A

COMPILATION

OF THE

LAWS

OF THE

STATE OF GEORGIA,

PASSED BY THE LEGISLATURE SINCE THE POLITICAL
YEAR 1800, TO THE YEAR 1810, INCLUSIVE.

CONTAINING——

All the laws, whether in force or not, passed within those periods, arranged in a
chronological order, with comprehensive references to those laws or
parts of laws, that are amended, suspended or repealed.

TOGETHER——

With an appendix, comprising such concurred and approved resolutions, as are of a
general operative nature, and as relate to the duty of officers, the relief of
individuals, and the settlement of boundary between counties,
and this State with North Carolina.

Concluding with a copious Index to the whole.

BY AUGUSTIN SMITH CLAYTON, ESQ'R.

Augusta:
PRINTED BY ADAMS & DUYCKINCK.
1812...
TO

HIS EXCELLENCY

DAVID B. MITCHELL,

GOVERNOR AND COMMANDER IN CHIEF OF THE ARMY AND NAVY
OF THIS STATE, AND OF THE MILITIA THEREOF:

I have the honor, respectfully to submit and report to your Excellency a compilation of the Laws and Resolutions of this State, in pursuance of the act requiring the same. In tendering for your examination this work, I have only to remark, that notwithstanding the wide and unrestrained discretion with which you are very properly invested by the law, thereby constituting for my labors, a somewhat dubious fate. Yet, in taking leave of them, I beg leave to express to you the assurance of my entire confidence in your official decision.—And, that whatever may be the result, I shall be cheerfully reconciled, under the fullest persuasion, that your legal and professional observation, in which is placed my chief expectation, will have justly estimated every part of their worth.

Receive my highest consideration.

AUGUSTIN S. CLAYTON.

JANUARY 1st, 1811.

EXECUTIVE DEPARTMENT, GEORGIA,
MILLEDGEVILLE, 25th February, 1811.

WHEREAS, by an act passed the 12th day of December, 1809, entitled "an act to compile and arrange the laws and resolutions of this State, passed since the political year 1800," it is enacted and declared, "That during the year eighteen hundred and ten, the laws of this State, passed since the political year eighteen hundred, and concurred and approved resolutions, (except such as relates to elections by the General Assembly) and every tenth year thereafter, shall be compiled, arranged and printed." And by the same act it is further enacted and declared, "That the Legislature shall by joint ballot of both branches, appoint some fit and proper person to compile and arrange the laws of this State, in pursuance of this act, and report the same to his Excellency the Governor, who shall approve or disapprove of the same."

And whereas Augustin Smith Clayton, Esquire, was by joint ballot of both branches of the Legislature, in conformity with the before in part recited act, to wit, on the 12th day of December, 1809, duly elected to compile and arrange the laws of this State, in pursuance of the said act.
AND WHEREAS the said Augustin Smith Clayton, Esquire, hath presented to me a compilation of the laws and resolutions of this State, made in conformity to the said act; which compilation was by executive order of the 3d day of January last, submitted to the inspection and examination of Horatio Marbury, Edmund B. Jenkins, Hines Holt and Anthony Porter, Esquires, who have reported thereon as follows, to wit:—

"Pursuant to your Excellency's order of the 3d ultimo, the undersigned have carefully examined a compilation of the laws of this State, passed since the political year 1800, up to the year 1809,* inclusive; together with such concurred and approved resolutions, as were deemed necessary by the compiler; and now present them to your Excellency as true copies from the originals in the office of the Secretary of State.

"They have also examined the notes of reference made by the compiler, and found them to be appropriate.

"They have not found that chronological arrangement of the laws which is most desirable in a compilation of this kind; but have found them (which in their judgment is entirely essential) arranged under the particular year in which they were passed.

"The marginal notes with an index to the whole, they have thought proper to leave with the compiler, whose talents and judgment they deem amply sufficient to ensure their correctness."

NOW KNOW YE, Legislators, Judges, Citizens and People of Georgia, that I, David Brydie Mitchell, Governor thereof, in conformity with, and in obedience to the aforementioned act, do by these presents APPROVE of the aforesaid compilation of the laws of this State.

D: B: MITCHELL.

* The laws of 1810, by a subsequent resolution of the Legislature are compiled by Adams and Duyckinck and form a part of the present volume.
THE laws contained in this volume, are arranged in the order of time in which they passed; every act is numbered from one to the conclusion, and under each act that has been amended, suspended or repealed, a reference is made to the law so amending, suspending or repealing, by the number of it, and the year in which it passed....The notes refer by numbers, and the index by pages.....At the top of the book, is expressed the year in which the laws of each session passed, in order to facilitate a readier notice.
AN ACT

To incorporate the Savannah Library Society.

WHEREAS, a number of persons in the City of Savannah, and the environs thereof, with a view of diffusing knowledge more generally among the inhabitants of the county of Chatham, have subscribed a very large sum of money to purchase a Public Library.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That the Trustees of the said Society, and their successors in office, shall and they are hereby declared to be a body corporate by the name and style of the Savannah Library Society.

SEC. 2. And be it further enacted by the authority aforesaid, That the said Trustees, and their successors in office, shall be invested with all manner of property, both real and personal; all gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said Savannah Library Society, at the time of passing of this act, or which may hereafter be made, conveyed or transferred to them or their successors in office, to have and to hold the same for the proper use and benefit of the said Society.—AND ALSO, that the said Trustees, and their successors in office, shall be, and they are hereby declared to be capable of suing and being sued, impleading and being impleaded, and of using all necessary and legal steps for recovering or defending any property whatever, which the said Society may claim or demand, and also for receiving the rents, issues, fines and profits of the same, or any part or parcel thereof.

SEC. 3. And be it further enacted by the authority aforesaid, That the Trustees of the said Savannah Library Society shall hold their office for the term of one year; that on the first Saturday in October, in every year, after one thousand eight hundred and one, the members of the said Society, or a majority thereof, shall convene at the place that may be appointed by the Trustees, or their successors in office, in Savannah, and there, between the hours of ten and two o'clock, elect from among the members of the said Society, seven discreet and proper persons as Trustees of the same, who shall hold their office for the term of one year, as aforesaid, with the same powers, and for the same purpose as above declared.

DAVID MERIWETHER, Speaker of the House of Representatives.
WILLIAM BARNETT, President of the Senate.

Assented to, November 20, 1801.

JOSIAH TATTNALL, jun. Governor.

AN ACT

To incorporate the Baptist Church at Powell's Creek in the county of Hancock.

WHEREAS, a Religious Society has for many years past been established at Powell's Creek, in the county of Hancock, called and known by the name of the Baptist Church

A
(No. 2.)

at Powell's Creek: And whereas it is necessary for the promotion of religion and virtue, that churches or religious societies be made capable of holding, enjoying and defending any property which they may acquire by purchase, donation or otherwise:

Sec. 1. BE it therefore enacted by the Senate and House of Representatives in General Assembly met, That Matthew Rabun, Henry Graybille, John Veazey, William Lord, and Jesse Battle, and their successors in office, shall be, and they are hereby declared to be a body corporate, by the name and style of the Trustees of the Baptist Church at Powell's Creek.

Sec. 2. And be it further enacted by the authority aforesaid, That the said Matthew Rabun, Henry Graybille, John Veazey, William Lord, and Jesse Battle, Trustees as aforesaid, and their successors in office, shall be invested with all manner of property both real and personal, which they may acquire or be possessed of by gift, grant, purchase or otherwise, and all privileges and immunities which may belong to the said Church at the time of passing of this act, or which may hereafter be made, conveyed, or transferred to them or their successors in office, to have and to hold the same to the proper use, benefit and behoof of said Church:—And also, that the said Trustees in office, shall, and they are hereby declared to be capable of suing and being sued, impleading and being impleaded, and of using all legal and necessary steps for recovering or defending any property whatever, which the said Church may hold, claim or demand, and also for recovering the rents, issues and profits of the same, or any part or parcel thereof.

Sec. 3. And be it further enacted by the authority aforesaid, That the Trustees of the said Baptist Church shall hold their office for, and during the term of three years; and on the Saturday before the first Sunday in every third year after the passing of this act, the members of said church or a majority of them, shall convene at the Meeting-House of said Church, and there, between the hours of ten and four o'clock, proceed by ballot to elect, from among their own body, five fit and discreet persons as Trustees, who shall hold their office for three years as aforesaid, with the same powers, and for the same purposes as above mentioned.

Sec. 4. And be it further enacted, That the members of the said Church (or a majority of them) shall, and may have power to fill any vacancy which may happen in the Trustees, by death, resignation, or otherwise; and when any vacancy may happen by death, resignation or otherwise of any of the Trustees, the Church shall be notified thereof, by those Trustees who still remain in office; and on the Saturday of their next monthly meeting, the members of said Church (or a majority of them) may proceed by ballot to fill such vacancy or vacancies; and the person or persons so elected, to hold their office during the term for which their predecessor had been appointed.

DAVID MERIWETHER, Speaker of the House of Representatives.

WILLIAM BARNETT, President of the Senate.

Assented to, November 20, 1801.

JOSIAH TATTNALL, jun. Governor.
AN ACT
To regulate the General Elections in this State, so far as to impose a fine on persons voting out of the County wherein they reside.

WHEREAS, there have been frequent impositions practised by persons voting at elections out of the county where they reside, contrary to the Constitution, and the express meaning of an act of the General Assembly of this state, to regulate the general elections thereof:

SEC. 1. BE it therefore enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, if any person or persons who may, or shall vote in any other county out of the one in which he or they shall reside, except for Members to Congress, shall forfeit and pay the sum of thirty dollars for every such offence.

2. And be it further enacted, That if any person or persons shall be charged with the offence contained in this act, it shall be the duty of any justice of the peace of the county wherein such offender resides, to whom information shall be made for that purpose, to issue his warrant, directed to some constable in said county, commanding him to bring such person or persons before him or some other justice of the peace of said county; and upon proof being made that such person or persons hath or have voted out of the county wherein he or they shall reside, to enter up judgment against each and every person so offending, for the sum of thirty dollars; and the said justice or justices shall be, and they are hereby required to issue his or their execution against the estate of such offender, both real and personal, as is usual upon judgments obtained in other cases in the justice’s courts: And if such offender shall have no property, whereupon to levy such execution, that then and in every such case, such justice or justices, shall order the offender or offenders to be confined in the pillory or stocks of the county, wherein such person shall be tried, for the space of two hours; and upon payment of costs, such person or persons shall be discharged.

3. And be it further enacted, That one half of the money or monies so recovered, shall be paid into the clerk’s office of the inferior court of the county in which such offender shall have been committed, for the use of the county, and the other half to the informer.

DAVID MERIWETHER, Speaker of the House of Representatives.

WILLIAM BARNETT, President of the Senate.

Assented to, November 25, 1801.

JOSIAH TATTNALL, jun. Governor.
AN ACT

To alter the boundaries of the Second and Third Divisions of the Militia of this State, and of the First and Second Brigades of the Third Division, and to lay off another Brigade in the Third Division.*

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the county of Warren shall be, and hereby is added to, and made a part of the first brigade of the second division; that the county of Elbert be added to, and made a part of the first brigade of the third division; and that the county of Greene be added to, and made a part of the second brigade of the third division.

Sec. 2. And be it further enacted, That the counties of Franklin and Jackson, shall compose a brigade to be known as the third brigade of the third division of the militia of this State.

Sec. 3. And be it further enacted by the authority aforesaid, That where the number of officers of militia in any county will admit of one or more regiments, allowing four companies to a battalion, and two battalions to a regiment, it shall be the duty of the field officers of such county, and they are hereby required to define, alter, and arrange the company and battalion districts so as to make the same compact and convenient; to exercise and form them into a regiment or regiments, according to their numbers, which arrangement shall be transmitted by the field officers aforesaid, to the commanding officer of the brigade to which the county belongs, and if approved of by him, the same shall be valid, any usage or law to the contrary notwithstanding. Provided nevertheless, That the arrangement so made, shall not extend to deprive any officer of his commission, rank or command.†

DAVID MERIWETHER, Speaker of the House of Representatives.

WILLIAM BARNETT, President of the Senate.

Assented to, November 26, 1801.

JOSIAH TATTNALL, Jun. Governor.

AN ACT

To authorize the Justices of the Inferior Court of the county of Bryan, to appropriate the Tax levied for the use of said county, to the payment of the county Officers, or so much thereof as shall be sufficient for that purpose.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the justices of the inferior court in the county of Bryan, be, and they are hereby authorized to appropriate the tax levied in the said county annually, for county purposes, or any part thereof, that they or a majority of them may think proper, and also, any other public monies that

* See act of 1807, No. 275, laying out and defining the several Brigades and Divisions in this State.
† Altered and amended by 2d Sec. of the Act of 1807, No. 312.
may be paid into the hands of the clerk of the inferior court of said county, by fines or otherwise, to the payment of their county officers; any law to the contrary notwithstanding.*.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro. tem.

Assented to, November 30, 1801.

JOSIAH TATTNALL, jun. Governor.

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AN ACT

To vest the Government and Regulation of the Gaol of the County of Chatham, in the Mayor and Aldermen of the City of Savannah, and appointing them sole Commissioners of the Court-House and Gaol of the said County.

WHEREAS, the gaol of the county of Chatham has been built and erected on lots belonging to, and within the jurisdiction and chartered limits of the city of Savannah, and out of the funds of the said city; and whereas, it will be expedient and proper to place the entire management, care, inspection and direction of the same, together with the court-house of the said county, which also stands within the same jurisdiction and limits, in the mayor and aldermen of the said city of Savannah, for the time being.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, the mayor and aldermen of the city of Savannah, for the time being, shall be solely and exclusively commissioners of the court-house and gaol of the said county of Chatham, and are hereby vested with the sole management, care, inspection and direction of the same, with full power and authority to appoint a gaoler and such other officers as may be necessary; and also to pass such ordinances and resolutions for the government and direction of the said gaoler and other officers, and all persons confined in the said gaol, as they shall from time to time deem necessary and proper; provided the same be not repugnant to any law or the constitution of the State. And the said gaoler and other officers appointed as aforesaid, shall give bond with two or more approved securities, to the said mayor and aldermen for the time being, for the faithful performance of the duties required of them respectively.

SEC. 2. And be it further enacted by the authority aforesaid, That the said gaoler or other officers appointed to take charge of the said gaol, or of any part thereof, or of any class of persons confined therein, shall be answerable for all escapes from the said gaol, in the same manner as by the laws of this State, the sheriff would have been heretofore, answerable.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro. tempore.

Assented to, November 30, 1801.

JOSIAH TATTNALL, jun. Governor.

* See Act of 1805, No. 191, in aid of this law.
AN ACT

To grant further privileges to the Baptist Church on the Kiokas, in the county of Columbia.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the Baptist Church on the Kiokas, in the county of Columbia, shall be, and is hereby authorized and empowered to fill any vacancy or vacancies, which shall or may happen, or be in the trust of the aforesaid Church, on a notice or call thereof by the remaining Trustees, or a majority of them, being previously given to such Church, at least thirty days before such vacancy or vacancies shall be filled.

SEC. 2. Be it further enacted, That the Corporation of the aforesaid Church, shall not be dissolved or forfeited for or by reason of the said Church's not electing their Trustees, on such day or days as have heretofore been pointed out by law for that purpose; and the said Church shall be, and they are hereby authorized and empowered to elect their Trustees from time to time, as they or a majority of them shall or may deem proper, any law to the contrary notwithstanding.

DAVID MERIWETHER, Speaker of the House of Representatives,

WILLIAM BARNETT, President of the Senate.

Assented to November 25, 1801.

JOSIAH TATTNALL, jun. Governor.

AN ACT

To amend and consolidate the several Estray Laws of this State.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That it shall and may be lawful for 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 estrays, whether horse, mare, colt, filly, ass, mule, neat cattle, sheep, goat or hog, that may be found straying away from their owners; and every 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 he is hereby required to take down in writing a particular description of the marks, natural and artificial, brands, statue, age and colour 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 Inferior Court of 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 to him or them is unknown.

Sec. 2. And be it further enacted, That in case any person shall take up any such estray'd 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 that the taker be compelled to advertise said Estrays at least ten days at the place of holding Justices Courts in said distrect prior to tolling, and shall immediately thereafter go with such freeholder before a Justice of the Peace of 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 have not by him, or to the best of his knowledge been altered; and then the said Justice shall take from the taker up and freeholder, upon oath, a particular and exact description of the marks, brands, colour 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 Inferior Court, by him to be disposed of as hereafter directed.

Sec. 3. 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.

Sec. 4. And be it further enacted, That it shall be the duty of the Clerk of the Inferior 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 of appraisement, as to him shall be transmitted from the respective Justices in the county; and it shall also be the duty of the said Clerk of the Inferior Court, 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.

Sec. 5. And be it further enacted, That it shall be the duty of the said Clerks of the Inferior Courts, in their respective counties, to cause an inclosure to be made at the Court-House, to be paid for out of the monies arising from the sale of Estrays, for the purpose of impounding estray'd horses, mares, colts, fillies, asses and mules, and that all Estrays aforesaid, taken up as aforesaid, shall by the taker up be brought to the said inclosure, and impounded from ten o'clock in the forenoon, until three o'clock in the afternoon, on the first day of every term for twelve months, both of the Superior and Inferior Courts; and the said clerks shall see that these requisitions be complied with by the taker up. And every taker up of an Estray as aforesaid, shall for every neglect to impound as aforesaid, be subject to a fine of five dollars, to be collected by execution under the hand and seal of the presiding justice of the Inferior court, and paid into the clerk's office for the use of the county; unless sufficient cause to the contrary be shewn the said court at the next term thereof.

Sec. 6. And be it further enacted, That it shall be the duty of the taker up, and he is hereby required to bring to the court-house in the county wherein he resides, and deliver to the clerk of the Inferior court of said county, every estray'd horse, mare, colt, filly,
ass or mule, on the first sheriff's sale day that shall happen after the expiration of twelve months from the time of entering such Estray as aforesaid with the Justice; and it shall be the duty of the clerk to proceed to sell such Estray or Estrays as aforesaid, on the day aforesaid, between the usual hours for ready money to the highest bidder, which money shall in the hands of the said clerk be subject to the order of the Inferior court, for county purposes, after defraying the charges or fees herein-after directed. And every taker up who shall neglect or refuse to comply with these requisitions, shall be liable for double the amount of the appraisement, to be collected by execution under the hand and seal of the presiding justice of the Inferior court; unless sufficient cause to the contrary be shown the court at the next term thereafter; and the said forfeiture when collected shall be applied to the use of the county, after deducting the legal fees.

Sec. 7. And be it further enacted, That in case any person shall take up as aforesaid any neat cattle, sheep, goats or hogs, and no person or persons shall appear to make satisfactory proof within three months, that the said Estrays are his or their property, the justice having given twenty days notice\(^*\) by advertisement in two of the most public places in the county, wherein he resides, shall proceed to sell the said Estrays, by his constable, upon one of his court days, between the usual hours, for ready money to the highest bidder, and it shall be the duty of the justices in the several counties, and they are hereby required to pay to the clerk of the Inferior court in their respective counties, at each term of said court, all monies in their hands that have arisen from the sales of Estrays as aforesaid, deducting five per centum\(^\dagger\) for commissions, and such other charges as are allowed by law, and all monies so paid shall be subject to the order of the Inferior court for county purposes.

Sec. 8. And be it further enacted, That if any person or persons shall within the term of two years 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.

Sec. 9. And be it further enacted by the authority aforesaid, That the justice 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 or valuation thereof presented to him as above, the sum of seventy-five cents for each horse, mare, colt, filly, ass or mule, and the sum of six and one fourth cents for each head of neat cattle, sheep, goats, or hogs.

Sec. 10. And be it further enacted, That the taker up of such Estrays, shall as a compensation for maintaining and keeping of the same, put them to immediate labour, 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 of the county, according to the circumstance of the case:—Provided nevertheless, That in case the putting such Estray to labour, he shall be bound to produce

\* This Section altered and amended by act of 1803, No. 100, requiring all neat cattle, &c. not to be sold under twelve months, and the clerks of the Inferior Courts, previous to the advertisement and sale by the justice, to advertise at the door of the Court House, on the first day of every term of the Inferior and Superior Courts.

\dagger By act of 1803, No. 100, Sec. 2d, Paid 25 cents for each estray advertised.
said Estray to the owner if claimed, or to the clerk if sold, (casualties excepted) in as good condition as when appraised.

Sec. 11. And be it 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 one dollar, for each horse, mare, colt, filly, ass, mule or ox, in addition to the sum by him paid to the justice, and the sum of twelve and a half cents 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.*

Sec. 12. And be it further enacted, That the clerk of the said court shall for the receiving, entering and publishing every certificate as above directed, receive the sum of fifty cents 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;

Sec. 13. And be it further enacted, That it shall be the duty of the clerk of said court, to render to the said Inferior court, at every term thereof a true statement of all monies arising from the sales of Estrays, as aforesaid, accompanied with the proper vouchers, and exhibit a correct statement as aforesaid, to the grand jury of the county at every fall term of the superior court and oftener if required.

Sec. 14. And be it further enacted, That any person taking up any Estray as aforesaid, and failing or neglecting to comply with, and fulfill the true intent and meaning of this Act, and being thereof duly convicted before the inferior court, 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 by suit or action at law, the informer to be the plaintiff in the action; one half of the sum so received to the use of the informer, the other half to the use of the county.

Sec. 15. And be it further enacted, That if any justice or clerk shall refuse or neglect to perform the duties required by this act, each justice or clerk neglecting or refusing, shall for every such neglect or refusal forfeit the sum of twenty dollars, 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.

Sec. 16. And be it further enacted, That it shall be the duty of the clerks of the superior courts and they are hereby required, at the first term of the inferior court, in the

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* This Section also altered by the act of 1803, No. 100—allowing to the taker up reasonable compensation, to be ascertained by the Justices of the district where the Estray was taken up, or any two Justices of the County.

† See the 2d Section of the above act, No. 100—Containing the advertising fee for Clerk.
(No. 8.)

trays heretofore, Together with the books and documents there to belonging.

All former laws militating against this Repealed.

several counties, to be holden after the passing of this act, to pay over to the clerks of the inferior courts in the respective counties, all monies which may be in their hands, which have arisen from the sale of Estrays, accompanied by the books and documents thereto appertaining.

SEC. 17. And be it further enacted, That all laws, and clauses of laws relative to taking up and disposing of Estrays, which militate against this act, be and the same are hereby repealed.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro. tempore.

Assented to, November 30, 1801.

JOSIAH TATTNALL, jun. Governor.

(No. 9.)

AN ACT

To incorporate the Roman Catholic Church in the city of Savannah.

WHEREAS, a religious society known by the name of the Roman Catholic Church, has been established in the city of Savannah; And whereas, it is necessary for the promotion of religion and virtue, that churches or religious societies, be made capable of holding, enjoying and defending any property which they may acquire, by donations or otherwise.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That Don Emanuel Rengil, Thomas Dollaghan, Thomas Callaghan, John Shaw, Francis Roma, Bartholomew Coquillon and John Moquette Montalet, and their successors in office, shall be and they are hereby declared to be a body corporate, by the name and style of the Trustees of the Roman Catholic Church of the city of Savannah.

SEC. 2. And be it further enacted by the authority aforesaid, That the said Don Emanuel Rengil, Thomas Dollaghan, Thomas Callaghan, John Shaw, Francis Roma, Bartholomew Coquillon and John Moquette Montalet, Trustees as aforesaid, and their successors in office, shall be invested with all manner of property, both real and personal, all donations, gifts, grants, immunities and privileges whatsoever, which may belong to the said Church, at the time of passing this act, or which hereafter may be made, conveyed or transferred to them, or their successors in office, to have and to hold the same for the proper use, benefit and behoof of the said Church:—And also that the said Trustees, and their successors, shall be and they are hereby declared to be capable of suing and being sued, impounding and being impounded, and of using all necessary and legal steps for recovering or defending any property whatsoever, which the said Church may hold, claim or demand; and also for recovering the rents, issues, and profits of the same, or any part or parcel thereof.
SEC. 3. And be it further enacted by the authority aforesaid, That the said Trustees, shall hold their office for and during the term of one year, three of the said Trustees being subject to removal annually, at the option of the congregation; and that on the first Monday in January annually, between the hours of ten and twelve o'clock, at the meeting-house of said Church, the congregation shall assemble for the purpose of electing three Trustees, discreet and virtuous men, to hold their office for one year as aforesaid, with the same powers and for the same purposes as above declared.

DAVID MERIWETHER, Speaker of the House of Representatives.
JOHN JONES, President of the Senate pro. tempore.

Assented to, November 30, 1801.

JOSIAH TATTNALL, jun. Governor.

AN ACT

To amend an act, entitled "An act to establish and make permanent the Seat of the Public Buildings of the County of Camden, at or near the center of said County," so far as respects the addition of two Commissioners, the place for holding Courts, Elections, and other County business, and for making further provision for the completion of the aforesaid Buildings.

WHEREAS, the aforesaid act, has not been carried into operation, and it is deemed expedient that the same should be carried into full effect without further delay.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That Stephen Eubanks and Habakkuk Wright, be and they are hereby appointed Commissioners of the court-house and jail for the county of Camden, in addition to those already appointed by the aforesaid act; and until the said court-house and jail shall be completed in conformity to the act aforesaid, all courts, elections, and other county business, shall be held, and transacted at the house, where captain John Eaton now lives, on the Great Satilla river.

SEC. 2. And be it further enacted, That it shall, and is hereby declared to be the duty of the inferior court of the county of Camden, to aid the speedy completion of the said Public Buildings, by such appropriations of the county funds as may be deemed necessary, by the commissioners or a majority of them; and for that purpose the said court is hereby authorized and required to augment the county tax;—Provided, the present rate of tax shall be found inadequate.
(No. 10.)

Repealing clause.

SEC. 3. And be it further enacted, That all laws, or parts of laws, heretofore passed repugnant to this act, shall be and they are hereby repealed.

DAVID MERIWETHER, Speaker of the House of Representatives.
JOHN JONES, President of the Senate, pro. tempore.

Assented to, November 30, 1801.

JOSIAH TAFTNALL, jun. Governor.

(No. 11.)

AN ACT
To establish a Ferry on Savannah River.

WHEREAS, it is necessary for the interest and convenience of many of the citizens of this State, that a Ferry should be established at Shell Bluff on Savannah river, in the county of Burke.—

BE it therefore enacted, That a Ferry shall be established at the above place, under such restrictions and regulations, as the inferior court of the county of Burke, may from time to time direct and order, and the right of the same is hereby vested in Christopher Killbee, and Edmund Lowe, the proprietors of the said Bluff.

DAVID MERIWETHER, Speaker of the House of Representatives.
JOHN JONES, President of the Senate, pro. tempore.

Assented to, November 30, 1801.

JOSIAH TAFTNALL, jun. Governor.

(No. 12.)

AN ACT
To authorize John Martin Dasher, to keep open and improve the Navigation of Ebenezer Mill creek, and to erect Mills thereon.*

WHEREAS, John Martin Dasher, and a number of the inhabitants of Effingham county, residing on or near Ebenezer Mill creek, have petitioned this Legislature for an act to authorize the said John Martin Dasher, to keep open and improve the navigation of the said creek, from the mouth thereof to where the said John Martin Dasher has or is about to build a grist and saw Mill thereon; and to authorize him to stop the said creek at said Mills, and the different branches and lagoons leading to and from the said creek, where it may be necessary for the benefit of a sufficient reserve of water:

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

* See act of 1802, No. 41—amendatory of this act.
and may be lawful for the said John Martin Dasher, to open and keep clear the said Ebenezer Mill creek, from the mouth thereof to the Mills of the said John Martin Dasher, and to stop by good and sufficient dams the said creek, and all the branches, prongs and lagoons on each side thereof, in order that a sufficient supply of water may be retained for turning said Mills.

SEC. 2. And be it further enacted, That if the dams which now are, or may hereafter be erected by said John Martin Dasher, for the purpose of retaining water for the use of his said Mills, shall injure or damage any of the lands on the said creek, or any branches, prongs or lagoons, on either side thereof, by overflowing the same, the owner thereof may call on five disinterested freeholders of the neighbourhood to view the same, the said John Martin Dasher being notified to attend, and of the time of taking such view, and if upon such view it shall appear to such freeholders, or a majority of them, that such dams are the cause of any real injury being done to the said land, to warn the said John Martin Dasher thereof; and if the said John Martin Dasher do not within such reasonable time as the said five freeholders or a majority of them shall direct, remove the cause of such injury, it shall and may be lawful for the said freeholders, or a majority of them, to cause the same to be removed, by cutting the dams, or otherwise letting off the water which produced the injury.

SEC. 3. And be it further enacted by the authority aforesaid, That if any person or persons shall cut or destroy any of the dams or works which now are, or may hereafter be erected by the said John Martin Dasher at his said Mills on the said creek, or any of the branches or prongs thereof, or any lagoons leading to or from the same on either side thereof, otherwise than as directed by this act, he or they so offending shall forfeit and pay to the party injured, the sum of one thousand dollars, to be recovered by action of debt or otherwise, in any court having cognizance thereof, at the instance of such party.

SEC. 4. And be it further enacted, That it shall be unlawful for any person or persons, to place any obstructions in the said Ebenezer Mill creek, below the Mills of the said John Martin Dasher, and any person or persons who shall offend herein, shall forfeit and pay to the said John Martin Dasher, one thousand dollars to be recovered in any court having cognizance thereof, by action of debt or otherwise.

DAVID MERIWETHER, Speaker of the House of Representatives.
WILLIAM BARNETT, President of the Senate.
Assented to, December 1, 1801.

JOSIAH TATTNALL, jun. Governor.
(No. 13.)

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 Thomas Skinner, and John A. Frymont.

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the 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 fourth day of May, one thousand seven hundred and eighty-two, so far as relates to the banishment of Thomas Skinner, and John A. Frymont, be and the same is hereby repealed.

DAVID MERIWETHER, Speaker of the House of Representatives.

WILLIAM BARNETT, President of the Senate.

Assented to, December 1, 1801.

JOSIAH TATTNALL, jun. Governor.

(No. 14.)

AN ACT

To authorize the Justices of the Inferior Court of the County of Glynn, to lay off a New Road in said county.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the justices of the inferior court of the county of Glynn, be and they are hereby authorized and required to cause to be laid off, a Road from Fort Barrington on the Altamaha, by the nearest and best route to the town of Brunswick, in the said county of Glynn, and from thence by the head of Buffalo and Turtle river, to the main Road leading from Fort Barrington to the town of St. Mary's, in the county of Camden.

Sec. 2. And be it further enacted by the authority aforesaid, That all the mail inhabitants in the said county of Glynn, subject to work on the Roads in the said county, including all the islands belonging thereto, shall be liable to work on the said Road, under the same rules and regulations and subject to the same fines for default as is pointed out by the act, entitled "an act to empower the inferior courts of the several counties in this State, to order the laying out of public Roads, and to order the building and keeping in repair of public bridges," passed the 4th day of December, 1799.

Sec. 3. And be it further enacted, That all laws or parts of laws, heretofore passed, which shall be repugnant to this act, be and the same are hereby repealed.

DAVID MERIWETHER, Speaker of the House of Representatives.

WILLIAM BARNETT, President of the Senate.

Assented to, December 1, 1801.

JOSIAH TATTNALL, jun. Governor.
AN ACT
To manumit and make free certain persons of colour, whose names are therein men-
tioned.

WHEREAS, Richard Meriwether, and others have petitioned the present Legislature, praying that an act may be passed, to manumit and make free Lucy Barrot and Betty Barrot, Jim, commonly called Jim Lary, and a mulatto girl, named Nancy, late the property of Alexander Kevan, persons of colour, who are their right and property.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That Lucy Barrot, and Betty Barrot, Jim, commonly called Jim Lary, late the property of John B. Lary, and mulatto girl named Nancy, late the property of Alexander Kevan, persons of colour, be and they are hereby manumitted, and made free, and entitled to the same rights, privileges and immunities as if they were born free.

SEC. 2. Be it further enacted, That this act, shall not be so construed as to give, or grant unto the aforesaid Lucy Barrot, and Betty Barrot, Jim, commonly called Jim Lary, late the property of John B. Lary, and a mulatto girl named Nancy, late the property of Alexander Kevan, persons of colour, who do appertain to the household of Richard Meriwether, and others, and who are hereby manumitted and made free, any rights, privileges, or immunities, except such as free people of colour, are entitled to by the laws of this State.

SEC. 3. And be it further enacted by the authority aforesaid, That the aforesaid persons of colour, who are hereby manumitted and made free, shall nevertheless be subject and liable to any legal demands which now doth exist, against the said Richard Meriwether, and others.

DAVID MERIWETHER, Speaker of the House of Representatives.
WILLIAM BARNETT, President of the Senate.
Assented to, December 1, 1801.
JOSIAH TATTNALL, jun. Governor.

AN ACT
To alter and amend an act, entitled "An act to establish Tobacco Inspections at the several places hereinafter mentioned, and for improving the Navigation of Broad River and Oconee River," passed the 15th day of February, one thousand seven hundred and ninety-nine, so far as respects the Navigation of the Oconee River.*

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

* See No. 60, amendatory of this act—And Sec. act of 1805, No. 208, incorporating a company to improve the navigation of the Oconee River up to John Barnett—And act of 1805, No. 339, allowing a Lottery for that purpose.
(No. 16.)

From the Rock landing to the mouth of the Appalachian.

20 dol. penalty for any person to stop said river from the mouth of the Appalachian to John Barnett's on the Big Shoals.

Jurisdiction given to Justices of the Peace to try offenders against this act.

When any Justice of the Peace offender against this act how to be tried.

Repealing clause.

the passing of this act, no person or persons, under the penalty of twenty dollars per day, shall dam, stop, or obstruct the Oconee River, from the middle or center of said river to the western bank thereof, from the Rock Landing up the said river, to the mouth of the Appalachian, but the same is hereby declared to be a free passage.

SEC. 2. And be it further enacted, That no person or persons, under the penalty of twenty dollars per day, shall dam, stop or obstruct the said Oconee River, from the mouth of the Appalachian aforesaid, up the main stream thereof to the Big Shoals at John Barnett's, in the county of Jackson; but the same is hereby declared to be at least one third part thereof, including the main channel, a free passage.

SEC. 3. And be it further enacted, That it shall be the duty of any Justice of the Peace, in whose district such offence or offences may be committed, to issue his warrant, upon information on oath of any free white person, commanding such offender or offenders to be brought before him within ten days, to answer the charge alleged against him, her or them, and such Justice shall issue summonses to compel the attendance of such witnesses as may be thought necessary to establish or defend the said charge, who shall be subject to attachment for non-attendance, or refusing to answer on oath such questions as may be asked them; and if upon such examination it shall appear that such offender or offenders, is or are guilty of any breach of this act, it shall be the duty of the said Justice to enter up separate judgments, against such offender or offenders, for the sum of twenty dollars for each day such obstruction shall have continued. And the said Justice shall forthwith issue execution on the said judgment or judgments so entered up, which judgments shall be levied on the goods and chattels, lands and tenements of such offender or offenders, and sold agreeably to the law regulating constable's sales; and the money arising from such fine or fines, shall be paid into the hands of such Justice of the Peace, one half thereof to the use of the informer, and the remaining moiety shall be paid by the said Justice of the Peace, to the Clerk of the Inferior Court, to be appropriated to the same uses as the other county funds.

SEC. 4. And be it further enacted by the authority aforesaid, That if any Justice of the Peace shall in any manner offend against this act, it shall and may be lawful for him or them to be sued or prosecuted in any one of the adjoining districts; and the same fees shall be levied and collected for services performed under this act, as are allowed for like services in magistrate's courts.

SEC. 5. And be it further enacted, That so much of the above recited act as militates against this act, be and the same is hereby repealed.

DAVID MERIWETHER, Speaker of the House of Representatives.
WILLIAM BARNETT, President of the Senate.

Assented to, December 2, 1801.

JOSIAH TATTNALL, Jun. Governor.
AN ACT

Explanatory, and to amend that part of the Judiciary Act, passed in the year one thousand seven hundred and ninety-seven, which respects Justice's Courts.

WHEREAS it has been found by experience, that, that part of the Judiciary Act, passed in the year of our Lord one thousand seven hundred and ninety-seven, which respects Justice's Courts, does not answer the effect thereby intended:

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, it shall and may be lawful for any person or persons, who has or have in his, her or their hands, any bond, note or account, which was given for any sum exceeding thirty dollars, and the amount of which has been reduced by any payment or payments to a sum under thirty dollars, and such payment or payments are indorsed on the back of said bond or note; or where any bond, note, account or other agreement, (gaming debts excepted) which in its original exceeds the sum of thirty dollars, but has been reduced by bond or bonds, note or notes, although of equal date and payable at the same period, to a sum or sums of or under thirty dollars each; that then, and in every such case, it shall and may be lawful for every person or persons, who has or have in his, her or their hands, any such bond or bonds, note or notes, or accounts as aforesaid, to bring suit thereon in the Magistrate's Court of the district where the said debtor or debtors may reside; and the Magistrate before whom such suit is brought, may give judgment for whatever sum in his judgment appears to be due upon such bond or bonds, note or notes, or account, provided the said judgment does not exceed on any one trial the sum of thirty dollars.

SEC. 2. And be it further enacted, That a Justice of the Peace shall be, and he is hereby authorized to issue his summons to any part of the county, compelling witnesses to attend, and give evidence in any case to be tried before him, which being served ten days before the day of trial, each witness so summoned, and not attending, shall be subject to a fine not exceeding ten dollars, unless satisfactory excuse be made on oath; the said Justice on failure of such excuse, shall issue his execution therefor, and the money when collected to be applied for county purposes; and the witness if residing out of the district, shall be allowed seventy-five cents per day for attendance, which sum or sums shall be added to the bill of costs.

DAVID MERIWETHER, Speaker of the House of Representatives.
JOHN JONES, President of the Senate, pro. tempore.

Assented to, December 3, 1801.

JOSIAH TATTNALL, jun. Governor.
AN ACT

To secure to Louis Osmont, the exclusive right and privilege of Establishing a Ferry across the River Alatamaha, at the place known by the name of New-Hope to the town of Darien, on said River.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the exclusive right and privilege of establishing a Ferry from New-Hope to the Town of Darien, be and the same is hereby confirmed unto him the said Louis Osmont, his heirs and assigns, for the term of ten years, commencing the first day of January, one thousand eight hundred and two, provided the said Louis Osmont shall within six months, have a sufficient Flat, or Ferry Boat, for the passage of travellers with waggons and carriages to and from, both by night as well as day.

SEC. 2. AND BE IT FURTHER ENACTED, That it shall not be lawful for any person or persons to erect a Ferry on said River within three miles up or down said River, from the place herein before mentioned.

SEC. 3. AND BE IT FURTHER ENACTED, That the said Louis Osmont, his heirs and assigns, shall and may receive, and take the several sums hereinafter specified at the place aforesaid, that is to say—for every foot passenger, fifty cents: for each man and horse, one dollar and fifty cents; for each single horse led or driven, seventy-five cents; for each two wheel carriage, two dollars; for each four wheel carriage, four dollars; for each waggon, team, and driver, three dollars; for each cart, team and driver, two dollars.

SEC. 4. AND BE IT FURTHER ENACTED, That the said Louis Osmont, shall be bound to keep good and sufficient Boats or Flats, capable of passing all carriages of common use, and to be accountable for all losses which shall happen by the Boats or Flats which are kept for the use of the Ferry, and shall enter into bond with security, himself in a thousand dollars, and a security to be approved by the Justices of the Inferior courts of McIntosh and Glynn Counties, in the sum of five hundred dollars, for the due and faithful performance of the trust reposed in him by this act.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro tempore.

Assented to, December 4, 1801.

JOHNS TATTNALL, jun. Governor.
AN ACT

Supplementary to an Act, entitled, "An Act to lay off a County from the Counties of Burke and Warren, for dividing the County of Wilkes, and for other purposes therein mentioned."

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That from and after the passing of this act, so much of the before recited act, as fixes the house of Joseph Chairs, in the town of Louisville, as the place of holding courts and elections for the county of Jefferson, be, and the same is hereby repealed.

SEC. 2. And be it further enacted by the authority aforesaid, That the Justices of the Inferior Court of the County of Jefferson, or a majority of them, shall be, and they are hereby authorized and empowered, to fix on some fit and convenient house in the town of Louisville, in which Courts and Elections for said county of Jefferson shall be held, until a Court-House shall be erected.

SEC. 3. And be it further enacted by the authority aforesaid, That John Clements, John Shellman, William Flemming and Alexander Caswell, be and they are hereby appointed Commissioners of the Court-House and Gaol, for the County of Jefferson, in addition to those heretofore appointed.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro-tempore.

Assented to, December 4, 1801.

JOSIAH TATTNALL, jun. Governor.

AN ACT

To amend an Act, entitled, "An Act for inflicting penalties on and Confiscating the Estates of such persons, as are therein declared guilty of Treason, and for other purposes therein mentioned," so far as relates to the Banishment of Josiah Tattnall.

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the 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 fourth day of May, one thousand seven hundred and eighty-two, so far as relates to the banishment of Josiah Tattnall, be and the same is hereby repealed; and that the said Josiah Tattnall, be and he is hereby restored to all the rights of citizenship, with full liberty to remove into this State with the property he may be now possessed of, subject to his sole and entire future disposal:
Provided, That he shall not be entitled to claim, hold or recover property sold under the above recited act, formerly belonging to the said Josiah Tattnall.

DAVID MERIWETHER, Speaker of the House of Representatives.

WILLIAM BARNETT, President of the Senate.

With lively impressions of gratitude, I affix my signature to this act, the 4th of December, 1801.

JOSIAH TATTNALL, jun. Governor.

AN ACT

To secure to Rebecca Echols, wife of James Echols, of Oglethorpe County, such Estate as she may hereafter acquire.

WHEREAS it has been made known to this Legislature that the conduct of James Echols, towards his wife Rebecca, and the children which she has born by former marriage, has for a long time been marked with great cruelty and injustice, exhibiting more the frantic violence of an insane man than the clemency of a rational and humane husband. And it appearing also, that the said James hath been duly notified of her application to the Legislature.

Sec. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and after the passing of this act, Rebecca Echols, of Oglethorpe county, wife of James Echols, shall be entitled to possess and enjoy in her sole right, all such estate either real or personal, as she may hereafter acquire, by gift, purchase, or descent, in as full and ample a manner as if the said Rebecca Echols had never been married to the said James Echols, free from the claim or claims of him the said James, or his creditors or any of them.

Sec. 2. And be it further enacted, That the said Rebecca Echols, shall, and may have full and ample power to sue for, and recover in any court having cognizance thereof, from him the said James Echols, or any other person or persons whatsoever, any property or estate, which she may be entitled to, in the same manner as if she the said Rebecca Echols had never been married to the said James Echols; any law, custom or usage to the contrary notwithstanding.

Sec. 3. And be it further enacted, That the said Rebecca Echols, shall be liable to be sued, and impleaded in any court of Judicature within this State, for any contract, which may by her be made, or any cause or causes of action, which may or shall arise from and after the passing of this act.

Sec. 4. And be it further enacted, That from and after the passing of this act, the said
James Echols, shall not be liable for any debts, contracts, or act whatever of the said Rebecca Echols; any thing to the contrary notwithstanding.

DAVID MERIWETHER, Speaker of the House of Representatives.
JOHN JONES, President of the Senate, pro-tempoire.

Assented to December 4, 1801.
JOSIAH TATTNALL, jun. Governor.

AN ACT
To Carry into Effect the Seventh Section of the Fourth Article of the Constitution.

WHEREAS in and by the said seventh section, it is declared, "That the person of a debtor, where there is not a strong presumption of fraud, shall not be detained in prison, after delivering up bona fide, all his estate real and personal for the use of his creditors, in such manner as shall be hereafter regulated by law." And whereas, the manner of delivering up such estate has not been heretofore regulated by law, in conformity to the said seventh section.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That immediately from and after the passing of this act, any debtor or debtors charged in execution, or imprisoned for any sum or sums of money, shall and may petition one of the Judges of the Superior Courts, if the execution or capias ad satisfaciendum issued therefrom or the Justices of the Inferior Court if it issued from thence, setting forth that he, she or they are so confined, and are unable to satisfy the execution or executions by virtue of which they are detained, and are also willing to deliver up all their estate, real and personal, for the use of their creditors; and upon such petition, the said Judge or Justices may, and are hereby required, by order or rule of court, to cause the debtor to be brought up, and the several creditors at whose suit he, she or they are charged or imprisoned, as aforesaid, and also all those to whom the said debtor or debtors shall or may be then indebted, to be summoned to appear personally, or by their attorney, at a day to be appointed for that purpose, upon which day the debtor shall produce his books of account, if any he kept, which summons or notice shall be served on each of the said creditors, or left at their notorious places of abode if they reside within this State—or if they reside without the State, then upon their attorney; and if no attorney, then to be published in one of the Gazettes of Augusta or Savannah, at least two months before the day appointed for such appearance, and upon such, if any of the creditors summoned refuse or neglect to appear, upon affidavit of the due service of such rule or order, the court shall, in a summary way, examine the matter of such petition, and the suspec-

* This Section altered by act of 1803, No. 123—And the Justices of the Inferior Court are required in all cases from any court whatever, to discharge insolvent debtors.
tions of fraud, if any, and if upon such examination it shall appear to the court, that
the debtor is really and bona fide insolvent, then such person shall deliver to the court a
schedule of all his real and personal estate, debts, credits or effects, and shall take and
subscribe the following oath, viz.

"I, A. B. do solemnly swear, (or affirm as the case may be) in the presence of Al-
mighty God, that I am not possessed of any real or personal estate, debts, credits or
effects, securities or contracts whatsoever, my wearing apparel, bedding for myself and
family, and the working tools or implements of my trade or calling, together with the
necessary equipments for a militia soldier excepted, other than are contained in the sche-
dule now delivered, and that I have not, directly or indirectly, since my imprisonment,
or before, sold, leased, assigned or otherwise disposed of, or made over in trust for my-
self or otherwise, any part of my lands, estates, goods, stock, money, debts, securities
or contracts, whereby any money may hereafter become payable, or any real or personal
estate, whereby to have or expect any benefit or profit to myself, my wife or my heirs"—
So help me God. And upon the said debtor having taken and subscribed the aforesaid
oath, the Court shall order the Sheriff or Jailer to discharge the said debtor from con-
finement on account of the matter contained in his petition, and such order shall be a
sufficient warrant to the Sheriff, Jailer, or keeper of such debtor, to discharge the said
debtor if detained for the causes mentioned in his or her petition, and no other; and he
is hereby required to discharge and set him or her at liberty, forthwith, the debtor pay-
ning his or her fees; nor shall the Sheriff, Jailer, or keeper of the said debtor, be liable
to any action of escape, or other suit or information upon that account. Provided, That
no person shall be permitted or entitled to take any benefit or advantage of this act, who
has, within twelve calander months, lost at any one time, by any species of gaming, the
sum of one hundred dollars, or at different times the amount of 300 dollars. Provided
also, and be it further enacted, That if any such person who shall take such oath as
aforesaid, shall, upon any indictment for perjury, in any matter or particular contained
in the said oath, be convicted by his or her own confession, or by verdict of twelve men,
as he or she may be by force of this act, the person so convicted shall stand in the pillory
for the space of two hours, be imprisoned at the discretion of the court, not exceeding
twelve months, and shall never after have the benefit of this act, and shall be forever
after incapable of being a witness in any Court of Justice, or serving as a Juror.

2. And be it further enacted, That each and every debtor so discharged as afores-
said, shall never thereafter be arrested or imprisoned, by virtue of any execution founded
upon any judgment obtained, or hereafter to be obtained, upon any debt or contract be-
fore that time entered into by the said debtor or debtors, to any creditor so notified as
aforesaid; neither shall any debtor so discharged as aforesaid, be arrested or held to
bail on mesne process, for or on account of any debt or contract entered into prior to
their discharge as aforesaid; and any creditor so notified as aforesaid, who shall cause
the person of any debtor so discharged as aforesaid to be arrested, knowing of such dis-
charge, shall forfeit and pay the sum of five hundred dollars, to be recovered by bill,
plaint, or information, in any court having cognizance thereof, one half to the use of the
other creditors of the said debtor—and the other moiety to the sole use of the said debtor, of which his creditors shall have no part or benefit; Provided, That nothing herein contained shall prevent any creditor to have execution at any future time against the property both real and personal of such debtor or debtors.

SEC. 3. And be it further enacted, That if any person shall discover and give information of any property embezzled or concealed by any debtor as aforesaid, previous to his discharge, or not included in the schedule so delivered in as aforesaid, such person shall be entitled to one half of the value of such property, upon its being established that the same was the property of the said debtor, and embezzled, secreted, or not included in the schedule as aforesaid.

SEC. 4. And be it further enacted, That the property contained in the said schedule, presented to the court by such debtor or debtors, shall be delivered into the hands of the Sheriff of the county in which such debtor or debtors may have been confined, who shall make sale thereof, agreeably to the law regulating Sheriff's sales within this State; and if any part of the property so given up shall consist of judgments, bonds, notes, contracts, securities, mortgages, liquidated demands or open accounts, the court shall order the same to be assigned over by said debtor or debtors, to some fit and proper person or persons, whom a majority of the creditors shall nominate to the use of, and in trust for such judgment creditors, which when collected by the said trustee or trustees, together with the money which may be in the hands of the Sheriff, arising from the sale of any property of such debtor or debtors, shall be subject to the further order of, and after the payment of the costs and charges, shall be distributed by the said court agreeably to the laws within this State for the payment of judgments and executions.

SEC. 5. And be it further enacted, That the said trustee or trustees, shall proceed without delay, to collect all the debts, &c. so transferred as aforesaid, either by suit or otherwise, which, when collected, shall be paid by the said trustee or trustees, into the Clerk's office of the said court, and the said trustee or trustees shall have and receive five per centum on all monies so collected by him or them, as a compensation for his or their trouble and expenses in collecting the same. And any trustee or trustees who shall fail to pay into court, any money by him or them collected as aforesaid, shall be subject to the same punishment for contempt, and to the same mode for the recovery of the said money as Sheriffs are liable to by the laws of this State.

SEC. 6. And be it further enacted, That when any person or persons who now are, or hereafter shall be committed for any debt or damage whatsoever, and shall not be able
to satisfy and pay his ordinary prison fees, such fees shall be paid by the person at whose instance such insolvent person may be confined.*

DAVID MERIWETHER, Speaker of the House of Representatives.
JOHN JONES, President of the Senate pro-tempore.

Assented to, December 5, 1801.
JOSIAH TATTNALL, jun. Governor.

(No. 23.)

AN ACT
To regulate Escheats in this State, and to appoint Escheators.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the Clerk of the Court of Ordinary in each County, be, and he is hereby required to take upon himself, and execute the duties of Escheator, for the purposes, and after the manner hereinafter mentioned and prescribed, that is to say:—Every Clerk of the Court of Ordinary in each County, shall give bond, with good and sufficient sureties, payable to, and taken by the Governor for the time being, for the use of the State, which shall be recorded in the Secretary's Office of this State, in the penal sum of ten thousand dollars, for himself and sureties jointly and severally, and conditioned for the faithful discharge of the duties of said office, and shall moreover take the following oath, to be administered by the Governor, or any one of the Judges of the Superior Court, at the time of taking said bond, to wit:—"I, A. B. do solemnly swear that I will faithfully execute the duties of Escheator, for the State of Georgia, and diligent enquiry make for all property which hath escheated, or shall escheat to the State, according to the true intent and meaning of the act, in this case made and provided"—So help me God.

SEC. 2. And be it further enacted by the authority aforesaid, That where it shall appear that any person has died without will and without heirs, leaving property behind, that then and in such case it shall be the duty of the Escheator of the county in which such person shall have died, to make enquiry of all the estate both real and personal, of which the deceased died seized and possessed, and to notify the same in writing to the Escheator of every other county, in which the deceased, at the time of his death may have held, or been possessed of any estate, either real or personal, and thereupon it shall be the duty of the Escheator of the county, in which such person shall have died, and of every other Escheator so notified, as aforesaid, to make a true and just statement, of all the property so far as comes to his knowledge, which the said deceased may have been seized and possessed of in his county, and notify the same to the Judge of the Superior Court, at least two months previous to the meeting of said Court in such county, and the Judge

* See the 2d Section of the act of 1803, No. 133—Requiring that where the creditor resides out of the county, security must be given for maintenance and fee.
presiding at such Court shall cause the Jury, (being first sworn) to proceed and make a true inquest of all such supposed escheated property, both real and personal, which by the Escheator, shall be submitted to their investigation, and a true verdict make thereon; whereupon the Judge of the court aforesaid, shall certify the same under his hand and seal, to the Escheator of said county, who is hereby ordered to record the same in a book to be by him kept for that purpose, and shall return the original into the office of the Clerk of the said Superior Courts to be their filed, and kept as a record of the said Court; and further, on returning the inquest into the office of the Court aforesaid, the Clerk shall thereupon cause to be advertised in one of the Public Gazettes of this State, the first week in every month for six months* the particular description of property, both real and personal, so escheated, the name of the person last seized and possessed, and the supposed time of his or her death, together with the part of the world, in which he or she was known or supposed to be born, and requiring his or her heirs, or others who may claim under him or her, to appear and make claim, and if no person shall appear and make right and title to the same within twelve months after the time prescribed for advertising the same, the Clerk of the said Court shall issue process to be signed by one of the Judges to the Escheator, pronouncing the said property both real and personal, to be escheated to and vested in this State, and directing him forthwith, to sell and convey the same, having given six weeks notice of the time and place of sale, in one of the Public Gazettes of this State, and also in two or more public places of the county; and it shall be the duty of every such Escheator, to return the proceeds of such sale, after deducting for his own use, two and a half per cent out of all the monies received and paid on account of such sales, as a compensation for his services, and the necessary expenses thereunto attendant, into the Treasury of this State. Provided nevertheless, If any person or persons, shall appear within twenty-one years, in cases of escheated real estate, but within five, if escheated personal property, and establish his title to such real or personal property in the Superior Court, on an issue to be made up and tried, and the same being certified by the Judge presiding at the trial of such issue to his Excellency the Governor, he shall forthwith give such person or persons a draught on the Treasury, for the amount paid therein, in manner aforesaid.

SEC. 3. And be it further enacted by the authority aforesaid, That any person or persons without delay, shall be heard on an issue to be made up in the Superior Court, on a petition setting forth, his, her or their right, and the said property, both real and personal, shall be committed to him, her or them, if he, she or they shall shew good evidence of his, her, or their title, to hold until the right shall be found for the State, or the claimant, such claimant finding sufficient security to prosecute his, her or their suit with effect, and without delay, and to render to the State the yearly value of such property, if the right be found for the State:—Provided, That if any suit for property supposed to be escheated, shall be prosecuted by any Escheator, and the Jury before whom such trial shall be had, shall think there is no probable cause, the Court before whom the

* Personal property not required to be advertised more than twenty days by act of 1809, No. 195.
same shall be tried, shall award to the party aggrieved, his, her or their reasonable and legal costs, to be paid out of any funds, arising under and by virtue of this act.

Sec. 4. And be it further enacted by the authority aforesaid, That any possession, grant, conveyance, or any other cause or title, shall not preclude or hinder the State from making inquest and sale, after the manner herein before prescribed of all such property both real and personal, as has been heretofore escheated (save that which may have been escheated, prior to the 4th day of July, one thousand seven hundred and seventy-six) by the death of the person last seized, and possessed without will, and without heirs, any law or usage to the contrary notwithstanding; and further, wherever any property real or personal, of any person dying without will and without heirs, shall be found in the hands of an Executor or Administrator, the Escheator shall on behalf of the State, sue for and recover the same either at law or in equity, and if real estate, the same when recovered shall be sold by notice and advertisement, as herein before directed, and if personal property, the amount of the same when recovered, shall be paid into the public Treasury of this State.

Sec. 5. And be it further enacted by the authority aforesaid, That nothing herein contained shall prejudice the rights of creditors, or other individuals having claims or legal titles, or who shall be under the disabilities of infancy, coverture, duress, lunacy, or being beyond the limits of the United States, until three years after such disabilities shall be removed.

Sec. 6. And be it further enacted by the authority aforesaid, That if any Escheator shall fail to do the duty required of him by this act, or any loss or damage shall accrue to this State, by his misconduct or fraudulent practices, the offender shall be responsible for all such loss or damage; and the Superior Court of the county, wherein the offender resides, shall have power and authority to order a prosecution in the name of the State, and the Jury shall try the fact, and assess the damages and costs, and upon conviction such Escheator shall be incapable forever thereafter of holding any place of trust or profit within this State; and further, that no Escheator shall directly or indirectly, either by himself or any person whatsoever, purchase or be concerned with any person or persons, in purchasing any escheated property, without being subject and liable to the payment of five thousand dollars, to be sued for and recovered in any Court of record, one half for the benefit of the informer who shall sue for and recover the same, and the other half to the use of the State; and moreover, that every such offender on conviction, shall be forever disabled from holding any office of trust or profit under this State.*

David Meriwether, Speaker of the House of Representatives.

John Jones, President of the Senate, pro tempore.

Josiah Tattnall, jun. Governor.

* See act of 1805, No. 105—Amendatory of this act.
AN ACT
Prescribing the mode of Manumitting Slaves in this State.

Sec. 1. BE it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons to manumit or set free any negro slave or slaves, any mulatto, mustizoe, or any other person or persons of colour, who may be deemed slaves at the time of the passing of this act, in any other manner or form, than by an application to the Legislature for that purpose.

Sec. 2. And be it further enacted, That if any person or persons shall after the passing of this act, set free any slave or slaves, in any other manner or form than the one prescribed herein, he shall forfeit for every such offence two hundred dollars, to be recovered by action of debt or indictment, the one half of the said sum to be applied to the use of the county in which the offence may have been committed, the other half to the use of the informer or informers; and the said slave or slaves so manumitted and set free, contrary to the true meaning and intent of this act, shall be still to all intents and purposes, as much in a state of slavery, as before they were manumitted and set free, by the party or parties so offending.

Sec. 3. And be it further enacted, That it shall not be lawful for the Clerks of the Superior Courts, or any other officer of the State, to enter on record in any book of record by them kept, any deed of manumission, or other paper which shall have for object the manumitting and setting free any slave or slaves, and the party offending herein, shall forfeit for every deed or other paper so recorded, the sum of one hundred dollars, to be recovered by action of debt or indictment in any Court having cognizance thereof, the one half to be paid to the party who shall sue or prosecute for the same, and the other half to the use of the county, where the offender may reside

DAVID MERIWETHER, Speaker of the House of Representatives.
JOHN JONES, President of the Senate, pro. tempore.

Assented to, December 5, 1801.

JOSIAH TATTNALL, jun. Governor.

AN ACT
For the Inspection of Flour.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, there shall be an Inspection of Flour, at the several places herein-after mentioned, that is to say:—In the City of Savannah, in the City of Augusta, Pe-
LAWS OF GEORGIA,

(No. 25.)

tersburg, and at the Mill of Joseph Ray, in the county of Columbia, and at the town of Sparta and Montpelier, in Hancock county, and at Leven Wail's Mill in the county of Elbert, at Philip Hunter's Mill in the county of Greene, Espy's Mill in the county of Jackson, and at Hudson's Mill in the county of Screven, under such regulations as are hereinafter pointed out.

SEC. 2. And be it enacted by the authority aforesaid, That it shall be the duty of the Justices of the Inferior Court, or a majority of them in the several counties wherein such Inspection shall be established, at any time to appoint three fit and proper persons, as Inspectors for each Inspection, who shall take and subscribe the following oath, before one or more of the Justices of the Inferior Court, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will duly and faithfully inspect all Flour brought to me for that purpose, to the best of my knowledge".—So help me God.

SEC. 3. And be it further enacted by the authority aforesaid, That it shall be the duty of the said Inspectors, or any two of them, to number and mark each barrel of flour they shall inspect, and give a certificate for the same, with the quality and number there-of, to wit—first, second, or third.

SEC. 4. And be it further enacted, That the said Inspectors shall be entitled to the sum of twenty-five cents, for each barrel so inspected, to be paid by the person or persons owning the same.

SEC. 5. And be it further enacted, That if any person or persons, who shall forge or counterfeit any certificate, as aforesaid, he, she or they so offending, shall be prosecuted by indictment, as in other cases, for forgery, and suffer such punishments, as is pointed out by law in such cases.

SEC. 6. And be it further enacted, That when any vacancy or vacancies shall happen, by death, resignation or otherwise, in any of the said Inspections, it shall be the duty of the Justices of the said Inferior Court, or any three of them, to fill such vacancy, and any of them so appointed and qualified, may proceed to the duty assigned them by this act.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro. tempore.

Assented to, December 5, 1801.

JOSIAH TATTNALL, jun. Governor.
AN ACT

To incorporate a Company, for the improvement of the Navigation of that part of Ogeechee River, between the town of Louisville and Paramour's Bluff.

WHEREAS it is conceived that it will very much advance the Agricultural and Commercial interest of this State, to remove as much as possible all obstructions to the navigation of the River Ogeechee, between the towns of Louisville and Hardwick, and will be productive of considerable advantages to trade and industry in general.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That for the purpose of carrying into effect so desirable an object, that John Shellman, David McCormick, Charles Gachet, Michael Shelman, Robert Flournoy, Walter Robinson, Robert Reid, Joseph G. Posner, Edwin Mounger, and Stephen Powell, and such other persons as shall associate with them, be and they are hereby declared a body corporate, to be known by the style and name of the Ogeechee Navigation Company, and by that name shall be and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, and hereditaments, goods, chattels and effects of any kind, nature or quality whatsoever; and the same to sell, grant, demise, alien or dispose of, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure.

SEC. 2. And be it further enacted, That the said company, or a majority thereof, annually, on the first Monday in January, shall proceed by ballot, to elect a President and four managers out of their own body, to continue in office for the term of one year, and the President and managers so elected as aforesaid, or a majority of them including the President, shall and they are hereby authorized and empowered, to make such regulations for the government of the company, as shall appear to them necessary and expedient, for the purpose of carrying into effect and operation, the true object and intention of the institution; but in case it should at any time happen that the election of a President and managers as aforesaid, should not take place at any annual day of election, as aforesaid, the said corporation shall not for that cause, be dissolved or destroyed, but the President shall appoint some other day, and shall give not less than thirty days public notice thereof, in one of the Gazettes of this State, and he shall continue in office until such election is made.

SEC. 3. And be it further enacted, That when the improvements in the navigation, as hereinafter pointed out, are made and completed, that any person or persons navigating said river, shall pay a toll for the use of the company, not exceeding twelve and a half cents for every hogshead of tobacco—six and a quarter cents for every bale of cotton—six and a quarter cents for every barrel of flour—and six and a quarter cents for every
(No. 26.) hundred weight of all other articles except lumber—the rafting of which shall be and remain free to all persons whatsoever; and shall also levy a toll in proportion to the distance from any other place on the river Ogeechee, between the town of Louisville and Paramour’s Bluff, as aforesaid; and if any person or persons passing up or down said river, with any boat or other vessel, with goods, produce or other articles on board, shall refuse to pay the toll aforesaid, or any other rates the said company may establish not exceeding those aforesaid, then and in that case, the said corporation shall by their agent or agents duly appointed, have power, and are hereby authorized to seize and detain the same until the established toll as aforesaid shall be paid.

SEC. 4. And be it further enacted, That when the said corporation shall have removed the obstructions in the said river, between the town of Louisville and Paramour’s Bluff, as aforesaid, so that boats passing, up or down, carrying a burden of thirty hogsheads of tobacco, or thirty thousand weight of any other articles when the water is at its common height, shall safely pass up and down, and when the river aforesaid shall have been so cleared out, and the obstructions as contemplated and required by this act removed, a report thereof shall be made by the President and managers, or a majority of them, to the Executive Department, who shall appoint fit persons, not less than three in number, to examine and report the improvements made on the said river by the said company, between the town of Louisville and Paramour’s Bluff, as aforesaid; and if the persons so nominated and appointed, after due examination, shall report that the river aforesaid, is so improved in its navigation, and the obstructions so removed, that boats of the description before mentioned, can safely pass from the town of Louisville to Paramour’s Bluff, aforesaid, then and not before, the said corporation or company shall be empowered to levy and receive the rates of toll aforesaid.

SEC. 5. And be it further enacted, That the said company shall have the exclusive right of navigating the said river, within the aforesaid district, and shall remain and continue a corporate body or body politic for the term of ten years, and no longer.—Provided, That nothing herein contained shall extend, or be construed to extend to effect in any manner whatsoever, the funds of this State, or any part thereof in the expenses of the persons appointed to examine the river as aforesaid, or compensate them for their services.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro tempore.

Assented to, December 5, 1891.

JOSIAH TATTNALL, Jun., Governor.
AN ACT*
For the Improvement of the Navigation of the Oconee and Alatamaha Rivers, from Montpelier to Darien.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all persons liable to work on public roads, residing within five miles of the Oconee and Alatamaha rivers, from Montpelier to Darien, shall work on the said rivers, for the improvement of the Navigation thereof, five days in each year, at such time and times as the commissioners hereinafter named shall direct.

Sec. 2. And be it further enacted by the authority aforesaid, That if any person or persons so liable to work on the said rivers, shall neglect or refuse to work, after having five days notice for that purpose, and to bring with him or them, such tools as the commissioners shall require, shall be liable to be fined in a sum not exceeding one dollar for each day so neglecting or refusing, to be recovered before any Justice of the Peace, in the Captain's District, wherein such delinquent shall reside. Provided, such time of notice does not happen when persons liable to work on roads, should be called to work thereon; and all fines so recovered, shall be applied by the commissioner or commissioners to the use of clearing out the said rivers.

Sec. 3. And be it further enacted, That the following named persons shall be, and they are hereby appointed commissioners of the following Districts or Divisions, that is to say:—John Miles, commissioner from Montpelier to the mouth of Buck Creek—Francis Boykin, from the mouth of Buck Creek to the White Bluff—Reed Dupre from the White Bluff to the mouth of Buffalo—Hugh Lawson from the mouth of Buffalo to the mouth of Deep Creek—Elijah Blackshear from the mouth of Deep Creek to the line dividing the counties of Washington and Montgomery—Samuel Harrison from the said dividing line to the Rock Spring—Peter Mercer from the Rock Spring to Berryhill's Bluff—James Blanchard from Berryhill's Bluff to Silver Bluff—Thomas Raines from Silver Bluff to Stalling's Bluff—George Wyche from Stalling's Bluff to Ford's Shoal—Short Long from Ford's Shoal to the junction of the Oconee and Oakmulgee—Asa Travis from the said junction to Milligan's Bluff—John Swilley from Milligan's Bluff to the mouth of Ohoopie—Shadrach Stanley from the mouth of Ohoopie to Beard's Bluff—Thomas Liles from Beard's Bluff to the lower end of Oswell's Cut—Richard Bryant from the lower end of Oswell's Cut to the mouth of Phinholloway—John Johnston from the mouth of Phinholloway to Darien.

Sec. 4. And be it further enacted, That the said commissioners be and they are hereby vested with full power and authority to appoint overseers for their respective districts,

* This act repealed by act of 1803, No. 65, Section 7th.
(No. 27.) whose duty it shall be to warn in, direct, and overlook the hands liable to work on said rivers, agreeably to the true intent and meaning of this act.

DAVID MERIWETHER, Speaker of the House of Representatives.
JOHN JONES, President of the Senate, pro-tempore.

Assented to, December 5, 1801.
JOSIAH TATTNALL, jun. Governor.

(No. 28.)

AN ACT*

To prevent Encroachments on the River Savannah, and to remove such as now exist in the said River, or elsewhere, within the Jurisdiction and limits of the City of Savannah.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the Mayor and Aldermen of the City of Savannah, for the time being, be and they are hereby vested with full power and authority, and are hereby required, to cause an accurate survey of the Wharf Lots in the said City of Savannah, to be made, and to ascertain the true line of low water mark, and to mark out the same by stakes or otherwise; which said line when so ascertained and marked out, shall be the ultimate limits of the said Wharf Lots on the river.

SEC. 2. And be it further enacted by the authority aforesaid. That if it shall appear after the said line of low water mark shall be run out and ascertained as aforesaid, that any of the heads built on the said Wharf Lots, or any platforms or buildings or other improvements whatever, shall extend beyond the said line, the same shall be deemed and considered encroachments on the said river, and the owner or owners thereof, or their agent or attorney, or the executor or administrator of such owner or owners, shall within three months after the same shall be ascertained and marked as aforesaid, and notice thereof given in one or more of the Gazettes of the said City of Savannah, by the Mayor and Aldermen thereof, remove or cause to be removed, the part or parts of the said wharf- head, platform or building or other improvement of any kind back to the said line.

SEC. 3. And be it further enacted by the authority aforesaid, That if any owner or owners of the said Wharf Lots, or their agent or attorney, or the executor or administrator of such owner or owners, shall neglect or refuse to remove, or cause to be removed the said encroachments within the said term of three months, he or they, so neglecting or refusing, shall forfeit and pay for every foot such encroachments shall extend beyond the said line of low water mark, five hundred dollars, to be recovered by action of debt or indictment, in any court having cognizance thereof, at the instance of the said Mayor

* See act of 1802, No. 68—Amendatory of this act, and act of 1803, No. 116, also amendatory, so far as relates to adding other commissioners, and act of 1809, No. 453, repealing this and all others imposing fines prior to that act, and inflicting other penalties.
and Aldermen for the time being, and applied to the use of the said City:—And moreover, it shall and may be lawful for the said Mayor and Aldermen for the time being, and they are hereby authorized and required, to cause the said encroachments to be removed, and the costs and expense thereof to be levied by stress and sale of the estate, both real and personal, of such owner or owners, notwithstanding the forfeiture herein before expressed.

SEC. 4. And be it further enacted, That it shall be unlawful for the owner or owners, of any Wharf-Lot in the said City of Savannah, their agent or attorney, executor or administrator, to build a Wharf-Head Platform, or any other improvement whatever, which shall extend beyond the said line of low water mark; and the same shall be considered as encroachments on the said River Savannah; and any person or persons offending herein shall forfeit and pay for every foot which such encroachments shall extend beyond the said line, Five Hundred Dollars, to be recovered by action of debt or indictment, in any Court having cognizance thereof at the instance of the said Mayor and Aldermen or other person who shall sue and prosecute for the same, to be applied to the use of the said City of Savannah, if sued or prosecuted by the said Mayor and Aldermen, and if any other person, one half to be paid to such person and the other half to the use of the City. And it shall moreover be the duty of the said Mayor and Aldermen for the time being, and they are hereby authorized and required to cause the said encroachments to be removed and the costs and expense thereof to be levied, by distress and sale of the estate, both real and personal of the owner or owners thereof, notwithstanding the forfeiture herein before expressed.

SEC. 5. And be it further enacted, That the said Mayor and Aldermen for the time being, be and they are hereby authorized and required to cause to be removed all encroachments of any kind or description whatever, which now are, or may hereafter be placed on any square, street or lane in the said City of Savannah, and to levy the costs and expense thereof by distress and sale, out of the estate both real and personal, of any person or persons who may have made such encroachments or the owner or owners thereof; unless the owner or owners of such encroachments, their agent or attorney, Executors or Administrators, do and shall remove the same, within three months after having been notified thereof by the said Mayor and Aldermen.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate pro-tempore.

Assented to, December 5, 1801.

JOSIAH TATTNALL, Jun. Governor.
AN ACT

To Divide Montgomery County.

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, Montgomery County shall be divided, as hereinafter shall be pointed out, (that is to say) beginning at the mouth of Limestone Creek, on the Oconee River, and from thence a direct course to the mouth of Wolf Creek, on Great Canonchee, from thence down Canonchee to the mouth of Cedar Creek, from thence keeping the late established line between Liberty County and Montgomery to the mouth of Beard's Creek on the Alatamaha River, and from thence up the middle of the Alatamaha and Oconee Rivers to the beginning, which tract or parcel of land so bounded and described, shall form a new County, to be called and known by the name of Tattnall.

SEC. 2. AND BE IT FURTHER ENACTED by the authority aforesaid, That all Justices and other officers that may be residing within the aforesaid new County, shall continue in office, and that the Courts and other public business, shall be held and transacted in a house said to have been built by Zachariah Cox at or near the Saw Mills on the Ohoopie, until otherwise altered by law.

SEC. 3. AND BE IT FURTHER ENACTED, That the line designated as aforesaid, shall be run at the joint expense of both Counties, viz. the Counties of Montgomery and Tattnall.

SEC. 4. AND BE IT FURTHER ENACTED, That no monies shall be drawn from the Treasury for the purpose of erecting a Court-House and Jail in either of the said Counties, any law to the contrary notwithstanding.

SEC. 5. AND BE IT FURTHER ENACTED, That the said County of Tattnall, shall be and is hereby declared to belong to the Second Brigade of the First Division.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro. tempore.

Assented to, December 5, 1801.

JOSIAH TATTNALL, jun. Governor.
AN ACT

To Divide the County of Jackson.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That all that part of the County of Jackson, lying and being within the following limits, shall form one other County, and shall be called and known by the name of Clarke, (that is to say) The line dividing the said county of Clarke, from the county of Jackson, shall begin on the Appalachee River, at the mouth of Marbury's Creek, thence a direct line to Richard Easley's Mill, on the middle fork of the Oconee River, from thence a direct line to where the Oglethorpe Line crosses the north fork of Brush Creek, thence down the Oglethorpe Line to the Oconee river, thence along the Greene line to the Appalachee River, thence up the said River to the beginning.

Sec. 2. And be it further enacted, by the authority aforesaid, That William Hopkins, William Strong, Daniel Bankston, John Hart, and John Cobb, 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 Jail 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 Isaac Hill.

Sec. 3. 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 Jail as aforesaid, which shall be done in such manner as in the judgment of the court shall be least burthensome to the inhabitants.

Sec. 4. And be it further enacted, by the authority aforesaid, That Bedford Brown, shall be and he is hereby appointed to run the line 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.

Sec. 5. And be it further enacted, That Presley Scurlock, Benjamin Easley, William Dial, Samuel Brazil, and Procer Horton, be and they are hereby appointed Commissioners appointed to run the line of said county
oners for fixing on the place at which the Court-House and Jail shall be built in the County of Jackson, which 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 Jail in the aforesaid county, which after at least thirty days notice, shall be let to the lowest bidder.—Provided, That until the Court-House and Jail are erected, the Courts and Elections shall be held at the house of Thomas Kirkpatrick.

SEC. 6. And be it further enacted, That the two several Academies of Jackson and Clarke counties, shall be consolidated into one Academy, and that the now court-house of Jackson, shall be and the same is hereby vested in the commissioners of the aforesaid counties of Jackson and Clark, which now are, or hereafter may be appointed commissioners of the Academies of the aforesaid counties.

SEC. 7. And be it further enacted, That no monies shall be drawn out of the Treasury, for the purpose of erecting a Court-House and Jail in either of the said counties; any law to the contrary notwithstanding.

SEC. 8. And be it further enacted, That the said county of Clarke, shall be and the same is declared to belong to the Third Brigade of the Third Division of the Militia of this State.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro-tempoore.

Assented to December 5, 1801.

JOSIAH TATTNALL, jun. Governor.
AN ACT

To alter the time of the meeting of the Superior Courts of this State, and to repeal and amend certain parts of the Act, entitled, "An Act to amend an Act, entitled an Act to revise and amend the Judiciary System of this State."

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the Superior court appointed to be held in the county of Chatham, in December instant, shall be and the same is hereby continued over until the second Monday in January thereafter, to which all manner of suits or actions, and all writs or processes, as well as all jurors and witnesses, and all manner of business of any kind or description whatever, shall stand continued, and be acted upon in the same manner as they would have been if no such continuance had taken place.

SEC. 2. And be it further enacted by the authority aforesaid, That from and after the end of the said term of the said Superior court, to commence and be held in the said county of Chatham, on the second Monday in January next as aforesaid, the Superior Courts shall be held in the respective counties, in the Eastern, Middle and Western Districts of this State, twice in every year, at the several times hereinafter mentioned, to wit:

SPRING CIRCUIT.

EASTERN DISTRICT.

ON the first Monday in March, in the county of Camden; the Monday thereafter in the county of Glynn; the Monday thereafter in the county of McIntosh; the Monday thereafter in the county of Liberty; the Monday thereafter in the county of Bryan; the Monday thereafter in the county of Bulloch; the Monday thereafter in the county of Effingham; and the Monday thereafter in the county of Chatham.

FALL CIRCUIT.

EASTERN DISTRICT.

ON the second Monday in August in the county of Camden; the Monday thereafter in the county of Glynn; the Monday thereafter in the county of McIntosh; the Monday thereafter in the county of Liberty; the Monday thereafter in the county of Bryan; the Monday thereafter in the county of Bulloch; the Monday thereafter in the county of Effingham; and the Monday thereafter in the county of Chatham.*

* See act of 1803, No. 86—Altering the time of holding the fall courts.
MIDDLE CIRCUIT.

ON the fourth Monday in February and August in the county of Columbia; the Monday thereafter in the county of Warren; the Monday thereafter in the county of Jefferson; the Monday thereafter in the county of Burke; the Monday thereafter in the county of Screven; the Monday thereafter in the county of Washington; the Monday thereafter in the county of Montgomery; the Monday thereafter in the county of Tattnall; and the Monday thereafter in the county of Richmond.†

WESTERN CIRCUIT.

ON the third Monday in February and August in Hancock; on the first Monday in March and September in Greene; the third Monday in March and September in Oglethorpe; on the fourth Monday in March and September in Clarke; the first Monday in April and October in Jackson;‡ the second Monday in April and October in Franklin; the third Monday in April and October in Elbert; the fourth Monday in April and October in Lincoln; and the first Monday in May and November in Wilkes.§

INFERIOR COURTS.

ON the Fourth Monday in January and June in Clarke, on the first Monday in February and July in Jackson, on the second Monday in February and July in Franklin, on the third Monday in February and July in Elbert, on the fourth Monday in February and July in Lincoln, and on the first Monday in March and August in Wilkes.

SEC. 3. And be it further enacted by the authority aforesaid, That the sixteenth section of the aforesaid act, entitled, "An act to amend an act, entitled an act to revise and amend the Judiciary system of this State," be and the same is hereby repealed; as also, so much of the fifty-ninth section thereof as requires the attendance of the Judges of the Superior courts at the seat of government annually, for determining on such points as may be reserved for argument, and which may require an uniform decision, be and the same is hereby repealed.

SEC. 4. And be it further enacted, That all points reserved for argument, and now waiting a decision at the seat of government, be and the same are hereby directed to be sent back to the respective counties from whence they have been sent, and there decided by the presiding Judge.

† And see act of 1809, No. 479—Altering the times of holding in this circuit.
‡ See act of 1806, No. 239—Altering the courts in Oglethorpe, Clark and Jackson.
§ See act of 1809, No. 479, 2d section—Altering Wilkes court to the first Monday in June and December.
Sec. 5. And be it further enacted by the authority aforesaid, That in all cases brought in the said Superior courts, or either of them, where either of the Judges thereof shall be a party, or interested therein, it shall be the duty of three or more of the Justices of the Inferior court to preside at the trial of the same.

Sec. 6. And be it further enacted, That all manner of suits or actions, and all writs or process, as well as jurors and witnesses, and all manner of business of every kind or description whatsoever, now depending in any of the courts aforesaid, shall stand over and be acted upon at the several periods herein pointed out for holding said courts, in like manner as if no alterations had taken place as to the time of holding the said courts.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro-temporte.

Assented to, December 5, 1801.

JOSIAH TATTNALL, jun. Governor.

AN ACT

More effectually to provide for the payment of Sheriffs, Jailors and Coroner's fees, which may be now due, or which may hereafter become due; and for vesting power in the Inferior courts of this State, for the purpose of carrying this Act into full effect.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and after the passing of this act, the justices of the inferior courts are hereby required to levy annually, a county tax, equal to all fees which are due or may become due to the respective sheriffs, jailors and coroners, within the several counties in this State, from the insolvency of prisoners, or for the maintenance of criminals, or in the case of coroners, for the payment of all fees, which have or may become due such coroners for holding inquests on the bodies of persons found dead, and whose estate shall prove insufficient to discharge the legal fees: Provided, That all fees for holding inquests on the body of slaves, shall be paid by the owner of such slave or slaves; and it shall be the duty of the collector of the general tax, to collect and pay into the hands of the clerks of such courts, the amount of taxes so assessed and collected, by order of the justices aforesaid; which said amount shall be
(No. 32.)

applied to the payment of such fees as may or have become due to such sheriffs, jailors and coroners, as aforesaid; and the collector shall be allowed the same commissions and fees for such collection as is allowed by law for the collection of the general tax, and shall be liable to the same fines and forfeitures for any default, neglect or improper conduct, which said fines and forfeitures may be imposed by the justices of the inferior courts at their discretion.

SEC. 2. And be it further enacted by the authority aforesaid, That an act passed the twenty-second day of February, 1796, entitled, "An Act to vest further power in the inferior courts of this State," respecting the fees of sheriffs and jailors, and all other acts militating with this law, be and they are hereby repealed.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro tempore.

Assented to, December 5, 1801.

JOSIAH TATTNALL, jun. Governor.

(No. 33.)

AN ACT

To Appropriate Monies for the Year 1802.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority thereof, That the salary of the Governor shall be two thousand dollars per annum; the Secretaries of the Governor, not exceeding two, five hundred dollars each per annum; the Secretary of State two hundred dollars per annum; the Surveyor General two hundred dollars per annum; the Judges of the superior courts each, fourteen hundred dollars per annum; the Treasurer twelve hundred dollars per annum; the Attorney and two Solicitors General, each one hundred and fifty dollars per annum; the Secretary of Senate, three hundred dollars per annum; the Clerk of the House of Representatives, three hundred dollars per annum; to the Comptroller General, six hundred dollars per annum; which said several sums shall be, and they are hereby appropriated for their use, to be paid quarterly, by warrant from the Governor on the Treasurer, out of the taxes to be received for the years 1801 and 1802; and the sum of fifteen thousand dollars as a contingent fund, subject to the draughts of the Governor.
SEC. 2. And be it further enacted, That the President of the Senate, and the Speaker of the House of Representatives, shall have each four dollars per day; and the other members of both branches of the Legislature, at and after the rate of three dollars per day each, for their coming to, attendance on, and returning from the same; the Secretary of the Senate and the Clerk of the House of Representatives four dollars per day; two Engrossing Clerks of the House of Representatives, four dollars per day; the Engrossing Clerks of the Senate, four dollars per day; the Messengers and Door Keepers of both branches of the General Assembly, three dollars per day; the Clerk of the House of Representatives and Secretary of the Senate, the sum of sixty-five dollars each for stationary, fire-wood and other contingent expenses, incurred during the present session; to John Hammill, clerk to the committee on the State of the Republic, the sum of twelve dollars; to E. B. Jenkins, clerk to the committee on Finance, the sum of forty dollars; to Seaborn Jones, the sum of six hundred and twenty-three dollars eighty-seven and a half cents; the sum of five thousand dollars, subject to the order of the Governor, for printing two thousand copies of Marbury and Crawford's Digest of the Laws of Georgia, which has been compiled and approved, agreeably to the direction of the act of the sixth of December, 1799; one thousand copies of which to be sold under the direction of the Executive, and the proceeds paid into the public treasury; the sum of four hundred and twenty-eight dollars, be and the same is hereby appropriated for the use of the county of Bulloch, to build a court-house and jail for said county; to Mrs. Thomison Gordon, the sum of four hundred and sixty-five dollars sixty-four and three quarter cents, it being the amount of a gratuity due from this State, to Colonel John White, an officer in the Georgia line; the sum of four hundred and sixty-five dollars sixty-four and three quarter cents, to Abraham P. Jones, in full for a gratuity due him as an officer in the Georgia line, agreeably to a joint resolution; to John Berrien, Esq. the sum of four hundred and sixty-five dollars sixty-four and three quarter cents, for his gratuity as an officer in the Georgia line; to the Adjutant General, the sum of three dollars per day, while in actual service; to Jacob Theiss, jailor of Chatham county, the sum of nineteen dollars; to Archibald Beall, the sum of thirty dollars, for the maintenance of two old and infirm negroes, the property of this State; the further sum of fifty dollars to Richard Weatherford, an invalid soldier; the sum of fifty dollars to Mrs. A. Jones, widow, and reliet of James Jones, an invalid soldier, deceased, as a temporary support for herself and children; to Alexander McMillan, one thousand and ninety dollars, it being a balance due him for printing in the year 1799, as reported by the committee on finance; which said several sums shall be paid to the several persons herein named, out of any monies which now are, or may be paid into the treasury; the sum of five hundred dollars to be paid out of the contingent fund, for the payment of house-rent, &c. for the use of the Executive.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate pro tempore.

Assented to, December 5, 1801.

JOSIAH TATTNALL, jun. Governor.
AN ACT.

To raise a Tax for the support of Government for the year one thousand eight hundred and two.*

Tax on Lands.

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

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

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

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

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

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

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

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

* This act revived and continued by act of 1802, No. 67—with the exceptions therein contained, and amendments—then revived and continued by act of 1803, No. 127, with amendments.
On all oak and hickory lands, (cultivated or uncultivated) including islands from the mouth of Rae's creek to the mouth of Broad river, and within one mile of Savannah river, of the first quality, at six mills per acre; of the second quality, at two and an half mills per acre; and of the third quality, at one and an half mills per acre.

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

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

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

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

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

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

On all high river swamp or low grounds as aforesaid, from the mouth of Oconee river, along the northern stream, on the north side of the Indian temporary line, to the confluence of the Oconee and Apalachee, or South Fork, of the first quality, at one cent and two mills per acre; of the second quality, at six mills per acre; and of the third quality, at one and an half mills per acre.
(No. 34.) On all river swamp, as aforesaid, from the confluence of the Oconee and Appalachee rivers, upwards, on the north side of the Indian temporary line, of the first quality, at seven and a half mills per acre; of the second quality, at five mills per acre; and of the third quality, at two and a half mills per acre.

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

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

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

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

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

Sec. 3. And be it further enacted, That the following sums shall be paid on all suits hereafter commenced in the superior, inferior or mayor's courts, where the debt or damages sued for, shall not exceed one hundred dollars, the sum of fifty cents; above one hundred and not exceeding three hundred, one dollar; above three hundred, and not exceeding five hundred dollars, one dollar and fifty cents; and on all sums above five hundred dollars, two dollars, to be paid to the clerk by the plaintiff, before the suit or process issues, for the use of the State; which sum shall be taxed in the bill of costs:—And the clerks of the respective courts of all the counties in this State, are hereby required to make annual returns to the Comptroller on oath, on or before the first day of January in every year, of the number of suits commenced, and the sums received thereon; and shall at the same time remit to the treasurer the amount of such return, deducting five per centum; and any clerk failing to make such returns, and pay or remit the monies as aforesaid, shall on complaint made by the Treasurer, to the judge or justices of their respective courts, be liable to a writ of attachment for contempt, and fined at the discretion of the court, and continuing in default, be dismissed from office, and suffer execution from the Treasurer, in like manner as tax collectors.

* See act of 1802, No. 67.—Where no suits are taxed unless the debt or damages sued for exceed 500 dollars.
(No. 38.)

Who to appoint the receivers and collectors.

SEC. 4. And be it further enacted, That on the first Monday in January annually, the justices of the inferior courts and the justices of the peace of the respective counties of this State, shall be and they are hereby authorized and required to elect the receiver or receivers of tax returns (as the case may be) for the time being, and collectors of taxes in their respective counties.*

SEC. 5. And be it further enacted by the authority aforesaid, That it shall be the duty of the sheriffs of the respective counties of this State, and they are hereby authorized and required, when a sale shall have taken place, under and by virtue of an execution issued by the Treasurer of the State, under the directions of this act, against any defaulting tax collector, and the property of such defaulting tax collector shall have been sold for monies due the State, to deliver the possession of the property so sold to the purchaser or purchasers thereof, and if the said defaulter or any other person or persons who may be in possession of the said property so sold, shall refuse to deliver up the same upon being called on by the Sheriff of the county for that purpose, it shall be the duty of such sheriff, and he is hereby required to dispossess the said defaulting tax collector, or any other person or persons who may be in possession of the property sold, and deliver the same to the purchaser or purchasers thereof, their agent or attorney; for which purpose, if needful, he shall call on the commanding officer of the militia of the county where the property is situated, to render the necessary assistance, who is hereby required to order out the same.

SEC. 6. And be it further enacted, That the same rules and regulations for carrying this act into effect, shall be observed, as are laid down for carrying into effect the tax law, of the year one thousand seven hundred and ninety-seven; except the returns of receiver of tax returns; and they shall be returned to the Comptroller-General. Provided, That no sales which shall be made under this act, of property belonging to orphans, shall have any effect.

DAVID MERIWETHER, Speaker of the House of Representatives.

JOHN JONES, President of the Senate, pro tempore.

Assented to, December 5, 1801.

JOSIAH TATTNALL, jun. Governor.

* Receivers and Collectors elected by the people.—See act of 1810, No. 554.
IN THE HOUSE OF REPRESENTATIVES,

DECEMBER 2d, 1801.

RESOLVED, That the Honorable John Milledge, one of the representatives of this State, in Congress, be and he is hereby appointed a commissioner on the part of this State, to carry into effect the act, entitled, "An Act to amend an Act to carry the 23d section of the first article of the constitution into operation," so far as relates to the powers vested by the same in the Honorable Abraham Baldwin, James Jones and Benjamin Taliaferro, Esquires, commissioners on the part of Georgia, to make a cession of part of the unlocated territory of the said State to the United States, passed at Louisville, the 2d day of December, 1800, in the room of James Jones, Esquire, deceased.—Read, and agreed to.

DAVID MERIWETHER, Speaker of the House of Representatives.

Test—HINES HOLT, Clk.

In Senate, read and concurred in.

JOHN JONES, President of the Senate, pro. tempore.

Test—WILLIAM ROBERTSON, Secretary.

Executive Department, December 5th, 1801.

Presented and approved,

JOSIAH TATTNALL, jun. Governor.

Test—G. R. CLAYTON, Secretary.