AN ACT

To ratify and confirm certain articles of agreement and Cession entered into on the 24th day of April, 1802, between the Commissioners of the State of Georgia on the one part, and the Commissioners of the United States on the other part.

WHEREAS the Commissioners of the State of Georgia, to wit: James Jackson, Abraham Baldwin, and John Milledge, duly authorized and appointed by, and on the part and behalf of the said State of Georgia; and the Commissioners of the United States, James Madison, Albert Gallatin, and Levi Lincoln, duly authorized and appointed by, and on the part and behalf of the said United States, to make an amicable settlement of limits, between the two Sovereignties, after a due examination of their respective powers, did, on the 24th day of April last, enter into a deed of articles, and mutual cession, in the words following, to wit:

Articles of agreement and cession, entered into on the twenty-fourth day of April, one thousand eight hundred and two, between the Commissioners appointed on the part of the United States, by virtue of an act entitled, "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory;" and of the act supplemental to the last mentioned act on the one part; and the commissioners appointed on the part of the State of Georgia by virtue of an act entitled, "An act to carry the twenty-third section of the first article of the constitution into effect," and of the act to amend the last mentioned act on the other part.

ARTICLE 1st.

The State of Georgia cedes to the United States, all the right, title and claim, which the said State has to the jurisdiction and soil situated within the boundaries of the United States, south of the State of Tennessee, and west of a line beginning on the western bank of Chatahouchie river, where the same crosses the boundary line between the United States and Spain, running thence up the said river Chatahouchie, and along the western bank thereof, to the great bend thereof, and next above the place where a certain creek or river called Uchee, (being the first considerable stream on the western side, above the Cussetas, and Coweta towns,) empties into the said Chatahouchie river; thence in a direct line to Nickajack, on Tennessee river, then crossing the said last mentioned river, and thence running up the said Tennessee river, and along the western bank thereof, to the southern boundary line of the State of Tennessee, upon the following express conditions, and subject thereto—that is to say:

First.—That out of the first nett proceeds of the sales of the lands thus ceded, which nett proceeds shall be estimated by deducting from the gross amount of sales, the expenses incurred in surveying, and incident to the sale, the United States shall
pay at their treasury, one million two hundred and fifty thousand dollars, to the State of Georgia, as a consideration for the expenses incurred by the said State, in relation to the said territory; and for the better securing as prompt a payment of the said sum as is practicable, a land office for the disposition of the vacant lands thus ceded, to which the Indian title has been, or may hereafter be extinguished, shall be opened within a twelvemonth, after the assent of the State of Georgia to this agreement, as hereafter stated shall have been declared.

Secondly.—That all persons who, on the twenty-second day of October, one thousand seven hundred and ninety-five, were actual settlers within the Territory thus ceded, shall be confirmed in all the grants, legally and fully executed prior to that day, by the former British government of West Florida, or by the government of Spain, and in the claims which may be derived from any actual survey, or settlement made under the act of the State of Georgia, entitled, "An act for laying out a district of land situate on the river Mississippi, and within the bounds of this State, into a county to be called Bourbon," passed the seventh day of February, one thousand seven hundred and eighty-five.

Thirdly.—That all the lands ceded by this agreement to the United States, shall after satisfying the above mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognized by the preceding condition, be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Provided however, That the United States for the period and until the end of one year after the assent of Georgia to the boundary established by this agreement shall have been declared, may in such manner as not to interfere with the above mentioned payment to the State of Georgia, nor with the grants herein before recognized, dispose of or appropriate a portion of the said lands not exceeding five millions of acres, or the proceeds of the said five millions of acres, or of any part thereof for the purpose of satisfying, quieting or compensating for any claims other than those herein before recognized, which may be made to the said lands or to any part thereof.—It being fully understood that if an act of Congress making such disposition or appropriation, shall not be passed into a law within the above mentioned period of one year, the United States shall not be at liberty thereafter to cede any part of the said lands on account of claims which may be laid to the same, other than those recognized by the preceding condition, nor to compensate for the same; and in case of any such cession or compensation, the present cession of Georgia to the right of the soil thus ceded or compensated for, shall be considered as null and void, and the lands thus ceded or compensated for, shall revert to the State of Georgia.

Fourthly.—That the United States shall at their own expense extinguish for the use of Georgia, as early as the same can be peaceably obtained on reasonable terms, the
(No. 35.) Indian title to the county of Talassoe, to the lands left out by the line drawn by the Creeks in the year one thousand seven hundred and ninety eight, which had been previously granted by the State of Georgia; both which tracts had formerly been yielded by the Indians; and to the lands within the forks of the Oconee and Oakmulgee rivers; for which several objects the President of the United States has directed that a treaty shall be immediately held with the Creeks, and that the United States shall in the same manner extinguish the Indian title to all the other lands within the State of Georgia.

5th Condition.

FIFTHLY.—That the territory thus ceded shall form a State, and be admitted as such into the Union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period if Congress should think it expedient, on the same conditions and restrictions, with the same privileges and in the same manner as is provided in the ordinance of Congress of the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the western territory of the United States, which ordinance shall in all its parts extend to the territory contained in the present Act of Cession, that article only excepted which forbids slavery.

ARTICLE 2.

The United States accept of the cession above mentioned, and on the conditions therein expressed, and they cede to the State of Georgia whatever claim, right or title they may have to the jurisdiction or soil of any of the lands lying within the United States and out of the proper boundaries of any other States, and situated south of the southern boundaries of the States of Tennessee, North-Carolina and South-Carolina, and east of the boundary line herein above described, as the eastern boundary of the territory ceded by Georgia to the United States.

ARTICLE 3.

The present act of cession and agreement, shall be in full force as soon as the Legislature of Georgia shall have given its assent to the boundaries of this cession. Provided, that the said assent shall be given within six months after the date of these presents;—And Provided, that Congress shall not during the same period of six months repeal so much of any former law as authorizes this agreement, and renders it binding and conclusive on the United States. But if either the assent of Georgia shall not be thus given, or if the law of the United States shall be thus repealed within the said period of six months, then and in either case these presents shall become null and void.

IN faith whereof, the respective commissioners have signed these presents, and affixed hereunto their seals. Done at the City of Washington, in the District of Columbia, this twenty-fourth day of April, one thousand eight hundred and two.
JAMES MADISON, (L. s.) Commissioners on the part of
ALBERT GALLATIN, (L. s.) the United States.
LEVI LINCOLN, (L. s.)

JAMES JACKSON, (L. s.) Commissioners on the part of
ABRAHAM BALDWIN, (L. s.) Georgia.
JOHN MILLEDGE, (L. s.)

J. FRANKLIN, Senator of the U. S. from North-Carolina,
SAM. A. OTIS, Secretary of the Senate of the United States.
JOHN BECKLEY, Clerk of the House of Representatives of the
United States.

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 said deed or
articles of agreement and cession, be and the same hereby is and are fully, absolutely
and amply ratified and confirmed in all its parts, and hereby is and are declared to be
binding and conclusive on the said State, her government and citizens forever.

ABRAHAM JACKSON, Speaker of the House of Representatives.

WILLIAM BARNETT, President of the Senate.

Assented to, June 16th, 1802.

JOSIAH TATTNALL, jun. Governor.
AN ACT

Authorizing the Electors in the several counties in this State to elect four persons to represent them in the House of Representatives of the United States.

WHEREAS by the late enumeration of the inhabitants of the United States, this State is entitled to four members in the House of Representatives of the United States;

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That at the general election which shall be held for members of the State Legislature, on the first Monday in October next, and at every second general election thereafter, the electors at such elections shall be entitled to vote for four persons to represent this State, in the House of Representatives of the United States, under such rules and regulations, as are prescribed by the election laws of this State now in force.

ABRAHAM JACKSON, Speaker of the House of Representatives.

WILLIAM BARNETT, President of the Senate.

Assented to, June 16, 1803.

JOSIAH TATTNALL, jun. Governor.

AN ACT

To authorize Redden and Malachi Moye, to bear the name of Denmark.

WHEREAS Redden and Malachi Moye, have generally been called and known by the name of Redden Denmark and Malachi Denmark, and under those names have made various contracts and engagements: And whereas, it is their wish and desire to bear the name of Denmark, and to be authorized and confirmed therein by law.

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 said Redden and Malachi, be fully authorized to bear, use and retain the name of Denmark, and they are hereby confirmed therein. And all contracts and engagements made by them or either of them under that name, shall be equally valid to all intents and purposes, as
if the same had been or were made in the name of Moye, any thing to the contrary notwithstanding. 

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 13, 1802.

JOHN MILLEDGE, Governor.

AN ACT
To quiet the claim of James Gunn, to the estates, real and personal, of General James Gunn, deceased.

WHEREAS it has been represented to this Legislature, that Brigadier General James Gunn, died testate; and it appearing from the strongest presumptive testimony, that he left a will and testament, but that the same has been lost or destroyed, so that there is no probability of its being found; And whereas it also appears to have been the wish, desire and intention of the said General James Gunn, that his nephew, James Gunn, of the State of Virginia, should inherit, possess and enjoy, his estate, real and personal.

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 all the estate, both real and personal, of the said Brigadier General James Gunn, and which he died possessed of, or was entitled to in this State, shall go to and be vested in the said James Gunn, (the nephew of the said Brigadier General James Gunn,) to hold to him, his heirs and assigns, for ever; subject nevertheless, to the payment of all just debts, due and owing from the estate of the said Brigadier General James Gunn.

Sec. 2. And be it further enacted, That all suits, or proceedings in law or equity, in which this State may be a party, touching the said estate, real and personal, of the said Brigadier General James Gunn, under or by virtue of the escheat law, passed last session, shall cease, determine, and be utterly null and void, any thing in the said escheat law contained to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 22, 1802.

JOHN MILLEDGE, Governor.
AN ACT

To secure to Nathaniel Twining, his heirs and assigns, for the term of ten years, the sole and exclusive right of running a line of stage-carriages, between the city of Savannah and town of St. Mary's.

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 Nathaniel Twining, his heirs and assigns, shall have the sole and exclusive right of running a line of stage-carriages for the conveyance of passengers and their baggage between the city of Savannah and town of St. Mary's, in this State, by the way of Darien, or such other rout as the post-road from one place to the other may be established and laid out, for the term of ten years, to commence on the first day of January, which will be in the year of our Lord, one thousand eight hundred and three.

SEC. 2. And whereas, there is not at present a convenient post-road leading from the town of Darien to the town of St. Mary's: Be it therefore further enacted by the authority aforesaid, That the said Nathaniel Twining, his heirs and assigns, shall have the sole and exclusive right of conveying passengers and their baggage for hire, between the said town of Darien and St. Mary's by water, until a post-road is laid out and established from the said town of Darien to St. Mary's, or until a post-road is laid out and established from the city of Savannah to the town of St. Mary's, by some other route than that by Darien.

SEC. 3. And be it further enacted, That if any person or persons shall within the said term of ten years, presume to run any stage-carriage or carriages, in any manner for fare or hire, between the places aforesaid, or shall presume to convey any passengers by water for fare or hire, between the town of Darien and St. Mary's, so as to abridge the right granted by this act to the said Nathaniel Twining, without the consent or concurrence of the said Nathaniel Twining, under his hand and seal first obtained, every such person or persons so offending, shall forfeit and pay to the said Nathaniel Twining, his heirs and assigns, double the amount of the sum demanded or received by such person or persons, to be recovered by the said Nathaniel Twining, or his legal representatives by action of debt, before any magistrate or court having cognizance thereof. Provided nevertheless, That the said Nathaniel Twining, shall within the term of five months from the passing of this act, commence and put in practice the running the said line of stage carriages, and also, commence and put in practice the water carriage aforesaid, and continue the same at least once a week, between the said places, and to the end of the time aforesaid. Provided, that the said Nathaniel Twining, do give bond to his Excellency the Governor, in the sum of three thousand dollars, with good and sufficient security, for the running of stages for the aforesaid term.

ABRAHAM JACKSON, Speaker of the House of Representatives.
DAVID EMANUEL, President of the Senate.

Assented to, November 23, 1802.
JOHN MILLEDGE, Governor.
AN ACT

To vest Nichol Turnbull, with the exclusive right of keeping a Ferry from New-Deptford, to the Carolina side of the River Savannah, where the new Charleston road will strike the same.

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 a public Ferry shall be, and the same is hereby established, upon Savannah River, from the plantation of Nichol Turnbull, to the place where the public road leading from Charleston, through Tunbridge to Savannah, shall strike said river on the opposite side; which said ferry, is hereby vested in the said Nichol Turnbull, his heirs, executors, administrators and assigns, for the term of ten years next ensuing the passing of this act.

SEC. 2. And be it further enacted by the authority aforesaid, That the said Nichol Turnbull, his heirs, executors, administrators and assigns, shall be, and they are hereby required, to keep in repair the road and causeway on his plantation aforesaid, leading to Savannah river, and to provide and keep one or more good and substantial boat or boats, fit to carry six horses at the least, and one white man, as also a sufficient number of slaves or servants, to attend the said ferry, as well by night as by day, to carry over the said passengers, their servants, slaves, horses, cattle, carriages, &c. And that it shall and may be lawful to, and for the said Nichol Turnbull, his heirs, executors, administrators and assigns, as aforesaid, to ask, demand, and receive, for the said ferriage, the several prices and rates following, and no more, that is to say:—For every foot traveller, thirty-seven and an half cents; for each person and horse, sixty-two and an half cents; for every wheel carriage, per wheel, thirty-seven and an half cents; for every single horse, fifty cents; for neat cattle, per head, thirty-seven and an half cents; for calves, goats, sheep or hogs, each twelve and an half cents.

SEC. 3. And be it further enacted, That in case any person or persons, going to the said ferry, in order to pass the same, shall, after tendering the ferriage as settled by this act, meet with delay, proceeding from negligence or other improper conduct, in not giving the due attendance required by this act, the said Nichol Turnbull, his heirs, executors, administrators, and assigns, shall forfeit and pay for every time such delay shall happen to the person or persons so delayed, a sum not exceeding three dollars for every hour, to be recovered upon proof thereof, before any justice of the peace, for the county of Chatham, by warrant under the hand and seal of the said justice. Provided, That the person so delayed, shall make complaint within one month next after such delay shall have happened; and all former acts relating to the said ferry, shall be and are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 25, 1802.

JOHN MILLEDGE, Governor.
(No. 41.)

AN ACT

To amend an act, entitled "An Act to authorize John Martin Dasher, to keep open and improve the navigation of Ebenezer Mill Creek, and erect mills thereon".

Preamble.

WHEREAS a number of the inhabitants of the county of Effingham, have petitioned this Legislature, to amend an act passed the first day of December, 1801, entitled "An Act to authorize John Martin Dasher, to keep open and improve the navigation of Ebenezer Mill Creek, and to erect Mills thereon."

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 said John Martin Dasher, shall, within nine months after the passing of this act, prepare a way, by which rafts fifteen feet wide, if necessary, or boats, may pass up and down the said creek; and in case of failure therein, after a demand, he shall forfeit and pay to the person or persons so detained, for the first day, one dollar; for the second day, two dollars; and for the third day, four dollars, and so on in equal proportion for every day they may be detained, to be recovered by action of debt or otherwise, in any court having cognizance thereof, at the instance of such party.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

(No. 42.)

AN ACT

Supplementary to the Judiciary Act.

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 Judges of the Superior Courts, shall not, in any case whatever, withhold any grant, deed, or other document from the jury, under which any party in a case may claim title, except such evidence of title as may be barred by the act of limitation.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.
AN ACT

To establish a fund for the redemption of the Public Debt of this State.

WHEREAS justice and good faith require, that the outstanding debts due by this State should be paid off and discharged.

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, all debts due to this State by bond or otherwise, for confiscated property, and all confiscated property yet remaining unsold, and not otherwise specially appropriated, shall be established and set apart as a fund for the paying and redeeming the Public Debts due by this State; and all monies hereafter collected for confiscated property, shall be deposited in the Treasury of this State, and the Treasurer shall annually pay to each creditor, his attorney, agent or representative, a just portion of his debt or demand against this State, in proportion to the whole of the demands; and the quantity of money received as aforesaid, and until all the Public Debt is paid off and discharged.†

SEC. 2. And be it further enacted, That James Bird, William Robertson, and Hines Holt, be and they are hereby appointed Commissioners, and they or a majority of them, are hereby authorized to sell and dispose of all such confiscated property, as yet remains unsold, and also of all such confiscated property that has or may revert to the State, on account of the terms of former sales not being complied with, and the said commissioners are hereby authorized to receive in payment, any cash demands against this State, which have been liquidated by the Comptroller General, (Wade and O'Brian's certificates excepted.) Provided, that they and each of the commissioners aforesaid, do give bond and security to his Excellency the Governor, in the sum of ten thousand dollars, for the faithful discharge of their duty.

SEC. 3. And be it further enacted, That all sales of property made by virtue of this act, shall be at the seat of Government of this State, and between the hours of twelve and three o'clock in the afternoon, and that the same shall be advertised at least six months in one of the public gazettes in each district of this State, and at the Court-House in the county where the property lies.‡

SEC. 4. And be it further enacted, That the said Commissioners shall be allowed at and after the rate of two and an half per centum each, on all property by them sold, *

* See act of 1803, No. 82. Supplementary to this act.
† See act of 1810, No. 497, authorizing the commissioners of the Academies of the new counties, to purchase one thousand pounds worth, each, of confiscated property.
‡ By resolution of 1810, property lying in the eastern district to be sold at Savannah, property in the upper district, to be sold at Augusta or Milledgeville.
in virtue of this act, as a compensation for their services: Provided nevertheless, that the said commissioners shall not be authorized to sell by virtue of this act, any lands that cannot be particularly identified by a plat of the same in the Surveyor General’s Office of this State; but they, the said commissioners, are hereby authorized and directed, to appoint one able surveyor, to survey and make out, under the particular direction and inspection of the said commissioners, or either of them, fair plats of all the lands belonging to this State, by virtue of the confiscation acts heretofore passed in this State, the same being on record in the Secretary of State’s Office, but no plat thereof being in the Surveyor General’s Office; also to re-survey all lands that may be advertised for sale, agreeably to the plats in the Surveyor General’s Office, previous to the sale thereof. He said surveyor receiving the usual fees of surveyors, in like cases, out of any moneys arising from the sales of such property; and the said surveyor is hereby directed to return each survey by him so made as aforesaid, to the commissioners or either of them, to be by the said commissioners or a majority of them laid before the next Legislature.

SEC. 5. And be it further enacted, That this State shall and will warrant and defend the said commissioners, or a majority of them, in any sale or sales of property, which they may make by virtue of this act.

SEC. 6. And be it further enacted, That this act shall be held, taken, and be a public act to all intents and purposes.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To Incorporate the Petersburg Union Society.

WHEREAS it is a matter of the highest importance in a free government, to increase and diffuse knowledge, and the height of benevolence to alleviate the wants of distress; and as the persons composing the Petersburg Union Society, have formed themselves together for the above laudable purposes.

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 Shaler Hillyer, president, John Williams Walker, secretary; Memorable Walker, Oliver White, James Sanders Walker, John A. Casey, Thomas Casey, Robert Watkins, William Jones, Albert Brux, Robert H. Watkins, Rignal N. Groves, Nicholas Pepe, Andrew Green Semmes, James
Coulter, William Wyatt Bibb, Garland T. Watkins, and Thomas Bibb, members thereof, are hereby incorporated into a society, by and under the name and style, of the Petersburg Union Society, and they themselves, their successors, officers and members of the same, shall be, and they are hereby declared to be a body corporate, in deed and in name, by the name and style aforesaid, and by the same name shall have perpetual succession of officers, and members, and a common seal to use, with power to make, alter, change, and amend such bye-laws and regulations as may be agreed on by the members of the said society: Provided such bye-laws be not repugnant to the laws and constitution of this State, or of the United States. And that they have privilege to sue for, and recover all monies that now are, or may be due to said society, or be sued in like manner, by and under the name and style aforesaid, in any court of this State, having competent jurisdiction thereof; and to receive, take and apply all donations, for the uses intended by the said society; and shall, and hereby are declared to be vested with all the privileges, powers and advantages, rights and immunities of a society of people, incorporated for the purposes intended by their institution.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

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AN ACT

For establishing a Ferry from the plantation of Newell Walton, sen. to the land of — Lee, on Savannah river.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That a public ferry shall be, and the same is hereby established upon Savannah river, from the plantation of Newell Walton, senior, to the land of — Lee, on the opposite side of the said river, under the same rules and regulations as other Ferries in this State are by law established on said River.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.
AN ACT

Supplementary to an act, entitled "An Act respecting Bastardy, and other Immoralities."*

WHEREAS the act entitled "An Act respecting Bastardy, and other immorality," passed on the 16th day of December, 1793, has been found ineffectual for the purposes therein intended—for remedy whereof:—

SEC. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, That from and after the passing of this act, the punishment to be imposed upon any person who shall be convicted under the first article of the said recited act, shall be by fine and imprisonment, or either at the discretion of the judge.

SEC. 2. And be it further enacted, That the penalty for every offence in the third article described, shall continue to increase in the same ratio therein prescribed, and that one half of the fine so inflicted shall go to the informer, the other half to the county in which the offender or offenders reside.

Provided nevertheless, That nothing herein contained shall be so construed, as to bar either party when charged as aforesaid, from offering exculpatory testimony to the magistrate, in the first instance of the charge exhibited; who may exercise his discretionary power, after due enquiry being had, either to discharge or recognize both or either of the parties charged as aforesaid, in conformity to the intent and meaning of this act; anything to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

* See act of 1809, No. 422, pointing out the method of prosecuting the bonds given for maintenance of bastardy, and how the same is to be appropriated, and to whom the bonds are to be returned when taken.
AN ACT

To divorce and separate John Mulkey, and Charity, his wife.

WHEREAS the ninth section of the third article of the Constitution, doth authorize divorces upon legal principles:—And whereas, John Mulkey, and Charity, his wife, have had a fair trial in the Superior Court of the county of Montgomery, and a verdict given, authorizing and recommending a divorce by the Legislature.

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, the matrimonial connection, and civil contract of matrimony made between the aforesaid John Mulkey, and Charity, his wife, shall be completely annulled, set aside, and dissolved, as fully and effectually as if no such contract had been made and entered into between them.

SEC. 2. And be it further enacted, by the authority aforesaid, That the said John Mulkey, and Charity, shall in future be deemed and considered as distinct, and separate persons, altogether unconnected by any mystical union or civil contract whatever at any time heretofore made or entered into between them.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

AN ACT

Appointing the time for holding the Inferior Courts of the County of Tattnall.

WHEREAS no time has been fixed by law for holding the Inferior Courts in the County of Tattnall, to the manifest injury of its inhabitants, the internal police of the county, and the procrastination of judicial proceedings.

BE it therefore enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That the Inferior courts of said county, shall
be holden in said county from and after the present date, on the first Monday in March and August next, and annually on those days thereafter.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To authorize the Commissioners of the Academy of McIntosh county, to dispose of certain land.

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 commissioners of the McIntosh county Academy, or a majority of them, are hereby fully authorized to sell and dispose of, to and for the use of the said Academy, all and singular such lands as were purchased for the use of said Academy at the confiscated sales, and the said commissioners or a majority of them, are hereby authorized in case they shall find the same most advantageous to the interest of said academy, to dispose of the said land or any part, for at least one fourth cash, the remainder payable by instalments, not exceeding three years with interest on the same, taking bond and mortgage on the premises to secure the payment of the same.

AND WHEREAS, there are certain unappropriated lands in and adjacent to the town called Darien, in the county aforesaid, the proceeds of which may assist in promoting the said institution:

SEC. 2. BE it therefore enacted by the authority aforesaid, That the said commissioners, are hereby fully vested in fee simple, to and for the use of said academy, with all the lots of land and appurtenances thereto belonging, in the town of Darien, comprising all vacant lands laid out and established as a town by that name, under the authority of General Oglethorpe, which allotment is hereby confirmed; and the said commissioners, or a majority of them, are authorized to make sale of said lots and appurtenances, in the same manner and on the same terms as they are authorized to sell
PASSED IN THE YEAR 1802.

the lands of the academy, or in such manner as they or a majority of them may deem most conducive to the interest of the said institution.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To authorize the Commissioners of the town of Frederica, in the county of Glynn, to lay off a row or range of water lots, and for disposing of the same.

WHEREAS it is found by experience, that the front range of lots in the town of Frederica, is too distant from the water, for the convenient storage or shipping of produce or the landing of goods imported to that place—for remedy whereof:

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 commissioners of the said town of Frederica, or a majority of them, are hereby authorized and empowered, to cause a range of lots to be laid off in front of said town, commencing at low water mark, and running back so far as to leave a street eighty feet between the present front range of lots and those to be laid off.

SEC. 2. And be it further enacted, That when the lots are so laid off, the said commissioners are hereby authorized to sell all the lots to be laid off as herein before pointed out, at public auction, first giving sixty days notice in one of the public gazettes of Savannah, and at three or more public places in said county, and the money arising from such sale, after defraying all the expenses of such survey, shall be paid over to the commissioners of the academy of said county of Glynn, which shall be by them applied to, and for the use of said institution.

SEC. 3. And be it further enacted, That when the lots are so laid off, the commissioners shall cause two correct plans thereof, to be laid down and certified by the

plans of the said lots to be made out.

Lots to be said, monies how applied.
(No. 50.) surveyor, one of which shall be transmitted by them to the Surveyor General, to be recorded in his office, and the other to be delivered to the county surveyor of said county, to be recorded by him in his office.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

AN ACT*

(No. 51.) To authorize and empower the Trustees of the German Congregation in Ebenezer, to sell and convey a certain tract of land therein mentioned.

WHEREAS the German Congregation in Ebenezer, in the county of Effingham, hath petitioned this Legislature, for leave to sell and convey a tract of land situated in Goshen, in said county, containing three hundred acres, originally laid out, and granted as glebe to the said Church.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives, in General Assembly met, That the Trustees for the said Ebenezer Congregation, be and they are hereby authorized, to have exposed to public sale the said tract of land, which was originally reserved as a glebe to said church.

SEC. 2. And be it further enacted, That the money arising from the sale of the said land, shall be paid into the hands of the said Trustees, to and for the use of the said Ebenezer Congregation, to be expended and applied as the said congregation, or a majority of them shall determine.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

* See another act on the same subject passed in the year 1803—No. 365.
AN ACT

More effectually to prevent the evil practice of Stabbing.

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, if any person or persons shall be guilty of the act of stabbing, any person or persons, excepting in their own defence, within the limits of this State, with a sword, dirk, knife, or any other instrument of the like kind; for the first offence, upon conviction thereof, shall be subject to a fine of Five Hundred Dollars, and also confined in the common goal of the county wherein said crime shall have been committed, for a time not exceeding sixty days, nor less than forty days.

Sec. 2. And be it further enacted by the authority aforesaid, That if any person or persons, shall be convicted a second time for the like offence, he shall forfeit and pay the sum of One Thousand Dollars, and be confined in the common goal not exceeding six months nor less than three months, and shall not be entitled to vote at the general elections, nor to hold any post of profit, honor, or trust within this State, for the term of three years. Provided nevertheless, That if any person or persons shall be guilty of any of the aforesaid crimes, so as to affect the life of any person or persons; every such person or persons on conviction thereof, except as above excepted, shall suffer death without the benefit of clergy: any law to the contrary notwithstanding.

Sec. 3. Be it further enacted by the authority aforesaid, That one moiety of all fines which shall be imposed, pursuant to this act, shall be subject to the disposition of the inferior courts of the respective counties, in which such crimes shall be committed, for the use and benefit of the county, and the other moiety thereof, shall be for the use and benefit of the prosecutor.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802,

JOHN MILLEDGE, Governor.
AN ACT

For making Permanent the seat of the Public Buildings, in the county of McIntosh.

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 the place for holding the courts in McIntosh county, shall be at Sapelo Bridge, on the spot designated by the commissioners appointed for that purpose.

SEC. 2. And be it further enacted by the authority aforesaid, That the judges of the Inferior court of said county, are hereby authorized to purchase the land for that purpose, and receive titles therefor, to and for the use of the said county:—Provided nevertheless, That the said land is to be purchased out of the county funds, and not to exceed five acres.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To authorize certain commissioners therein named to establish a Lottery, for the purpose of raising the sum of Three Thousand Dollars, to be appropriated to clearing out and improving the navigation of the Ogeechee and Canuchee rivers.

WHEREAS it appears essential to the interest and convenience of the citizens of this State, residing on and near the waters of Ogeechee and Canuchee rivers, that the navigation of said rivers be improved, by which means the produce and lumber of those parts, may be conveyed with more ease to market.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That it shall and may be lawful for the commissioners hereinafter named, to establish a lottery within one year after the passing of this act, to raise the sum of Three Thousand Dollars, under such scheme and regulations, as they or a majority of them may deem necessary and proper, to carry into
effect the above recited object; the one equal half of said sum to be applied for the use
of Ogeechee river, from Paramour's Bluff to its junction with Canuchee river, and the
other half to be applied to the use of Canuchee river, from the mouth of Lott's creek, to
its junction with Ogeechee river, in such way and manner as said commissioners may
direct.

Sec. 2. And be it further enacted, That Clement Lanier, Louis Lanier, James Bird,
Samuel Smith, Elias Cassells, John M'Call, and Jesse M'Call, &c, and they are hereby
appointed commissioners, to carry the aforesaid lottery into full effect.

Sec. 3. And be it further enacted, That the said Ogeechee and Canuchee rivers, shall
be deemed and considered navigable rivers, and under the protection of the same laws as
other navigable rivers within this State.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To enable the Corporation of Savannah, to collect certain fines vested in them by
laws and to lay a tax on all Vendue Masters in the said city, and to protect per-
sons confined in Jail.

WHEREAS all fines of the courts in the county of Chatham, are by law ordered
to be paid to the corporation of the city of Savannah, as commissioners of the court-house
and jail, and many difficulties arise in collecting the same.

Sec. 1. NOW therefore 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 at the
request of the recorder of the said city, the clerk of the courts shall issue executions for
all the fines due; and the Sheriff shall immediately proceed to levy and sell, and pay the
money over to the recorder who shall, and he is hereby ordered to discharge the same,
and all fines shall from and after the passing of this act be paid to the said recorder.
Sec. 2. And be it further enacted, That Vendue Masters before they obtain their licenses, shall pay to the Treasurer of the city of Savannah, the sum of one hundred dollars.*

Sec. 3. And be it further enacted, That from and after the passing of this act, no jailer, shall put any person into irons, unless he is confined for a capital offence, and it is so expressed in the warrant.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

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AN ACT

To repeal an act further explaining and defining the duties and powers of the Comptroller General, passed the fifth day of December, one thousand seven hundred and ninety-nine, so far as it respects the outstanding claims of Roderick Easley, Jeremiah Russell, Reuben Smith and others.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That it shall and may be lawful for the Comptroller General to take in the outstanding evidences of the claims due Roderick Easley, Jeremiah Russell, Reuben Smith, Phill Cooper, Joseph Edmundson, William Trammill, and Isham Carr, to wit:—To Roderick Easley, two hundred and fifty acres for services as quarter-master, and eight hundred acres for duty as lieutenant, and to Jeremiah Russell, Reuben Smith, Phill Cooper, Joseph Edmundson, William Trammill, and Isham Carr, six hundred and forty acres each; and to issue to each of them the said Roderick Easley, Jeremiah Russell, Reuben Smith, Phill Cooper, Joseph Edmundson, William Trammill, and Isham Carr, new evidences agreeably to the mode pointed out by an act for calling in the outstanding evidences of the debts due from this State, and for issuing new ones in lieu thereof, under proper checks and restrictions, passed the second day of February, one thousand seven hundred and ninety-eight.

* Corporation of Savannah authorized by act of 1803, No. 92, to appoint and license any number they, in their discretion, may think proper.
AN ACT

To establish a road from Savannah to New-Deptford, and to raise money for the purpose of making and improving the same.

WHEREAS it appears essential to the interest of the inhabitants of Savannah, that the communication between that city and Five Fathom Hole, should be improved.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That a road be established as a public one, to commence where the new road of Nichol Turnbull leads out of the Skidaway road, down to New-Deptford; and that Nichol Turnbull, Edward Harden, John G. Williamson, Joseph Bryan, and William Smith, be commissioners to open and work upon such parts of the said road as are not open, and to keep in repair the whole.

Sec. 2. And be it further enacted, That it shall and may be lawful for the persons herein after named, to establish a lottery, within three years after the passing of this act, to raise the sum of ten thousand dollars, under such schemes and regulations as they may think fit and proper, to enable the commissioners to open and improve the said road.

Sec. 3. And be it further enacted, That George Jones, Robert Mitchell and I. S. De Montmollin, be, and they are hereby appointed managers to carry the said lottery into effect.

ABRAHAM JACKSON, Speaker of the House of Representatives.
DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.
JOHN MILLEDGE, Governor.
AN ACT*

To amend an act, entitled "An Act to alter and amend an act to empower the Inferior Courts of the several counties in this State, to order the laying out the public roads, and to order the building and keeping in repair the public bridges," so far as respects the counties of Camden and Chatham.

WHEREAS it is found extremely inconvenient, and in many instances impracticable for the inhabitants situated upon islands and peninsulas, to send their hands across dangerous sounds, and morass marshes, to the extreme parts of particular counties, for the purpose of working upon the roads: And whereas, it is found by experience that much time is therefore lost in going to and coming from the same, to the injury both of individuals and the public, for remedy whereof,

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 be the duty of the Inferior courts of the counties of Camden and Chatham, to levy a tax not exceeding one fourth part of the general tax, to be collected in the same manner that other county taxes are collected and to be annually appropriated to the use of opening and keeping in repair the public roads.

SEC. 2. And be it further enacted, That the aforesaid court or courts, shall let at public out-cry, such part or parts of such road or roads as aforesaid, to the lowest bidder as they may deem necessary, and to otherwise act as is customary in public business generally.

SEC. 3. And be it further enacted, That the overseers of each road respectively, shall inspect all work that may be let and done upon the aforesaid road or roads, and give a certificate or certificates of their condition to the person or persons contracted with, which on being found equal to contract by the aforesaid court or courts, he or they shall be entitled to receive the amount of the same out of the monies arising from the tax or taxes as aforesaid.

SEC. 4. And be it further enacted, That all laws or parts of laws so far as respects the aforesaid counties, pointing out any other mode of working on roads than is herein contained, be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.
DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.
JOHN MILLEDGE, Governor.

*This act repealed by act of 1803, No. 125, Sec. 19.
AN ACT

To incorporate the town of St. Mary.

WHEREAS from the extent and population of the town of St. Mary, its growing importance, both with respect to increase of inhabitants, and diffusive commerce, it is indispensably necessary that many regulations should be made, for the preservation of peace and good order within the same: And whereas, from the many weighty and important matters that occupy the attention of the legislature at their general meeting, it has hitherto been found inconvenient, and may hereafter become more so, for them to devise, consider, deliberate on, and determine all such laws and regulations as emergencies, or the local circumstances of the said town may from time to time require.

Sec. 1. BE it therefore enacted, That from and immediately after the passing of this act, all persons, citizens of the United States, and residing one year within the said town, and having a freehold or lease for years of a lot within the same, shall be deemed, and they are hereby declared to be a body corporate and politic; and there shall be an Intendant and Council for the said town—and they and their successors hereafter to be appointed, shall have perpetual succession, and be styled and known by the name of the Intendant and Council of the town of St. Mary, and shall have a common seal, and be capable in law to purchase, have, hold, receive, enjoy, possess, and retain, to them and their successors, for the use of the town of St. Mary, in perpetuity, or for any term of years any estate or estate, real or personal, messuage, lands, tenements, or hereditaments of whatever nature or kind soever, within the limits of the said town; and to sell, alien, exchange or lease the same, or any part thereof as they shall think proper; and by the same name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this State.

And they shall also be vested with full power and authority, from time to time, under their common seal, to make and establish such bye-laws, rules and ordinances, respecting the harbor, streets, public buildings, work houses, markets, wharves, public houses, carriages, wagons, carts, drays, pumps, buckets, fire engines, the care of the poor, appoint a harbour-master and health officer, the regulation of disorderly people, negroes, and in general, every other bye-law or regulations that shall appear to them requisite and necessary for the security, welfare and convenience of the said town, or for preserving peace, order and good government within the same; and the said Intendant and council shall also be vested with full power and authority to make such assessments on the inhabitants of the said town or those who hold taxable property within the same for the safety, benefit, convenience and advantage of the said town as shall appear to them expedient, and to affix and levy fines for all offences committed against the bye-laws of the said town, and they are hereby authorized to appoint a clerk, treasurer, health officer, harbour master, fire master, marshal, constables, and all such other of...
section 2. Be it further enacted, That any two justices of the peace, for the county of Camden, shall within six months after the passing of this act, give ten days public notice in two or more public places in the said town of St. Mary, that four members are to be chosen to constitute the council for the said town, and which said four members of the council shall have the same qualifications as members of the State legislature, and also the qualifications of electors, and that all free white persons, being citizens of the United States, and residing one year within the said town, and having a freehold or lease for years of a lot therein as aforesaid, shall be entitled to vote for four members to form the council aforesaid; and they shall also notify the time and place, when and where the election is to be held, and shall superintend the same, or appoint proper persons so to do; and the superintendents when the election is closed, shall give notice to the several persons of their appointments respectively, and summon them to meet together at any time and place within three days after their election, for the purpose of taking the oath of office prescribed by this law, which oath may be administered by any justice of the peace, or by one of the members so chosen to another: Provided, three be present at the time of administering the same, and shall be in the words following:—I, A. B. do solemnly swear that I will to the utmost of my power support, advance, protect and defend the good order, peace and welfare, of the town of St. Mary and its inhabitants, and will faithfully demean myself in the office of Intendant, (or member of the council as the case may be) for the said town, according to the bye-laws and regulations thereof, to the best of my skill and judgment, and that I will support the constitution of this State, and the constitution of the United States.

section 3. Be it further enacted, That when three or more of the said members shall have met and qualified as aforesaid, they shall within three days after such their qualification, give five days public notice that an Intendant of the said town is to be chosen by the members of the said council, either from among their own body or the citizens of the said town, possessing the qualifications of a member as aforesaid, and at the time mentioned in such notice, the said members shall meet at some public place in the said town, and vote for such Intendant. And when such Intendant shall be chosen, he shall take the oath above inserted, in the presence of any two or more of the members after which he may qualify such members as were not before qualified; and if any member, should be chosen Intendant, he together with the members, shall fill up such vacancy.
AND the said Intendant shall and may, as often as occasion may require, summon the members to meet together in council, any two of whom with the Intendant, shall be competent to proceed to business.

Immediately after the board is completed, the council shall be divided into two classes. The seats of the first class, shall be vacated on the first Monday in May, 1804, which shall be considered as the expiration of the first year, and the seats of the second class, at the expiration of the second year, so that two members may be chosen annually.

The Intendant shall hold his office for two years, and in case of death, resignation, removal, refusal or disability of the Intendant, or any of the members, the vacancy shall be filled up in the manner already prescribed.

The annual elections shall be held on the first Monday in May.

SEC. 4. And be it further enacted, That the Intendant and members of the said council, shall each of them have full power and authority, and they are hereby required to keep peace and good order within the said town, to issue warrants, and cause all offenders to be brought before them; and on examination either to release, admit to bail, if the offence be bailable, or commit to the custody of the Sheriff of the county of Camden, who is hereby authorized and commanded to receive the same, and the same to keep in safe custody until discharged by due course of law, and the said Intendant and every of the members of the said council for the time being, shall be vested with all the powers and authorities that justices of the peace are vested with by the laws of this State, and shall and may exercise the same in every part of the said town for the preservation of the peace and good order thereof.

SEC. 5. And be it further enacted, That it shall and may be lawful for the said Intendant and Council, and they are hereby empowered at any time after the passing of this act, to hold courts once in every month throughout the year, to appoint such officers as they may think necessary, and to settle and allow reasonable fees, not exceeding one half the fees allowed for like services in the Inferior Courts in suits cognizable therein, and to have jurisdiction of, and to hear and determine all civil causes not involving the right or title to any land or real estate arising within the jurisdiction of the corporation, so as the demand in such suit or action does not exceed the sum of fifty dollars, and to give judgment and award execution therein according to law. Provided, That if any party to a suit shall feel him, her or themselves aggrieved by the decision of the said courts, it shall and may be lawful for such party to enter an appeal within three days after such trial, first paying all costs which may have occurred on the said trial, and giving sufficient security to abide and perform the sentence of the court at the trial of

(No. 59.) His duty together with the council.

Further duties of the Intendant and council.

Vested with the powers of a justice of the peace in said town.

Shall be a court, & shall have cognizance of cases not exceeding 50 dollars.

Appeal allowed.
the appeal and all appeals from the decision of the said courts, shall be tried on the next succeeding court day, after such trial by a jury of seven men, whose verdict shall be final.

SEC. 6. And be it further enacted, That the said Intendant and council shall have the like power and authority to hold to bail for debts within their jurisdiction, and under like restrictions as pointed out for the Superior and Inferior courts, and shall have power to draw, and impanel jurors for the trial of appeals; who shall be resident within their jurisdiction and shall be qualified and liable to serve as petit jurors, to cause them to be summoned at least five days before the said court, and to fine them for their non-attendance or other misconduct, in such manner as they may think proper, not exceeding ten dollars; and shall have power to award execution for such fines, and cause the goods of the person incurring such fines, to be sold by virtue thereof.

SEC. 7. And be it further enacted, That the said Intendant and council shall, in all judicial proceedings, have reference to, and be governed by the laws in force in this State, for regulating the judicial proceedings thereof; and the said court of Intendant and council is declared to be a court of record, and any person necessarily going to, being at, or returning therefrom, shall be free of arrest on any civil suit.

SEC. 8. Be it further enacted, That the said Intendant and council be, and they are hereby appointed a board of Commissioners of pilotage for the said port of St. Mary, and are hereby invested with full power and authority to appoint any number of pilots they may think necessary for said port, and prescribe and establish such rules and regulations as they may deem expedient therefor; which rules and regulations shall be binding on all such pilots, and those who act under them, and upon all other persons concerned therein, any law to the contrary notwithstanding.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

* See act of 1804, No. 142, amending and revising this act, and see act of 1807, No. 305, also amending it, and act of 1808, No. 383, still further amendatory.
AN ACT*

To amend an act for keeping open the Oconee River from the Rock landing, to John Barnett’s in the county of Clarke, passed the second day of December, 1801, and to keep open the navigation of Great Ogeechee River, up to the shoals.

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, no person or persons, under the penalty of twenty dollars per day, shall dam, stop or obstruct the Oconee River, from the Rock landing up the main stream thereof, to the confluence of the Apalachee; but the same is hereby declared to be, (at least one third part thereof, including the main channel) a free passage; and any person or persons who now has or have dams or other obstructions placed in the said river Oconee, contrary to the true intent and meaning of this act, and who will not remove the same on or before the first day of January next, shall be liable to the same fines as above mentioned. Provided nevertheless, That nothing contained in this act, shall be construed to extend to effect any mill-dam or dams, other than such as shall have been erected, or may hereafter be erected or extend into the said river Oconee, contrary to law.

SEC. 2. And be it further enacted, That so much of the above recited act, as operates against this act, be and the same is hereby repealed.

SEC. 3. And be it further enacted, That any person or persons who, after the passing of this act, shall obstruct the main channel of Great Ogeechee river, from the shoals to the mouth thereof, shall be subject and liable to the same fines and penalties as are pointed out by the above act.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 26, 1802.

JOHN MILLEDGE, Governor.

* See act of 1805, No. 208, incorporating a company to improve the navigation of the Oconee River, up to John Barnett’s.—See also act of 1810 No. 537, and also act of 1810, No. 545, as to Ogeechee.
(No. 61.)

AN ACT

Pointing out a mode for adjusting the claims of the Citizens of this State, against the Creek Nation.

WHEREAS a number of the good citizens of this State, have been plundered of property of various kinds, to a very large amount by the Creek Indians at different times and places, which they have been called upon to exhibit an account of, to the Executive Department, agreeably to a resolution of the General Assembly passed the 17th day of June last, in order therefore to have them properly arranged and adjusted, to be demand ed agreeably to the several existing treaties between the United States and the said Creek Indians.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That it shall be the duty of the Comptroller General, to examine, all such accounts or claims of the citizens against the Creek nation, for property plundered or detained from them by the said Indians, as may be laid before him by the Executive within three months from and after the passing of this act, and where it shall appear to the satisfaction of the Comptroller, that the property charged against the Indians, was actually taken, or is detained by the said Indians, he shall attach such valuation thereto as in his judgment shall appear just and reasonable, and which would be an equitable compensation for such article or articles between citizen and citizen, and after a careful examination of all the several claims or accounts which may be referred to him by his Excellency the Governor, within the time herein before pointed out, he shall report to the Executive the result of his investigation, and attach thereto a schedule of all such claims as he may find provided for by any of the existing treaties between the United States and the Creek nation, a schedule of all such other claims as are not provided for by said treaties, and also such as may be exhibited without such proof as will justify their being charged to the Indians or to the United States.

SEC. 2. And be it further enacted by the authority aforesaid, That his Excellency the Governor, be and he is hereby authorized and required, to deliver to the Comptroller General, all such claims or demands as are now deposited in the Executive Department against the Creek nation, and also all which may be received within three months from and after the passing of this act.

SEC. 3. And be it further enacted, That the said Comptroller General shall, previous to entering on the duties required by this act, take and subscribe the following oath or affirmation, before his Excellency the Governor, to wit. “I ———, do solemnly swear (or affirm as the case may be) that I will carefully examine all such claims or accounts against the Creek nation, as may be laid before me by the Executive,
"and such report make thereon as may appear to me just and equitable, agreeable to this act—So help me God.

SEC. 4. And be it further enacted by the authority aforesaid, That as soon as the aforesaid Comptroller General shall have made out a schedule, he shall deposit the same with his Excellency the Governor, whose duty it shall be to lay the same before the next General Assembly, and also transmit a copy to our members in Congress, whose duty it shall be to present the same to the general government, and demand compensation for all such property as are not provided for by the different existing treaties.

SEC. 5. And be it further enacted by the authority aforesaid, That his Excellency the Governor shall, so soon as the aforesaid Comptroller General shall have furnished him with a schedule of the property lost as aforesaid, to appoint three persons to repair to the Creek nation, and make demand of all prisoners, negroes and property in conformity to existing treaties: Provided nevertheless, that nothing herein contained, shall extend to, or be construed to amount to an assumpsit on the part of this State, or to subject or render liable the government thereof, to the payment of any claim or claims, which have been or may hereafter be exhibited, under and by virtue of the aforesaid resolution, or this act. *

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 27, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To appropriate monies for the political year, 1803.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, 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, fourteen hundred dollars each, per annum—the Treasurer, twelve hundred dollars per

* See act of 1803. No. 82, amendatory of this act; and act of 1807, No. 276, repealing this and all former laws and resolutions passed on this subject.
Compensation of the members of the General Assembly, and their officers—and other appropriations.

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—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 Treasury, out of the taxes to be received for the years 1802 and 1803, and the sum of fifteen thousand dollars, as a contingent fund, subject to the directions of the Governor.

Sec. 2. And be it further enacted, That the President of the Senate, and Speaker of the House of Representatives, shall have each the sum of four dollars per day, and the other members of both branches of the legislature, at and after the rate of three dollars per day, for their coming to, attendance on, and returning from the same.—The Secretary of the Senate and Clerk of the House of Representatives, four dollars per day—two engrossing clerks of the House of Representatives, four dollars each per day—two engrossing clerks of the Senate, four dollars each per day—the messenger and door keepers of both branches of the General Assembly, three dollars each per day—the clerk of the House of Representatives and secretary of the Senate, each the sum of fifty dollars, for stationary, firewood and other contingent expenses during the present session.—To the commissioners of the court house and goal of McIntosh county, four hundred and twenty eight dollars, fifty-six and a quarter cents, for the purpose of building a court-house and goal in said county, in like manner as has been appropriated for other counties.—To the commissioners of the court-house and goal of Tattnall county, four hundred and twenty eight dollars, fifty six and a quarter cents, for the purpose of building a court-house and goal for said county, in like manner as has been appropriated to other counties; any law to the contrary notwithstanding.—To the Adjutant-General, the sum of three dollars per day, while in actual service.—To the Brigadier-Inspectors and Adjutants, two dollars each per day, while in actual service.—To William Maxwell, four hundred and sixty six dollars, eighteen and three quarter cents, as a gratuity to Thomas Maxwell, for his services in the Georgia line.—To Thomas Porter, four hundred and sixty six dollars, eighteen and three quarter cents, for a gratuity as an officer in the Georgia line.—To Benjamin Porter, four hundred and sixty six dollars, eighteen and three quarter cents, for his gratuity as an officer in the Georgia line. Provided, That each person receiving the said gratuity, shall give bond and security to the Executive, to refund the said sums, in case it should hereafter appear that the same had been previously paid.—To William Kelly, the sum of ninety four dollars, fifty-seven cents.—To John Briscoe, the sum of seven dollars and eighty one cents, for money over paid by the said Briscoe, for taxes of the year 1799.—To Edmund B. Jenkins, as clerk to the committee on finance, the sum of thirty-five dollars.—To John Hauhmill, as clerk to the committee on the state of the republic, the sum of twenty-five dollars; which said several sums shall be paid out of any monies now in, or which may hereafter come into the Treasury from the payment of taxes.—To John Green, and John Bu ford, the sum of one hundred and twenty-five dollars, sixty-eight and three fourth cents, agreeably to a concurred resolution.—To Richard
Weatherford, an invalid soldier, the sum of fifty dollars.—To Mrs. A. Jones, widow and relict of James Jones, an invalid soldier, deceased, the sum of fifty dollars, as a temporary support for herself and children.—To Daniel Buckstine, twenty dollars, in full of a Governor's warrant agreeably to a joint resolution of both houses, at their last meeting. To John Cobbs, esquire, the sum of four thousand five hundred and fifty one dollars, forty-two and three fourth cents, from which the Treasurer shall first deduct and retain the sum of two thousand seven hundred and fifty-six dollars, ninety-nine cents, it being the amount of monies due the State by the said John Cobbs, which doth appear by his bond bearing date the first of February 1799.—And the sum of fifty dollars be appropriated to the use of James Bynum, as a compensation for expense in defending a suit commenced against him as tax collector of Hancock county, for discharging the duties of his office.—To Patrick McGuff, esquire, the sum of thirty-eight dollars, twelve and a half cents, for his services as jailor of Montgomery county, in safe keeping the person of Aaron Bowen, a murderer from the county of Tattnall, in as much as the county of Tattnall, hath not heretofore been sufficiently organized to levy a tax for that purpose.—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.—To Thomas Polhill, twenty-six dollars, eighty-six cents, being so much recovered from him by the Post Master General, in the Federal court for stopping the stage in conformity to the proclamation of his Excellency James Jackson.—To the counties of Clarke and Jackson, the sum of four hundred and twenty-eight dollars, fifty-six and a quarter cents; the one moiety of the said sum to be drawn by the commissioners of the court-house and jail in the county of Clarke, the other moiety to be drawn by the commissioners of the court-house and jail in the county of Jackson, for the purpose of erecting court-houses and jails in said counties.

SEC. 3. And be it further enacted, That the sum of five thousand dollars, be and the same is hereby appropriated as a loan to the Trustees of the University, in aid of the funds of the said institution, for erecting the collegiate buildings, the said trustees first giving bond with security to be approved by his Excellency the Governor, to return the said sum of money into the public treasury, within five years with lawful interest thereon. Provided, That the Trustees of the said University shall previous to receiving the said money, or any part thereof, cause to be deposited in the Executive office, a full, complete and unconditional relinquishment from Daniel Easley, of all claims or title whatever to the lands conveyed by him to John Milledge, esq. for the use and benefit of the University of this State, against him the said Daniel Easley, his heirs, executors, and administrators, forever.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 27, 1802.

JOHN MILLEDGE, Governor.
(No. 63.)

AN ACT*

For the more effectually keeping open the River Savannah.

WHEREAS the keeping open the River Savannah, is of the greatest importance to the citizens of the back country, as well in consequence of navigation, as the advantages resulting to the citizens generally, by having an annual supply of fish therefrom, And whereas, many persons on the said river, have so obstructed the passage of boats by dams, as to render it highly injurious to commerce, and almost totally prevented the fish from getting up the same.

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, it shall not be lawful for any person or persons to dam, stop, or obstruct the river Savannah, from the city of Augusta to the junction of the rivers Tugalo and Keowee, and from thence up the Tugalo river to Hattan’s ford; but that the one third part of the said river, including the main sluice, is hereby declared to remain and continue open for a free passage.

SEC. 2. And be it further enacted, That any person or persons who now have dams, or other obstructions placed in the said river Savannah, between the city of Augusta and Hattan’s ford on Tugalo river, contrary to the true intent and meaning of this act, shall remove the same on or before the first day of January next.

SEC. 3. And be it further enacted, That if any person or persons shall, in violation of this act, either build dams, or otherwise obstruct the said passage, or fail to remove those already made, shall be subject to a penalty of twenty dollars per day, for every day they may remain after the time prescribed by this act.

SEC. 4. 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 his own knowledge, or information on oath of any free white person, commanding such offender or offenders to be brought before him within ten days, to answer to the charge alleged against him or them, and such justice shall issue his subpoena, commanding the attendance of such witness or witnesses, as may be thought necessary to establish or defend the said charge or charges, who shall be subject to all the pains and penalties for non-attendance, or refusing to answer on oath, such questions as may be asked him or them as is customary in justices courts, for the collection of small debts, and, if upon examination, it should appear that such offender or offenders is or are guilty of any breach of this act, it shall be the duty of such justice, to enter up separate judgments against such offender or offenders, as the case may be.

* See act of 1809, No. 469 on this subject, so far as respects the counties of Richmond, Columbia, Lincoln, Elbert and Franklin, and as far as the mouth of Tugalo and Keowee rivers.—See act of 1810, No. 505, respecting so much of this river as bounds Franklin county.
order so concerned, for the sum of twenty dollars and costs, for each and every day that such obstructions shall have continued, and the said justice shall forthwith, issue execution on the said judgment or judgments so entered up, which shall be levied on the goods and chattels, lands and tenements of such offender or offenders, and sold agreeably to the law regulating constables sales; and in case the offender or offenders should prove insolvent, it shall be the duty of the justice or justices, who shall preside at the trial of such offender or offenders, to issue a capias ad satisfaciendum, against the body of such offender or offenders, and commit him or them to the common jail of the county where such offence may be committed, there to remain for the space of twenty days for each offence so committed; and provided there shall be no jail in the county where such offence may be committed, then, and in that case, it shall be lawful for the justices aforesaid, to commit the said offender or offenders, to the common jail of the next adjacent county, and the money arising from such fine or fines, shall be paid into the hands of such justice of the peace, who shall pay one half thereof to the informer, for his own proper use, and the remaining moiety shall be paid by the said justice, to the clerk of the Inferior court of the county in which he resides, which shall be considered as a part of the county funds, and appropriated accordingly.

Sec. 5. And be it further enacted by the authority aforesaid, That if any justice of the peace shall, in manner aforesaid, offend against this act, it shall 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 justices courts.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.
AN ACT

To extend the time for the renewal of certain audited certificates of the State of Georgia, therein designated, to the executors of the last will and testament of Commodore Oliver Bowen, deceased, John Thompson, and Evan Ragland.

WHEREAS it appearing that Commodore Oliver Bowen, deceased, had at the time of disease, in his possession, and in his own name and right, a certain voucher of debt from the State of Georgia, to the said Oliver, in the words and figures following, to wit:

STATE OF GEORGIA, TREASURER'S OFFICE.
LOUISVILLE, November 30, 1799.

No. 56. THESE are therefore to certify, that the State of Georgia is justly indebted to Commodore Oliver Bowen, or bearer, the sum of three hundred and ninety-two dollars and fifty cents, which said sum will be received in payment of any purchases made of confiscated or reverted property that may have been sold agreeable to law or otherwise provided for by the Legislature.

(Signed) JOHN BERRIEN, Treasurer.

AND WHEREAS, it further appears that the said Oliver Bowen was not apprised in his life-time, or the executors of his last Will and Testament, to wit:—Jabez Bowen, sen'r. and Jabez Bowen, jun'r. after his disease, that there was an act passed by the legislature of Georgia, entitled "an act further explaining and defining the duties and powers of the Comptroller General," passed the fifth day of December, one thousand seven hundred and ninety-nine, whereby all certificates of outstanding debts of the State of Georgia, were required to be renewed in the Comptroller General's office, and by him to be renewed, and certificates aforesaid not being renewed within two years from and after passing said act as aforesaid, should be deemed fraudulent, and be forever barred.

AND WHEREAS, the before recited act, appears to have been intended to prevent frauds being practiced on the State.—And whereas it appears oppressive and unjust to deprive a citizen of his just right.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by authority of the same. That the time of renewing the certificate in the before recited act, shall be extended to Jabez Bowen sen'r. and Jabez Bowen, jun. executors of the last Will and Testament of Commodore Oliver Bowen, deceased, for the space of three months, and on the representatives of the said Commodore Oliver Bowen, deceased, presenting the original certificate in this act, designated in three months from the passing of this act the Comptroller General shall renew the before recited certificate, any acts or parts of acts, to the contrary notwithstanding.
Sec. 2. Be it further enacted, That an audited certificate, signed John Wereat, Auditor, dated Augusta, the thirty-first of October, 1789, for one pound thirteen shillings, to John Gray; an audited certificate signed Abraham Jones, Auditor, dated December the twenty-fourth, 1794, No. 237, for three pounds four shillings and six pence, to Isaac Underwood; an audited certificate signed John Wereat, Auditor, dated Augusta, the thirty-first of October, 1789, for four pounds eight shillings, to James Moore; an audited certificate signed John Wereat, Auditor, dated Augusta, the fifteenth of March, 1786, for six pounds fourteen shillings and eight pence, to Thomas Hammon; an audited certificate signed John Wereat, Auditor, dated Augusta, the sixth of February, 1790, for twenty-two pounds eight shillings, to John Glenn; an audited certificate signed Abraham Jones, Auditor, dated October the eighth, 1793, No. 445, for fifty-four pounds eight shillings, in favor of John Giles; an audited certificate signed John Wereat, Auditor, dated Augusta, the sixteenth of February, 1790, for fifty-five pounds eight shillings and six pence, given Ozia Bradford; an audited certificate signed Abraham Jones, Auditor, dated December the sixteenth, 1795, No. 387, for two hundred and thirty-nine dollars and forty cents, given to David Hillhouse; an audited certificate signed John Wereat, Auditor, dated Augusta, the sixth of December, 1792, for one hundred pounds, given to Elijah Clark; an audited certificate signed John Wereat, Auditor, dated Augusta, the tenth of December, 1793, for four hundred pounds, given Messrs. Owen and Thompson; shall be renewed in favor of John Thompson; and also an audited certificate, Louisville, No. 25, dated the eighteenth of May, 1796, to Col. James Stallings, for the sum of four hundred and fifty dollars, signed John Berrien, Treasurer, shall be renewed in favor of Evan Ragland, by the Comptroller General, in the same manner as other audited certificates have been heretofore renewed; and on the Comptroller General being satisfied that the said audited certificates are genuine, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To divorce Jacob Bieller and Mary his wife.

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, the matrimonial connection, or civil contract of marriage,
made between the said Jacob Bieller, and Mary his wife, formerly Mary Nuffer, shall be completely annulled, and set aside and dissolved, as fully and effectually, to all intents and purposes, as if no such contract had ever heretofore been made and entered into between them.

Sec. 2. And be it further enacted, That all property real and personal, not by him or her sold or otherwise disposed of, which the said Jacob Bieller received with, or acquired by, or in virtue of this union or marriage with the said Mary, shall henceforth (with the addition of two hundred per cent. thereon) be considered as restored to her the said Mary, and the said property is hereby declared to be completely, fully and absolutely, to all legal intents, vested in, and confirmed unto her, her heirs, executors, administrators and assigns forever.

Sec. 3. And be it further enacted, That the said Mary Bieller, is hereby declared a fem sole, and she shall not in future be allowed on any pretence whatever, to charge the said Jacob Bieller, his heirs, executors, or administrators, or his or their estate, with any debts or dues of her contracting, or with actions of or for damages, for or by reason of trespasses, or damages whatever, which shall hereafter be committed or done by the said Mary Bieller, and shall not be entitled to dower of or in the estate of the said Jacob Bieller, but shall be considered and held as barred, and as having forfeited the same.

Sec. 4. And be it further enacted by the authority aforesaid, That the said Jacob Bieller, and Mary, in future, shall be deemed and considered as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatever heretofore entered into between them.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 27, 1802.

JOHN MILLEDGE, Governor.
AN ACT

For the improvement of the navigation of the Oconee and Alatamaha rivers, from Montpelloir to Darien.

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, all persons liable to work on the public roads residing in the Captain's district adjoining the Oconee and Alatamaha rivers, from Montpelloir to Darien, shall work on the said rivers, for the improvement of the navigation thereof, at such times as the commissioners hereafter named shall direct, not exceeding five days in a year.

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, or owners of slaves to send them, shall neglect or refuse to work (not having a reasonable excuse) after having five days notice for that purpose, and to bring with him or them, such tool or tools as the commissioners shall require, shall be fined in a sum not exceeding two dollars 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 public roads shall be called to work thereon; and all fines so recovered, shall be applied by the commissioners respectively to the use of clearing out the said rivers.

SEC. 3. And be it further enacted, That the commissioners after named and their successors respectively, be and they are hereby authorized and required, to appoint each one an overseer in his district, and that the commissioners and their successors, and also the overseers so appointed, shall respectively before he enters on the duties required of him by this act, take an oath before some justice of the peace of the county wherein he resides, for the faithful discharge thereof.

SEC. 4. And be it further enacted, That it shall be, and it is hereby made the duty of the Inferior courts of the respective counties adjoining the said rivers, within the aforesaid limits, in case any vacancy or vacancies shall happen of any commissioner or commissioners in any manner whatever, to appoint a commissioner or commissioners to fill such vacancy or vacancies.

SEC. 5. And be it further enacted, That the limits on the said rivers for working thereon shall be in districts, and the commissioners thereto as follows, to wit: John Miles, commissioner for Montpelloir, to the line dividing the counties of Hancock and Washington, Francis Boykin from the said dividing line to the White Bluff, Reed Dupree from the White Bluff to the mouth of Buffalo Creek, Robert Glenn from the mouth of Buffalo Creek, 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...
(No. 66.) 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 Stallings's Bluff; George Wyche from Silver Bluff to Foard's Shoal, Short Long from Foard's Shoal to the junction of the Oconee and Oakmulgee rivers, Asa Travis, from the said junction to Milligan's Bluff, John Swilly from Milligan's Bluff to the mouth of the Ohoopie, Shadrach Stanley from the mouth of the Ohoopie to Beard's Bluff, Martin Harden 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 Pinhallaway, John Joinson from the mouth of Pinhallaway to Darien.

**Sec. 6.** And be it further enacted, That any person or persons who shall obstruct the navigation of the said river by dams, shall forfeit and pay the sum of ten dollars per day for every day so stopped, or felling trees therein, for every tree so felled, the sum of five dollars, to be recovered before any justice of the peace of the county adjoining such obstruction, to be entered up in separate judgments, the one half to be applied by the commissioners to the use of cleaning out the said rivers, and the other half to the use of any informer who shall prosecute an action thereon to effect.

**Sec. 7.** And be it further enacted, That an act passed the fifth of December, one thousand eight hundred and one, for the improvement of the navigation of the Oconee and Alatamaha rivers, from Montpellier to Darien, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802,

JOHN MILLEDGE, Governor.

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(No. 67.)

To raise a tax for the support of government, for the year one thousand eight hundred and three.

BE it enacted by the Senate and House of Representatives, of the State of Georgia in General Assembly met, That the tax act of eighteen hundred and two, shall be and the same is hereby revived, re-enacted and continued as the tax act for the year eighteen hundred and three; with the exceptions following, that is to say:—That the third section thereof, which respects a tax on suits, shall only extend to suits where the debt or dam-
cases sued for exceed five hundred dollars, on which shall be collected and received the sum of two dollars for the use of the State, to be taxed in the bill of costs, and paid by the clerk into the Treasury when collected:—and that the fees of receiver of tax returns, shall be the same as the fees of the tax collectors as established by the afore-mentioned act; any thing contained in the aforesaid tax act to the contrary notwithstanding; and except also, that all persons holding lands within the limits of this State, whose residence is without the same, shall either by themselves or agents, return all such lands and pay the taxes thereon in the counties wherein they respectively lie, any law to the contrary notwithstanding.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To amend an act, entitled "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.

WHEREAS by the said act, the Mayor and Aldermen of the city of Savannah, are vested with full power and authority, and have caused a survey of the wharf lots in the said city to be made; And whereas it is represented, that by the line marked by the said survey, the heads of most of the wharf lots would be more or less effected, and that so general a removal of the heads of the said wharf lots would prove greatly injurious to the said river Savannah.

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 Josiah Tattnall, jun. esquire, D. B. Mitchell,† and the Harbour-Master of the city of Savan-

* This act re-enacted by act of 1803, No. 127, except so far as relates to giving in returns by non-residents.

† More commissioners appointed by act of 1803, No. 116, and authorizing the governor to appoint others in case of vacancies.
(No. 68.)
nah, be and they are hereby appointed commissioners, and are vested with full power and authority, and are hereby required, to extend the said line corresponding with the course of the river, and so as to preserve all the heads of the majority of the said wharf lots, and to present as uniform a front upon the river as may be, without injury to the navigation or channel of the said river.

SEC. 2. And be it further enacted, That the line when extended as aforesaid by the said commissioners, shall be held and considered, and is hereby declared to be the true line of the said wharf lots on the said river.

SEC. 3. And be it further enacted, That any of the heads built on any of the said wharf lots, or any platform, building or other improvement whatsoever, which shall extend beyond the aforesaid line, shall be deemed and considered encroachments on the said river, and the owner or owners thereof, or his, her or their agent, or attorney, or the executor or administrators of such owner or owners, shall, within four months after the said line shall be ascertained and marked, and notice thereof given by the said commissioners, remove or cause to be removed within the said line, the part or parts of the said wharf-head, platform, building, or other improvement as aforesaid.

SEC. 4. And be it further enacted, That if any owner or owners of the said wharf lots, or his, her or their agent or attorney, or the executor or administrators of such owner or owners, shall neglect or refuse to remove or cause to be removed, the said encroachments, within the said term of four months, he, she or they so neglecting or refusing shall forfeit and pay for every foot 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 Mayor and Aldermen of the city of Savannah, for the time being, and applied by the commissioners of pilotage to the deepening of the said river Savannah:—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 expenses thereof, shall be a charge upon the said wharf lot, and may be recovered by distress and sale of the said wharf lot and improvements, notwithstanding the forfeiture hereinbefore expressed.

SEC. 5. And be it further enacted, That so much of the aforesaid act as is repugnant to this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 4, 1802.

JOHN MILLEDGE, Governor.
AN ACT

To add a part of Wilkes county to Greene, and a part of Greene to Clark, and to make permanent the seat of the public buildings in the counties of Greene and Clark.

WHEREAS several citizens in the south western corner of Wilkes, have petitioned this Legislature, to be added to Greene.

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, all that part of Wilkes lying west of a line beginning where the present line between the two said counties crosses the south fork of Little River, running thence a straight line to the Greene and Hancock corner, on Ogeechee river, be and the same is hereby added to the county of Greene.

SEC. 2. And be it further enacted, That the county surveyor of Greene, be and he is hereby required to run and plainly mark the line aforesaid, and he shall be, and he is hereby allowed the sum of ten dollars, for the expense of chain bearers, choppers &c., to be paid by the Inferior Court of the county of Greene, out of the county funds.

SEC. 3. And be it further enacted, That Greensborough, be and it is hereby established as the permanent seat of the public buildings for the county of Greene.

SEC. 4. And be it further enacted by the authority aforesaid, That all that part of Greene county, lying northwardly of a line to be drawn from the mouth of Falling Creek, at the corner of Oglethorpe on the Oconee river, a direct line to the corner of Greene and Clark counties, on the Appalatchee river, be added to the county of Clark, and that the seat of the public buildings in the said county of Clark, do remain permanent in the town of Watkinsville; and that the said line shall be run by any lawful surveyor at the expense of Clark county.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

* See act of 1806, No. 227, for the better regulation and government of this town.
AN ACT

To authorize John Strahan, Willis Speer, and Joseph Mock, commissioners therein named, to open and keep open a road back of the Big Bay, in Effingham county.*

WHEREAS many of the inhabitants of Effingham county, labour under great disadvantages by having a large Bay Gall, or Swamp between them, and the road leading from Louisville to Savannah, and have petitioned this legislature for redress.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That John Strahan, Willis Speer and Joseph Mock, be and they are hereby appointed commissioners of a road by them to be laid out, beginning at the plantation formerly occupied by Mr. Moore Speer, deceased, and continue down back of the Big Bay, as straight as possible until the same intersect the Ogechee road at Ford's.

SEC. 2. And be it further enacted, That the inhabitants liable to work on the road, living back of the Big Bay, or nearest the said new road, are hereby declared liable to work on said road, and no other, any law or regulation to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, GOVERNOR.

AN ACT

To amend an act, entitled "An act to divide the county of Jackson," passed the fifth day of December, 1801.

WHEREAS the above recited act, does not embrace all the objects for which it was contemplated.

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

* This act amended by act of 1803, No. 115.
PASSED IN THE YEAR 1802.

Jaekson, be and he is hereby directed to employ two chain bearers, and immediately proceed to admeasure the lines of said county, and ascertain the centre thereof, and shall officially certify the same to the commissioners of the court-house and jail, who may be appointed by virtue of this act, for which services compensation shall be made at the expense of said county, by the Justices of the Inferior Court.

SEC. 2. And be it further enacted by the authority aforesaid, That the Justices of the Inferior Court, be and they are hereby appointed commissioners of the court-house and jail in said county, and they or a majority of them, are vested with full power and authority to fix on the most convenient place within two miles of the centre of the county as aforesaid, at which, courts and elections shall be held as soon as suitable buildings are erected thereat, and the said commissioners or a majority of them, are hereby authorized and empowered to contract with fit and proper persons for the purpose of building a court-house and jail in the county aforesaid, which after at least thirty days notice, shall be let to the lowest bidder.*

SEC. 3. And be it further enacted by the authority aforesaid, That the Justices of the Inferior Court of said county, are hereby authorized and empowered to levy a tax, not exceeding one sixth of the general tax, on the inhabitants and taxable property within the same, for the purpose of erecting a court-house and jail, and defraying the expense of the county surveyor, and chain bearers as aforesaid, which shall be done in such manner as in their judgment will be least burdensome to the people.

SEC. 4. And be it further enacted by the authority aforesaid, That so much of the before recited act, as militates against this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

See act of 1803, No. 84, repealing this section, and appointing other commissioners.
AN ACT

To appoint commissioners for the better regulation and government of the town of Petersburg.

WHEREAS the town of Petersburg requires regulation.

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 following persons to wit:—Robert Thompson, Leroy Pope, Richard Easter, Samuel Watkins, and John Ragland, be and they are hereby appointed commissioners of the town of Petersburg, and that they or a majority of them, shall, immediately after the passing of this act, convene and proceed to the appointment of a clerk, and such other officers as they may deem necessary, to carry this act into execution.

SEC. 2. And be it further enacted, That the said commissioners shall hold their respective appointments hereby given, until the first Monday in January, 1802, at which time, and on every subsequent first Monday in January thereafter, the citizens of Petersburg, entitled to vote for members of the General Assembly, shall choose by ballot, five persons to succeed them as commissioners of said town, and they shall have, and they are hereby vested with full power and authority, to make such bye-laws and regulations, and to inflict or impose such pains, penalties and forfeitures, as in their judgment shall be conducive to the good order and government of the said town of Petersburg: Provided, that such bye-laws and regulations, be not repugnant to the laws and constitution of this State, and that the pains, penalties and forfeitures aforesaid, shall not extend to life or member,*

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

* See act of 1804, No. 137, amendatory of this act.
AN ACT (No. 73.)

To authorize Josiah Tattnall, jun., Nicholas Long, and Philip Clayton, late commissioners of reverted confiscated property, to supply certain words omitted in the titles of the Reverend William M'Whir, a purchaser at the sales of the aforesaid property.

WHEREAS it appears that the Reverend William M'Whir, did, at the sales of reverted confiscated property, on the 23d July, 1791, become the purchaser of a tract of land, which is described in the advertisement of the commissioners, in the following words, to wit: That tract of land containing 200 acres, bounded on the east by salt marsh, to the west on lands of Thomas Morris, to the north on lands of Jeremiah Dickinson, and the south on lands formerly —— Westberry's, now William Woodward's; And whereas it further appears, that in filling up the titles to the said William M'Whir, the following words were omitted, to wit: “To the west on lands of Thomas Morris, to the north on lands of Jeremiah Dickinson, and south on lands formerly —— Westberry's, now William Woodward’s,” whereby the title of William M'Whir, is rendered defective and wholly useless; for remedy whereof—

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 Josiah Tattnall, junior, Nicholas Long, and Philip Clayton, late commissioners of reverted confiscated property, be and they are hereby authorized to supply the afore-recited omitted words, in the titles of the aforesaid William M'Whir, which shall be held and considered of the same force and validity, as if the said words had been therein originally inserted, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLIDGE, Governor.
AN ACT

To authorize an extra session of the Superior Court of Chatham county.

WHEREAS it has been represented, that in consequence of the long vacancy in the appointment of Judge of the Eastern District, the suits and prosecutions, have been so greatly accumulated in the county of Chatham, as to render an extra session of the Superior Court of said county, highly necessary and expedient.

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 the Judge of the Eastern District shall hold, and he is hereby authorized to hold an extra session of the Superior Court of said county, to commence on the second Monday in January next.

Sec. 2. And be it further enacted by the authority aforesaid, That from and immediately after the passing of this act, juries shall be drawn and summoned to attend, and serve on trials at the said extra session, in the mode already pointed out by law. Provided nevertheless, That where juries have been already drawn for the next regular term of said Superior Court, such juries shall stand over, and be considered the legal juries under and for the purposes of this act; any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EManuel, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To incorporate the Savannah House Carpenters.

WHEREAS, George Robertson, George Henry, Asa Hoxey, Francis Roma, James Shaffer, William Mitchell, Thomas Ball, George Myers, Joseph Rahan, Frederick Bolinger, Philip Newton, Peter Wyly, William Mills, John Long, Christopher Hall, Robert Frazer, Edward Jones, L. de Young, John Reddmole, John Brewer, John Street, Benjamin Collier, John Gable, William Burnside, John Peter Oates, John Bowles,
Alexander Wilson, William Pearson, Thomas Jones, Thomas Hardy, John H. Shaw, Joseph Stilwell, John Hoxam, Nathaniel Lewis, William Mathews, John Reed, Samuel Bass, Joseph Shepherd, William Warrington, Isaac Tichener, Goodlip Hover, William Spencer, and William Burke, have by their petition represented, that they are of that class of mechanics called House Carpenters, and being desirous of placing their craft upon a more respectable and social footing than heretofore, so that the objects thereof may be essentially benefitted and improved, have prayed the Legislature to grant them an act of incorporation.

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 thereof, That the several persons herein before named and mentioned, and others who may become members of the said class of mechanics called House Carpenters, respectively, the officers and members thereof, and their successors, shall be and they are hereby declared to be a body corporate, in name and deed, by the style and denomination of "the Savannah House Carpenters," and by the said name and style shall have perpetual succession of officers and members and a common seal to use, and shall have power and authority to make, alter, amend, and change such bye-laws, as may be agreed on by the members of the same, Provided, such bye-laws be not repugnant to the laws and constitution of this State, or the United States.

SEC. 2. And be it further enacted by the authority aforesaid, That they shall have full power and authority under the said style and denomination, to sue and be sued, implead, and be impleaded, answer and be answered unto, in any court of law, or at any tribunal having jurisdiction thereof, and the rights and privileges of the said society, or corporated body, in any court of law, or at any tribunal whatever to defend, and shall be and are hereby declared, to be vested with all the powers and advantages, privileges and emoluments of an association or society of people incorporated, for the purposes and intentions of their said association.

SEC. 3. And be it further enacted, That this act shall be, and is hereby declared to be a public act, to all intents and purposes whatever.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.
AN ACT

To secure unto Joseph Ray, the exclusive right and privilege, to receive toll at a bridge he has erected over Little River.

WHEREAS Joseph Ray, has represented by petition, that he has at great expense, erected a bridge over Little River, on the Washington road; and in order that said bridge may be productive of more general utility, prays that he may be authorized to receive toll at said bridge for a limited time.

WHEREFORE—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 said Joseph Ray, his heirs and assigns, shall have the sole and exclusive right of receiving toll at said bridge, and the said Joseph Ray, his heirs and assigns, shall and may legally demand and receive, during the term of ten years, a toll in the following manner, that is to say:—For every loaded waggon and other four wheeled carriage, twenty-five cents; for every empty waggon, twelve and a half cents; for every loaded cart, or other two wheeled carriage, twelve and a half cents; for every empty cart or dray, six and a quarter cents; for every man and horse, six and a quarter cents; for every foot passenger, six and a quarter cents; for every rolling hogshead, twelve and a half cents; for all black cattle per head, one cent; for all hogs, sheep and goats per head, one cent and no more, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To authorize Joseph Rice, to establish a Lottery.

WHEREAS Joseph Rice, has by petition represented, that he has in his possession, plate, jewelry, watches and other articles of a similar nature, of great value, which he cannot sell and dispose of in the usual and regular course of his profession, as a Watch-maker, and prays that he may be authorized, to sell and dispose of the same by the scheme of a lottery.
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 it shall and may be lawful for the said Joseph Rice, to establish a lottery, from and immediately after the passing of this act, to raise the sum of ten thousand dollars, under such scheme and regulations, as he may deem necessary and proper, to carry into effect the above recited object.

SEC. 2. And be it further enacted, That so soon as the said lottery shall have been completed, the said Joseph Rice shall pay into the Treasury of this State, the sum of two hundred dollars, which is equal to the rate of two per centum on the aforesaid sum of ten thousand dollars, the capital of said lottery.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

AN ACT

To authorize the inhabitants of certain wards, that now are, or may be laid off in Savannah, to vote for Aldermen.

WHEREAS certain wards are laid off from the commons appurtenant to the city of Savannah, the inhabitants whereof are not represented in the council of the city of Savannah.

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 and may be lawful for the persons entitled to vote for Aldermen, and who reside in the present new wards of the city, to meet together, and on the first Monday in January next, at such place or places as the city council shall direct, and vote for Aldermen qualified to be elected as follows: The two wards called Greene and Columbia, shall be united, and be entitled to one Alderman; the wards called Liberty and Elbert, shall be united, and entitled to one Alderman, to be elected in manner and form as the other Aldermen for
the said city are elected, and to continue in office until the next general election for Aldermen for the said city, and from thence be elected annually, as is prescribed by the acts relative to the said city corporation.

SEC. 2. And be it further enacted, That when the said wards called Greene, Columbia, Liberty and Elbert, or any other ward that now is, or shall hereafter be laid off by the city council, from the lands appurtenant to the said city, shall have each twenty dwelling houses, or tenements occupied, such wards shall be entitled to elect an Alderman; and where any two wards have not more than twenty dwelling houses, or tenements occupied, such two wards united, shall be entitled to elect one Alderman, when the qualification aforesaid shall be duly notified by the city council, at the general election for Aldermen of the said city, as is prescribed by law.

SEC. 3. And be it further enacted, That from and after the passing of this act, if any person or persons entitled to vote at the elections for Aldermen of the said city, shall vote in any ward, other than that in which he or they may or shall reside, every person so offending, shall forfeit and pay to the corporation of the said city, the sum of thirty dollars, to be recovered in a Justices court of said city, and every vote so given contrary to this act, shall be void and of no effect; and if such offender or offenders should have neither real or personal property, with which to satisfy the same, he or they may be committed to the common jail of the county, for ten days.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

AN ACT*

(No. 79.)

To carry into effect the ninth section of the third article of the Constitution.

WHEREAS marriage being among the most solemn and important contracts in society, has been regulated in all civilized nations by positive systems; And whereas circumstances may require a dissolution of contracts founded on the most binding and

* See act of 1806, No. 235, amendatory of this act.
sacred obligations which the human mind has been capable of devising, and such circum-
stances may combine to render necessary the dissolution of the contract of marriage, 
which dissolution ought not to be dependant on private will, but should require Legislative 
interposition; inasmuch as the republic is deeply interested in the private happiness of its 
citizens: And whereas, the Constitution of this State declares that "Divorces shall 
not be granted by the Legislature, until the parties shall have had a fair trial before 
the Superior Court, and a verdict shall have been obtained, authorizing a Divorce 
upon legal principles; and in such cases, two thirds of each branch of the Legislature 
may pass acts of Divorce accordingly." And doubts being entertained by the Judges 
of the Superior courts of this State, with respect to their powers of deciding upon 
applications for divorce, before the General Assembly have legislated upon the said 
section of the third article of the Constitution: For the purpose of obviating said 
doubts, and of carrying into effect the said section of the Constitution, therefore—

SEC. 1. BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES, IN GENERAL 
ASSEMBLY MET, AND IT IS HEREBY ENACTED BY THE AUTHORITY OF THE SAME, THAT THE DIVORCE 
RECOGNIZED BY THIS ACT, SHALL BE THE TOTAL DIVORCE, THAT IS TO SAY—THE DIVORCE A VINCULUM 
MATRIMONII.

SEC. 2. AND BE IT FURTHER ENACTED, THAT THE PROCEEDINGS ON DIVORCE SHALL BE BY 
PETITION TO THE COURT, WHICH PETITION SHALL PLAINLY AND FULLY STATE THE CAUSE OR CAUSES OF 
THE APPLICATION FOR SUCH DIVORCE, TO WHICH PETITION THE CLERK SHALL ANNEX A CITATION SIGNED 
BY SUCH CLERK, AND BEARING TEST IN THE NAME OF THE JUDGE HAVING COGNIZANCE OF THE 
CASE, DIRECTED TO THE SHERIFF, CITING OR REQUIRING THE DEFENDANT TO APPEAR AT THE COURT TO 
WHICH THE SAME IS MADE RETURNABLE, THIRTY DAYS BEFORE THE SITTING OF THE COURT, BY 
SERVING A COPY OF SUCH PETITION AND CITATION ON THE DEFENDANT, OR BY LEAVING A COPY AT HIS 
OR HER MOST NOTORIOUS PLACE OF ABODE.

SEC. 3. AND BE IT FURTHER ENACTED, THAT THE FOLLOWING PROCEEDINGS SHALL BE OBSERVED 
BY THE DEFENDANT, TO WIT: THE DEFENDANT SHALL APPEAR AT THE COURT TO WHICH THE PETITION 
AND CITATION ARE MADE RETURNABLE, AND ON OR BEFORE THE LAST DAY OF THE COURT, SHALL MAKE 
HIS OR HER ANSWER OR DEFENSIVE ALLEGATION IN WRITING, SIGNED BY THE PARTY MAKING THE 
SAME, OR HIS OR HER ATTORNEY, WHICH MAY EXTENUATE, DENY OR CONTAIN AS MUCH MATTER, 
OR AS MANY CIRCUMSTANCES, IN HIS OR HER DEFENCE, AS THE SAID DEFENDANT MAY THINK NECESSARY 
AND PROPER THEREIN.

SEC. 4. AND BE IT FURTHER ENACTED, THAT WHERE THE SAID DEFENDANT SHALL FAIL TO 
APPEAR AS AFORESAID, THE COURT SHALL PROCEED TO GIVE JUDGMENT BY DEFAULT, WHICH SHALL BE 
ENQUIRED OF AS THE LAW DIRECTS, AND HAS HERETOFORE BEEN THE CUSTOM AND PRACTICE OF COURTS 
as IN CASES OF DEFAULT.
(No. 79.)

Form of the verdict:

Sec. 5. *And be it further enacted,* That the verdict of the jury, which by the aforesaid section of the constitution must in its nature be interlocutory, not definitive, shall be in the form and words following, to wit: *"We find that sufficient proofs have been referred to our consideration to authorize a total divorce, that is to say, a divorce a vinculo matrimonii upon legal principles between the parties in this case"; a certified copy of which verdict, signed by the clerk of the court at which the said verdict shall have been obtained, together with the records appertaining to the same, shall be and is hereby considered as a full compliance with the aforesaid section of the third article of the Constitution.

Sec. 6. *And be it further enacted by the authority aforesaid,* That when any person shall be out of the limits of this State, that has complaint alleged against them by virtue of this act, the judge presiding may make a rule of court to compel their attendance, or proceed to trial in case of default.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 1, 1802.

JOHN MILLEDGE, Governor.

(No. 80.)

AN ACT.

To make Distribution of the late Cession of Lands, obtained from the Creek Nation by the United States' Commissioners, in a Treaty entered into at or near Fort Wilkinson, on the sixteenth day of June, eighteen hundred and two.

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 Territory south of the Oconee and Alatamaha rivers, that is to say:—Beginning at the upper extremity of the High Shoals of the Appalachee river, the same being a branch of the Oconee river, and on the southern Bank of the same; running thence a direct course to a noted ford of the south branch of Little river, called by the Indians, Chato-chuc-co-hatchee; thence a direct line to the main branch of Commissioners' creek, where the same is intersected by the path leading from the Rock-Landing to the Oakmulgee Old-Towns; thence a direct line to Palmetto creek, where the same is intersected by the Uchee path, leading from the Oconee to the Oakmulgee river; thence down the middle waters of the said creek to