons have received more than one militia commission, he or they shall, within three months, resign one of said commissions or commissions, as the case may be, to his excellency the governor; and in case such resignation be not made within the time limited as aforesaid, the governor for the time being, shall be, and he is hereby empowered and directed to consider said commissions as being vacant, and fill up the same.

X. And be it further enacted by the authority aforesaid, That the people called quakers, on producing a certificate from a quaker meeting, of their being bona fide quakers, shall be exempt from all militia duty required by this act. Provided, Such quaker do pay twenty-five pounds. per centum in addition to the amount of their general tax.

XI. And be it further enacted, That the brigadiers of each brigade within this State shall be entitled to an aid-de-camp, to be appointed by each brigadier respectively.

XII. And be it further enacted, That no person shall be exempt from any tour of militia duty by a substitute unless such substitute shall be approved of by the officer commanding the detachment with which he is to march; and all substitutes when in actual service, shall be subject to the same rules and regulations as the person by whom he was employed, could have been subject to.

XIII. Be it further enacted, That from and after the passing of this act, the governor shall not commission officers to any troop or troops of horse, to any company or companies of artillery or riflemen, unless it shall be certified to him by the officer commanding the brigade, that such troop or company is composed of, and belonging to some regiment or battalion within the same.

XIV. And be it further enacted by the authority aforesaid, That any person or persons, having a wife and child or children, removing from any of the United States or elsewhere into this State, shall be, and they are hereby exempted from militia duty for the full term of twelve months. Provided always, That such person do within three weeks after coming into the State, enrol himself in the captain's company in the county wherein he does reside.

XV. And be it further enacted, That so much of an act, entitled "An act to revive and amend the militia law of this State," passed the fourteenth day of December, one thousand seven hundred and ninety-two, which exempts from militia duty the several officers therein named, and all laws, regulating the militia prior to said act, be and the same are hereby repealed.

WILLIAM GIBBONS, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

BENJAMIN TALIAFERRO, President of the Senate.

December 17, 1793.
An Act to appoint commissioners for the town of Hardwick; and to appoint commissioners for the county of Washington, to fix on a proper place for the court house and gaol for the said county, and for building the same.

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 John Werea, Robert Holmes, James McGilivray, William Clark, Simmons Maxwell, Thomas Collier and Joseph Stiles shall be, and they are hereby appointed commissioners for the town and commons of Hardwick, on the river Ogechee; and that the said commissioners or a majority of them, shall have full power and authority, after giving three months notice in the Georgia gazette, to survey, or cause to be surveyed and laid out, the said town of Hardwick, after the same manner, and as nearly as possible in conformity to the original survey or plan thereof; which survey shall be recorded in the surveyor's office of the county, and likewise in the office of the surveyor general.

II. And be it further enacted by the authority aforesaid, That the said commissioners or a majority of them, shall have full power and authority, to fell at public vendue, to the highest bidder, at such time or times, place or places, as they may think best, all or any of the lots in the said town, which are vacant, or have by any other means become vested in this State, except such as have been reserved or which the said commissioners may think proper to reserve for public use; of which sale or sales the said commissioners shall give six weeks public notice in the Georgia gazette, and the monies arising therefrom shall be applied, under the direction of the said commissioners, to erecting a court house and gaol; and if a balance should remain, it shall be applied towards building an academy in the said town, the said commissioners to make a return to the treasurer, within three months after the sale, of the number of lots sold, and the prices of each; and shall make yearly returns to the treasurer, of the monies expended by them, about the buildings above mentioned.

III. And be it further enacted by the authority aforesaid, That John Watts, John Stokes, Owen Fort, Solomon Bechum and John Marcus, are hereby appointed commissioners for building and fixing on a proper place, as nearly central as may be convenient, for the court house and gaol in the county of Washington; and the justices of the inferior court of the said county, are authorized and empowered to raise by tax* to be by them levied, a sum not exceeding two hundred and fifty pounds, to be applied in payment for such public buildings.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALLAIFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 16, 1793.

*See act of 1796, No. 555, empowering inferior courts to levy county tax.

An Act for laying out the several counties herein after named.

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 two new counties shall, Two new counties laid out from Wilkes & other counties.
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Boundary of the first.

shall be, and they are hereby laid out from the counties of Wilkes and several other counties contiguous, or adjoining thereto, in the following manner and form, to wit: The first to begin at McGehee's bridge, on Ogeechee river; thence along the road leading from that bridge to the Chickasaw ford on Brier creek; thence up Brier creek to the mouth of Sweet water; thence up said creek to Watson's mill; thence to a path known by the name of the old line path at Hodgins's; from thence a straight line to Stark's old mill on Little river; thence up that river to the mouth of William's creek; thence up the said creek to the mouth of Beaver dam; thence a straight line to Ogeechee, so as to include the plantation of Col. Alexander, and down the Ogeechee to the beginning, which said county shall be called and known by the name of Warren.

II. The other county shall begin at the mouth of Long creek; thence up the said creek to the Dry fork thereof; thence up said fork to Joseph Staton's; thence a direct line to William Hammett's; thence to Armour's ford on Little river; thence the same course continued until it strikes Sherrill's creek; thence a direct line to Livingston's mill, on Ogeechee; thence up the same to the Greene county line; thence along said line to the Cherokee corner; thence along the line dividing Wilkes and Franklin, to the south fork of Broad river; thence down Broad river, to the beginning; which said county shall be called and known by the name of Oglethorpe.

III. And be it further enacted by the authority aforesaid, That the county surveyor of Wilkes shall be, and he is hereby appointed to run, and plainly mark the several artificial lines, agreeably to this act, for the aforesaid county of Warren. And the county surveyor of Elbert, shall be, and he is hereby appointed to run, and plainly mark in like manner, the several lines round the county of Oglethorpe; which said lines shall be run, and marked as aforesaid, within two months after the passing this act; and the said county surveyors shall be allowed, by the county courts of the aforesaid counties of Warren and Oglethorpe, a reasonable compensation for such services, to be by them levied on their respective counties, and shall be subject, when collected, to their order for the purposes aforesaid.

IV. And be it further enacted by the authority aforesaid, That all justices of the peace, which shall or may fall within either of the aforesaid counties of Warren and Oglethorpe, may legally continue to exercise the several duties of such office, until the adjournment of the next general assembly.

V. And be it further enacted, That James Mc Cormick, Robert Abercrombie, Peter Holo, Zachariah Fann and Arthur Fort, be, and they are hereby appointed commissioners for fixing on a proper place to erect a court house and gaol for the county of Warren; which shall be as nearly central as convenient: And Samuel Thornton, Thomas Gilmore, Benjamin Knox, John Lucky and John Steward, are appointed commissioners for fixing on a proper place for the court house and gaol of the county of Oglethorpe: And until such public buildings are completed in the respective counties,

* Part of Greene added to this county. See act of 1794, No. 517.
† Other commissioners appointed by act of 1795, No. 526.
counties, the courts for the county of Warren, shall be held at James M'Cormick’s; and the courts of the county of Oglethorpe, shall be held at Charles Lane’s.

VI. And be it further enacted, That the justices of the inferior courts of the county of Warren, or any three of them, are hereby authorized and empowered to contract with proper persons to undertake, and completely finish a court house and gaol for said county, on such plan and in such form as they may think proper: And the said county court may raise by *tax, to be by them levied, a sum not to exceed two hundred and fifty pounds, to be by them applied to the building such public buildings: And the justices of the inferior court for the county of Oglethorpe, shall in like manner, contract with fit and proper persons, for building their court house and gaol, and may raise, by tax on their county, a sum not exceeding two hundred and fifty pounds, to be applied as aforesaid.

VII. †And be it further enacted by the authority aforesaid, That the county of Oglethorpe, shall be allowed one member, to represent it in the house of representatives, out of the number allowed by the constitution, to the county of Wilkes.

VIII. And be it further enacted by the authority aforesaid, That suits commenced and now depending, against any person within the limits of either of the aforesaid counties, of Warren and Oglethorpe, shall still continue, and be proceeded on as usual, in the county where they were originally commenced, until the courts of such new counties are organized; after which, they shall be removed by the plaintiff, to the county where the defendant resides, without any additional costs for such removal.

IX. And be it further enacted by the authority aforesaid, That one new county shall be laid off from the county of Liberty, in the manner following: From the north end of Black Beard island, to the mouth of South Newport river; from thence up Bull Town swamp to the mouth of Big Mortar swamp; from thence to the head thereof; and from thence a due west course to the south branch of the Alatamaha; thence down that branch of the Alatamaha, which empties itself at the north end of Little St. Simon’s island, to its mouth; and from thence along the sea coast to the north end of Black Beard island; which said county shall be called and known by the name of M’Intosh.

X. And be it further enacted by the authority aforesaid, That Ferdinand O’Neal, James Gignilliat, jun. and William M’Intosh, jun. are hereby appointed commissioners, for fixing on a place for a gaol and court house, for the county of M’Intosh, which shall be as nearly central as convenient, at which place the courts shall be held.

XI. And be it further enacted by the authority aforesaid, That the justices of the inferior court of the county of M’Intosh, to be hereafter appointed, are hereby authorized and empowered to contract with proper persons, to undertake and completely finish, a court house and gaol for said county, on such plan as they may think proper; and the said county court may raise by tax, to be by them levied, a sum which shall not exceed two hundred and fifty pounds, to be applied as aforesaid.

* See act of 1796, No. 555, empowering inferior courts to levy county tax.
† Representation to be apportioned according to enumeration. See constitution of 1798.
‡ Boundary of this county defined by act of 1794, No. 509.
§ See act of 1796, No. 555, respecting county tax.
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Proviso, allowing one representative.

After Mr. McIntosh, thence raises from the beginning of which shall still continue, and be proceeded on as usual, in the county where they were originally commenced, until the courts of such county of Mr. McIntosh are organized; after which they may be removed by the plaintiff, to the county wherein the defendant resides, without any additional costs for such removal.

XII. And be it further enacted by the authority aforesaid, That the county of Mr. McIntosh shall be allowed one member to represent it in the house of representatives, out of the number allowed by the constitution to the county of Liberty.

XIII. And be it further enacted by the authority aforesaid, That all suits commenced and now depending, against any person in the aforesaid county of Mr. McIntosh, shall still continue, and be proceeded on as usual, in the county where they were originally commenced, until the courts of such county of Mr. McIntosh are organized; after which they may be removed by the plaintiff, to the county wherein the defendant resides, without any additional costs for such removal.

XIV. And be it further enacted by the authority aforesaid, That the courts shall be held for the county of Mr. McIntosh, at the plantation of John Mr. McIntosh, jun. until the court house and gaol for the county aforesaid shall be completed.

XV. And be it further enacted by the authority aforesaid, That one new county shall be laid off from the county of Chatham, in the manner following: Beginning at the mouth of, and running up and with the meanders of Midway river to the confluence of Mount Hope swamp; from thence in a direct course along the old line, dividing the parish of St. Philip’s from St. John’s, until it strikes the river Canouchie; from thence up the main stream of said river until it strikes the Walthing on line; from thence in a direct line across to the mouth of Black creek, on Ogeechee river; thence down the said river Ogeechee to its mouth; thence with the sea coast to the mouth of Midway river; which said county shall be called and known by the name of Bryan.†

XVI. And be it further enacted by the authority aforesaid, That William Maxwell, Robert Holmes, and Joseph Stiles, are hereby appointed commissioners‡ for fixing on a proper place for a gaol and court house for the county of Bryan, at which place the said courts shall be held.

XVII. And be it further enacted, That the justices of the inferior court of the county of Bryan, to be hereafter appointed, are hereby authorized and empowered to contract with proper persons, to undertake and completely finish, a court house and gaol for said county, on such plan as they may think proper: And the said county courts may raise, by tax,§ to be by them levied, a sum which shall not exceed two hundred and fifty pounds, to be applied as aforesaid.

XVIII. And be it further enacted, That the county of Bryan shall be allowed one member to represent it in the house of representatives, out of the number allowed by the constitution to the county of Chatham.

XIX. And be it further enacted, That all suits commenced and now depending, against any person in the aforesaid county of Bryan, shall still continue and be proceeded on as usual, in the county where they were originally commenced, until the courts for such county of Bryan are properly organized; after which they shall be removed by the plaintiff, to the county wherein the defendant resides, without any additional cost for such removal.

XX. Representation to be apportioned by enumeration. See const. of 1798.
† Part of Effingham added this county by act of 1794, No. 509.
‡ Other commissioners added. See act of 1795, No. 526.
§ See act of 1796, No. 555, respecting county tax.
|| Representation to be apportioned according to enumeration. See const. of 1798.
XX. And be it further enacted, That the county courts for the county of Bryan, shall be held at Hardwick, until the court house and gaol shall be completed.

XXI. And be it further enacted by the authority aforesaid, That a new county shall be, and is hereby laid out and taken from the county of Washington, in the following manner: First, by a line beginning at Carr's Bluff, on the Oconee river, and running along the Uchee path to the place where the said path crosses Williamson's swamp; thence in a direct line to the Ogechee river; thence down the said river to the Effingham line; thence along said line to where it strikes the line of Liberty county; thence along said line to the Alatamaha river; thence up the said river to the confluence of the Oconee and Oakmulge rivers; thence up the Oconee river to the beginning—which said county shall be called and known by the name of Montgomery.

XXII. And be it further enacted by the authority aforesaid, That the county surveyor of Washington shall be, and he is hereby appointed to run and plainly mark the said direct line, from the place where the Uchee path crosses Williamson's swamp to the Ogechee river.

XXIII. And be it further enacted by the authority aforesaid, That all justices of the peace, who shall or may fall within the said county of Montgomery, may legally continue to exercise the several duties of their office until the adjournment of the next general assembly.

XXIV. And be it further enacted by the authority aforesaid, That all suits now depending against any person residing within the aforesaid county of Montgomery, shall still continue and be proceeded on as usual, in the county where they were originally commenced, until the courts for such county of Montgomery are organized; after which they may be removed by the plaintiff, to the county where the defendant resides, without any additional costs for such removal.

XXV. And be it further enacted by the authority aforesaid, That Solomon Wood, John Watts, Francis Pew, Benjamin Harrison and Jeff Embrey, shall and are hereby appointed commissioners for fixing on a proper place to erect a court house and gaol for the county of Montgomery; until such public buildings are completed, the courts for the said county of Montgomery, shall be held at William Neal's.

XXVI. And be it further enacted, That the people in the several new counties shall, on the third Monday in January next, proceed by election in the usual way, for the clerk of the superior and inferior court, sheriff, register of probates, county surveyor and coroner.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 19, 1793.
A. D. 1793. An Act to prevent the importation of negroes into this State, from the places herein mentioned.

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 after three months from the passing of this act, any person or persons who shall directly or indirectly import to this State, from any of the West India, Windward, Leeward, or Bahama islands, or from either of the adjacent provinces of East or West Florida, any negro, mulatto, or mulattoes slave or slaves who have been one month in the same, for sale; every such person or persons shall forfeit and pay to the State fifty pounds each, for every negro, mulatto, mulattoes slave so imported as aforesaid.

II. And be it further enacted, That all negroes, mulattoes, or mulattoes, who at any time after the passing of this act, shall come into this State, shall, within thirty days after their arrival, enrol him, her, or themselves in the clerk's office of the county where they reside; and within six months thereafter procure a certificate of two or more magistrates of the county, certified by the clerk thereof, with the seal of the county annexed, of his, her or their honesty and industry, to entitle them to the privileges of residence in this State: And on failure of such enrolment, or neglect of procuring such certificate, he, she or they, shall be subject to be taken up and committed to the nearest gaol, for a term not exceeding three months, or until he, she or they shall give security, by two freeholders, of his, her or their prin fees, and future industrious and honest behavior.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the State shall, in no instance, be answerable for, or liable to pay the owner any consideration whatever for any negro slave or slaves who may suffer death by the laws of this State.

IV. And be it further enacted by the authority aforesaid, That all expenses and fees, chargeable by any of the public officers, for prosecuting any negro slave or slaves, convicted of any crime, not capital, against the laws of this State, shall be paid by the owner or owners of such slave or slaves. But in all cases where any slave shall be convicted of any crime whereby he, she or they may suffer death, the expenses attending the trial and execution of such slave or slaves, shall be paid by the county where they shall be executed.

WILLIAM GIBBONS, Speaker of the House of Representatives.

GEORGE TALIAFERRO, President of the Senate.

December 19, 1793.

No. 498. An Act to establish an inspection of tobacco on the Savannah river, at the mouth of Lightwoodlog creek.

I. Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, and is hereby enacted by the authority of the same, That from and immediately after the passing of this act, it shall and may be lawful for an inspection
inspection of tobacco to be opened, at the mouth of Lightwoodlog creek, in Elbert county, on the land of Nehemiah Howard; which said inspection shall be governed by the laws which now are in force, or which may hereafter be made for the government of the several inspections within this State.

II. Be it also enacted, That the right of building said warehouse is hereby vested in the said Nehemiah Howard, his heirs and assigns, who shall be entitled to receive the same storage as is directed by law to be received in the other inspections in this State.

III. And be it further enacted, That so much of an act, entitled "An act for regulating the inspections of tobacco," passed the twenty-third day of December, one thousand seven hundred and ninety-one, as relates to granting of salaries to the inspectors of Call’s, Richmond and Augusta warehouses, be, and the same is hereby repealed.

IV. And be it further enacted, That the inspectors at the warehouses, known by the name of Richmond and Augusta warehouses, shall be entitled to receive the same price for each hoghead of tobacco by them inspected, as are allowed by law to the inspectors of other warehouses within this State, which shall be paid at the time of shipment.

V. And be it further enacted, That the weights at the several warehouses, within this State, shall be adjusted in the manner pointed out in a former law, regulating the inspection of tobacco, on the first Monday in January and October, annually.

WILLIAM GIBBONS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHews, Governor.

December 19, 1793.

An Act more effectually to punish persons guilty of stealing horses, asses or mules.

I. Eit enacted by the senate and house of representatives of the State of Georgia in general assembly met, and by the authority of the same, That if any person or persons, after the passing of this act, shall feloniously steal, lead, take or drive away, any horse, gelding, mare, colt, filly, ass or mule, or be accessory thereto, and being thereof duly convicted, shall be adjudged guilty of felony: Such person or persons convicted as aforesaid, shall suffer death, without the benefit of clergy, by being hanged by the neck, till he, she or they be dead.

II. And be it further enacted, That when any person or persons shall be charged and apprehended for the offence or offences aforesaid, it shall be the duty of the justice or justices before whom he, she or they are brought, to take in writing, the examination of such prisoner or prisoners, or persons so accused, and also the oath or affirmation of him or those who accuse; and if upon such examination it shall appear to such justice or justices that the prisoner or prisoners accused, are guilty of the charge or charges alleged against him, her or them, it shall be the duty of the justice or justices
A.D. 1793. No. 479.

This act appears to have been intended to restrain the operation of the writ of habeas corpus; if so, it is in our opinion, an infringement of the liberty of the citizen, and the judges are not bound by it. See 4th sect. of 5th art. of the constitution and habeas corpus act. p. 21.

Sixth. Be it enacted by the authority aforesaid, That this act shall not extend, or be construed to extend, to authorize any judge or judges of the superior courts, or justices of the inferior courts of this State, upon a writ of habeas corpus, or any other writ whatever to admit to bail, discharge, or otherwise enlarge, any person or persons committed as aforesaid, against whom oath has been made, that he, she or they are guilty of any of the crimes before recited in this act.

IV. And be it further enacted by the authority aforesaid, That in future, it shall be the duty of the justices of this State, and they are hereby severally required, on issuing a warrant, to apprehend any person or persons charged with any criminal offence, to direct the peace officer executing the same, to make diligent enquiry as to the property, of which any person charged as aforesaid, may be possessed at the time he or she was apprehended, and such officer is hereby required, within ten days thereafter, to render an account thereof to the justice before whom such criminal may be brought, who is hereby directed (in case the prisoner is not discharged) to make a return of such property to the clerk of the superior court; at or before the term when the criminal is to be tried, which property is hereby made liable, in the first instance, to the payment of gaolers’ fees for detaining the criminal, to whom it may belong aforesaid; and if any justice or peace officer shall fail to perform the duties hereby required, he shall himself be subject to the payment of the cost with which such criminal may be chargeable aforesaid, which may be levied by execution on the property of the justice or officer so offending, in the same manner as if the judgment had been against himself.

V. And in all cases where bail is admitted, the person or persons becoming security shall, if required, make it appear to the satisfaction of the court, that he, she or they are amply sufficient for the sum for which such bail is taken.

WILLIAM GIBBONS, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

December 19, 1793.

An Act to revise and amend the judiciary act.*

WHEREAS great inconvenience hath arisen from an omission in the above recited act, in having no time pointed out therein for holding a second term of the superior court; for remedy whereof,

I. Be it enacted, That the aforesaid second term of the said superior court, omitted as above, shall by the judges of the said courts, again commence on the first Tuesday in

* Repealed by act of 1796, No. 574.
in July next, in the counties of Washington and Camden; the next Tuesday in Glyn and Greene; the next Tuesday in Liberty and Franklin; the next Tuesday in Elbert; the next Tuesday in Chatham and Wilkes; the next two weeks after in Columbia and Effingham; the next Tuesday in Burke, and the next Tuesday in Richmond.

II. And be it further enacted, That from and after the passing of this act, the term for holding the inferior courts for the county of Richmond, shall be on the first Tuesday in March and September, any in the former judiciary act to the contrary notwithstanding.

III. And be it further enacted, That from and immediately after the passing of this act, if any party in any suit brought before a single justice, shall be dissatisfied with his determination thereon, he may at any time within three days thereafter, enter an appeal, on payment of costs, and giving security for the eventual condemnation money; which appeal shall be tried by five jurors (a majority of whom shall agree on the verdict) to be drawn from a list of the freeholders, within the company district of such justice, at the next term in such district, the opposite party having notice thereof; whole determination thereon shall be final.

IV. And be it further enacted, That the said justices shall have power to postpone the trial of any appeal which may have been made before them, on the oath of either party, that they are in want of a material evidence who they have regularly summoned, and also used all other legal means to procure.

V. And be it further enacted, That in all cases of mutual debts cognizable before a single justice or a court of appeals, as before mentioned, judgment may be given in favor of the defendant on its appearing to the satisfaction of the court or justice, that there is a balance due him.

VI. And for the regulation of the justices courts, Be it enacted, That in all cases, the best evidence shall be required that the nature of the case will admit of; nor shall any person be admitted to prove his or her account, by their own oath, before such court, without previously making oath, that he, she or they had no other method whereby it could be established.

VII. And be it further enacted, That when any constable shall neglect to pay to, or account with any person, for whom he may have received money, on execution, within thirty days from the time of such execution may be put into his hands, any person or persons so injured as aforesaid, shall, upon application to any justice within the district, have a summons granted him, requiring such constable to appear before him or some other justice; and if it shall appear to such justice, that he has received the amount of such execution, or any part thereof, he shall give judgment, and immediately issue execution thereon.

VIII. And be it further enacted, That all appeals now depending in the respective inferior courts in this State, may by either party, due notice being given, be remanded to the justices of the district from whence they came, to be determined agreeably to this act.

IX.
A. D. 1793. No. 300. Inferior court and justices fees.

**Editors' note:**

**Executors & administrators may appeal without security.**

**Arbitration.**

**Sheriff's sales.**

**X.** Wherein in some instances the judges of the inferior courts, under the act of the twenty-third day of December, one thousand seven hundred and eighty-nine, have refused to allow executors and administrators an appeal to a special jury, according to the constitution, because the defendant would not give bond to pay the condemnation money, which was not the true intent and meaning of the said act: 

**Be it therefore enacted,** That wherever an appeal has been moved for, in any inferior court, by an executor or administrator, as defendant, in due time, and costs tendered, and such appeal hath been refused, that the superior court may order the cause to be docketed, and tried by a special jury, according to the constitution, any order of the inferior court notwithstanding.

**XI.** And be it further enacted, That in all matters submitted to reference by parties in a suit under a rule of court, or other agreement in writing, signed by the parties, judgment shall be entered up by the party in whose favor the award is given, and execution shall issue for the sums awarded, to be paid as they respectively become due, and levy on the property of the party against whom the judgment shall have been entered up, and execution issued as aforesaid, and such other proceedings shall be had thereon by the court, as in cases of judgments entered up, on verdicts of juries.

**XII.** And be it further enacted, That all personal property levied on by a sheriff, except stock, shall be advertised in like manner as directed where lands are executed and advertised.

**WILLIAM GIBBONS, Speaker of the House of Representatives.**

**GEORGE MATHEWS, Governor.**

December 19, 1793.

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No. 302. An Act to impose a tax on the inhabitants of this State, for the support of government for the year 1794.

December 19, 1793.

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No. 303. An Act to amend an act, pointing out the mode under which property reverting to the State shall be disposed of.

In all cases of mortgages in behalf of the State, where the equity of redemption shall be foreclosed, the estate subject to future sale.

**Editors' note:**

**Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, and by the authority of the same,** That in all cases where a foreclosure of any mortgage has been, or shall be complete, wherein the governor for
for the time being, on the part or behalf of this State, shall be plaintiff, and the
equity of redemption shall thereupon be foreclosed, that the estate so mortgaged, shall
be subject to a future sale, on the following terms and conditions: that is to say,
that the commissioners hereby appointed, having given a full and perfect description
of such property as may be in the respective counties, shall, immediately after being
notified in writing, by the attorney or solicitor general, that the proceedings on the bill
of foreclosure are ended, and that the defendant or defendants are by law precluded
of the right of redemption of the premises, advertise the same for sale in both the
gazettes of Savannah and Augusta, at least three months before the day of sale, which
sales shall be at Savannah and Augusta; and that the conditions of the sales to be so
made as aforesaid, shall be on the following terms: that is to say, on a credit of five
years in equal annual payments, the purchaser first giving a mortgage on the premises
for the payment of the principal, in annual instalments, and good and sufficient per-
sonal security, for the annual interest, at and after the rate of eight per centum which
shall accrue as well upon the sum annually due, as also the interest on the remainder
money: The bonds to be taken, shall be made payable to the governor for the time
being, and his successors in office, in the following denominations of public securities:
that is to say, governors, presidents, or speakers warrants, audited or funded certi-
ficates, the present or any former treasurer's certificates, (except Wade's, O'Brian's
and Seth John Cuthbert's, whose accounts remain unsettled;) the paper medium of
this State, issued the third day of August, one thousand seven hundred and eighty-six,
or in gold and silver. Provided nevertheles. That nothing herein contained shall tend
to prevent any purchaser or purchasers from paying immediately the whole amount of
his, her or their purchase money, or any part or parcel thereof, at any time or times
before the same shall become due.

II. And be it further enacted, That the commissioners shall be allowed at the rate
of one per centum on the value of property which they shall sell, under and by virtue
of this act, which commissions shall be in full compensation for all charges, duties
and services herein required; and the bonds and mortgages to be taken by the
commissioners, shall immediately thereafter be transmitted to the treasurer, who shall
give a receipt for the same, describing as full as may be, a particular account of the
several bonds and mortgages; and in sales where the commissioners are not sufficiently
informed of the quantity or number of acres, which any tract or tracts of land subject
to sale by this act, shall contain, or the boundaries of any such lands, they shall apply
to the superior court and upon shewing cause, to the satisfaction of the court, may
obtain a rule of survey on such conditions as the court shall direct; and shall, after
the sale of such land, file the survey of record in the clerk's office of the superior court,
and that the expenses of such surveys shall be paid before the judge of the superior
court, and upon being approved of by the same, shall be allowed out of the specie
part of the sales. And it shall be the duty of the attorney or solicitor general, to
furnish the commissioners with a form of a bond, which will enable the governor for
the time being, to obtain judgment on the whole money due on such bond, on failure
of payment of either of the instalments; but that executions shall issue only for such
instalments

The commissioners allowed one per cent. on the amount.
The bonds and mortgages taken to be transmitted to the treasurer.
The superior court may grant rules of survey of any lands subject to sale.
The attorney or solicitor general to furnish the commissioners with the form
of a bond.
In stallsments as they become due; which form of a bond shall govern such commis- 

...fession of all purchases made under this act, from which payment the commis- 

...slified their commission of one per centum, which shall be in 

...nd executing titles, and for all charges, expenses 

...hat the balance of such specie payment the commissioners 

...shall pay into the treasury within three months after the day of sale. Provided always 

...nevertheless, That this clause shall not extend to effect lands purchased under and by 

...t of this act for academy uses.

...h the commissioners of 

...eh the officers of the State house, on the same terms as the commissioners of the several academies in this 

...e State, who are authorized to purchase at the fales aforesaid; and in cases where the 

...h the conditions of the fales, the commissioners shall 

...order the property to be re-fold, first subjecting the purchaser at the first fale, to make 

...up the deficiency which may arise at such second fale.

...be appointed commissioners to carry this act into effect, one of whom shall reside in each of the 

...er divisions of this State, which divisions shall be agreeable to the militia law 

...hereof.

...hat the said commissioners, previous to their entering on 

...the execution of their appointment, shall severally give bond, and sufficient security 

...to his excellency the governor, in the sum of ten thousand pounds each, conditioned 

...for the true and faithful exercise and discharge of the trust reposed in 

...them by this act, which bond shall be lodged in the hands of the public treasurer 

...of this State.

...hat in cases wherein lands or other property shall be se- 

...ecreted from the commissioners, any citizen who shall discover and make the same 

...nown, that such informer shall receive ten per centum out of the specie amount of 

...uch fales; and such property so discovered shall be sold and disposed of under the like 

...term as is herein pointed out for the sale of property so as aforesaid foreclosed.

...bseverely, by several resolutions and acts of the legislature, the several counties in this State now entitled to receive out of the confiscated property, the 

...um of one thousand pounds each, for the encouragement of public schools, but 

...at several of the counties so entitled, have not received such donations: Be it there- 

...fore aforesaid. That each and every county within this State, which have not received 

...Such donation, the commissioners of the public academy of such county, or their 

...agents, to be by them legally appointed, be at liberty to purchase at any fales of 

...confiscated property intended by this act, the sum of one thousand pounds. Provided, 

...hat in cases where such county hath received any part or portion of such donation, 

...uch sum so received, shall be deducted, and the purchase shall be admitted 

...nly for the balance.
IX. And whereas, a number of persons have purchased confiscated property, which has not been paid for: Be it therefore enacted, That six months from the date hereof, be allowed for the payment of any sums which may be due, with costs of suit, where a foreclosure of the mortgage has taken place; and the commissioners to be appointed under and by virtue of this act, are hereby directed and required to make titles for such property after payment as aforesaid. Provided, That this shall not extend to effect any purchase where one half the amount thereof has not been paid.

X. Whereas, it is indispensably necessary that the outstanding debt of this State should be ascertained, as well to form a proper check upon the papers thereof, as to make an adequate provision for their redemption: And whereas, many counterfeit certificates and other liquidated claims against this State, have been discovered, which to nearly comport with the genuine papers of the same description, as with difficulty to be distinguished even by the signers thereof: And whereas, the papers of the State heretofore have been partially issued, without a proper check to preserve the credit of the same, and to guard the interest of the State, and the individual holders thereof, for remedy whereof:

*Be it therefore enacted, That his excellency the governor, the present and late auditor, and the treasurer for the time being, be, and they are hereby constituted a board, to take in and receive all liquidated claims issued by authority of this State, (those issued by Wade and O'Brian, and Seth John Cuthbert, whose accounts remain unsettled, excepted) and they or any two of them, the auditor being one, shall, and they are hereby authorized and required to issue others in lieu thereof, with a proper check, pursuing as nearly as may be, the plan and form of those issued by the United States, and for such services the late auditor shall be provided for by a future legislature.

XI. And be it further enacted, That so much of the above recited act, entitled "An act pointing out the mode under which property reverting to the State shall be disposed of," as militates with this act, be and the same is hereby repealed.

WILLIAM GIBBONS, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 20, 1793.

* No compensation being allowed to the board constituted by this section, their powers were never carried into effect. See act of 1798, No. 623, for calling in the outstanding evidences of debts.

A. D. 1793.
No. 522.

An Act for appropriating money for the year 1794.

December 20, 1793.

A. D. 1794.
No. 524.

An Act to ratify the resolution of congress, explanatory of the judicial power of the United States.

WHEREAS congress, at their session, begun and held at the city of Philadelphia, on Monday the second day of December, one thousand seven hundred and ninety-three, have, in virtue of the powers in them vested by the fifth article of
A. D. 1794.
No. 504.
of the constitution of the United States, deemed it expedient to propose to the legislatures of the several States, an explanatory amendment of the said constitution, in the words following: "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another, or by citizens or subjects of any foreign State."

And whereas, this legislature doth entirely concur therewith, deeming the same to be the only just and true construction of the said judicial power, by which the rights and dignity of the several States can be effectually secured:

I. Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met, That this legislature have assented to, ratified and adopted, and by these presents, do, for and in behalf of the said State of Georgia, fully assent to, ratify and adopt the aforesaid proposed explanatory amendment in terms thereof.

THOMAS NAPIER, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.
November 29, 1794.

No. 505.

An Act to establish and make permanent the seat of the public buildings in the county of Columbia.

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 seat of the public buildings in the county of Columbia, as far as relates to the court house and gaol therein, shall be on that public lot of land on the north west margin of the Big Kiokee creek, which was conveyed by William Appling, to the commissioners of the court house and gaol, it being the lot of land on which the aforesaid buildings do now stand.

II. And be it further enacted, That the seat of the academy shall be at such place as the commissioners of the Columbia academy, or a majority of them shall deem proper: Provided, such place be within one mile of the aforesaid lot of land.

THOMAS NAPIER, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.
November 29, 1794.

No. 506. An Act to repeal an act, for inflicting penalties on, and confiscating the estates of such person as are therein declared guilty of treason, and for other purposes therein mentioned, so far as respects the banishment only of John Maxwell, a person therein named.

December 6, 1794.
Private.
An Act for the better regulating of vendues within this State.

WHEREAS, it appears necessary for promoting the revenue of this State and encouraging the commerce of the same, that the sale of goods at public vendue should be subject to better regulations than heretofore.

I. Be it therefore enacted, and it is hereby enacted by the freemen of the State of Georgia in general assembly met, and by the authority of the same, That from and after the passing of this act, four vendue masters shall be appointed for the town of Savannah, one for the town of Augusta, one for the town of Sunbury, and one for the town of St. Mary's, who shall continue for and during the term of two years, and shall give bond to the governor and his successors in office, with two sufficient securities in the sum of one thousand pounds, for the faithful discharge of their duties, and for well and truly performing the terms and payments in and by this act directed and required.

II. And be it further enacted by the authority aforesaid, That the said vendue masters, and no others, shall, from and after the passing of this act, have full power and authority to set up and expose to sale by public outcry and vendue, all and any houses, lands, ships and vessels, goods and wares, and merchandize and property whatsoever, rendering and paying to the State treasurer for the use of the State, one per centum of the gross amount of the sale so by him or them made as aforesaid, in manner following, that is to say: That each and every of the said vendue masters shall once in every three months render an account upon oath to the said treasurer, (which oath any judge or justice of the peace is hereby empowered to administer; and the treasurer is hereby directed to file the said account with the said oath, in his office) of all the effects and property by him or them sold, at any time before the said time of rendering the said account, and since his last settlement; and shall then immediately pay to the said treasurer, the full amount of the said one pound in the hundred pounds upon the account; and upon any failure in rendering the said account upon oath, or of payment of the said sum of one per centum, any vendue master so failing or neglecting shall be discharged from their appointment, the bond put immediately in futu, and some other person appointed in his room, and if any person or persons other than the said vendue masters, shall be found selling or disposing of any houses, lands, ships, or vessels, goods, wares, merchandize or property whatsoever, within the towns of Savannah, Augusta, Sunbury, or St. Mary's, or within two miles of the same, except as herein after excepted, by way of public vendue or auction, each person or persons so offending and being legally convicted, shall, for every such offence, forfeit the sum of one hundred pounds to the use of the poor of the county where such offence shall be committed; and moreover, it shall and may be lawful for

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A. D. 1794.
No. 507.
December 6, 1794.

An Act to appropriate money to captain Jonas Fauche; and for other purposes.

The other purposes relate only to the making provision for an additional troop of horse. The act being in its nature temporary, is omitted.

No. 508.

Preamble.

Enacted.

Vendue masters at Savannah, Augusta, Sunbury & St. Mary's.

Appointed for two years, to give bond &c. to the governor.

Their powers and duty.

To pay into the treasury, 1 per cent. on all sales.

In case of failure — how to be proceeded against.

All other persons selling at auction, at or near either of those places, liable to penalty of £100 for the use of the poor.
any justice of the peace of the towns respectively, upon his own view or the testimony and information of one or more creditable witnesses to him given, of any person selling any lands, ships or vessels, goods, wares, merchandize or other property whatsoever, by way of public auction or vendue as aforesaid, (except as by this act is excepted) within the said towns, or within two miles of the same, to cause such person so offending to be apprehended, and may oblige him, her or them to send sureties for his, her or their good behavior and appearance at the next superior court to be held in the county where the offence is committed.

III. And be it further enacted, That if the party so bound over, shall, during the continuance of his, her or their recognizance, presume to sell or expose to sale at public vendue as aforesaid, any lands, houses, goods, wares, merchandize or other property whatsoever, within any of the said towns, or within two miles of the same, such selling or exposing to sale shall be deemed, and is hereby declared to be, a breach of the said recognizance.

IV. Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to hinder any lawful executor or executors, administrator or administrators, to expose to sale, by way of public auction, vendue or otherwise, any lands, tenements, goods or chattels, or other property of their respective testators or intestates, or to hinder any sheriff, constable or other officer, to sell and dispose of by way of vendue, any lands, houses, ships, vessels, or other property whatever, taken in execution and liable to be sold by order of law, but that all and every such person or persons may do therein, as they might have done, any prohibition in this or any former law to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That no vendue shall be held by any vendue master in the district of any other vendue master, and that their fees or recompence for selling at public vendue, collecting the money, and paying over the same without loss or waste, shall be as follows: For houses, lands, negroes, ships, sloops, schooners and other vessels, two and a half per centum, and for all other goods and property whatsoever, five per centum.

VI. And be it further enacted by the authority aforesaid, That if any vendue master shall neglect or refuse to pay over the monies arising from the sales of any houses, lands, goods, wares, merchandize or any other property sold as aforesaid, either at private sale or public auction, to the owners of the same, or his or her legal representatives, within a reasonable time after demand made, and after the sale of the property aforesaid, all such debts due by such vendue master shall be considered as coming under and may be sued for and recovered from them or their securities, as in cases of courts merchants.

VII. And be it further enacted, That all laws heretofore made and enacted, so far as they relate to vendues, be and they are hereby repealed.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 8, 1794.
An Act to alter the present boundary lines of the several counties therein mentioned.

I. Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, That all that part of Effingham county, south of Ogechse river, be, and the same is hereby declared to be added to Bryan county.

II. And whereas, certain doubts have arisen respecting the boundary lines of the county of McIntosh, and in as much as the same are uncertain and indefinite; Be it enacted, That the true construction of the act laying off the said county of McIntosh, as respects the boundaries of the same, is, and shall be in the manner following, viz. From the north end of Black-bird island to the mouth of South Newport river; from thence up Bull-town swamp to the mouth of Big Mortar swamp; thence along the southern margin of the main Bull-town swamp to the head or source thereof; from thence a north west course to the old boundary line; and thence along the same to the Altamaha river; down the said main stream to the south branch thereof; thence down that branch of the said river which empties itself at the north end of Little St. Simon's island to its mouth; and from thence along the sea coast to the north end of Black-bird island.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 16, 1794.

An Act to regulate the admeasurement and inspection of lumber, staves, shingles, and for other purposes therein mentioned.

I. Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, and by the authority of the same, That from and after the passing of this Act, ranging timber, scantling, and boards, shall be deemed merchantable only, when made, shaped, formed and conditioned, as is herein after directed, that is to say: All ranging timber, scantling and boards, shall have square edges, be found and without decay: Nevertheless, if any scantling or boards, to be measured and inspected under and by virtue of this Act, shall be split, decayed or fractured, more than two feet and less than six feet, from the end thereof; in that case such split, decayed or fractured part, shall be left out, and not counted in the said admeasurement.*

II. And be it further enacted, That pipe, hoghead and barrel staves, shingles and heading, &c. shall be considered merchantable only, when made, formed, shaped and conditioned in manner following, viz.: Pipe staves to be at least fifty-four inches in length, three and a half inches in breadth, and one inch thick on the edge; hoghead staves to be forty-two inches long, three and a half inches broad, the one edge an inch, the other not less than three quarters of an inch thick, found and free

* See act of 1798, No. 620, for the better regulating the admeasurement of lumber.
A.D. 1794.

No 510.

Measure and Vent.

For quality of lumber: barrel staves to be two and a half feet long, not less than three and a half inches wide, one inch thick on the one edge, and not less than three quarters of an inch thick on the other edge, straight and free from decay, worm or knot holes; heading to be two and a half feet long, six inches broad, an inch thick on the one edge, and not less than three quarters of an inch thick on the other, found, and free from decay, worm or knot holes; shingles to be twenty-two inches long, not less than three and a half inches wide, a half inch thick at the thicker end, not decayed, free from worm or knot holes.

III. And be it further enacted, That the inspectors and measurers to be appointed as herein after directed, shall, and are hereby entitled, to receive for their trouble and care, in and about the inspecting, measuring or ascertaining the quality and dimensions of merchantable lumber of the various forts as herein before enumerated, the prices and compensation following, viz. For ranging timber per thousand feet, seven pence; for scantling and boards per thousand feet, one shilling and nine pence; for staves and heading, per thousand, three shillings and six pence; for shingles per thousand, one shilling and two pence; for live oak and cedar, three shillings and six pence per hundred feet.

IV. And be it further enacted, That all lumber of whatever sort or kind, hereafter to be inspected and measured under this act, shall be reckoned and ascertained by superficial measurement, except live oak and cedar, which shall be reckoned and ascertained by solid measurement.

V. And be it further enacted, That lumber of every denomination, not agreeing with the description and standard by this act required, shall be deemed and taken to be refuse; and the inspectors and measurers thereof shall be entitled to receive only one half the price and compensation to them given for the inspection and measurement of merchantable lumber; and the fees accruing to the inspectors and measurers shall be paid jointly by both buyer and feller.

VI. And be it further enacted, That from and after the passing of this act, fit and proper persons shall be appointed, annually, by the general assembly: For the port of Savannah, eight; for the port of Sunbury, one; for the port of St. Simon’s, two; and one for the port of St. Mary’s, as inspectors and measurers of lumber as aforesaid.

VII. And be it further enacted, That persons appointed to be inspectors and measurers of lumber as aforesaid, shall, before they enter on the duties of their office, take the oath or affirmation following, viz. “I, A. B. in the presence of almighty God, do solemnly swear, or affirm, that I will fairly and honestly, to the best of my skill and judgment, execute the office of the inspector and admeasurer, according to law. So help me God.” And shall each enter into bond, with sufficient security, before his excellency the governor, or two or more of the justices of the inferior court of the county in which such inspector shall reside, in the sum of five hundred pounds, for the due and faithful performance of his said trust, which shall be lodged in

† This section is repealed by act of 1798, No. 620. See 1 and 5 sect.

‡ This section is repealed by act of 1798, No. 620.
in the clerk's office of such court. And no person or persons shall be permitted to inspect and admeasure lumber as aforesaid, except those appointed by the legislature; and if any person or persons shall attempt to inspect and admeasure as aforesaid, (except those herein before excepted) every such person or persons shall, for every such offence, forfeit and pay the sum of five hundred dollars, one third to the informer, and the remaining two thirds to the use of this State.

THOMAS NAPIER, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

December 16, 1794.

$ Inspectors are appointed by inferior courts.

An Act to grant leave to the justices of the inferior court of Chatham county, to establish a lottery, for the purpose of building and completing a seaman's hospital and poor house within the said county.

WHEREAS, a considerable number of respectable inhabitants of the city of Savannah, have made application to the legislature by petition, suggesting the propriety of establishing a lottery for the purpose of defraying the expenses of erecting a seaman's hospital and poor house, and to place the same under the direction of the justices of the inferior court of the county of Chatham.

And whereas, the object of establishing the said lottery, will not only produce beneficial effects to the State in general, but truly consistent with every principle of humanity;

I. Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met, That it shall and may be lawful for the justices of the inferior court of the county of Chatham, to establish a lottery within six months from and after the passing this law, under such schemes, regulations and restrictions as the said justices of the inferior court of the county aforesaid, may deem most fit and proper, fully to effect the end of building and completing a seaman's hospital and poor house within the said county.

THOMAS NAPIER, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

December 16, 1794.

A. D. 1794.

No. 510.

No other persons allowed to inspect or measure lumber.

Penalty.

An Act for the relief of Colonel Peter Purkines, and for other purposes.

December 16, 1794.

Private.
An Act for pointing out the method of compelling persons residing in this State, to give evidence in causes pending in another.

WHEREAS, much inconvenience has arisen to individuals from no compulsory process having been adopted in the different States, to oblige the citizens or residents thereof, to give evidence in suits pending in other States, and for remedy whereof, as far as it might be occasioned by persons residing within the State of Georgia:

I. Be it enacted, That if the testimony of any persons residing within the said State, shall be required in any suit pending in any court of record in either of the United States, and he, she or they shall be required to appear before commissioners appointed to take his or her examination under a commission, properly issued and authenticated agreeably to the laws and rules of the courts of the State from which it shall be sent, or appearing shall refuse to answer to such legal interrogatories as shall be annexed to the said commission and exhibited to him, her or them, it shall be lawful for either of the said commissioners, or the party upon whose application the said commission was issued, to apply to any judge of the superior courts of this State, or justices of the inferior court of the county within which such person whose testimony is required may reside, and upon producing before him such commission, and his being satisfied of its regularity and on affidavit being made of such refusal he shall issue a subpena in the usual form, directed to such person or persons as aforesaid, requiring him, her or them, to be and appear before the said commissioners at a certain time and place, to answer to such legal interrogatories as may be annexed to the said commission and then exhibited to him: Provided, That he shall not be required to attend such examination and give answers to the said interrogatories within less than two days after the service of the said subpena; neither shall he be obliged to attend for such examination out of the county where he resides, nor more than ten miles from the place of his residence, and upon due service of the said subpena upon such person or persons, the same shall be returned to the commissioners on or before the time appointed for the examination and the service of such subpena proved by the return of the proper officer, and on the refusal or neglect of such person or persons to comply with its mandate endorsed on or annexed to the said subpena and returned to the superior or inferior courts, (as the case may require) of the county in which such person or persons resides, he, she or they, shall be subject for such neglect or refusal to all the pains and penalties to which such person or persons would have been subject for a similar default in any cases pending in the courts of this State.

II. And be it further enacted, That the person or persons whose evidence shall be required as aforesaid, shall, if they or any of them require the same, be entitled to the same fees or pay as persons summoned to give evidence in the superior or inferior courts of this State.

THOMAS NAPIER, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 10, 1794.
An Act pointing out the time, place and manner of holding elections for persons to represent this State in the House of Representatives of the United States.

December 18, 1794.

See act of 1796, No. 572, sed. 2.

An Act to vest certain powers in his excellency the Governor, to prevent abuses in persons surveying lands already granted, and lands surveyed not within the limits of any county described by law, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, That his excellency the Governor be, and he is hereby required on the information of any person or persons on oath, setting forth, that any survey or surveys of land within this State have been illegally made, and contrary to the laws thereof, that then and in that case, he may all proceedings on any such survey or surveys, and that he notify in the public gazette, for sixty days, requiring the party or parties to appear before him at the executive chamber, there to be examined in the premises, on oath, and to judge and determine according to law, and the opinion he may entertain of the evidence, and on such determination, either to annul and render void the said proceedings had on such survey or surveys, or fully to carry into effect, by granting of the same, any law to the contrary notwithstanding.

II. And be it enacted by the authority aforesaid, That no county surveyor or his deputy, shall after the passing of this act, administer or survey to any person or persons possessed of or holding a warrant issued prior to the tenth day of December instant, except such warrant shall appear to be the head rights or bounties of the possessor founded on the laws of this State; and the justices within the several counties, holding land courts, are hereby expressly forbid to make any renewal of transferred warrants whatsoever, any law to the contrary notwithstanding.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 25, 1794.

An Act for carrying into effect the seventh section of the fourth article of the constitution of this State.

Whereas, in the seventh section of the fourth article of the constitution of this State, it is expressly declared in the words following, that is to say: "At the general election for members of Assembly, in the year of our Lord one thousand seven hundred and ninety-four, the electors in each county shall elect three persons to represent them in a convention, for the purpose of taking into consideration...
At D. 1794. No. 516.

The convention—when to meet at Louisville. Vacancies therein—how to be filled.

lification the alterations necessary to be made in the constitution; who shall meet at such time and place as the general assembly may appoint. And whereas, our fellow citizens having agreeably to the said article, complied with so much thereof as appertain to them; therefore, in order to carry fully into effect, the intention of the said constitution:

I. Be it enacted by the senate and house of representatives in general assembly met, That the meeting of the convention be in the town of Louisville, on the first Monday in May next.

II. And be it further enacted, That in case of the death or resignation of any of the members of the said convention, the governor upon being legally notified thereof, is hereby authorized and required to issue a writ or writs of election, directed to two or more magistrates of the county where such vacancy or vacancies happen, requiring them after ten days notice in writing, posted at three or more public places of resort within the said county, to proceed to open a poll at the usual place for holding elections within the said county, for the electors to elect and fill up such vacancy or vacancies as the said writ of election may point out and require: And the persons or persons having the highest number of votes, be returned as a member or members of the said convention, duly certified under the hand and seal of the presiding magistrates of the said county, and that the sheriff do attend for the purpose of preserving good order.

THOMAS NAPIER, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

December 25, 1794.

An Act for adding part of Greene county to Oglethorpe county, and for other purposes.

Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That all that part of Greene county, contained in the following boundary, be added to Oglethorpe county; beginning at the Cherokee corner, thence along the line dividing Franklin from Greene to the Oconee river; thence down the said river to the mouth of Falling creek; thence north sixty degrees east, 'til it shall intersect the line running from the head of Ogechee to the Cherokee corner. And that the county surveyor of Oglethorpe be directed within two months to run the said line.

THOMAS NAPIER, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

December 25, 1794.

An Act for the relief of John Furlow, one of the persons named in the act of confiscation and banishment.

December 25, 1794.
An Act for incorporating the mechanical society of the town of Augusta.

WHEREAS, William Longstreet, president; John Catlett, vice-president; Thomas Bray, secretary; Robert Crefwell, treasurer; and Hugh Magee, William Deamond, Baxter Pool, John Cook, Joseph Stiles, Angus Martin, John Stiles, Hiel Chatsfield, Edward Primrose, Conrad Liverman and Isaac Wingate, have by their petition represented, that they are mechanics of different trades, residing in the town of Augusta; that they are desirous of placing their various crafts on a more social footing than heretofore, and of establishing by their united exertions and contributions, a lauting fund for the relief and support of such of their unfortunate brethren, or their families, as are or may become objects of charity; and for those purposes have voluntarily united and formed themselves into a society, under the style and name of the Augusta Association of Mechanics. And in order to infure and establish their said institution in a permanent and effectual manner, so that the charitable and beneficial objects thereof may be executed with success and advantage, have prayed the legislature to grant them an act of incorporation:

I. Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met, and by the authority thereof, That the several persons herein before named, and others who are or may become members of the society before mentioned respectively, the officers and members thereof, and their successors, shall be, and they are hereby declared to be a body incorporate, in name and in deed, by the style and denomination of the president and vice-president of the Augusta association of mechanics; and by the said name and style shall have perpetual succession of officers and members, and a common seal to use; and shall have full power to make, alter, amend and change such by-laws as may be agreed on by the members of the same: Provided, such by-laws be not repugnant to the laws or constitution of this State or the United States. And provided also, That the said society shall not consist of more than seventy-five, or less than twenty members, who shall be residents of the said town of Augusta, and citizens of the United States.

II. And be it further enacted by the authority aforesaid, That they shall have full power and authority, under the style and name of the president and vice-president of the Augusta association of mechanics, to sue for and recover all such sum or sums of money, as now are or hereafter may become due to the said society, by any name or style whatever, at any court of law, or at any tribunal having jurisdiction thereof; and the rights and privileges of the said society in any court, or at any tribunal whatever, to defend and also to receive, take and apply bequests or donations, as may be made to and for the uses and purposes intended by the said institution; and shall be, and are hereby declared to be vested with all the powers and advantages, privileges and emoluments of an association or society of people incorporated for the purposes and intentions of their said association.

III.
D I G E S T  O F  T H E

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

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 25, 1794.

No. 520.

An Act for appropriating a part of the unlocated territory of this State for payment of the late State troops, and for other purposes therein mentioned.*

I. Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same, That on the expiration of two months after the Indian claims shall be extinguished to the territory herein after described, it shall be lawful for any person or persons to obtain a warrant of survey from his excellency the governor for the time being, under the regulations and restrictions herein after mentioned, that is to say: There shall be a commissioner of locations, appointed by the legislature, in each county within this State, whose duty it shall be, to keep a fair book of entries, in the form to be prescribed by the secretary of the State, and the surveyor-general, and to receive applications for warrants in terms of this act; but previously to making any entry therein, such commissioner of locations shall require a certificate of two or more freeholders, together with the oath or affirmation of the person applying, taken before him in writing, setting forth the number and description of his family entitled to head rights, and that they do intend to settle the lands applied for, agreeably to the tenor of this act, which oath or affirmation, the said commissioners are severally authorized and required to administer. A copy of which entry, together with the certificate and affidavit aforesaid, shall be transmitted under the hand and seal of such commissioner to his excellency the governor, who shall thereupon issue his warrant to the person making the entry as aforesaid, or to his, her or their legal representatives, under a proper check, directed to all and singular the surveyors to be appointed under this act. And the said commissioners of locations shall be, and they are hereby entitled to demand and receive of the persons applying for and obtaining entries as aforesaid, the sum of half a dollar for every entry so made by him. And such commissioners of locations shall, before they enter upon the duties of their office, be respectively sworn before one or more of the justices of the inferior court of the county in which they shall reside, and enter into bond, with sufficient security in the sum of one thousand pounds each, payable to his excellency the governor and his successors for the due and faithful performance of the duties required of them by this act, which bonds shall be taken by the clerks of the inferior courts of the several counties, and be by them transmitted to the executive. And his excellency the governor

* See act of 1796, No. 567, "to provide a fund in aid of this act." See also treaty at Colerain made in virtue thereof. Appendix page 567.
And every survey shall be bounded by natural boundaries or right lines, and shall be an exact square, unless where such lines interfere with lands already granted or surveyed, or unless where the survey shall be made in any river or water course above the width of fifty feet, in which last case the water shall form one side of the survey, and the breadth on such water shall not be more than one half of the distance back from the water; and the lines of every survey shall be distinctly and plainly marked, leaving no part thereof open, and there shall be one or more station trees plainly marked with a blaze and three chops in every line, except where it is rendered impracticable by swamps or water courses: Provided nevertheless, That nothing here- in contained shall be construed to extend to prevent any person from obtaining a survey of any island or islands in the navigable waters, the quantity of which shall not exceed what is allowed by this act to be contained in one survey: Provided also, That no person or persons shall be allowed to obtain a warrant for more than three hundred acres for his, her or their head right, and fifty acres for his wife, and fifty acres for every free born child he or they may have under the age of sixteen years; and all unmarried persons from that age and upwards, shall be entitled to a warrant of three hundred acres; And provided also, Any person or persons obtaining such warrant and making such survey, the surveyor making the same, shall within two months thereafter advertise the same in two or more public places adjoining such district, as also in one of the gazettes in the town of Augusta, at least three months before the same shall be sent to the surveyor-general's office, in order to obtain a grant.
III. And be it further enacted, That the officers and soldiers of the late State troops, and their representatives, shall be, and they are hereby entitled to receive a warrant from his excellency the governor, in like manner with the citizens aforesaid, on producing the genuine original bounty warrant issued under and by virtue of the aforesaid act for such quantity as is therein expressed; and the said surveyors to be appointed as aforesaid, shall not locate or survey any lands in the said districts under any other warrant or warrants whatever, than those issued agreeably to the directions of this act.

IV. And be it further enacted, That every person or persons making such survey or surveys, shall within twelve months settle in said district, and cultivate at least one acre for every hundred acres he may so locate, and that no one person shall obtain a warrant in his own name for any larger quantity than is herein before specified.

V. And be it further enacted, That for the encouragement of persons desirous of settling on the said lands, and to extend the limits and encrease the population of this State; the said district or county shall be exempt from taxes for the space of four years from and after this act shall take effect; and no person or persons shall be bound to pay for such land more than the usual and customary office fees.

VI. And be it further enacted, That the surveyors to be appointed by this act, for the faithful performance of their duty, shall each and every of them give bond and sufficient security to his excellency the governor for the time being, in the sum of three thousand pounds, and shall take and subscribe the oath usually administered to surveyors. Any person or persons, or surveyor, who shall presume to survey land in the said district not duly authorized, each and every such person or persons, shall for every survey made, forfeit and pay the sum of ten shillings for every acre so surveyed, one half to the informer, and the other half to and for the use and benefit of this State, which sum shall be prosecuted for by the department of the attorney-general, on the information of any person, and all such surveys shall be, and they are hereby declared to be null and void.

VII. And whereas, many persons have surveyed lands contrary to the laws and welfare of this State; be it enacted, That all such survey or surveys, and the grants founded thereon, be, and the same and each and every of them are hereby declared to be null and void.

VIII. And be it further enacted, That the sum of twenty thousand dollars be, and the same is hereby appropriated for the purpose of extinguishing the Indian claims to such territory, (should any there be;) And the senators and representatives of this State in the congress of the United States are required to apply, without loss of time, for a treaty to be held with such tribes or nations of Indians who may claim the right of soil to such lands; and this law shall begin to operate within two months after the extinguishment of such claim or claims.

IX. And be it further enacted, That three commissioners be appointed to attend any treaty to be held under the authority of the United States for the purpose of extinguishing the Indian claims to the territory aforesaid, who shall be entitled to receive

£20,000 appropriated to extinguish Indian claims. Application to congress for a treaty for that purpose.

Further sum appropriated by act of 1776, No. 567.
receive six dollars per day each, as a compensation for their services, and they shall be allowed a secretary, who shall receive three dollars per day for his services.

X. And whereas, the Indian claims to that tract of country called and known by Tallifee, lying between the rivers Alatamaha and St. Mary's, were extinguished by commissioners appointed by the legislature of this State, in October, one thousand seven hundred and eighty-five, by treaty. Be it therefore enacted, That all that tract of country called and known by Tallifee, be, and the same is hereby annexed and set apart for location in the same manner, and under the same rules and regulations as the lands described in this act, any law to the contrary notwithstanding. Provided, That no location on the lands herein described shall take place until the assent of the general government shall be first obtained.

XI. And be it further enacted, That the territory lying between the rivers Oconee, the branch thereof called the Appalachee, and the Oakmulgee, shall be laid off into five districts, in the manner following, viz. All that part from the confluence of the Oconee and Oakmulgee rivers, up to a line to be run directly from Carr's Bluff on the Oconee, to the place where the Cusseta path crosses the Oakmulgee river, shall form the first district: All that part lying between the said line, and a parallel line, to be run directly from the mouth of Shoulderbone to the Oakmulgee river, shall form the second district: All that part lying between the said last mentioned line, and a parallel line to be run from the mouth of Jack's creek on the Appalachee river, to where the same shall intersect the northernmost or the main branch of the Oakmulgee river, shall form the third district: All that part lying between the north and south branches of the Oakmulgee river, that is to say: From the fork thereof up the said northern or main branch of the said Oakmulgee to the place where the Bloody-trail crosses the same, thence a due west course to the Chatahouchee river; thence down the said river to a point on the same, from which a due east line shall strike the head or source of the main southermost branch of the said Oakmulgee; thence down the same to the place of beginning, shall form the fourth district: And all the remaining part of the said territory shall form the fifth district.

XII. And be it further enacted, That all the district of territory called Tallifee, shall form one other district; and that a surveyor shall be appointed by the legislature for each and every of the districts above mentioned, who shall give bond and approved security to his excellency the governor, in the sum of three thousand pounds each, for the faithful and impartial performance of their duty, agreeably to the principles of this act; and no surveyor shall be at liberty to employ any person as a deputy in either of the said districts, until he shall have passed the examination of the surveyor-general, and be approved by the governor; nor shall any surveyor retain in his service more than two deputies, and each surveyor shall be responsible for the conduct of his deputies.

XIII. And be it further enacted, That it shall be the duty of the surveyors to be appointed under this act, to ascertain the quantity of land contained in their respective districts as nearly as may be, to make a fair plan or plat thereof, marking the several water courses and remarkable places contained therein, and to return the same to the surveyor-general's office, which shall be there entered of record before any survey shall be made for any person or persons whatever.
XIV. And be it further enacted, That his excellency the governor shall previously to his issuing any warrant of survey to the citizens of this State, or any other persons whatsoever, cause three thousand acres of land to be laid off on the south side of the Alatamaha river, on the bluff lying nearest to the confluence of the Oconee and Oakmulgee rivers; two thousand acres on the south side of the Ocone river, on the most advantageous bluff near the Rock Landing, together with one thousand acres in addition to the foregoing, in each of the districts contemplated by this act, in the most advantageous parts of the said districts, for public uses; and the plans of such surveys shall be recorded in the surveyor-general’s office, and from thenceforward shall be completely held and vested in his excellency the governor for the time being, in trust to and for the use of the public.

THOMAS NAPIER, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

December 28, 1793.

No. 521.

An Act to repeal an act, entitled “An act for inflicting penalties on and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned,” passed the twenty-second day of May, one thousand seven hundred and eighty-two, so far as respects the representatives of Donald McLeod, deceased, George Weekly, and Thomas Waters.

Donald McLeod—his representatives relieved from confiscation, and his property vested in them.

George Weekly & Thomas Waters—relieved from banishment.

Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same, That so much of the said recited law so far as it respects the representatives of Donald McLeod, be, and the same is hereby repealed; and all property whatsoever, which was vested in the said Donald McLeod, at any time before the passing of such law, and which yet remains unfold, be as absolutely vested in his representatives, as if no such law had passed.

II. And be it further enacted, That so much of the said law as respects the banishment of George Weekly and Thomas Waters, be, and the same is hereby repealed, but this act shall not extend or be construed to extend to restore any property of the said persons actually sold by the commissioners of confiscated property.

THOMAS NAPIER, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

December 29, 1793.
An Act to authorize the raising and establishing a fire company in the city of Savannah, and one in the town of Augusta.

WHEREAS, the citizens of Savannah have provided two fire engines for the use of the said city; and the inhabitants of the town of Augusta, intend also to provide another engine in addition to the one already provided by them for the use of the said town;

I. Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met, That it shall and may be lawful for any number of persons, not exceeding thirty, who shall be citizens of this State, and inhabitants of the city of Savannah, to form and associate themselves together as a fire company, under the style and denomination of the Fire Company of the city of Savannah, at any time after the passing of this act, and they are further authorized to elect from among themselves in like manner as provided in the militia law, officers to command them, not exceeding four, who shall be commissioned by his excellency the governor.

II. And be it further enacted, That it shall and may be lawful for any number of persons, not exceeding thirty, who shall be citizens of this State, and inhabitants of the town of Augusta, to associate and form themselves into a fire company in like manner as above, under the style of the Augusta Fire Company, who shall elect from among themselves any number of officers, not exceeding four, to command said company, which officers shall be commissioned by his excellency the governor.

III. And be it further enacted, That the officers and men of the said fire company shall be exempt from militia duty, except in times of actual invasion, insurrection or alarm.

IV. And be it further enacted, That the recorder, or city treasurer, marshal of the said city, the messenger and clerk of the council, and the city constable, be, and they are hereby exempted from militia duty, except in cases of invasion, insurrection or alarm.

THOMAS NAPIER, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 29, 1794.

An Act to raise a tax for the support of government for the year 1795.

December 29, 1794.

An Act for regulating the rates of coin.

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 after the first day of July next, a Spanish milled dollar shall pass and be received in payment of all debts which may be contracted by, or with any person or persons within this State, and
A.D. 1794. No. 544. 

and in payment of all taxes that may be laid or ascertained after the present session, at the rate of eight shillings* and four pence; and all other coins in the same rate and proportion:

Provided nevertheless, That this act shall not be so construed as to affect any contract or money transection made or entered into prior to the first day of July, one thousand seven hundred and ninety-five.

And provided also, That nothing herein contained shall be so construed as to reduce or alter the fees or salaries of the several officers within this State.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

December 29, 1794.

* See act of 1796, No. 560, directing public accounts and verdicts of juries to be expressed in dolls, cents, &c

A.D. 1795. No. 525.

An Act to secure to Reubin Coleman a tract of confiscated land lying on Little river.

Preamble.

WHEREAS, the said Reubin Coleman did, as early as the year one thousand seven hundred and eightye-five, purchase of the commisioners appointed to dispose of the confiscated property within this State, a certain tract of land lying on Little river, in the then county of Richmond, sold as the property of James Grierfon, containing the quantity of seven hundred and fifty acres, and hath since taken up his bond and mortgage, and duly paid for the said land; and the same having been so expressed by a joint resolution of the legislature at their last session:

I. Be it therefore enacted by the senate and house of representatives of the State of Georgia in general assembly met, That the said tract of seven hundred and fifty acres of land, lying on Little river as aforesaid, butting and bounding in the following manner, viz.

A tract of confiscated land on Little river—vested in Reubin Coleman.

south eastwardly by Joshua Sander's land, southwardly by William Lee's and Sherral's land, eastwardly by land formerly the property of the said James Grierfon, lately sold to Joseph Wray, and northwardly by Little river; be, and the same is hereby vested in the said Reubin Coleman, his heirs and assigns for ever, in fee simple. And it is hereby declared to be the duty of the commisioners appointed for the disposal of reverted property, to make and execute proper titles, and convey the said land and premises unto the said Reubin Coleman, his heirs and assigns as aforesaid.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

January 2, 1795.
An Act for establishing a place for building a court house and gaol, and holding elections in the county of Bryan; and for other purposes.

WHEREAS, in consequence of the enlargement of the said county, it becomes necessary for the accommodation of the inhabitants thereof, that a place different from the one fixed upon by the present commissioners for building a court house and gaol, and for holding elections in the said county:

I. Be it therefore enacted, That John Michael and Stephen Denmark, be, and they are hereby appointed commissioners in addition to those already appointed under an act, entitled "An act for laying out the several counties herein after named, for the purpose of fixing on a place for building a court house and gaol, and for holding elections in the county of Bryan," passed at Augusta the nineteenth day of December, one thousand seven hundred and ninety-three, and that the commissioners or any four of them, do, on or before the first Monday in February next, meet and determine on a proper and most convenient place* for the purposes aforesaid.

II. And be it further enacted, That any determination of the commissioners heretofore appointed as aforesaid, respecting the place for building the court house and gaol, and holding elections in the said county, is hereby declared of no longer force or effect, or in any manner to operate hereafter.

III. And be it enacted by the authority aforesaid, That so much of the act passed the last session of the general assembly, so far as respects the appointing of commissioners for fixing on a spot for a court house and gaol in the county of Warren, be, and the same is hereby repealed: And that William Byrom, William Berry, John Lawfon, Richard Gray and Thomas Niel, of Rocky comfort, are hereby nominated and appointed commissioners† in their room for the purposes aforesaid, and to exercise all and every power which the law had vested in those heretofore named: And that the determination of the said commissioners or a majority, shall be binding in all cases respecting the powers granted to them for fixing on a spot for erecting a court house and gaol within the said county of Warren.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

January 2, 1795.

* The inferior court empowered to establish the permanent seat of public buildings by act of 1797, No. 578.
† Other commissioners appointed by act of 1796, No. 554.

An Act to vest powers in the commissioners of the county of Effingham, to fix on the place for building a court house and gaol in said county.*

WHEREAS, by the late division of the county aforesaid, the courts are now held at an extreme corner of the said county;

I.

* By act of 1797, No. 587, other commissioners are appointed to fix on the permanent seat.
DIGEST OF THE

A. D. 1795.

No. 527.
The commissioners of the court house and gaol in Effingham, to fix on the place for erecting them.

I. Be it therefore enacted by the senate and house of representatives in general assembly met, That the commissioners heretofore appointed for the purpose of fixing on the most proper place for building the court house and gaol for the said county, are hereby authorized and empowered to change and fix on the most convenient place for building a court house and gaol in said county.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

January 7, 1795.

No. 528.

An Act for granting a certain sum of money to John Jones, and for other purposes.

January 7, 1795.

Private.

No. 529.

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

Preamble.

WHEREAS, the limits of the jurisdiction of the corporation of Savannah, over part of the hamlets of the said city, has never been fully and clearly defined: Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That all the lots in that part of the suburbs of the said city called Carpenter's Row, and all those in the trustees gardens, including the magazine at Fort Wayne, shall be subject thereto, and shall be considered as a part of the ward to which it is most contiguous.

II. And whereas, several new wards have lately been laid out adjoining the said city, but no act has hitherto passed authorizing an additional number of aldermen in said city, in consequence thereof: Be it therefore enacted, That on the first Monday in March next, and annually thereafter, the electors of aldermen for the said city, shall elect from the citizens thereof generally, one other alderman for each of the said new wards, in addition to the number heretofore elected, who shall have such qualifications, and be vested with the like power and authority as the present aldermen of the said city.

III. And be it further enacted, That the voters at elections for aldermen, shall hereafter be owners or occupiers of a lot or house in the said city or hamlets, and be otherwise qualified as voters at elections for members of the general assembly.

IV. And whereas, experience hath proven that so much of the act for regulating the town of Augusta, and to amend an act, entitled "An act for regulating the town of Savannah and hamlets thereof," passed at Augusta, on the twenty-third day of December, one thousand seven hundred and eighty-nine, as respects the said town of

* See act of 1797, No. 599.
of Augusta, is deemed incompatible with the interest and wishes of the inhabitants thereof: Be it therefore enacted, That so much of the before recited act as respects the said town of Augusta, be, and the same is hereby repealed; and it shall be the duty of the mayor and aldermen now in office, under the said act, and they are hereby required to adjust, and within six months from and after the passing of this act, finally to settle and close the books and accounts of the corporation, and to deposit the same, together with the funds thereof, with the commissioners of the court house and gaol, to be appointed for the county of Richmond, who shall hold such property, real and personal, as may have been acquired by the said corporation, in trust, for and to the use of the said town of Augusta, and the inhabitants thereof: Provided, That nothing herein contained, shall prevent the collection of the corporation tax already levied, which sums shall be deposited with commissioners aforesaid.

V. And be it further enacted, That Ambrofè Gordon, Andrew Innes and James Toole, be, and they are hereby constituted and appointed commissioners of the court house and gaol for the county of Richmond, and invested with all the funds heretofore appropriated to the use of the said court house and gaol, which now remain unapplied; and the said commissioners are fully authorized and empowered to apply so much of the aforesaid funds, either real or personal, as they may deem necessary towards the building and keeping in repair the said court house and gaol.

THOMAS NAPIER, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

January 7, 1795.

*An Act supplementary to an act, entitled “An act for appropriating a part of the unlocated territory of this State for the payment of the late State troops, and for other purposes therein mentioned,” declaring the right of this State to the unappropriated territory thereof, for the protection and support of the frontiers of this State, and for other purposes.

WHEREAS, in and by the articles of confederation, entered into and finally ratified on the first day of March, one thousand seven hundred and eighty-one, by the then thirteen United States of America, the territory within the limits of each of the said States is to each of them respectively confirmed and guaranteed, first by the second article, to wit: “Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by the confederation expressly delegated to the United States in congress assembled;” and secondly, by the last clause in the second section of the ninth article: “No State shall be deprived of territory, for the benefit of the United States.

And

* This act has been declared null and void, and the original record thereof directed to be burnt by an act of the legislature, passed on the 13th of February, 1796. See No. 543.—On this proceeding, we forbear making any comment.
And whereas, in and by the definitive treaty of peace, signed at Paris, on the third day of September, one thousand seven hundred and eighty-three, the boundaries of the United States are established, and those boundaries which limit the westwardly and south westwardly parts of this State are therein thus defined: "Along the middle of the river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude, south by a line drawn due east from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachacola or Catahouchee; thence along the middle thereof to its junction with the Flint river; thence straight to the head of Saint Mary's river; and thence down along the middle of Saint Mary's river to the Atlantic Ocean." Which boundaries coincide with the southwardly and westwardly boundaries, recited in the land act now in force, passed at Savannah on the seventeenth day of September, one thousand seven hundred and eighty-three; and by the convention held at Beaufort, on the twenty-eighth day of April, one thousand seven hundred and eighty-seven, between this State and the State of South-Carolina; the northern boundary of the State is established, "From the mouth of the river Savannah, up the said river to the confluence of Tugola and Keowee; thence up the Tugola, and from the source thereof a due west line to the Mississippi, including islands." And whereas, in and by the first clause of the sixth article of the federal constitution of the United States of America, all engagements, entered into before the adoption of the said constitution, shall be as valid against the United States, under the said constitution as under the confederation, by the third clause of the ninth section of the first article of the said constitution, "No express law shall be passed," and by the second clause of the third section of the fourth article, "the congress shall have power to dispose of and make all necessary rules and regulations respecting the territory or other property belonging to the United States, and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State;"

And whereas, the section made by the State of North Carolina to the United States, by them accepted on the second day of April, one thousand seven hundred and ninety, is a full acknowledgment and recognizance on their part that the several States not only have the right of pre-emption, but are in the full exercise of all territorial right within their respective limits. And whereas, notwithstanding the United States did, on the twenty-second day of July, one thousand seven hundred and ninety, by an act to regulate trade and intercourse with the Indian tribes, enact and declare, "That no sale of lands made by Indians, or any tribe or nation of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States," and did on the seventh day of August, one thousand seven hundred and ninety, by a treaty held at New-York, with certain Creek Indians, stipulate by the fourth article of the said treaty, that the boundary between the citizens of the United States and the Creek nation, is and shall be "From where the old line strikes the Savannah, thence
thence up the said river to a place on the most northern branch of the same, commonly called the Keowee, where a north east line, to be drawn from the top of the Oconee mountain, shall intersect; thence along the said line in a south west direction to the Tugola river; thence to the top of the Currahee mountain; thence to the head or source of the main south branch of Oconee river, called the Appalachee river; thence down the middle of the main south branch and river Oconee to its confluence with the Oakmulgee, which form the river Alatamaha; and thence down the middle of the said Alatamaha to the old line on the said river; and thence along the said line to the river St. Mary's; and by the fifth article, "That the United States, solemnly guarantee to the Creek nation, all their lands within the limits of the United States to the westward and southward of the boundary described in the preceding article:"

And finally, whereas, the State of Georgia aforesaid, hath by no act, or in any manner whatever, transferred, alienated or conveyed her right of soil or pre-emption in any part of the vacant territory within the limits of the said State, to the United States, the cession dated the first day of February, one thousand seven hundred and eighty-eight, offered by the State of Georgia to the United States, having been by the said United States in congress assembled, on the fifteenth day of July, one thousand seven hundred and eighty-eight, rejected, in which rejection territorial rights are declared to rest on the spirit and meaning of the confederation: And whereas, the said proposed cession became void, and on the part of this State, is hereby declared to be null and void to all intents, purposes and constructions.

I. Be it therefore enacted by the senate and representatives of the freemen of the State of Georgia in general assembly met, and it is hereby enacted by the authority of the same, That the State of Georgia aforesaid, is in full possession and in the full exercise of the jurisdiction and territorial right and the fee simple thereof; and that the right of pre-emption, to vacant and unappropriated lands lying westwardly and south westwardly of the present Indian temporary line, and within the limits of the said State, and the fee simple thereof, together with the right of disposing thereof, is, and are hereby declared to be in the State of Georgia only.

II. And for the purpose of raising a fund for carrying this act fully into effect, Be it enacted, That all that tract or parcel of land including islands, situate, lying and being within the following boundaries, that is to say: Beginning on the Mobile bay, where the latitude thirty-one degrees north of the Equator intersects the same, running thence up the said bay to the mouth of lake Tenfaw; thence up the said lake Tenfaw to the Alabama river, including Currey's and all other islands therein; thence up the said river Alabama to the junction of the Coosa and Oakfukiee rivers; thence up the Coosa river, above the Big Shoals, to where it intersects the latitude of thirty-four degrees north of the Equator; thence a due west course to the Mississippi river; thence down the middle of the said river to the latitude of thirty-two degrees, forty minutes; thence a due east course to the Don or Tombigby river; thence down the middle of the said river to its junction with the Alabama river; thence down the middle of the said river to the Mobile bay; thence down the said Mobile
Mobile bay to the place of beginning, shall be sold unto James Gunn, Matthew McAllister, and George Walker, and their associates, called the Georgia Company, and their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants, for the sum of two hundred and fifty thousand dollars, to be paid in specie, bank bills of United States, and warrants for the years one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three, one thousand seven hundred and ninety-four, and one thousand seven hundred and ninety-five, drawn by the governor, the president of the senate, and speaker of the house of representatives, in the following manner, that is to say: Fifty thousand dollars to be deposited in the treasury previous to the passing of this act, and the remaining two hundred thousand dollars to be paid on or before the first day of November next.

III. And be it further enacted, That whenever the said James Gunn, Matthew McAllister, and George Walker, and their associates, or their agent or agents, shall produce to his excellency the governor, a receipt signed by the treasurer, that they have deposited the aforesaid sum of fifty thousand dollars, according to the terms and conditions of this act, it shall then be the duty of his excellency the governor, and he is hereby required to issue and sign to the said James Gunn, Matthew McAllister, and George Walker, and their associates, their heirs and assigns, in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid tract of country, they securing the last payment of two hundred thousand dollars to the State, by a mortgage to his excellency the governor and his successors in office, on the whole of the land so granted, which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of two hundred thousand dollars, on or before the first day of November next, as aforesaid, in the superior court of any county within the State of Georgia, at the discretion of his excellency the governor, any law or usage, regulating the mode of foreclosing mortgages, to the contrary notwithstanding, and the whole sum of fifty thousand dollars deposited, shall become forfeited to and for the use of the State, and the grant to be given to the said James Gunn, Matthew McAllister, and George Walker, and their associates, to be, and the same in that case is hereby declared to be null and void.

IV. And be it further enacted, That the said Georgia company shall refer for and to the use of the citizens of Georgia, exclusively, the quantity of one million of acres of their purchase, in the following manner, to wit: At the expiration of three months from and after the passing of this act, a subscription book shall be opened at the treasury office of this State, and be kept open for the term of four months thereafter, for the purpose of receiving subscriptions of the citizens for the said referve lands; Provided, That no person who shall otherwise become a member or interested in either of the companies herein contemplated, shall be allowed to subscribe for any part of the said referve land, and no person shall be permitted to subscribe for more than five thousand acres in his own name or in the name of any other citizen, unless duly authorized and appointed by him for that purpose under a warrant of attorney executed in the presence of two or more witnesses, one of whom at least shall be a justice appointed...
pointed for holding the inferior court of the county where the subscriber resides, A. D. 1795:
which said power of attorney shall be lodged with the treasurer, as his voucher for entering such subscription; And provided also, That the citizens of the respective counties shall not, at any time within three months from and after the opening of the book of subscriptions as aforesaid, be allowed to subscribe for more or a greater quantity of the said reserved lands, than the proportion herein after particularly described and limited, to wit: Chatham, one hundred and seventy thousand acres; Effingham, sixty-two thousand acres; Burke, one hundred and fifty-five thousand acres; Richmond, one hundred and fifty-five thousand acres; Columbia, one hundred and fifty-five thousand acres; Wilkes, two hundred and seventy-two thousand acres; Washington, one hundred and thirty-one thousand acres; Elbert, one hundred and thirty-one thousand acres; Greene, one hundred and twenty-five thousand acres; Franklin, seventy-eight thousand acres; Liberty, sixty-nine thousand acres; Glynn, thirty-two thousand acres; Camden, thirty-two thousand acres; McIntosh, thirty-five thousand acres; Bryan, thirty-two thousand acres; Warren, ninety-three thousand acres; Oglethorpe, one hundred and sixteen thousand acres; Montgomery, twenty-three thousand acres; Screven, thirty-eight thousand acres; and Hancock, ninety-six thousand acres. And it shall be the duty of the treasurer, in all cases of applications to subscribe, to require an affidavit in writing, in the following words: “I do solemnly swear or affirm, that I am in no way interested directly or indirectly, either as a member or otherwise, in any company’s purchase of lands in the western part of this State, and that the subscription which I propose to enter, is in my own proper right, and to my use and benefit only.” And it shall be the duty of the justice or justices of the inferior courts before whom warrants of attorney authorizing subscriptions shall be executed, to require a like affidavit on the back of such warrant of attorney, before attesting the same; and the land so subscribed and paid for shall be held by such subscribers in fee simple, as tenants in common, and not as joint tenants, on the same terms, and upon the same principles, with the original purchasers of the company in which they shall subscribe, and shall be entitled to fair and equal representation in such company, in proportion to the quantity of land so by them subscribed and paid for.

V. And be it further enacted, That upon entering any subscription as aforesaid, it shall be the duty of the treasurer, and he is hereby required to receive of the subscribers the purchase money, being the proportion of one fifth part of such subscription, in terms of this act, the remaining four fifths or balance of the purchase money shall within four months from and after the opening the said book of subscriptions, be paid unto the treasurer in like manner as aforesaid, and in case such balance shall not be paid on or before the expiration of the said seven months from the passing of this act, that then and in that case, the subscriber or subscribers so failing, shall be at liberty to withdraw their said subscriptions, together with the money so paid by them, and the lands so subscribed for by them shall revert to and be vested in the company in which such subscription shall have been made or entered.

VI. And be it further enacted, That all that tract of country, including islands, situate, lying and being, within the following boundaries, that is to say: Beginning on
on the river Mississippian at the place where the latitude of thirty-one degrees and
eighteen minutes north of the Equator, intersects the same; thence a due east course
to the middle of Don or Tombigby river; thence up the middle of the said river to
where it intersects the latitude of thirty-two degrees and forty minutes north of the
Equator; thence a due west course along the Georgia company line, to the river
Mississippi; thence down the middle of the same to the place of beginning, shall be
sold to Nicholas Long, Thomas Glafcock, Ambrose Gordon and Thomas Cumming,
and their assigns, the Georgia Mississippi Company, to them and their heirs
and assigns for ever in fee simple, as tenants in common, and not as joint tenants,
for the sum of one hundred and fifty-five thousand dollars, to be paid in gold or
silver coin, bank bills of the United States, and such warrants as are made payable
in the Georgia company's purchase, in the following manner, that is to say: Thirty-
one thousand dollars to be deposited previous to the passing of this act, and the re-
maining one hundred and twenty-four thousand dollars to be paid on or before the
first day of November next.

VII. And be it further enacted, That whenever the said Nicholas Long, Thomas
Glafcock, Ambrose Gordon and Thomas Cumming, and their associates, or their
agents, shall produce to his excellency the governor, a receipt signed by the
treaurer, that they have deposited the aforesaid sum of thirty-one thousand dollars
according to the tenor and effect of this act, it shall then be the duty of his excellency
the governor, and he is hereby required to issue and sign to the said Nicholas Long,
Thomas Glafcock, Ambrose Gordon and Thomas Cumming, and their associates,
their heirs and assigns, in fee simple, as tenants in common, and not as joint tenants,
a grant for the aforesaid tract of country, they securing the last payment of one hun-
dred and twenty-four thousand dollars to the State, by a mortgage to his excellency
the governor and his successors in office, on the whole of the land so granted, which
mortgage shall be immediately foreclosed, in case default shall be made in the payment
of the said sum of one hundred and twenty-four thousand dollars, on or before the first
day of November next, as aforesaid, in the superior court of any county within the State
of Georgia, at the discretion of his excellency the governor, any law or usage, regulat-
ing the mode of foreclosing mortgages to the contrary notwithstanding; and the
whole sum of thirty-one thousand dollars deposited, shall become forfeited to and for
the use of the State; and the grant to be given to the said Nicholas Long, Thomas
Glafcock, Ambrose Gordon and Thomas Cumming, and their associates, as aforesaid,
to be, and the same in that case is hereby declared to be null and void.

VIII. And be it further enacted, That the said Georgia Mississippi company, shall
reserve for the use of the citizens of Georgia, exclusively, the quantity of fix hun-
dred and twenty thousand acres of their purchase, to be subscribed for, held and
appropriated on the same terms, and to be represented in like manner as the land
reserved by the Georgia company as aforesaid.

IX. And be it further enacted, That all that tract of country, including islands,
situate, lying and being within the following boundaries, that is to say: Beginning
at the Mississippi river, where the northern boundary line of this State strikes the
same.
fame; thence along the said northern boundary line, due east to the Tenessee river; thence along the said Tenessee river, to the mouth of Bear creek; thence up Bear creek, to where the parallel of latitude twenty-five British statute miles, south of the northern boundary line of this State intersects the same; thence along the said last mentioned parallel of latitude, across Tombigby or Twenty Mile creek, due west to the Mississippi river; thence up the middle of the said river to the beginning; shall be sold to John B. Scott, John C. Nightingale, and Wade Hampton, called the Upper Mississippi Company, and to their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants, for the sum of thirty-five thousand dollars, to be paid in specie, bank bills of the United States, and such warrants as are made payable in the Georgia company’s purchase, in manner following, that is to say: Five thousand dollars, part thereof to be deposited previous to the passing of this act, and the remaining sum of thirty thousand dollars, to be paid on or before the first day of November next.

X. And be it further enacted, That whenever the said John B. Scott, John C. Nightingale, and Wade Hampton, or their agent or agents, shall produce to his excellency the governor, a receipt signed by the treasurer, that they have deposited the aforesaid sum of five thousand dollars, according to the tenor and effect of this act, it shall then be the duty of his excellency the governor, and he is hereby required to issue and sign to the said John B. Scott, John C. Nightingale, and Wade Hampton, their heirs and assigns, in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid land, they securing the last payment of thirty thousand dollars to the State, by a mortgage to his excellency the governor and his successors in office, on the whole of the land so granted, which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of thirty thousand dollars, on or before the first day of November next, as aforesaid, in the superior court of any county within the State of Georgia, at the discretion of his excellency the governor; any law or usage, regulating the mode of foreclosing mortgages, to the contrary notwithstanding, and the whole sum of five thousand dollars, deposited, shall become forfeited to and for the use of the State; and the grant to be given to the said John B. Scott, John C. Nightingale, and Wade Hampton, as aforesaid, to be and the same in that case is hereby declared to be null and void.

XI. And be it further enacted, That the said Upper Mississippi company shall recover to and for the use of the citizens of Georgia, exclusively, the quantity of one hundred and thirty-eight thousand acres of their purchase, to be subscribed for, held and appropriated, on the same terms, and to be represented in like manner, as herein before pointed out in respect to the lands referred for the citizens in the Georgia company.

XII. And be it further enacted, That all that tract of land, including islands, situate, lying and being within the following boundary lines: Beginning at the mouth of Bear creek, on the south side of the Tenessee river; thence up the said creek to the most southern source thereof; thence due south to the latitude thirty-four degrees
A. D. 1795.
No. 530.

To the Tennessee Company—The terms and conditions thereof, and amount of consideration money.

On the performance of certain conditions—the governor to sign and issue a grant for the same.

Land referred therein, for the citizens.

A further quantity referred for certain commissioners.

degrees ten minutes north of the Equator; thence a due east course one hundred and twenty miles; thence a due north course to the Great Teneffee river; thence up the middle of the said river to the northern boundary line of this State; thence a due west course along the said line to where it intersects the Great Teneffee river, below the Mufcle Shoals; thence up the said river to the place of beginning, shall be sold unto Zachariah Cox and Matthias Maher, and their associates, called the Teneffee Company, and to their heirs and assigns forever, in fee simple, as tenants in common, and not as joint tenants, for the sum of sixty thousand dollars, to be paid in specie, bank bills of the United States, and such warrants as are made payable in the Georgia company's purchase, that is to say: Twelve thousand dollars to be deposited as part thereof, previous to the passing of this act, and the remaining forty-eight thousand dollars to be paid on or before the first day of November next.

XIII. And be it further enacted, That whenever the said Zachariah Cox and Matthias Maher, and their associates, or their agent or agents, shall produce to his excellency the governor, a receipt signed by the treasurer, that they have deposited the said sum of twelve thousand dollars, according to the tenor and effect of this act, it shall then be the duty of his excellency the governor, and he is hereby required to issue and sign to the said Zachariah Cox and Matthias Maher, and their associates, their heirs and assigns in fee simple, as tenants in common, and not as joint tenants, a grant for the aforesaid tract of country, securing the last payment of the forty-eight thousand dollars to the State, by a mortgage to his excellency the governor, and his successors in office, on the whole of the land so granted; which mortgage shall be immediately foreclosed, in case default shall be made in the payment of the said sum of forty-eight thousand dollars, on or before the first day of November next as aforesaid, in the superior court of any county within the State of Georgia, at the discretion of his excellency the governor; any law or usage, regulating the mode of foreclosing mortgages to the contrary notwithstanding, and the whole sum of twelve thousand dollars deposited, shall become forfeited to and for the use of the State; and the grant to be given to the said Zachariah Cox and Matthias Maher, and their associates aforesaid, to be, and the same in that case is hereby declared to be null and void.

XIV. And be it further enacted, That the said Teneffee company shall receive for and to the use of the citizens of Georgia, exclusively, the quantity of two hundred and forty-two thousand acres, to be subscribed for, held and appropriated on the same terms and to be represented in like manner as the lands referred by the Georgia company as aforesaid.

XV. And be it further enacted, That the said Teneffee company shall reserve a further quantity of fifty thousand acres, to be gratuitously divided share and share alike, between the commissioners appointed by this State for the purpose of examining the quantity, quality and circumstances of the Great Bend of Teneffee river, which shall be held by them as tenants in common, and not as joint tenants, and be represented in like manner as the lands referred by the other companies, for the use of the citizens, as a compensation to the said commissioners for their services rendered the State in that capacity.

XVI.
XVI. And be it further enacted, That all sums so paid by the citizens for lands subscribed for by them, agreeably to the terms of this act, shall be received in payment and as part of the purchase money of the said companies respectively.

XVII. And be it further enacted, That the grants to be issued to the respective companies in virtue of this act, shall be free from all further or other expense whatsoever, the fees of office accruing upon one grant to each company excepted, which shall be to the surveyor general, three dollars; to the governor of the State, three dollars; and to the secretary of the State, three dollars; and that the lands to be granted in pursuance of this act, shall be free from taxation until the inhabitants thereof are represented in the legislature.

XVIII. And be it further enacted, That the said grantees and purchasers of the land aforesaid, shall forbear all hostile and wanton attacks on any of the Indian tribes which may be found within the limits of this State, and keep this State free from all charges and expenses which may attend the preserving of peace between the said Indians and the grantees, and extinguishing the Indian claims to the territory included within their respective purchases; And provided further, That this State and the government thereof shall at no time hereafter be subject to any suit at law or in equity, or claim or pretension whatever, for or on account of any deductions in the quantity of the said territory, or for or on account of the amount of the purchase money to be paid as aforesaid, by any recovery which may or shall be had on any form or other claim or claims whatever.

XIX. And be it further enacted, That the money arising from the sale of the said territory, except what shall be appropriated to the extinguishment of Indian claims as herein after expressed, shall be vested in six per cents, or such other stock in the funds of the United States as may be directed by this or a future legislature, and the interest arising thereon, or so much thereof as may be necessary, shall be applied to the payment of the civil establishment and contingent expenses of the government of this State.

XX. And be it further enacted, That immediately after the Indian claims to the land lying between the Oconee and Oakmulgee rivers, including that tract of country lying east of a line to be drawn from the place called Fort Romulus, on the Oakmulgee river, to the head of St. Mary's river, or the northern extremity of the Akinfonoka swamp, may be extinguished, the grantees of the several companies and their associates are hereby authorized to apply to the government of the United States for their concurrence in extinguishing the Indian claims to the different tracts of country by them severally hereby purchased, or as much thereof as to them may seem practicable, which extinguishment of claims to the lands so purchased, shall be at the proper expense of the respective companies, and within five years thereafter the said companies shall severally form settlements on the lands where the claims may be so extinguished, or forfeit the further sum of five thousand dollars for each company so failing.

XXI. And be it further enacted, That the sum of ten thousand dollars, part of the first payment to be made by the companies aforesaid, shall be, and the same is hereby declared to be appropriated and set apart for the purpose of extinguishing the Indian claims.
A.D. 1795.
No. 530.

The said territory—not to be conveyed to any foreign power.

The lands adjoining and between the company purchasers—referred for the use of the State.

Indian claim in addition to the twenty thousand dollars appropriated by the act, entitled "An act for appropriating a part of the unlocated territory of this State, for the payment of the late State troops, and for other purposes therein mentioned."

XXII. And be it further enacted, That the several grantees and their associates, shall not be entitled to dispose of the said territory in part or in whole, in any way or manner to any foreign king, prince, potentate or power whatever, which condition shall be specially expressed in the face of the grant.

XXIII. And be it further enacted, That all the lands lying westward and southward of the eastern boundary of the several company purchases and not included therein, estimated at one fourth of the whole lands lying westward and southward of the eastern boundary of the said purchases, and supposed to contain seven millions two hundred and fifty thousand acres, shall be, and the same is hereby declared to be reserved and set apart to and for the use and benefit of this State, to be granted out or otherwise disposed of as a future legislature may direct.

THOMAS NAPIER, Speaker of the House of Representatives.

GEORGE MATHEWS, Governor.

BENJAMIN TALIAFERO, President of the Senate.

January 7, 1795.

No. 531.

An Act regulating the admission of attorneys to the practice of the law in this State, who may have been practitioners or residents in other States, or inhabitants of this State.

Preamble.

WHEREAS, many inconveniences attending the present mode of admitting attorneys at law, who come from other States to the practice of this State, on account of the previous residence of two years being required, before such attorneys can be admitted, although they may have been regularly admitted in those States, and are men of fair character, which practice may tend to the depression of merit;

I. Be it therefore enacted, by the senate and house of representatives of the State of Georgia in general assembly met, That immediately from and after the passing of this act, any attorney or attorneys at law, who are citizens of, and have been regularly admitted to the practice of the superior courts of law and equity in any other State in the Union, shall, on complying with all the other regulations required by the laws of this State for the admission of attorneys, be admissible to the practice in all the courts of law and equity in this State, without being required to have resided two years within the limits thereof, previous to such admission: And the several judges of the said superior courts are hereby required to admit them accordingly, any law, usage, practice or custom to the contrary thereof notwithstanding.

II. Provided always nevertheless, That no attorney or attorneys, shall be allowed to practice in the courts of this State as aforesaid, unless he or they do actually reside within the limits of the same: Provided also, That such applicants from other States, shall,
shall, previously to their admission in the State, produce to the judge or judges of the superior courts of this State, a certificate of his regular admission to the superior courts in the State from which such applicants may come; together with a certificate of his fair, moral and professional character, duly certified under the seal of the State, where he shall have been so admitted; and shall also undergo a strict examination as to his professional abilities, before a judge or judges of the superior courts.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

January 7, 1795.

An Act granting certain sums of money to Nathaniel Cocke and Philip Clayton, and for other purposes.

January 7, 1795

Private.

An Act appropriating money for the year 1795, and for other purposes.

XIII. *Be it enacted, That any foreigner first becoming a resident of this State, may by deed or will hereafter to be made, take and hold land within this State, in the same manner as if he was a citizen of this State; and the same land may be conveyed by him and transmitted to, and be inherited by his heirs or relations as if he and they were citizens of this State. Provided, That no foreigner shall in virtue hereof be entitled to any further or other privileges of a citizen. And provided, That nothing herein contained shall extend or be construed to extend to authorize the governor to grant lands to any other than citizens of this or the United States.

All the rest obsolete.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

January 7, 1795.

* Repealed by act of 1796, No. 564.

An Act to organize the militia in the several new counties in this State, and for other purposes.

WHEREAS, great inconvenience hath arisen, and the service sustained great injury by the disorganization of the militia in consequence of the late division of counties, the officers in many instances living in one county and their commands in another; for remedy whereof, Be it enacted by the senate and house of representatives in general assembly met, and by the authority of the same, That the commissions of all the militia commissions within the new counties, rendered void,
The governor is directed to commission all the colonels of the different regiments in the said new counties as lieutenant colonels commandants; and on application to renew any commission from an old county, heretofore granted, he will commission them in like manner, taking special care to preserve the original date in such renewed commissions; any law to the contrary notwithstanding.

VII. And be it further enacted, That all ministers in orders, be, and they are hereby exempted from all duties required by the several militia laws of this State.
VIII. And that so much of the militia laws now in force as militate with or contradict this law, shall be, and the same are hereby repealed.

THOMAS NAPIER, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

GEORGE MATHEWS, Governor.

January 8, 1795.

A. D. 1795.
No. 334.
Repealing clause.

An Act for the government of servants, not slaves, imported or migrating into this State.

WHEREAS, the encouragement of migration into this State, of white inhabitants, is of primary consequence thereto, and many valuable citizens and useful persons of the poorer class of Europeans desirous of migrating hither, have not wherewithal to defray the charges of passage money and other incidental expenses attending the same, and either indent themselves as servants previous to embarking, or agree with the captains, owners, supercargoes of vessels or others to indent themselves as servants on their arrival at any of the ports of this State, or the United States, as a compensation for such passage money and expenses.

And whereas, it has happened on such arrival, disputes have arisen between such persons so migrating, and those who have borne their expenses as aforesaid, or those to whom they were previously to embarkation indented, and doubts have been entertained of the validity of any contracts made in a foreign country with respect to binding and holding to service any person so migrating, unless a new agreement be entered into after his or her arrival within the State; for remedy whereof,

I. Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, and it is hereby enacted and with the authority of the same, That from and after the passing of this act, all white servants brought into this country under any agreement or contract made in foreign countries, and who shall not previously to embarkation therefrom have been indented, shall be bound to perform the same; and in case of refusal to indent himself, herself or themselves, on application and demand, it shall be lawful for the person or persons with whom such servants have so agreed or contracted, to apply to any three justices of the county into which such servants may arrive, one of whom to be a judge of the inferior court thereof, who are hereby empowered and required to have the parties brought before them, and decide on the validity and good faith of such contract, and if they or a majority of them shall judge the same binding and valid, it shall be the duty of such magistrates or a majority of them, to indent such servants, by an order to be entered up of record in the clerk's office of the inferior court, which order shall be received and considered as an indenture, and held to be as binding in law, to all intents and purposes as if the same had been voluntarily entered into by such servants after such their arrival: Provided nevertheless, That if such servants be of the age of nineteen years, they shall not be indented for a longer term than five years, and if under that age, for a longer period than their arrival at the age of twenty-four years; and if at the age of fourteen,
A. D. 1796.
No. 535.

until they arrive at the age of twenty-one years; and the said magistrates are also hereby empowered to decide on the age of such servants, and bind them accordingly; which decision shall be entered up of record, with such order, in the clerk's office of the said inferior court.

II. And be it further enacted, That all indentures made between masters, super-cargoes or owners of vessels, or other persons in foreign countries, and persons wishing to migrate to this State or the United States, and thus becoming servants as aforesaid, shall be held and received as valid and binding in law, on their arrival within any port or place within this State, as if such indenture had been voluntarily entered into by the parties after such their arrival.

III. And whereas, it is as necessary and proper, and humanity requires, that the servants so held to service, should in return therefor, meet with humane and kind treatment from persons to whom they may be bound:

Be it therefore further enacted, That all masters and owners of servants coming within the intention of this act, shall find and provide for their servants wholesome and competent diet, clothing and lodging in health, and proper and necessary medicine and attendance in sickness, and shall not at any time give immoderate correction, or at any time whip such persons naked without an order from two or more magistrates for that purpose, after a hearing from both parties, and shall not task them with immoderate labor; and such servants shall have their complaints received by any justice of the peace; who, if he finds cause, may bind the master or owner over until the complaint can be heard before the inferior court of the county where they shall reside; and all complaints of such servants, shall and may by virtue hereof, be received by the said court in form of petition without the formal process of an action, and full force and authority is hereby given to the said court, at their discretion, (having first summoned their masters or owners to justify themselves if they think fit) to adjudge, order and appoint what shall be necessary and proper, as well with respect to the diet, lodging, clothing and excessive labor; as to the correction of the servant or servants complaining; and if any master or owner shall not thereupon comply with the court's order, the said court is hereby authorized and empowered, upon a seconf just complaint, to release and acquit such servant or servants from any future service, by entering an order to that purpose on the records of the court; and in case it shall be found upon examination before the said court or three justices, that the complaint of such servant or servants was unfounded or malicious, then the inferior court as aforesaid, shall have power to direct and order any moderate punishment, not exceeding thirty-nine lashes; and in case such servant shall absent him or herself from his, or her said masters or owners service, the said inferior court shall be, and hereby is authorized, to indent such servant for such absence, a term not exceeding four days for every day's absence, more than the time they were originally indicted for, by an order entered as aforesaid on the court books.

IV. And be it further enacted, That no master or owner of any servant shall, during the time of such servants servitude, make any bargain with him or her for further service or other matter or thing relating to liberty or personal profit, unless the same
be made with the approbation of the inferior court of the county where they reside; and if any servant shall at any time during such service, by gift or other lawful means, acquire any goods or money, such servant shall have the property thereof to his or her own sole use and benefit. And if any servant shall, during such servitude, happen to fall sick or lame, so that he or she becomes of little or no use to his or her master or owner, the master or owner shall at his or her own expense provide such servant with necessary medicine and attendance during such sickness, and shall not put away such servant, but shall maintain him or her during the whole time he or she were obliged to serve; and if under any pretense of freedom any master or owner shall put away any such sick or lame servant, and such servant shall become chargeable to the county, such master or owner shall forfeit and pay a sum equal to the maintenance of such person, to be recovered by distress, monthly or weekly, at the option of the magistrates superintending the poor rates of such county.

V. And be it further enacted, That at the expiration of the time of service, every master or owner shall supply every such servant with a new and sufficient suit of clothes to be approved of by any three or more justices of the said county, under a penalty not exceeding thirty dollars, to be recovered in a summary way, by such servant, before the said justices.

VI. And be it further enacted, That all servants imported or migrating, and indentured as aforesaid, may be transferred by assignment of the indentures, either by the persons they originally contracted with or their assigns; and such persons to whom such servants may be so assigned, shall be subject to the clauses and provisos of this act, and to every matter and thing expressed to be done or performed on the part of the original owners, importers or contractors.

THOMAS STEVENS, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

Concurred February 6, 1796.
JARED IRWIN, Governor.

An Act incorporating the grand lodge of the State of Georgia.

WHEREAS, William Stephens, grand master, James Jackson, past grand master, William Stith, deputy grand master, James Box Young, senior grand warden, Edward Lloyd and Belthazer Shaffer, past grand wardens, Ulrich Tobler junr. grand warden, George Jones, past grand treasurer, James Robertson, grand treasurer, David Bridie Mitchell, past grand secretary, and John Blacklock, grand secretary of the grand lodge of free masons in this State, have by their petition stated, that there has existed and still exists in this State divers lodges or societies of free masons on an ancient establishment since the year one thousand seven hundred and thirty-five, over which there is a presiding or superintending grand lodge, composed of the petitioners as members, and divers others who are or may join in promoting the good of the craft, founded on the ancient usages of their society; the principles of which
A. D. 1796. No. 336.

Grand Lodge of Georgia, incorporated.

I. Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the Authority of the Same, That the several persons herein before named, and others who are or may become members of the Grand Lodge and their successors, shall be, and they are hereby deemed to be a body corporate and political in name and deed, by the style of the Grand Lodge of Georgia; and by the said name and style, shall have perpetual succession of officers and members, and a common seal to use, and shall have full power to make, alter, amend and change such by-laws, as may be agreed on by the members of the same: Provided, such by-laws be not repugnant to the laws or constitution of this State or the United States.

Their powers & privileges.

II. And be it further enacted by the Authority aforesaid, That they shall have full power and authority under the style and name of the Grand Lodge of Georgia, to take, hold and enjoy, real and personal property, to sue for, and recover all such sums or sums of money as now are or hereafter may become due to the said lodge, by any name or style whatever, at any court of law or at any tribunal having jurisdiction thereof, and the rights and privileges of the said lodge, in any court or at any tribunal whatever, to defend, and also to receive, take, and apply bequests or donations, as may be made to, and for the uses and purposes intended by the said institution; and shall be, and are hereby declared to be vested with all the powers and advantages, privileges and emoluments of a society of people incorporated to the purpose and intentions of their laudable institution.

Other lodges incorporated.

III. And be it further enacted, That all regular constituted lodges under the power and jurisdiction of the said Grand Lodge, are hereby declared to be bodies corporate and politic, in name and deed, by whatever style or name they may be called and known in their constitution, with equal powers to those which are hereby given to the said grand lodge, so long as the said lodges remain under the power and jurisdiction of the said grand lodge, and in all things abide by, and conform themselves to the resolutions and by-laws of the same, and no longer.

Public act.

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

THOMAS STEVENS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

Concurred, February 6, 1796.

JARED IRWIN, GOVERNOR.

No. 537. An Act to appropriate monies in favor of the guard, ordered by concurred resolution, for the protection of the treasury.

February 8, 1796.
LAWS OF GEORGIA.

An Act for laying out a new county from that part of Scriven that lies south of Ogeechee river and part of Bryan county.

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 one new county shall be, and is hereby laid out from the counties of Scriven and Bryan, in the following manner and form; to wit: To begin at John Lanier's, including the same on Ogeechee river; thence a direct line to be drawn to where Lott's creek empties into Canouchee; thence up Canouchee to the Montgomery line; thence along the said line to Ogeechee river; thence down the said river to the beginning; which county shall be called and known by the name of Bullock.

II. And be it further enacted by the authority aforesaid, That the county surveyor of the said county shall be, and is hereby appointed to run and plainly mark the artificial line agreeably to this act for the aforesaid county of Bullock; and the county surveyor shall be allowed by the county court of the said county a reasonable compensation for such service, to be levied on the said county, and shall be subject, when collected, to the order of the court for the purpose aforesaid.

III. And be it further enacted, That Drury Jones, John Mikell and Ifrael Bird, be, and they are hereby appointed commissioners for fixing on a proper place to erect a court house and gaol for the said county within five miles of the center of the said county; and until such public buildings are completed, the courts of the said county shall be held at the house of Stephen Milles.

IV. And be it further enacted, That the county of Bullock shall be allowed one member to represent it in the house of representatives, out of the number allowed for the county of Bryan.

V. And be it further enacted by the authority aforesaid, That the justices of the inferior court be, and they are hereby empowered to levy a tax upon the inhabitants of the said county for the purpose of erecting a court house and gaol within the same.

THOMAS STEVENS, Speaker of the House of Representatives.
BENJAMIN TALIAFERRO, President of the Senate.

Concurred February 8, 1796.
JARED IRWIN, Governor.

* Representation to be according to enumeration. See conf. of 1798.

An Act for establishing a ferry from the plantation of Nichol Turnbull, near Savannah, to the plantation late the property of Jermyn and Charles Wright, known by the name of Rochester, in the State of South Carolina, and for vesting the same in the said Nichol Turnbull, his executors, administrators and assigns, for, and during the term of ten years.

WHEREAS, a law has passed in the State of South Carolina, for the establishment of a road and ferry at the plantation late the property of Jermyn and Charles Wright,
A. D. 1796.
No. 539.

Wright, known by the name of Rochester, situated on the north side of Savannah river, in the said State; And whereas, it is necessary that a ferry should be established on the south side of the said river, as near opposite the ferry before mentioned as may be, which will tend to the convenience of, and promote a speedy communication between both States;

I. Be it enacted by the senate and house of representatives of the State of Georgia in general assembly met, That a public ferry shall be, and the same is hereby established upon Savannah river, from the plantation of Nichol Turnbull to the plantation late the property of Jermyn and Charles Wright, known by the name of Rochester, on the opposite side of the said river; which said ferry is hereby vested in the said Nichol Turnbull, his executors, administrators and assigns, for the space of ten years next ensuing the passing of this act.

II. And be it further enacted by the authority aforesaid, That the said Nichol Turnbull, his executors, administrators or assigns shall, and he or they are hereby required to make and keep in repair the road and caufeway on his plantation aforesaid, leading to the river Savannah; and to provide and keep one or more good and substantial ferry boat or boats fit to carry six horses at the least; and one white man and a sufficient number of slaves or servants to attend the said ferry, as well by night as by day, to carry over the said passengers, their servants, slaves, horses, cattle and carriages; and that it shall and may be lawful to and for the said Nichol Turnbull, his executors, administrators or assigns as aforesaid, to ask, demand and receive for the said ferry, the several prices and rates following, and no more, that is to say:

For every foot traveller, the sum of twenty-five cents; for each person and horse, the sum of sixty-two and an half cents; for every wheel carriage, the sum of twenty-five cents per wheel; for every single horse, the sum of thirty-one and an half cents; for neat cattle, the sum of thirty-one and an half cents per head; for calves, sheep or hogs, the sum of six cents and half per head.

III. And be it further enacted, That in case any person or persons going to the said ferry in order to pass the same, shall (tendering the ferryage as settled by this act) meet with delay, proceeding from negligence or other improper conduct, in not giving the due attendance required by this act, the said Nichol Turnbull, his executors, administrators or assigns, shall forfeit and pay for every time such delay shall happen, to the person or persons so delayed, a sum not exceeding three dollars for every hour, to be recovered upon proof thereof, before any justice of the peace for the district of White Bluffs, by warrant under the hand and seal of the said justice: Provided, That the person so delayed shall make complaint within one month next after such delay shall have happened.

IV. And be it further enacted, That the governor for the time being, and all messengers sent in the service of this State, and all postmen be, and they are hereby declared to be exempt from paying any ferryage for themselves, their servants, horses, carriages or baggage, for passing and repassing the same; and in case of any unnecessary and improper delay, the said Nichol Turnbull, his executors, administrators or assigns, shall forfeit and pay the aforesaid sum of three dollars for every hour, to be recovered as before directed; any thing in this act to the contrary notwithstanding.
V. And be it further enacted, That the commissioners of the road leading from Savannah eastwardly to the island of Skidaway, shall, and they are hereby empowered, from time to time, to inspect the State of the ferry boat or boats, the sufficiency of the servants or slaves attending the same, and the condition of the road, caufeway and landing; and upon any insufficiency or damage, to give notice to the said Nichol Turnbull, his executors, administrators or assigns, to repair or make good the same; and if within ten days after such notice as given as aforesaid, upon proof thereof made before the majority of the said commissioners, he, the said Nichol Turnbull, his executors, administrators or assigns, shall forfeit the sum of eight dollars for every day he or they shall neglect to make good such insufficiency or damage: to be recovered by warrant under the hands and seals of the said commissioners, to be applied to the repair of the bridges, roads and caufeways within the eastern road before mentioned.  

THOMAS STEVENS, Speaker of the House of Representatives.  

BENJAMIN TALIAFERRO, President of the Senate.  

Concurred February 8, 1796.  

JARED IRWIN, Governor.

An Act to divide the county of Franklin.

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 all that part of the county of Franklin lying and being within the following limits, shall form one other county, and shall be called and known by the name of Jackson, that is to say: The line dividing the said county of Jackson from the county of Franklin shall begin on the south fork of Broad river at the place where it interects the counties of Oglethorpe and Elbert, from thence it shall run up to the head or source of the middle fork, it being the main stream; from thence south forty-five degrees west to the main ridge which divides the waters of Broad river from the waters of the Oconee; thence along the said ridge to the temporary or western line of Franklin county; and all that part of Franklin county lying and being southwardly of the aforesaid line, shall be included and comprised in the county of Jackson; and the remaining part of the said county shall retain the name of Franklin.

II. And be it further enacted by the authority aforesaid, That John Barnett, Joseph Humphries, Augustine Blackburn, Roderick Easly, and Daniel W. Easly, shall be, and they are hereby appointed commissioners:* and they or a majority of them are vested with full power and authority to fix on the most convenient and central place within the said county, at which the courts and elections shall be held as soon as suitable buildings are erected thereat; and the said commissioners or a majority of them are hereby authorized and empowered to contract with fit and proper persons for the purpose of building a court house and gaol in the county aforesaid; which, after at least thirty days notice, shall be let to the lowest bidder: Provided, That until the court house shall be erected, the courts and elections for the said county, shall be held at the house of Daniel W. Easly.

* Other commissioners appointed by act of 1798, No. 620.
III. And be it further enacted by the authority aforesaid, That the justices of the inferior court of the said county are hereby authorized and empowered to levy a tax not exceeding one-sixth of their general tax, on the inhabitants and taxable property within the same, for the purpose of erecting a court house and gaol as aforesaid; which shall be done in such manner, as in the judgment of the court shall be least burthensome to the inhabitants.

IV. And be it further enacted by the authority aforesaid, That Malachi Jones shall be, and he is hereby appointed to run the lines of the said county, and that the charges thereof shall be paid by the inferior court of the county, to be levied as in this act is directed.

V. And be it further enacted, That the said county of Jackson be allowed one* representative in the State legislature, to be taken from the representation allowed by the confluence to the county of Franklin.

THOMAS STEVENS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

Concurred February 11, 1796.

JARED IRWIN, Governor.

An Act for opening and keeping open the river Oconee.

February 11, 1796.

Re-enacted with alterations by act of 1797, No. 602.

No. 542. An Act to establish an inspection of tobacco on Savannah river, at the mouth of Cold Water creek.

I. Be it enacted by the Senate and House of Representatives of the State of Georgia in general assembly met, and by the authority of the same, That it shall and may be lawful for an inspection of tobacco to be opened at the mouth of Cold Water creek, in Elbert county, on the land of John Cunningham, which said inspection shall be regulated by the same laws which are now in force or which may hereafter be made, for the government of the several inspections in this State.

II. Be it also enacted, That the right of the said warehouse is hereby vested in John Cunningham, his heirs and assigns, who shall be entitled to receive the same storage as is directed by law to be received at the other inspections within this State.

III. Be it further enacted, That it shall and may be lawful for the several inspectors of tobacco within this State, either by themselves or persons by them employed, to cooper the tobacco which may be brought to their several inspections, who shall be entitled to receive the same fee which is allowed by law in this State for the cooper ing of tobacco; any law or custom to the contrary notwithstanding.

THOMAS STEVENS, Speaker of the House of Representatives.

BENJAMIN TALIAFERRO, President of the Senate.

Concurred, February 11, 1796.

JARED IRWIN, Governor.
An Act, declaring null and void a certain usurped act passed by the last legislature of this State, at Augusta, on the seventh day of January, one thousand seven hundred and ninety-five, under the pretended title of "An act supplementary to an act, entitled an act for appropriating a part of the unlocated territory of this State, for the payment of the late State troops, and for other purposes therein mentioned, declaring the right of this State to the unappropriated territory thereof, for the protection of the frontiers, and for other purposes;" and for expunging from the face of the public records the said usurped act, and for declaring the right of this State to all lands lying within the boundaries therein mentioned.*

WHEREAS, the free citizens of this State, or in other words the community thereof, are essentially the source of the sovereignty of the State, and no individual or body of men can be entitled to, or vested with any authority which is not expressly derived from that source, and the exercise or assumption of powers not so derived, become of themselves oppression and usurpation; which it is the right and duty of the people or their representatives to resist, and to restore the rights of the community so usurped and infringed.

And whereas, the will or constitution of the good people of this State is the only existing legal authority derived from the essential source of sovereignty, and is the only foundation of the legislative power or government thereof, and so far as that will or constitution expressly warrants, the legislature may go, but no further; and all constructive powers not necessarily deduced from that expressed will, are violations of that essential source of sovereignty, and the rights of the citizens, and are therefore of no binding force or effect on the State, or the good people thereof, but null and void.

And whereas, the last legislature of this State not confining itself to the powers with which that body was constitutionally invested, did usurp a power to pass an act on the seventh day of January, one thousand seven hundred and ninety-five, entitled "An act supplementary to an act, entitled an act for appropriating a part of the unlocated territory of this State, for the payment of the late State troops, and for other purposes therein mentioned, declaring the right of this State to the unappropriated territory thereof, for the protection of the frontiers, and for other purposes;" by which an enormous tract of unascertained millions of acres of the vacant territory of this State, was attempted to be disposed of to a few individuals, in fect simple, and the same is not only unfounded as being without express constitutional authority, but is repugnant to that authority, as well as to the principles and form of government, the good citizens of this State have chosen for their rule, which is democratical, or a government founded on equality of rights; and which is totally opposed

* The effect or operation of this act, being, in our opinion, a judicial question, we shall not presume to offer any comment.
opposed to all proprietary grants, or monopolies, in favor of a few, which tend to build up that destructive aristocracy, in the new, which is tumbling in the old world; and which, if permitted, must end in the annihilation of democracy and equal rights; those rights and principles of government which our virtuous forefathers fought for, and established with their blood.

And whereas, the fourth section of the fourth article of the constitution of the United States declares, “The United States shall guarantee to every State in this Union a republican government,” which could never have been intended to be a republican aristocracy, and which such extravagant grants tend to establish; the constitution of the United States expressly acknowledging a republican democracy, or the foundation of the people; it receiving all its force and power from their hands, as their gift, which is manifest from its context, “We the people of the United States.”

And whereas, as before mentioned, the said usurped act is repugnant to the constitutional authority, inasmuch as that by the sixteenth section of the first article of the constitution of this State, it is declared, “That the general assembly shall have power to make all laws and ordinances which they shall deem necessary and proper for the good of the State, which shall not be repugnant to this constitution.” And the said usurped act is opposed to the good of the State, and it is self-evident, that the legislature, which assumed the power, did not deem it for the good of the State;

1st. Because self-preservation or the protecting itself is the greatest good and first duty of every government, and as has been shewn, immense monopolies of land by a few individuals under the sanction of the government is opposed to the principles of democracy, or the fundamental laws the citizens of this State have chosen for their rule, which so far from being for the good or self-preservation of the democratical or equal government, is most manifestly for its destruction and injury.

2d. Because the expression “good of the State” embraces the good of the citizens composing the State, and the good of the citizens conflicts in the peaceable pursuit of happiness, and the enjoyment of all rights natural or acquired, not expressly delegated for the purposes of government; and a sale of such an enormous tract to a few speculators, which was and is the common right of all the good citizens of this State, is contrary to those rights, and therefore to their manifest injury, and of course to the injury of the State.

3d. Because, even supposing constitutional authority to have been vested in the legislature for the purpose of such dispossession, the legislature was not vested with power to transfer the sovereignty and jurisdiction of the State over the territory attempted to be disposed of, which it has done by opening a door for sale to foreign powers, and a relinquishment of the powers of taxation until the proprietors chuse to be represented, which is in fact dismembering the State, and which transfer and relinquishment of taxation cannot be for the good of the State.

4th. Because there was no necessity or pressing urgency for the sale of such an immense tract of territory, equal to some European kingdoms, to carry into execution and operation, the extinguishment of the Indian claims to the lands between the
the Oconee and Oakmulgee, contemplated by the act entitled "An act for appropriating a part of the unlocated territory of this State, for the payment of the late State troops, and for other purposes therein mentioned;" the subterfuge on which the said usurped act of the seventh of January, one thousand seven hundred and ninety-five was founded, when the whole amount of the appropriation for that purpose was but thirty thousand dollars, and funds to a greater amount were then in the treasury unappropriated: And because no State or Nation is justified in wantonly dissipating its property or revenues, and a legal alienation of which can only take place from the most pressing necessity; and the territory attempted to be disposed of, was the said usurped law valid, was wantonly dissipated, it being disposed of for the trifling sum of five hundred thousand dollars, a sum not adequate to the annual quit rents such lands were charged with previously to the revolution by the British king; which wanton dissipation cannot be for the good of the State:

5th. Because, exclusive of the immense loss of revenue to which the State is exposed from the relinquishment of taxation, the sum of five hundred thousand dollars was accepted as the consideration money for the sale, and the sum of eight hundred thousand dollars offered by persons of as large a capital, and as much respectability, and credit, and on terms more advantageous to the State, was refused; which as it was (should the said usurped act have been considered valid) a clear loss of three hundred thousand dollars to the revenues of the State, it is evident that the law authorizing the sale was not deemed by the members of the legislature for "the good of the State," which must have consisted in obtaining the highest price and the most advantageous terms.

6th. For the very excellent reasons given by his excellency the governor in his dissent to the first bill for the disposing of the said territory, delivered to the house of representatives on the twenty-ninth of December, one thousand seven hundred and ninety-four, and which bill was not materially different from the act in question; and which reasons prove, that his excellency as a negative branch of the legislature, although he concurred in the law, did not deem it for "the good of the State," and which dissent was in the words following:

7th. I doubt whether the proper time is arrived for disposing of the territory in question;

2d. If it was the proper time, the sum offered is inadequate to the value of these land.

3d. The quantity reserved for the citizens is too small, in proportion to the extent of the purchase.

4th. That greater advantages are secured to the purchasers than to the citizens.

5th. That so large an extent of territory being disposed of to companies of individuals, will operate as monopolies, which will prevent or retard settlements, population and agriculture.

6th. That should such disposition be made; at least one fourth of the lands should be reserved for the future disposing of the State.

7th. That if public notice was given that the land was for sale, the rivalship in purchasers would most probably have increased the sums offered.