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 persons 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.

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 Oakmugee Old-Towns; thence a direct line to Palmetto creek, where the same is intersected by the Uchee path, leading from the Oconee to the Oakmugee river; thence down the middle waters of the said creek to
Oconee river, and with the western Bank of the same, to its junction of the Oakmulgee river; thence across the Oakmulgee river to the south bank of the Alatamaha river, and down the same, at low water mark, to the lower bank of Goose-creek, and from thence by a direct line to the mounts on the margin of Okefenocaw swamp, raised and established by the commissioners of the United States and Spain, at the head of St. Mary's river; thence down the middle waters of said river, to the point where the old line of demarkation strikes the same; thence with the said old line to the Alatamaha river, and up the same to Goose-creek, to which the Indian title has been extinguished by treaty, concluded near Fort Wilkinson, on the sixteenth day of June, eighteen hundred and two; shall, in conformity to the twenty-third section of the first article of the constitution of this State, be laid off into three counties in the following manner, that is to say:—That part of the said territory lying south of the Alatamaha, to form and constitute one county, to be called Wayne; and that part of the said territory lying south of the Oconee river, to be divided by a line to be run according to the true meridian from the Oconee at Fort Wilkinson, south forty-five degrees west, to the Indian boundary line, into two counties, the eastern to be called Wilkinson, and the western to be called Baldwin; and shall be divided by the Surveyor-General, or such of the district surveyors as he may think proper to appoint, each county into districts—the county of Wayne into three districts; which districts shall be as near equal as circumstances will admit, to be laid off in such manner as the Surveyor-General may deem most expedient; and the counties of Wilkinson and Baldwin into five districts, each as nearly equal in extent as circumstances will permit, by lines which shall run parallel with the dividing line between those counties.

SEC. 2. And be it further enacted by the authority aforesaid, That the lands contained in the several districts shall be divided by lines running parallel with the dividing lines of districts, and by others crossing them at right angles, so as to form tracts of forty-five chains square, containing two hundred and two and an half acres each, plainly and distinctly marked; in a manner different from the ordinary mode heretofore pursued, for making lines in this State; to be pointed out by the Surveyor General; except the county of Wayne, which shall be laid off into tracts of seventy chains square, and to contain four hundred and ninety acres each, unless where the line which is to form a temporary boundary between the said territory and Creek Indians, or the course of navigable rivers, may render it impracticable, and then this rule shall be departed from no further than such particular circumstances may require, and all fractional parts of surveys, which may be created by the courses of navigable rivers, by the temporary boundary line, or other unavoidable circumstances; and all islands within the limits of the said territory, and lying southwest of the middle or main source of the Oconee or Alatamaha rivers, shall be reserved and sold, and the funds arising therefrom, be appropriated in such manner as a future legislature may direct,* reserving nevertheless, to the

See Act of 1805, No. 192—Repealing the latter part of this section.
fortunate drawers respectively, of the tracts or sections of land adjacent to such fractional parts of surveys or islands, a preference for twelve months from and after the completion of the drawing of the lottery contemplated by this act, and the right to purchase such fractional parts of surveys or islands, at such rates as may be stipulated by law, except such islands as contain above one hundred acres, which shall be drawn for in the manner pointed out by this act.

**Sec. 3.** And be it further enacted by the authority aforesaid, That for each district, one surveyor shall be appointed by the legislature, and if any person shall offer, and be so appointed, who shall hereafter be found deficient in the qualifications necessary to a due execution of the duties required by this act, it shall be deemed a forfeiture of his bond, and himself and securities immediately liable therefor.

**Sec. 4.** And be it further enacted by the authority aforesaid, That the respective surveyors shall give bond in the penalty of ten thousand dollars, with such security as the Governor, or a majority of the Justices of the Inferior Courts of the respective counties, where the said surveyors may reside, which bond shall be taken by the Governor or the aforesaid Justices, and deposited in the Executive office, shall approve of, for the faithful discharge of the trust reposed in, and duties required of them by this act.

**Sec. 5.** And be it further enacted by the authority aforesaid, That it shall be the duties of the surveyors appointed in pursuance of this act, to make the surveys of the districts to which they may respectively be appointed in their own proper persons; to mark or cause to be marked, plainly and distinctly, upon trees, if practicable, otherwise stakes may suffice, all lines which it may be required of them to run, for the purpose of making the surveys in their respective districts, immediately after the boundary line shall have been run by the proper authority, to cause all such lines to be run with the utmost possible exactness, with a half chain, containing two perches of sixteen feet and one half each, consisting of fifty equal links, which shall be adjusted by a standard, to be kept for that purpose in the Surveyor-General's Office; to take as accurately as possible, the meanders of all water courses which shall form natural boundaries to any of the surveys, and of all navigable rivers, whereby any of such surveys may happen to be divided; to note, in field books to be kept by them respectively, the names of the corner and other station trees, which shall be marked and numbered in such manner as the Surveyor General shall direct; also all rivers, creeks and other water courses, which may be touched upon or crossed in running and measuring any of the lines aforesaid; transcripts of which field books after being examined with the originals, by the Surveyor General, and certified and signed on every page by the district surveyors returning the same, shall be deposited in the Surveyor General's Office, there to be preserved as a record; to make a return to the Surveyor General, within ninety days* after the running the boundary line as

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*Time extended to one hundred and fifty days, by act of 1803, No. 97, section third.
Sec. 6. And be it further enacted by the authority aforesaid, That the Surveyors shall receive as a compensation, two dollars and seventy-five cents per mile, for every mile that shall be actually run or surveyed, to compensate for returning maps, plats and field books, out of which sum they shall defray the expenses of chain-men, axe-men and every other expense incident to the said business; for three hundred dollars whereof, the Governor is requested to issue his warrant on the Treasurer, in favor of each and every surveyor, immediately after they have entered into bond and security as aforesaid, to enable them to proceed, without delay to the execution of their duties, for the balance, of which by this law they may be entitled, they shall receive a warrant in like manner, on producing to his Excellency the Governor, a certificate from the Surveyor General, setting forth that such surveyor has completed the duties assigned him, and made his returns conformably to this act.

Sec. 7. And be it further enacted by the authority aforesaid, That the Surveyor General, or district surveyor or surveyors, who may be employed in dividing the said territory into counties and districts, shall receive the same compensation for each mile run and surveyed as is allowed by this law for other surveyors, out of which all expenses incident thereto, must be paid without any additional charge on the State, and his Excellency the Governor is requested to grant his warrant on the Treasurer for compensating that service, so soon as he shall be advised by the Surveyor General of its completion.

Sec. 8. And be it further enacted by the authority aforesaid, That the said land shall be appropriated by lot in the manner following, to wit: After the surveying is completed, and the returns made to the Surveyor General, his Excellency the Governor shall cause tickets to be made out whereby all the numbers of the surveys in the different districts shall be represented, which tickets shall be put into a box to constitute prizes, with others to be denominated blanks, of which blanks the number or amount shall be determined, by subtracting the number of prizes from the whole number of draws to which the said lottery shall be subject, upon the following principles, that is to say—Every free male white person, twenty-one years of age and upwards, being a citizen of the United States, and an inhabitant of this State; twelve months immediately preceding...
(No. 80.)

Section 9. And be it further enacted by the authority aforesaid, That lists of persons entitled to draw, in conformity to the provisions of this act, shall be taken and made out, within three months from the passage thereof, by any three or more of the justices of the Inferior Courts of the respective counties, or such fit and proper persons as they may appoint not exceeding one for each county, who shall previous to their entering on the duties of their appointment, severally enter into bond and security, to be approved by the said justices, in such reasonable sum as they may deem necessary, for the faithful discharge of the trust reposed in them, and also to take and subscribe an oath in writing, faithfully to perform the duties required of them by this act.—And it shall be the duty of the said justices, or any three or more of them, or such persons as they may appoint, to attend at the court-houses of the respective counties, on as many several days as the said justices may deem necessary and appoint, for the purpose of taking and making out such lists, giving at least ten days previous notice of such attendance, by advertisement, at five or more of the most public places in the respective counties; and the names of all persons entitled to draw, with the number of draws to which they may be entitled, shall be entered into a book, to be provided for that purpose in each county, which said list or book, shall immediately after the same shall have been completed and transcripts thereof deposited in the clerk’s office of the Superior Courts, be transmitted by the said justices to his Excellency the Governor, for which said services the said justices, or such persons as they may appoint as aforesaid, shall receive from the persons entitled to draw, on entering their names respectively, for each draw, twelve and an half cents: And his Excellency the Governor is hereby authorized and required forthwith to issue his proclamation, and cause the same to be published in all gazettes of this State, setting forth the outlines of this act, and requiring all persons interested therein, to exhibit their claims in the counties of their respective residence, supported by oath or affirmation, of one or more credible witnesses, where doubts exist in the minds of the said justices, or persons to be appointed by them as aforesaid.

Section 10. And be it further enacted by the authority aforesaid, That immediately after the returns shall have been received from the district surveyors, and the Justices of

* See act of 1803 supplementary, No. 107, entitling children to draw whose father is dead, and mother intermarried, in like manner of those, whose parents are both dead.

† See supplementary act of 1803, No. 107, extending the time to the first of March thereafter.
the Inferior Courts, his Excellency the Governor be authorized and he hereby is required, to cause four lists to be made, and arranged in alphabetical order, of the persons entitled to draw, and cause the lottery to be carried into effect, conformably to the provisions contained in this act, under the superintendency of five managers, or a majority of them, to be appointed by the Legislature, who shall apportion the blanks and prizes in the manner aforesaid, and give one months public notice, in all the gazettes of the State, previous to the commencement of the drawing, and shall set forth, in such notification, the days of drawing for the names enrolled under the letter A, the days of drawing for the names enrolled under the letter B, and so on throughout the alphabet, commencing the drawing with the names belonging to the first letter.

SEC. 11. And be it further enacted by the authority aforesaid, That all persons against whose names lands may be drawn in pursuance of this act, shall be entitled to receive grants, which shall be issued under the hand of his Excellency the Governor, and the great seal of the State, on application of fortunate drawers respectively, who shall have complied with the requisitions of this act, and being applicable to them, their respective heirs and devisees, investing in them fee simple titles, to the particular survey or surveys of lands, drawn against their names respectively, by paying into the Treasury of this State, within three months* immediately after the drawing is completed, the sum of nine dollars per hundred acres, for river lands of the first quality—seven dollars per hundred acres, for river land of the second quality—seven dollars per hundred acres, for high land of the first quality—four dollars per hundred acres, for high land of the second quality—two dollars per hundred acres, for all third quality land—and half a dollar per hundred acres, for all pine land; and that prices shall be affixed to said lands, in the following manner, viz.—All river land of the first quality, at one dollar per acre, all river land of the second quality, at fifty cents per acre; all up land of the first quality at fifty cents per acre; all up land of the second quality, at twenty-five cents per acre; all up land of the third quality, at twelve and a half cents per acre; all pine land at six and a quarter cents per acre, which shall be paid by the following instalments, viz.:—

One third of the price of the respective tracts, on or before the expiration of three years, to be computed from the first payment; and the third annually thereafter, until the whole price of the land is discharged, before the said fortunate drawers shall receive a grant for the same, and in case of failure, any of the aforesaid payments, the said land shall revert to and be vested in the State; Provided nevertheless, That the said fortunate drawers shall be at liberty to pay up the whole amount, at any time before the expiration of the five years, and shall be entitled to receive a grant immediately on so doing;[

* Time extended by act of 1803, No. 107, section second for the term of twelve months from and after the completing of the Land Lottery.
† This section repealed by act of 1803, No. 97, section second, and grants to be obtained free of purchase, except a certain sum, in lieu of office fees, which by act supplementary, passed same session, No. 107, must be done within 12 months after the Lottery.
SEC. 12. And be it further enacted by the authority aforesaid, That no contract for the conveyance and sale of tickets in the lottery aforesaid, previous to obtaining grants therefor, shall be binding or obligatory on either of the contracting parties, their heirs, executors administrators, assigns or devisees, in any court of law or equity in this State.

SEC. 13. And be it further enacted by the authority aforesaid, That where vacancies may happen by death, resignation or otherwise, of any of the district surveyors appointed in pursuance of this act, the Governor is authorized and required to fill up such vacancy or vacancies; and in case any surveyor shall fail to prosecute the trust reposed in him, either from inattention or otherwise, in such manner as, in the opinion of the Governor, may render doubtful the finishing the surveys within the time limited, he shall have power to declare such appointment vacant and to fill up the same, as in cases of other vacancies.

SEC. 14. And be it further enacted by the authority aforesaid, That the surveyors to be appointed in pursuance of this act, shall, before they proceed to the duties of their appointments, take the following oath or affirmation, viz.: "I —— do solemnly swear or affirm (as the case may be) that I will well and faithfully, to the utmost of my skill and abilities, discharge the duties of surveyor, of district No. ——, agreeably to the requisitions of an act entitled, "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, one thousand eight hundred and two. So help me God." Which oath the Surveyor General is authorized and required to administer. And all chain-men to be employed in pursuance of this act, shall, before they enter severally upon their duty, take the following oath or affirmation, viz.: "I —— do solemnly swear or affirm (as the case may be) that I will, to the utmost of my skill and judgment, measure all lines which I shall or may be employed upon as a chain carrier, as accurately, and with as little deviation from the courses pointed out by the surveyor, as possible, and give a true account of the same to the surveyor. So help me God." Which oath the district surveyors are hereby empowered and required to administer.

SEC. 15. And be it further enacted by the authority aforesaid, That for the purpose of ascertaining the different qualities of lands to be laid off and surveyed in pursuance of this act, the surveyor of each district, shall employ one discreet person qualified to judge of the value of lands, whose duty it shall be to attend such surveyor, and explore each and every survey of land in the progress of laying them off, and report the quality thereof under oath to the surveyor, who shall note the same in his field book, for which service, the persons performing the same, shall receive fifty cents for every survey by them explored, to be paid out of the Treasury of this State.

* This section repealed by act of 1863, No. 97, section second.
Sec. 16. And be it further enacted by the authority aforesaid, That immediately after the boundary line shall be run agreeably to this act, five commissioners to be appointed by the Legislature, shall at the most eligible and suitable place, at or near the head of navigation on the south side of the Oconee river, lay out a tract of land containing three thousand two hundred and forty acres, or sixteen of the aforementioned tracts, of two hundred and two and an half acres each, as laid off by the district surveyors; which is hereby reserved and set apart for a town to be called and known by the name of Milledgeville; and shall on such part as they may deem most proper, lay off lots containing one acre each; and shall lay a plat of the said tract of land, together with a plan of the town, before the next General Assembly, and such number of lots shall be disposed of as they may deem expedient.

Sec. 17. And whereas it may so happen, that persons may have surveyed lands in the aforesaid cession, contrary to law, and on which grants may have issued: Be it therefore enacted by the authority aforesaid, That all such surveys or grants, are hereby declared to be null and void to all intents and purposes, as though the same had never been made or issued; nor shall any survey or grant, for lands in the aforesaid cession, be admitted to a jury as evidence of the title of the lands in this act described, except those obtained by virtue and under the authority of this act, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

SOLOMON WOOD, President of the Senate, pro. tem.

Assented to, May 11, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To amend an act, pointing out a mode for adjusting the claims of the citizens of this State, against the Creek Nation.

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 claims of the citizens of this State against the Creek Indians, for property plundered and detained from them by the said Indians, as may be laid before him by the Executive, on or before the first day of November next, and that he do report to
the Executive a schedule thereof as soon as possible thereafter; and that his Excellency the Governor be, and he is hereby required to deliver to the Comptroller-General, such claims as are now deposited in the Executive Department, against the said Indians, and also, all such as may be received on or before the said first day of November next.

SEC. 2. And be it further enacted, That the Comptroller General be allowed and paid out of the contingent fund, a sum which may be deemed by the Executive, an adequate compensation for his trouble.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

SOLOMON WOOD, President of the Senate, pro. tem.

Assented to, May 9, 1803.

JOHN MILLEDGE, Governor.

(No. 82.) AN ACT

Supplementary to an act, entitled, "An act to Establish a fund for the Redemption of the Public Debt of this State."

WHEREAS by the above recited act, it is made the duty of the commissioners therein named and appointed, to superintend the surveyor by them to be appointed, while on the duties of his office, while seeking out and re-surveying the lands belonging to this State, (agreeable to the act of confiscation) previous to their being sold as directed by said act; and no compensation is allowed by said act, to said commissioners, for their time and expenses, while attending on that part of the duties of their office—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 from and immediately after the passing of the above recited act, the said commissioners shall be entitled to receive, at the rates of three dollars per day, each, while in actual service of the State, in superintending the said surveyor, while on the duties of his office, as pointed out by said act, as a compensation for their time and expenses, while attending on that part of the duties of their office which shall be paid out of the monies arising from the sales of such property.

* See act of 1807, No. 276, repealing this and all other acts on this subject.
And whereas, it appears by the report of said commissioners, laid before this Legislature, that there is a probability that property to a large amount belonging to this State, still remains undiscovered, or concealed from the commissioners of the State, for want of proper encouragement being given to individuals to encourage them to make such property known—Therefore;

Sec. 2. Be it enacted by the authority aforesaid, That it shall be the duty of said commissioners, on receiving from any person or persons, good information of any property, belonging to this State, by virtue of the act of confiscation, not discovered or pointed out before the passing the above recited act, to proceed and make sale of the same agreeable to said act, and shall pay unto such informer or informers, at the rate of twenty per centum, out of the nett proceeds of sales of such property, by them pointed out: Provided, he or they shall go forward with one or more of the commissioners, and assist them to identify said property, to the satisfaction of said commissioners; and the said commissioners shall take bond and security of such informer or informers, in double the amount of the premium to be received by him or them, conditioned, that if any or all of said property, so pointed out by him or them, shall hereafter be legally claimed, and the State shall think fit and proper to refund the same, or the amount of sales thereof, that then, and in that case, he or they shall refund to the State, his or their commission so received, for or on account of such information, for such part thereof as may be so legally claimed.

Sec. 3. And be it further enacted, That it shall be lawful for said commissioners to tax a bill of cost for any necessary expenses they may be at, in taking into possession and supporting any negro or negroes, they may have occasion to take into their possession, by and in compliance with said act; and all other necessary expenses they may be at, in seeking after and securing any property belonging to this State, in order to make sale thereof, in conformity to said act; and the said bill of expenses so arising, shall be laid before his Excellency the Governor, for his approbation, and shall be paid out of the monies arising from the sale of such property.

Sec. 4. And be it further enacted, That when it shall appear to the Legislature of this State, that the said commissioners have sold any property, (by virtue of this or the before recited act) to which the said State has not a legal claim, and the person or persons claiming the same, have supported their claim in a court properly authorized to try the same, and obtained a judgment in his or their favor, the purchaser or purchasers shall be refunded out of the treasury of this State, the amount of sales of such property, in the same kind of payment as he or they have made to the commissioners.
Sec. 5. Be it therefore enacted, That a plat of each tract of land, which shall be sold in pursuance of this act; the before recited or confiscation act, shall be made out by the aforesaid commissioners, who shall affix the same to each title, which shall be given or signed by them.

Sec. 6. And be it further enacted, That it shall be the duty of the Secretary of State and Surveyor-General, to give such information to the aforesaid commissioners as their respective offices may afford, for which services they shall be paid the usual office fees; and no person shall receive any emolument for any information whatever, except for shewing the premises, and more fully identifying the property, that can be obtained by information of record.

ABRAHAM JACKSON, Speaker of the House of Representatives.

SOLOMON WOOD, President of the Senate, pro. tem.

Assented to, May 9, 1803.

JOHN MILLEDGE, Governor.

(No. 83.)

AN ACT

To authorize the Justices of the Inferior Court for the county of Greene, to lay an extra Tax for the purpose of erecting a Court-House* for said county.

Be it enacted by the Senate and House of Representatives, in General Assembly met, That the Justices of the Inferior Court for the county of Greene, are hereby authorized and required, to impose a proportionate extra tax on the respective inhabitants of said county, annually, for the term of three years in succession, not exceeding the one half of the annual general State tax of each inhabitant; which said tax shall be collected in the same manner and under the same restrictions as are laid down for the collection of the general tax of this State; and when the sum so collected, shall amount to the sum of five hundred dollars, or upwards, it shall be the duty of the Justices aforesaid, to contract with some fit and proper person to build a convenient court-house for said county; and the monies so arising from the extra tax as aforesaid, shall be appropriated for the special purpose of paying for, and completing the said building, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

SOLOMON WOOD, President of the Senate, pro. tem.

Assented to, May 3, 1803.

JOHN MILLEDGE, Governor.

* Authorized by act of 1803, No. 194, to levy an extra tax to build a Court-House and Jail also.
AN ACT

To repeal an Act, to amend an Act, entitled "An Act to divide the county of Jackson," so far as it respects the commissioners of the Court-House and Jail.

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 Samuel Henderson, George Reid, John Aspie, Etheldred Wood, John King, Isaac Bouren, and Robert Montgomery, be, and they are hereby appointed commissioners of the court-house and jail in the county of Jackson, in place of the Justices of the Inferior Court; and they or a majority of them, are hereby empowered and fully authorized, at their own discretion to fix on the most proper place to erect the court-house and jail in said county, and also to let the building of the same to the lowest bidder, after giving thirty days notice, or by private contract or agreement, as they may think most beneficial.

Sec. 2. And be it further enacted, That the Justices of the Inferior Court are hereby directed to make provision agreeable to law, for the payment of such sale or contract, as the said commissioners or a majority of them may make.

Sec. 3. And be it further enacted by the authority aforesaid, That so much of the above recited act, as militates against this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

SOLOMON WOOD, President of the Senate, pro tem.

Assented to, May 3, 1803.

JOHN MILLEDGE, Governor.

AN ACT

Further to extend the powers of the Comptroller General.

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 Comptroller General to take in the outstanding evidences of the claim of the legal representatives of Captain James Wood, deceased, of the late state troops; and also the claims of George Andrekin, Robert Anderson, the heirs of Joseph...
AN ACT

Explanatory of an Act, entitled an Act, entitled "An Act, to revise and amend the Judiciary System of this State," passed the sixteenth day of February, one thousand seven hundred and ninety-nine, so far as respects the person or persons authorized to take the bonds or obligations from Sheriffs, and the time for holding courts in the Eastern District, passed the fifth day of December, eighteen hundred and one.

WHEREAS doubts have arisen respecting the proper persons authorized, or intended by law to take the bonds or obligations of the Sheriffs of this State: for remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That every Judge of the Superior, or a majority of the Justices of the Inferior Courts, of the respective counties throughout this State, is and are, and by intendment of law, ought to have been taken, held, deemed and considered, as competent in law, to take the bonds or obligations of Sheriffs, and to qualify them as by law directed.

SEC. 2. And be it further enacted, That the time for holding the Superior Courts in the Eastern District, Fall term, shall be on the fourth Monday in October, in Camden county, the Monday thereafter in Glynn; the Monday thereafter in McIntosh; the Monday thereafter in Liberty; the Monday thereafter in Bryan; the Monday thereafter in Bulloch; the Monday thereafter in Effingham; and the first Monday in January, in Chatham.

SEC. 3. And be it further enacted, That all manner of writs and actions, and all writs or processes, as well jurors as witnesses, and all manner of business of every
AN ACT

To divorce Betsey Chandler Williamson and Mathias Williamson, her husband.

WHEREAS it appears that the parties in the above recited case, have had a fair trial in the Superior Court, and a verdict hath been obtained, authorizing a total divorce, therefore:

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and after the passing of this act, the matrimonial connection, or civil contract of marriage made between the said Betsey Chandler Williamson, formerly Betsey Chandler Blackwell, and Mathias Williamson, her husband, shall be completely annulled, 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 the said Betsey Chandler Williamson is hereby declared a feme sole; and she shall not in future be allowed, on any pretence whatever, to charge the said Mathias Williamson, 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 on account of any tort, trespass or damages whatever, which shall be hereafter committed or done by the said Betsey Chandler Williamson; nor shall she be entitled to dower of, in, or out of the estate of said Mathias Williamson, but shall be considered as barred of that right, and as having forfeited the same.
Sec. 3. And be it further enacted, That the said Betsey Chandler Williamson, and Mathias Williamson, in future shall be deemed and considered as distinct and separate persons, altogether unconnected by any mystical union or civil contract heretofore entered into between them.

ABRAHAM JACKSON, Speaker of the House of Representatives.

SOLOMON WOOD, President of the Senate pro tem.

Assented to, May 9th, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To take off the act of Confiscation and Banishment, the name of James Hume.

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 act, entitled, "An act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," passed the fourth day of May, one thousand seven hundred and eighty-two, so far as relates to the banishment of James Hume, be, and the same is hereby repealed; and that the said James Hume be, and he is hereby restored to all the rights of citizenship, with full liberty to remove into this State. Provided, That he shall not be entitled to claim, hold or recover any property under the above recited act, formerly belonging to the said James Hume.

ABRAHAM JACKSON, Speaker of the House of Representatives.

SOLOMON WOOD, President of the Senate pro tem.

Assented to, May 9, 1803.

JOHN MILLEDGE, Governor.
AN ACT

To secure to Jesse M'Call, the exclusive right to erect a Toll-Bridge over the river Great Ogechee.

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, Jesse M'Call, his heirs and assigns, shall have the exclusive right to erect a toll bridge over the river Great Ogechee, at or near his ferry on his own land, and shall be allowed two years to build the same; and is authorized to receive the following toll, viz.—For every waggon and team, fifty cents; for every cart and three horses, twenty-five cents; for every cart and two horses, eighteen and three quarter cents; for every cart and one horse, twelve and a half cents; for every man and horse, six and a quarter cents; for every chair or sulkey, twenty-five cents; for every four wheel carriage, fifty cents; for every foot passenger, four cents; for every rolling hogshead, twenty-five cents; for every head of neat cattle, two cents; for every head of sheep, hogs or goats, one cent: Provided, That nothing in this act contained, shall injure or impair the right of any other person or persons, any law to the contrary, notwithstanding.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

SOLOMON WOOD, President of the Senate, pro temp.

Assented to, May 9, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To Pardon Joseph Bridges.

WHEREAS at a Superior court held in and for the county of HancocK, for February term, in the year of our Lord one thousand eight hundred and three, a certain Joseph Bridges was convicted of the crime of murder, and received sentence of death, to be executed on the eleventh day of March after the said conviction; but on the peti-

* See act of 1804, No. 139—Supplementary to this act.
tion of sundry persons, inhabitants of the said county of Hancock, to his Excellency the Governor, praying a respite for the said Joseph Bridges, which was granted till the twentieth day of May next.

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 said Joseph Bridges be, and he is hereby declared to be fully, freely and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction, as fully, freely, clearly and entirely, as if such offence had never been committed or done by him.

ABRAHAM JACKSON, Speaker of the House of Representatives.

SOLOMON WOOD, President of the Senate, pro tem.

Assented to, May 3, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To enlarge and extend the time for renewing certain audited certificates of this State.

BE it enacted, That the time allowed by an Act, entitled, "An Act for calling in the outstanding evidences of debts due from this State, and for issuing new ones in lieu thereof, under proper checks and restrictions," for renewing such audited certificates as are therein mentioned, be, and the same is hereby extended and enlarged for twelve months from and after the passing of this act, any thing contained in that or any other law to the contrary notwithstanding:—Provided, That the Comptroller General in renewing such certificates, shall take especial care to reduce such as may be found subject to the scale of depreciation; and issue a new one for so much as may be found fairly and justly due, and no more.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 28, 1803.

JOHN MILLEDGE, Governor.
AN ACT

To repeal an Act, entitled "An Act respecting Vendue Masters," so far as the same restricts and limits the number of Vendue Masters for the City of Savannah.

WHEREAS the restricting and limiting the number of Vendue Masters for the city of Savannah, hath been found by experience to be injurious to the inhabitants of the said city, and the trade and commerce thereof.

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 the said act, entitled "An Act respecting Vendue Masters," be, and the same is hereby repealed, so far as the same restricts and limits the number of Vendue Masters for the city of Savannah.

SEC. 2. And be it further enacted, That the Mayor and Aldermen of the said city, be, and they are hereby authorized after the first day of March next, to appoint and license such number of Vendue Masters for the said city, as they in their discretion shall think proper; such Vendue Masters first paying to the said city, the sum required by law, and giving bond and security to the State, agreeably to the act for regulating Vendues, which bond and security the Mayor and Aldermen are hereby authorized and required to take before such Vendue Masters shall be licensed, and transmit the same to the Treasury Office of this State.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 28, 1803.

JOHN MILLEDGE, Governor.

AN ACT

(No. 93.)

For the relief of the legal representatives of Arthur Carney, deceased.

WHEREAS the Legislature of this State, by their resolution passed at Augusta, on the first day of August, seventeen hundred and eighty-three, did vest in the minor
heirs and representatives of Arthur Carney, deceased, two thirds of all the estate of said Carney, which resolution requires an act of the General Assembly, to carry the same into effect:—And whereas the said representatives have not received the benefits intended by such resolution,

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 two thirds of all the estate, real and personal, of said Arthur Carney, deceased, is hereby declared to be vested in his legal representatives, and their heirs, in conformity to the aforementioned resolution: Provided always nevertheless, that nothing herein contained shall extend or be construed to extend to invalidate, or any way injure or destroy any right, title, or claim of any person or persons whatsoever, who may hold or claim the same, or any part thereof, under title derived from the commissioners of confiscated estates, or under any legal disposition thereof, made agreeably to any act or resolution of any former legislature.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, November 28, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To manumit certain persons therein named.

WHEREAS Sally Harper, late of Elbert county, and State of Georgia, deceased, did by her last Will and Testament, bearing date the fifteenth day of May, 1802, manumit and set free, certain negro slaves, to wit: Peter, Bob, Joseph, Pompey, Abraham, David, Sarah, Grace, Jenny, Tilla, and Emma.

And whereas, Middleton Woods, Nathaniel Hudson, and Richard Hubbard, the executors named in the said last Will and Testament, have by petition, applied to the present Legislature, praying that the benevolent intentions of the said Sally Harper, towards the said negroes may be carried into effect.
BE it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the said negroes, Peter, Bob, Joseph, Pompey, Abraham, David, Sarah, Grace, Jenny, Tilla, and Emma, be and they are hereby manumitted and set free, and they are hereby entitled to, and invested with all the privileges and immunities, to which free people of color are entitled by the laws of this State. Provided always nevertheless, That the said negroes hereby emancipated, be and they are hereby made subject to any legal or equitable claims, against the estate of the said Sally Harper, deceased.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To manumit and make free certain persons of colour therein named.

WHEREAS William Anderson, and Samuel Gairie, have petitioned the present Legislature, praying an act may be passed, to manumit and make free, Bess, and her two children Elizabeth and John, the property of the said William Anderson, and Fanny and her three infant female children, to wit:—Mary-Ann, Sally, and Lisza, the property of the said Samuel Gairie.

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 Bess and her two children, Elizabeth and John; and Fanny and her three infant female children, to wit:—Mary-Ann, Sally and Lisza, be and they are hereby manumitted and made free, in manner and form, as manumission and freedom has been heretofore conferred by the Legislature of Georgia, on persons of colour.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To admit Ebenezer Harlow Cummins, to practice and plead in the several courts of Law and Equity, within this State.

WHEREAS the said Ebenezer Harlow Cummins, hath produced a certificate from the honorable Matthew McAllister, formerly Judge of the Superior Courts for this State, and from the honorable John Griffin, whilst he was Judge of the said courts—the former, that he had examined the said Ebenezer H. Cummins, respecting his abilities, fitness, and capacity, to practice and plead in the several courts of Law and Equity within this State, and found him duly qualified; and the latter, satisfactory as to his moral rectitude, and scientific information.

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 Ebenezer Harlow Cummins, be and he is hereby admitted to practice and plead in the several courts of Law and Equity within this State, with all the rights, privileges, and immunities which attorneys and practitioners of law, have or are entitled to enjoy; the said Ebenezer H. Cummins, first taking the usual oath administered to attorneys upon their admission.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate pro. tem.

Assented to, December 5, 1803.

JOHN MILLEDGE, Governor.

(No. 87.)

AN ACT

To alter and amend "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," passed at Louisville the 11th day of May, 1803.

Sec. 4. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the persons against whose names any survey or surveys of land shall be drawn in pursuance of the before recited act, or their legal
representatives, shall be entitled to receive grants for the same, vesting in them fee simple titles free of purchase, immediately on paying into the Treasury of this State, the sum of four dollars per hundred acres, in lieu of all fees of office and other charges, for surveying and granting the said land, any thing in the said act contained to the contrary notwithstanding.*

Sec. 2. And be it further enacted, That the 11th and 15th sections of the before recited act, be and the same are hereby repealed.

Sec. 3. And be it further enacted, That in order to ensure a more faithful discharge of the duties assigned to the several district surveyors, the time prescribed in the 5th section for making the surveys, be extended from ninety to one hundred and fifty days; any thing in the said section contained to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate, pro. tem.

Assented to, December 6, 1803.

JOHN MILLEDGE, Governor.

AN ACT

Authorizing the establishment of a Tobacco Inspection, in the county of Franklin, on the lands of Stephen Heard and Hugh M'Donald, opposite the confluence of the rivers Tugalo and Seneca.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That there shall be a Tobacco Inspection established in the county of Franklin, on Tugalo river, opposite the confluence of said Tugalo and Seneca rivers, on the lands of Stephen Heard and Hugh M'Donald; which ware-house shall be subject to the several laws regulating ware-houses in this State.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 7, 1803.

JOHN MILLEDGE, Governor.

* See act supplementary passed this same session, No. 107, requiring the money to be paid into the Treasury within 12 months, or the land reverts to the State.
AN ACT

To incorporate the Baptist Church, on Fishing creek, in Wilkes county.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That Stark Brown, Lestly Coates, and Thomas Eidson, and their successors in office, shall be and they are hereby declared to be a body corporate, and known by the name of the incorporated Baptist Church, on Fishing creek, in the county of Wilkes.

SEC. 2. And be it further enacted by the authority aforesaid, That the aforesaid Stark Brown, Lestly Coates, and Thomas Eidson, and their successors in office, shall be invested with all such property, both real and personal, as shall be bestowed on such society or church, by gifts, grants or otherwise in trust, for the use and benefit of the said society or church.

SEC. 3. And be it further enacted by the authority aforesaid, That the aforesaid society or church, or a majority of them, shall at any time they may deem proper, proceed to elect other persons as trustees, in the room of the aforesaid Stark Brown, Lestly Coates, and Thomas Eidson, or either of them, or their successors in office, giving said society or church, thirty days notice thereof.

SEC. 4. And be it further enacted, That the aforesaid trustees, and their successors in office, shall be and they are hereby declared to be a body corporate, and capable of suing and being sued, of pleading and being impleaded, and of using all legal measures for recovering or defending any property, which the said society or church may have, hold, claim or enjoy.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 7, 1803.

JOHN MILLEDGE, Governor.
AN ACT

To amend the seventh and eleventh sections of the law respecting Estrays, passed at Louisville, on the 30th of November, 1801.

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 neat cattle taken up as estrays, shall be sold under twelve months, from the time of being tolled; and it shall be the duty of the Clerks of the Inferior Courts, previous to the advertisement and sale of such estrays by the Justice before whom they may have been tolled, to advertise at the door of the court-house, all such estrays, on the first day of every succeeding term of the Superior and Inferior Courts, which may happen in the county within the said term of twelve months.

Sec. 2. And be it further enacted, That the respective Clerks of the Inferior Courts, shall be entitled to receive as full compensation for each estray so advertised, twenty-five cents; and the persons taking up such estrays, shall be allowed a reasonable compensation for their trouble, to be adjudged by the justices of the district where such estray may be tolled, or any two justices of the county, any thing contained in the before recited act, to the contrary thereof notwithstanding.

Sec. 3. And be it further enacted, That the Justice for his services, exclusive of commissions, shall receive the sum of twenty-five cents.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 7, 1803.

JOHN MILLEDGE, Governor.

AN ACT

(No. 101.)

To amend an Act, entitled "An Act, to regulate Attachments in this State."

WHEREAS doubts have arisen in the courts of the Eastern District, concerning the operation of the Provincial Attachment Law, passed the 9th day of June, 1761, and whether the same has been repealed.

Preamble.
(No. 101.)
Provincial Attachment law repealed.

BE it therefore enacted by the Senate and House of Representatives in General Assembly met, That the said Provincial Attachment Law, is hereby declared to be repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to. December 7, 1803.

JOHN MILLEDGE, Governor.

AN ACT

(No. 102.)

To authorize the commissioners of the Academy of the county of Chatham, to sell and dispose of such lots and tracts of land, the property of the said Academy, as they shall deem advantageous; and to confirm such contracts and sales as the said commissioners have heretofore made.

WHEREAS the Legislature of this State have heretofore granted lands and made donations to the Academy of the county of Chatham, and to other counties, the better to enable such counties to promote and encourage learning, and the education of youth:—And whereas the commissioners of the Academy of the county of Chatham, have pursuant to the allowance made them by law, purchased at the sales of confiscated property, several lots and tracts of land, and have otherwise obtained and received to the use of the said Academy, divers other lots and tracts of land, which being unproductive and rather burthensome than otherwise, they the said commissioners, have thought it expedient and beneficial to the said Academy, to sell and dispose of several of the lots and lands aforesaid; and are of opinion that it will hereafter be found highly beneficial and advantageous to sell and dispose of either of the said lots and lands:—And whereas, doubts have arisen as to the legality of the sales of such lands so made by the said commissioners aforesaid; whereby the said Academy hath suffered great inconveniences, and the very laudable purposes of its institution been impeded—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 it is hereby enacted by the authority of the same, That all contracts, bargains, and sales of lots and lands, the property of the said Academy already made, or which shall or may at any time or times hereafter be found necessary or expedient to be made by the commissioners of the said Academy, or a majority of them, be, and the same are hereby declared to be valid, good and sufficient in law,
to all intents and purposes whatsoever, any usage, custom or law, to the contrary thereof in anywise notwithstanding.

SEC. 2. And be it further enacted, That all monies arising from the sales of such lands as aforesaid, shall be used and applied by the said commissioners as an accumulative fund for the said Academy, by loaning the same at interest, or by the purchase of other property, as to the said commissioners shall seem most beneficial and advantageous to the said Academy.

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

Assented to, December 7, 1803.

JOHN MILLEDGE, Governor.

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AN ACT

To authorize the Justices of the Inferior Court in the county of Bryan, to hold an extraordinary election for officers of the said county, according to law, the election for such officers not having taken place.

WHEREAS the Justices of the Inferior Court, and Justices of the Peace, in the county of Bryan, have neglected to hold an election for county officers, to wit: A Sheriff, Coroner, and County Surveyor, at the time prescribed by law, whereby the said offices have become vacant, to the great injury of the said county, and as doubts exist with the said Justices, whether they have power to order and hold an election to fill such vacancies—For remedy whereof,

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That, so soon as may be after the passing of this act, the Justices of the Inferior court of the said county of Bryan, or any two or more of them, shall forthwith give notice in one or more of the public gazettes, or at the court-house, and three or more of the most public places in the county, twenty days previous to the time to be by them appointed for holding the election to fill the said vacancies, and the said election shall be held and conducted in the same manner, and under the same regulations, as elections are by law held in like cases.

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

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.
AN ACT

To authorize the Commissioners of the town of Louisville to dispose of the alleys and part of several streets therein pointed out.

WHEREAS it has been found from experience, that the alleys in the town of Louisville, have not answered the beneficial purposes for which they were intended, and the inhabitants thereof, conceive them to be a disadvantage, and dangerous to their health—For remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That it shall and may be lawful for the commissioners of the said town, to sell and dispose of the said alleys, under the restrictions herein after mentioned, viz. That the commissioners aforesaid, shall within three months* after the passing of this act, proceed to assess the value of the alleys where they intersect lots, that have been disposed of, and the proprietors of such lots shall have the preference, in the purchase of the half of such alleys, as adjoin their respective lots, at the rate assessed as aforesaid by the commissioners, and in case the proprietor of a lot adjoining one side of an alley, shall refuse to purchase agreeably to the aforesaid assessment, one half of the said alley adjoining his lot as aforesaid, then, and in that case, the proprietor of the lot adjoining on the other side of the said alley, shall have the privilege of purchasing the whole thereof, agreeably to the said assessment, and in case the proprietors of lots, on each side of such alleys, shall refuse to purchase as aforesaid, then the same shall be disposed of at public sale to the highest bidder. And all the alleys adjoining lots that have not been disposed of, shall be divided equally between the several lots, by adding ten feet in breadth of such alley to each adjoining lot.

SEC. 2. And be it further enacted by the authority aforesaid, That the said commissioners are further authorized and empowered to dispose of to the highest bidder, so much of Mulberry-street, as intersects lots number one hundred and forty-one and one hundred and forty-two, so much of Walnut-street, as intersects lots number one hundred and forty-four and one hundred and forty-five: and so much of Peach-street, as intersects lots number one hundred and forty-eight and one hundred and forty-nine, and the monies arising from the aforesaid sales of alleys and parts of streets, shall be paid over by the commissioners aforesaid, unto the commissioners of the Academy in the said town, to be applied towards the repairs and for the benefit of the said Academy.

* See act of 1804, No. 158, extending the time to the first day of October, 1805.
PASSED IN THE YEAR 1803.

SEC. 3. And be it further enacted, That conveyances from the commissioners of the town of Louisville as aforesaid, for the several alleys and parts of streets aforesaid, shall be good and valid, to all intents and purposes, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

For the better regulation of the town of Waynesborough.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the commissioners of the town of Waynesborough, in Burke county, for the time being, or a majority of them, shall be, and they are hereby vested with full power and authority, to make such bye-laws, rules, and regulations, and to inflict or impose such fines and penalties as to them shall seem right, for the better regulation of the town aforesaid and the commons thereof, provided such bye-laws and regulations be not repugnant to the laws and constitution of this State.

SEC. 2. And be it further enacted, That the said commissioners or a majority of them shall on the first Monday in January next, meet at the town of Waynesborough, for the purpose of carrying this act into execution, and shall from thence forward, meet by their own adjournment, in the said town, when and as often as they or a majority of them may think expedient, for the purpose aforesaid.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.
AN ACT

To lay out and establish a County in the Territory lately acquired by cession from the General Government.

WHEREAS by certain articles of agreement and cession, entered into on the 24th day of April 1802, by and between the commissioners of the State of Georgia, on the one part, and the commissioners of the United States, on the other part, a tract of territory situated south of the southern boundary of the states of North-Carolina and Tennessee, and adjoining this State, was ceded by the United States, to the State of Georgia:—And whereas the Indian claim to that part of the said territory, lying at the head of French Broad River, and within the following boundaries, to wit:—Beginning on the summit of the ridge of mountains called the Blue Ridge, where the same is crossed by the latitude thirty-five degrees north of the equator; thence with the said ridge of mountains to the temporary boundary line, run by General Pickins, between the Cherokee tribe of Indians, and the State of South-Carolina, along the said boundary line, north forty-five degrees east to an Ash-tree, at the distance of forty miles on the said line, from Tugalo river, near the mouth of Brass-Town-Creek; thence along the boundary line run by Colonel Meigs under the authority of Congress, north fifty degrees west, to the intersection of the said line, with the parallel of latitude, thirty-five degrees north of the equator; thence along the said parallel of latitude, to the summit of the Blue Ridge aforesaid, was extinguished by treaty held and concluded near Tellico, on the 2nd day of October, 1798, and a considerable settlement has been formed thereon, and the inhabitants thereof, have petitioned this legislature to be incorporated in the government of this State.

SEC. 1. Be it therefore enacted by the Senate and House of Representatives, of the State of Georgia, in General Assembly met, That the territory lying within the boundary last mentioned, to which the Indian claim hath been extinguished, shall be a county to be called and known by the name of Walton.

SEC. 2. And be it further enacted, That Richard Williamson, Kitt Smith, James Lefoy, Ebenezer Pain, and Reuben Allan, be and they are hereby appointed Justices of the Inferior Court of the said county, which court shall have the same powers and jurisdiction, as the Inferior Courts of other counties within this State.

SEC. 3. And be it further enacted, That the Justices of the Inferior Court aforesaid, or any three or more of them, be, and they are hereby invested with full power and authority, to decide and fix upon some convenient situation, as nearly central as circumstances will admit of, on which shall be erected a Court-House and Jail, to define the militia company districts, not exceeding two in the said county, which shall be added to, and become a part of the third Brigade of the third Division of the Militia of this
State; to appoint two constables, one for each militia company district, who shall sev-

erally hold their appointments for two years from and after the day of their ap-

pointments, and until successors shall be appointed and qualified; to levy a county tax on the

inhabitants of the said county, in such manner as they may deem least oppressive, for the

purpose of raising a fund for building the court-house and jail, and other county pur-

poses—and to appoint a collector to collect the same, who shall give bond in the penalty of

double the sum, to be collected with such security as the said Justices may approve of,

for the faithful discharge of his duty, and the trust reposed in him.

Sec. 4. And be it further enacted, That until a court-house shall be completed at the

permanent seat to be fixed upon as aforesaid, the courts shall be helden, and other public

business of the county transacted at the dwelling house of William Allan.

Sec. 5. And be it further enacted, That the Justices of the Inferior Court aforesaid,
or any three or more of them, shall assemble at the place herein before pointed out for

holding courts, on the first Monday in January, one thousand eight hundred and four

and after publicly administering to each other, and severally subscribing the oaths pre-
scribed by the laws and constitution of this State, to be administered to the Justices of

the Inferior Courts, they shall nominate two Justices of the Peace in each militia com-

pany district, and transmit such nomination to his Excellency the Governor without

delay, in order that commissions may issue to such Justices of the Peace.

Sec. 6. And be it further enacted, That the inhabitants of the said county shall be

entitled to elect and return one Senator and one Representative, to the Legislature un-
der the same regulations and restrictions as other counties in this State; and to elect militia

officers in the manner pointed out by the militia laws of this State.

Sec. 7. And be it further enacted, That it shall be the duty of the said Justices of

the Inferior Court, or any two or more of them, to give notice at the place appointed for

holding courts, and at two other of the most public places within the county, twenty

days previous to the day appointed for holding an election, and shall hold an election for

Clerk of the said court, Sheriff, Coroner, and county Surveyor; which election shall

be by ballot of all the free male citizens of the said county, above the age of twenty-one

years, and shall be opened, held and conducted by the said Justices, in the same manner

as other elections for county officers are held within this State; and the persons having

the highest number of votes shall be declared duly elected, and shall hold their offices
during the time prescribed by the laws and constitution of this State, and shall be com-

missioned by the Governor, and take the oaths of office prescribed by law.

Sec. 8. And be it further enacted, That all free white persons citizens of the United

States, being actual settlers within the limits of the said county, on the sixteenth day of
May last past, who may henceforward conform to the laws and government of this State, shall be entitled to a preference founded on occupancy, to the lands on which such persons were so settled, not exceeding two hundred acres to any one family, and shall receive grants for the same, free of purchase, (office fees excepted) when, or so soon after as an office shall be opened for granting out the said land, as circumstances will permit.

SEC. 9. And be it further enacted, That his Excellency the Governor be authorized, and he is hereby requested to make immediate application to the government of North-Carolina, to co-operate with this State in running out and plainly marking the dividing line between the two States without delay, and for this purpose to appoint three fit and proper persons, with full power on the part of this State, to join such persons as may be appointed with like powers, on the part of the State of North-Carolina, to run and plainly mark the said dividing line: and this act shall stand suspended, and not take effect until the aforesaid line shall have been run accordingly; provided the same shall be so run and marked within six months after the passing of this act.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1863.

JOHN MILLEDGE, Governor.

AN ACT

Supplementary to an Act, entitled "An Act to make Distribution of the late Cession of Land 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," and the Act relative thereto, passed the present session.

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 term allowed for receiving and transmitting the list of persons who are entitled to draw for land in pursuance of the aforesaid act, shall be, and the same is hereby extended and continued until the first day of March next.

* See act of 1804, No. 143, appointing commissioners to ascertain and fix the dividing line between this State and the State of North-Carolina. See also resolution of 1810, where Mr. Ellicott is authorized to ascertain the 35th degree of north Latitude.
Sec. 2. And be it further enacted by the authority aforesaid, That monies directed to be paid into the Treasury in lieu of office fees, in pursuance of the act entitled "An Act to alter and amend an Act to make distribution of the late cession of land obtained from the Creek Nation by the United States' Commissioners, in a treaty entered into at or near Fort Wilkinson, on the 16th day of June 1802," passed at Louisville the 11th day of May, 1803, shall be paid within the term of twelve months from and after the completion of the lottery contemplated by the aforesaid act, and in default thereof, such lots of land on which the whole of the monies shall not then be paid shall revert to, and become the property of this State, and sold in like manner as fractional parts of surveys,*

* See act of 1806, No. 302, extending the time until the tenth day of November, 1807.

Sec. 3. And be it further enacted, That the legitimate child or children of any deceased citizen, whose mother has again intermarried, shall be and they are hereby declared to be entitled to one draw in the Land Lottery, in like manner as families of legitimate children whose parents are both dead.

Sec. 4. And be it further enacted by the authority aforesaid, That it shall be the duty of the Justices of the Inferior Courts of the several counties, to correct the returns of the names of persons enrolled in the Land Lottery, and transmit to the Governor, the lists so corrected, on or before the first day of March, who shall be governed by such corrected lists, in arranging the drawing, or carrying into effect the said lottery.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To carry into effect the twenty-fifth section of the first article of the Constitution of the State of Georgia.

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 be the duty of the Justices of the Inferior Courts, or any three of them in each county, respectively, within sixty days

Children whose fathers are dead and mother married again, entitled to a draw.

Justices of the Inferior Court to correct the lists & return them to the Governor by the 1st March.
days after the adjournment of this Legislature, to appoint one or more persons in each county, that is, one person to each battalion that may be in the respective counties, whose duty it shall be, to take a full and accurate census, or enumeration of all free white persons, and people of colour residing therein, distinguishing in separate columns, the free white persons from persons of colour, and return the same to the Clerks of the Superior Courts of the several counties, certificated under their hands, on or before the first day of October next; the persons so appointed being severally sworn before the said Justices, or either of them, duly and faithfully to perform the trust reposed in them. And it shall be the duty of the said Clerks, to transmit all such returns, under seal, to the Speaker of the House of Representatives, on the first Monday in November next.—And it shall be the duty of the Legislature, at their next session, to apportion the members of the House of Representatives, among the several counties, agreeably to the plan prescribed by the constitution.

Sec. 2. And be it further enacted, That in case the Justices of the Inferior Courts shall fail to appoint persons to take the enumeration, within sixty days after the adjournment of the Legislature, that then the Justices of the Peace, or any three of them, shall have and exercise like powers respecting the said census. And if the census or enumeration of any county shall not be so taken and returned, then and in that case, the General Assembly shall apportion the representation of such county, according to the best evidence in their power, relative to their population.

Sec. 3. And be it further enacted by the authority aforesaid, That the persons appointed to take the census or enumeration, shall receive the same compensation or remuneration, as the tax return receiver gets for his services.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.
AN ACT

To amend An Act entitled, "An Act for ordering and governing Slaves within this State (then Province) passed on the tenth day of May, 1770," and for establishing a jurisdiction for the trial of offences committed by such slaves, and other persons therein mentioned, and to prevent the inveigling and carrying away slaves from their masters, owners or employers, and for repealing such clauses of laws as militate against 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 if any person or persons shall purchase from a slave, any produce whatsoever, such person or persons shall, for every such offence, forfeit and pay the sum of thirty dollars.*

Sec. 2. And be it further enacted by the authority aforesaid, That if the owner or owners of any slave, shall permit such slave for a consideration or otherwise to have, hold, and enjoy the privilege of labouring, or otherwise transacting, business for him, her or themselves, except on their own premises, such owner or owners shall, for every such weekly offence, forfeit and pay the sum of thirty dollars, except in the cities of Savannah and Augusta, and the town of Sunbury.

Sec. 3. And be it further enacted by the authority aforesaid, That the several fines and penalties imposed in pursuance of this act, or the before recited act shall in no one instance exceed the sum of thirty dollars, and shall be recovered before a Justice of the peace, in the usual form of liquidated demands, a moiety thereof shall be applied to the use and benefit of such person or persons, as shall sue for and recover the same, and the other moiety thereof, shall, within thirty days thereafter, be transmitted by the Justice of the peace, before whom the same shall be recovered, to the Clerk of the Inferior Court of the county where he resides, in support of the funds thereof.

Sec. 4. And be it further enacted, That nothing herein contained shall go to compel any slave to be put on his trial twice for one and the same offence.

Sec. 5. And be it further enacted by the authority aforesaid, That so much of the before recited act as militates against this act, shall be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

* See act of 1803, No. 343, to prevent dealing with Slaves.
AN ACT

To regulate Weights and Measures in this State.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the standard of weights and measures established by the corporations of the cities of Savannah and Augusta, and now is in use within the said cities, shall be and the same are hereby declared to be the fixed standard of weights and measures within this State: and all persons buying and selling, shall buy and sell by that standard, until the Congress of the United States shall have made provision on that subject.

SEC. 2. And be it further enacted by the authority aforesaid, That it shall be the duty of the justices of the inferior courts, or a majority of them, in their respective counties, by their clerk or some other person specially authorized by them for that purpose, to obtain from the said corporation or one of them, to be paid out of the county funds, the standard of weights and measures as fixed by them, within six months from the passing of this act. And that the said justices or a majority of them, shall, so soon as they obtain the standard of such weights and measures, give thirty days notice thereof at the court-house, and three other public places in the county. And if any person or persons whosoever, shall sell or attempt to sell any article or thing by any other or less weight or measure than that so established, be, she or they so offending, shall forfeit and pay three times the value of the article so sold or attempted to be sold, to be recovered before any justice of the peace, if it should not amount to more than thirty dollars, and if above that sum, before any judge of the superior court or the justices of the inferior court, by action of debt; one half whereof shall be for the use of the informer or person bringing the action, and the other for the use of the county in which such act or offence may happen.

SEC. 3. And be it further enacted by the authority aforesaid, That it shall be the duty of the Justices of the Inferior Court or a majority of them, of the respective counties of this State to procure a marking instrument, seal or stamp, for the purpose of marking, scaling or stamping all weights and measures within their several counties, which marking instrument, seal or stamp, shall remain in the clerks' office of the Inferior Court, by him to be affixed to any weight or measure which he may find to correspond with, or not less than the standards established by said corporations of Savannah and Augusta.
PASSED IN THE YEAR 1803.

SEC. 4. And be it further enacted, That the said Clerks of the Inferior Courts, shall receive six and one fourth cents for every weight or measure, by them so marked, sealed, or stamped, to be paid by the person obtaining the same.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To compel the owners or occupiers of Cotton Machines within this State, to enclose the same, and in particular situations to remove the seed therefrom.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of January next, it shall be the duty of all owners or occupiers of cotton machines for picking of cotton, in all towns or villages, or immediately in the vicinity of any town or village within this State, to enclose the seed in such manner as will effectually prevent all stock, especially hogs from eating them.

SEC. 2. And be it further enacted, That all owners or occupiers of such machines as aforesaid, shall secure and keep the seed dry, or remove them at least once every week from said machine, to such a distance from such city, town, village or vicinity thereof, so as to prevent all the unwholesome effects resulting from the stench and vapours arising from the seed, in their putred state; if suffered to remain in heaps; and it shall be the duty of such owners or occupiers of such machines, to enclose the seed in the place to which the same shall be removed, so as to prevent his, her or their neighbors stock from feeding thereon.

SEC. 3. And be it further enacted by the authority aforesaid, That from and after the first day of January next, that for every week, any owner or occupier of such machine, who shall neglect to comply with the several duties required of them by this act, shall forfeit and pay a sum not exceeding three dollars.
SEC. 4. And be it further enacted, That it shall be the duty of all owners, or occupiers of cotton machines at county sites in this State, to keep their machines sufficiently enclosed, under the penalty of three dollars per week, from and after the first day of January next, so as to prevent their neighbours' stock of all kinds from having access thereto.

SEC. 5. And be it further enacted, That it shall be the duty of any justice of the peace in whose district such offence or offences may be committed, to issue his warrant upon information of any free white person, commanding such offender or offenders to be and appear before him at the next justices' court to be held in the district, to answer the charge alleged against him or them, and such justice shall issue summonses to compel the attendance of such witnesses as may be thought necessary to establish or defend the said charge, who shall be subject to attachment for non-attendance or refusing to answer on oath such questions as may be asked him or them; and if upon such examination it shall appear that such offender or offenders is or are guilty of any breach of this act, it shall be the duty of such justice to enter judgment against such offender or offenders for the aforesaid sum of three dollars for each week the seed may remain unremoved (and enclosed) from the said gin or machines as aforesaid.

And that the said justices shall forthwith issue execution on the said judgment or judgments entered up, which execution shall be levied upon the goods and chattels, lands and tenements of such offender or offenders, and sold agreeably to the law regulating constables sales, and the monies arising from such fine or fines, shall be paid into the hands of such justice of the peace, one half thereof to the use of the informer, and the remaining moiety shall be paid by the said justice to the clerk of the inferior court, to be appropriated to the same uses as other county funds.

SEC. 6. And be it further enacted, That if any justice of the peace shall in any manner offend against this act, it shall and may be lawful for him or them, to be sued or prosecuted in any one of the adjoining districts, and the same fees shall be allowed, levied and collected for services performed under this act, as are allowed for like services in magistrates' courts.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.
AN ACT

To manumit a man of color named Matt, and certain other persons of color therein mentioned.

WHEREAS William Terrel, of the county of Wilkes, has petitioned for the manumission and making free a certain man of color of his own property.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, and by the authority of the same, That Matt, a certain man of color, the property of William Terrell, be manumitted and made free, and entitled to the privileges of other persons of color as are allowed by the laws of this State, according to the prayer of the petitioner; Provided said Terrell gives bond and security to the inferior court of the county aforesaid, for the good behavior of said Matt, and to indemnify the county against his becoming a public charge.

SEC. 2. And be it further enacted, That the following persons of color, to wit:—Simon Manzo, late the property of William Few, Esq. formerly of the county of Columbia, but now of the State of New-York; Flora, late the property of James Gunn, deceased; Priscella, late the property of Joseph Miller; Tab, the property of Jonathan Lewis, and Susannah, commonly called Susannah Jenkins, late the property of—Jenkins, of Burke county, be, and they are hereby declared to be manumitted and set free, with the same rights which other persons of color are entitled to under the laws of this State: Provided, that each of the said persons of color shall be liable to all claims either in law or equity, against the respective owners of the said persons, and the respective owners shall give security to the inferior court of the county in which they reside, for their not becoming chargeable to the county.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.
AN ACT

To make permanent the road on the north side of Great Ogeechee River, from the place at which it leaves the road leading from Louisville to Savannah, to the toll-bridge over Ogeechee.

WHEREAS it is at all times important to provide by law for the opening and permanent establishment of roads, that may contribute to lessen the distance from one principal main road to another throughout the different parts of the State, for the greater ease and convenience of the citizens thereof.

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 road on the north side of Great Ogeechee river, from the place at which it leaves the road leading from Louisville to Savannah, to the toll-bridge over Ogeechee, be, and the same is hereby made a public and permanent road.

SEC. 2. And be it further enacted by the authority aforesaid, That all persons who have placed obstructions in the said road, shall cause the same to be removed, within sixty days after the passing of this act, at their own expense, under the penalty of a fine of one dollar per day, for every day such obstruction shall remain thereafter.

SEC. 3. And be it further enacted, That it shall be the duty of any Justice of the Peace to issue his warrant on his own knowledge, or on the information of any free which person on oath, against any person within his district, who shall not remove or cause to be removed such obstruction as he may have placed in the said road, and award separate judgments and issue executions against such delinquent, for the amount of damage and costs for each and every day that such obstruction shall have continued after the expiration of the time allowed by this act, for removing the same, which execution shall be levied, on any property of such delinquent, and the same shall be sold agreeably to the law regulating constables sales.

SEC. 4. And be it further enacted by the authority aforesaid, That nothing in this act shall be construed so as to prevent James Gunn from stopping the road leading through his plantation, after he shall have put in complete repair, the road leading from Reed’s old field by Mrs. Mall’s, into the main road from Savannah to Ogeechee bridge, which said road shall be the road as designated by this act.

* See act of 1804, No. 149, amendatory of this act.
Sec. 5. And be it further enacted by the authority aforesaid, That the Justices of the Inferior Court of Chatham county, be authorized to appoint overseers on said road, and proportion the hands to work thereon.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To repeal an Act, entitled "An Act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," so far as relates to the banishment only of Alexander Campbell Wiley, James Alexander, Stephen Pierce, and William Pierce.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That so much of the Act entitled "An Act for inflicting penalties on, and confiscating the estates of such persons as are therein declared guilty of treason, and for other purposes therein mentioned," passed at Savannah on the fourth day of May, in the year one thousand seven hundred and eighty two, as respects the banishment (only) of Alexander Campbell Wiley, James Alexander, Stephen Pierce, and William Pierce, be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

* This Section repealed by act of 1804, No. 149.
AN ACT

To amend "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."

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 inhabitants living back of the Big Bay, in the aforesaid county of Effingham, are hereby declared to be liable to work on the old road leading from Louisville to Savannah, by the house of Joshua Loper, in the aforesaid county, for six days in each year under the directions of the persons appointed to superintend the working upon the said old road.

Repealing clause.

SEC. 2. And be it further enacted, That so much of the above act to authorize John Strahan, Willis Spier and Joseph Mock, to open and keep open a road back of the Big Bay in Effingham county, as militates against this act, be and the same is hereby declared to be repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

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," by adding to the number of commissioners therein named.

WHEREAS the number of commissioners appointed by the said act hath been found too small to carry the same into effect and execution, so that the encroachments on the said river Savannah, still continue as at the time of the passing the act aforesaid.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That Belshazer Shaffer, in room of Josiah Tatnall, deceased, and John Lyons and John Glass,
be and they are hereby nominated and appointed commissioners, in addition to those appointed by the said act, to carry the same into execution, and are hereby vested with the same power and authority as in and by the said act are given to the commissioners therein named; the said commissioners or a majority of them, are hereby required as soon as may be after the passing of this act, to proceed to the execution of the act aforesaid, according to the direction, time, intent and meaning of the same.

Sec. 2. And be it further enacted by the authority of the same, That his excellency the governor, be and he is hereby vested with full power and authority, to fill all vacancies that may happen during the recess of the General Assembly.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

(No. 117.)

To amend and explain an act, entitled "An Act to revise and amend an Act, supplementary to an Act for regulating the town of Augusta;" and to amend an act, entitled "An Act for regulating the town and of Savannah, and hamlets thereof, and for other purposes."

Whereas in and by the said act, it is amongst other things enacted, "That no person holding an appointment under this State, or the United States, (except justices of the peace and officers of the militia) shall be eligible to the appointment of an alderman, and whereas doubts have arisen respecting the construction of the said clause of the said act, whereby the minds of the inhabitants of Savannah have been much disquieted, and the city injured, as many persons otherwise well qualified, have been deemed ineligible to serve as aldermen, by a rigid construction of, and adherence to the letter of the clause aforesaid.

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 and declared by the authority of the same, That the true intent and meaning of the said act was, and is, to
render ineligible such persons only, who held or hold appointments under this State or the United States, to which any salary or compensation attached, payable by this State or the United States, and was not intended to extend, nor ought to be construed to extend to any person holding the appointments of justice of the inferior court, commissioner of pilotage, of academy, of poor or orphan-house, of roads, of bankrupts, public notaries or other appointments whatsoever, to which no such salary or compensation as aforesaid is attached

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

(No. 118.)

To authorize the Board of Trustees of the University of Georgia, to sell a certain tract of land of five thousand acres in the county of Hancock, belonging to the said University, together with such lots and other lands adjoining the town of Athens, as they may think proper, except thirty-seven acres, reserved for the College Yard.

Be it enacted, That the Trustees of the University of Georgia, be, and they are hereby authorized and empowered to sell and dispose of, in such manner as they may deem most for the benefit of the institution, the tract of land belonging to the said University, situate in the county of Hancock, and to appropriate the monies arising from the sale, in such manner as in their judgment will most advance the beneficial purposes of the said University; and that they also have full power and authority, to sell and dispose of in like manner, and for the same purpose, all such lots and land, situate in, and adjoined to the site of the University, as they think proper, reserving nevertheless, the quantity of thirty-seven acres of land for the College yard.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.
To repeal an act, entitled "An Act for vesting certain powers in commissioners, to purchase lands, and superintend the building a Court-House and Jail, in the county of Bulloch."

Sec. 1. Be it enacted by the Senate and House of Representatives, of the State of Georgia in General Assembly met, and by the authority of the same, That all that tract of land which was conveyed by George Sibbald, to the Inferior Court of Bulloch county, for public purposes, containing two hundred acres, shall be and the same is hereby declared to be the seat of the public buildings of Bulloch county, and shall be known and called by the name of Statesborough.

Sec. 2. And be it further enacted by the authority aforesaid, That John Everitt, Francis Kennedy, John Cook, James Williams, and Huestus Studstill, commissioners of the court-house and jail of the county aforesaid, or a majority of them, or of their successors in office, shall and may lay out into lots, of such size as they may think proper, as much of the aforesaid tract of land as they may deem necessary, and shall set up and expose to sale the said lots within six months after the passing of this act, and shall make title thereto, and the monies arising from such sale, shall, by the said commissioners be paid over to the Inferior Court of Bulloch, for county purposes.

Sec. 3. And be it further enacted, That from and after the passing of this act, the courts and elections for said county shall be held, and other public business be transacted at the said town of Statesborough, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.
AN ACT

To appoint commissioners for the better regulation and government of the town of Elberton:

WHEREAS the town of Elberton requires regulation: --

SEC. 1. BE it therefore enacted by the Senate and House of Representatives in General Assembly met, That the following persons to wit; Middleten Woods, Reuben Lindsay, Doctor John T. Gilmer, Beckham Dye, and James Alston, be and they are hereby appointed commissioners of the town of Elberton; 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 them, until the first Monday in January, 1805, at which time, and on every subsequent first Monday in January thereafter, the citizens of Elberton 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 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 Elberton: Provided, that such bye-laws and regulations be not repugnant to the laws and constitution of this State.

SEC. 3. And be it further enacted, That any two or more Justices of the Peace for said county of Elbert, are hereby authorized and required to preside at said elections for commissioners aforesaid: Provided always nevertheless, That nothing herein contained, shall be so construed as to prevent the election of the commissioners herein before named, and any person or persons who may hereafter be elected commissioners of said town shall be re-eligible at the next, or any subsequent election after the expiration of the time for which he, or they may be elected as commissioners under this act.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

* To enlarge the limits thereof and extend its jurisdiction—See act of 1808, No. 500.
AN ACT

To amend an act, entitled an act, to establish an Academy or Seminary of learning at Sunbury, Liberty county, passed at Augusta, the first day of February, 1788, so far as respects commissioners.

WHEREAS by the said act only five commissioners were appointed, which number is thought too small for the great purposes intended.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That from and after the passing of this act, the number of commissioners for said Academy shall be seven, and that Joseph Law and John Stevens, are hereby appointed in addition to the present commissioners: And whereas John Bettis, one of the late commissioners has died, by which a vacancy among the former five has arisen: Therefore be it enacted, That John Jones is hereby appointed in his room, and the said seven commissioners or a majority of them, shall have all the powers to act in all things respecting said Academy that were given the former commissioners.*

SEC. 2. And be it further enacted, That so much of the before recited act as may militate 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 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To authorize Ebenezer Jenckes, to establish a toll on the Newington road, between Joshua Loper's in the county of Effingham, and the city of Savannah.

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

* This section repealed by act of 1805, No. 182.
(No. 122.) Jenckes, his heirs, executors, administrators or assigns, shall be bound to put the road from Joshua Loper's in the county of Effingham, to the city of Savannah, (being the distance of twenty-one miles) in good and complete repair, to raise it three feet above the common surface wherever it may be necessary, and to make it twenty-six feet wide, to enable him to perform which, he is hereby authorized to take timber and earth the most convenient; and the said Ebenezer Jenckes shall be answerable for every damage or injury occasioned by the badness or want of repair of the said road, during the period hereafter mentioned.

SEC. 2. And be it further enacted by the authority aforesaid, That the said Ebenezer Jenckes, shall bind himself, his heirs, executors, administrators or assigns, together with two good and sufficient securities, to be approved of by the commissioners hereafter named, to the said commissioners and their successors in office, in the penal sum of ten thousand dollars, for the performance of the aforesaid contract.

SEC. 3. And be it further enacted by the authority aforesaid, That for and in consideration of the repairing and preserving the said road, from John Loper's to Savannah, the said Ebenezer Jenckes, his heirs, executors, administrators or assigns, shall be entitled to receive for the term of thirty years, the following rates of tollage, to be collected on the said road, not less than three, or more than eighteen miles from the city of Savannah, to wit:—

For every four wheeled pleasure carriage,  One dollar,
For every two wheeled ditto                        Fifty cents,
For every waggon and team,                         Thirty-one and a quarter cents,
For every cart and horse,                           Twenty-five cents,
For every hogshead of Tobacco rolled,              Twelve and a half cents,
For every man and horse,                            Six and one quarter cents,
And for all black cattle and horses, per head,     *One cent.

SEC. 4. And be it further enacted by the authority aforesaid, That Joshua Loper, Barrack Gibbons, and David Francis Bourquine, be, and they are hereby declared to be commissioners appointed under this act, and in case of vacancy by death, resignation or otherwise, of any of the aforesaid commissioners, that then his Excellency the Governor is hereby authorized to fill up the said vacancy, and they or a majority of the said commissioners, are authorized to declare at what time the said road is completed according to the first section of this act, when and not before, the toll or charges as fixed in the third section of the said act shall commence:—Provided, nothing herein contained shall be considered as stopping the road, leading from the Louisville road, to Mrs. Mall's, which is a public road, and to be worked upon by the county.

* See act of 1804, No. 144, giving him aid, and an ending this act—and also act of 1806, No. 352.
Sec. 5. And be it further enacted by the authority aforesaid, That all acts heretofore passed in contravention of this act, be, and the same are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To authorize the Justices of the Inferior Courts of this State, to discharge Insolvent Debtors confined by process, from any court of this State whatever.*

WHEREAS in and by an act, entitled "an act to carry into effect the seventh section of the fourth article of the constitution," it is amongst other things enacted, "that from and after the passing of that act, any debtor or debtors charged in execution, or imprisoned for any sum or sums of monies, shall and may petition one of the Judges of the Superior Courts, if the execution or capias ad satisfaciendum issued therefrom, or the Justices of the Inferior Court, if issued from thence, setting forth that he, she or they are so confined, and are unable to satisfy the execution or executions by virtue of which they are detained, and are willing to deliver up all their estate real or personal for the use of their creditors; and upon such petition, the said Judge or Justices may, and they are hereby required by order or rule of court, to cause the said debtor to be brought up," and to proceed in such manner as therein directed, to the discharge of such debtor.

And whereas the benevolent spirit and intention of the said act is in a great measure defeated, and many debtors deprived of the benefits of the same, for that by the said act, the power to discharge persons confined by process, from the Superior Courts, is only vested in the Judges of those courts who are frequently absent from the place of the confinement of the debtor, and the Justices of the Inferior Courts are only authorized to discharge persons confined by process from those courts, and cannot lawfully intermeddle with persons confined by process from any other court whatever—For remedy whereof:—

* See act of 1809, No. 450, amendatory of this act, providing for the trial of fraud, on the part of the debtor.
Sec. 1. **BE it enacted**, That from and after the passing of this act, it shall and may be lawful to, and for the Justices of the Inferior Courts, and they are hereby required, in the absence of the Judges of the Superior Courts, on the petition of any person or persons confined for debt, whether charged in execution or otherwise, and whether the process by virtue of which such person or persons, is or are confined, be issued from the Superior or Inferior Court, Justices' Court, Court of Aldermen, or other court of this State whatever, setting forth, that he, she, or they, are so confined, and are unable to satisfy the debt or demand for which they are confined, or to give bail to answer the same, but are willing to deliver up all their estate, real and personal, for the use of their creditors—by rule or order of Court to cause the debtor to be brought up, and being brought up, the said Justices shall proceed with such debtor in such manner and form as in the said act, to carry into effect the seventh section of the fourth article of the constitution is particularly mentioned, directed and set forth.

And whereas it often happens that prisoners, debtors and criminals are committed and sent to jails in other counties than those to which they belong, and in which they ought of right to be confined, to the great injury of the county to which they are so committed, as the criminals in particular are frequently left there without prosecution.

Sec. 2. **BE it therefore enacted**, That from and after the passing of this act, it shall not be lawful for any magistrate to commit a criminal to jail for any offence against the State, without first compelling the prosecutor to give bond and security to prosecute according to law.

And in all cases where debtors shall be committed under any execution or mesne process, at the suit of any person residing out of the county or State, the agent or attorney of the plaintiff, shall give like security for the maintenance and jail fees of the defendant, the maintenance to be paid weekly, and in failure thereof, the defendant shall be discharged on application to the Justices of the Inferior Court, and in like manner when seamen are committed at the instance of their captains, who frequently leave them in jail, security shall be given to the jailor, before he shall receive such seamen, for their maintenance and jail fees.

Sec. 3. **And be it further enacted**, That the said act to carry into effect the seventh section of the fourth article of the constitution, so far as the same 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 10, 1803.

JOHN MILLEDGE, Governor.
AN ACT

For the better regulating of the town of Greensborough, and for the appointment of commissioners of the Academy for the county of Greene, and Siloan-Meeting House, in said county.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That Jonas Fauch, Henry Carleton, William W. Strain, John M'Allister, John Armour, and Fields Kennedy, esquires, be, and they are hereby appointed commissioners of the town of Greensborough, and that they or a majority of them, shall immediately after the passing of this act, convene and appoint a clerk, and such other officers as they may deem necessary.

Sec. 2. And be it further enacted, That the said commissioners shall have full power and authority to lease out the whole or any part of the common appendant or appurtenant to the said town of Greensborough, for such time, and under such rules and regulations as to them shall be thought most conducive to the interest of the citizens of the town aforesaid.*

Sec. 3. And be it further enacted, That the said commissioners, shall be commissioners of the Academy of the county of Greene, with full power and authority to fix upon a proper site for the erection of the Academy aforesaid, and they are hereby vested with full power to contract for the building of the said Academy, and every other thing to carry the said institution into complete effect; and the said commissioners shall have the said Meeting-House in the vicinity of the town aforesaid under their immediate direction and superintendence, so far as to keep the same in repair, and make all contracts which may be necessary for that purpose.

Sec. 4. And be it further enacted, That the Reverend James Ray, rector of the academy aforesaid, for the time being; shall be president of the board of commissioners, who, together with a majority of the said commissioners shall have full power and authority to make all bye-laws, rules and regulations which may be necessary to carry the foregoing powers into complete effect: Provided the said bye-laws, rules or regulations, are not inconsistent with, or contrary to the constitutional laws of this State. And the said board of commissioners when constituted as aforesaid, shall be vested with complete authority to enquire into all offences which may be committed against such bye-laws, and impose such fine, and inflict such punishment, as in and by the aforesaid laws may be enacted against such offences; Provided, That if any person or persons shall deem himself injured by such determination, such person or persons shall be at liberty to appeal from such decision, to the next Justices' Court which may be held in and for the said district, and the said Justice shall proceed thereon as in appeal cases within his jurisdiction.

* See act of 1804, No. 163, amendatory of this act.—See also act of 1810, No. 338, authorizing the commissioners to sell the town common.
SEC. 5. And be it further enacted, That the said commissioners shall be ex-officio Justices of the Peace, so far as respects the execution of the several provisions of this act, and the bye-laws which may be enacted, pursuant to this act; and that the said commissioners shall keep regular and fair minutes of their proceedings, and shall cause all bye-laws by them enacted to be entered upon such minutes, and also all decisions which may be made under the aforesaid laws; which minutes shall be taken and held as records, and the said commissioners when constituted as aforesaid, shall have power to punish all and every contempt committed in their presence; provided that no fine or penalty which may be imposed for any offence committed against any of the provisions of any such bye-laws, as may be by them be enacted, shall exceed the sum of thirty dollars.

SEC. 6. And be it further enacted, That the said commissioners when sitting to determine on any cause or plaint, arising under the bye-laws enacted pursuant to this act, shall be governed by the act regulating Justices' Courts within this State: and all sums of money for which judgment may be given, and all fines which may be imposed by the said commissioners shall be levied and collected by execution, in the same manner as money sued for and recovered in Justices' Courts within this State.

SEC. 7. And be it further enacted, That all monies arising from the rent of the town-common, and from the imposition of fines and penalties, shall by the said commissioners be applied to the erection and support of the Academy aforesaid, and repair of the Meeting-House.

SEC. 8. And be it further enacted, That the commissioners aforesaid shall have a corporate capacity, so far as to enable them to sue and be sued, and to receive and acquire property both real and personal, either by gift, grant or purchase, and to hold the same in perpetuity, for the purposes and uses before mentioned; and that the style of the said commissioners shall be, “the President and Commissioners of the town of Greensborough.”

SEC. 9. And be it further enacted, That the said commissioners shall continue in office until the first Monday in January, in the year 1804, at which time, and every subsequent first Monday in January, the citizens of the said town of Greensborough, entitled to vote for members of the General Assembly, shall choose by ballot, six persons to succeed them as commissioners of the said town, which commissioners or a majority of them, together with the rector of the said academy, shall be, and are hereby vested with full power and authority to carry all the provisions of this act into full and complete execution.

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

Assented to, December 10, 1803.
JOHN MILLEDGE, Governor.
AN ACT

To amend an act, entitled, "An Act to oblige vessels and persons coming from places infected with epidemic distempers, to perform quarantine, and to prevent the bringing into and spreading malignant and contagious disorders in this State," and to give further authority to the mayor and aldermen of the city of Savannah, the better to enable them to carry the said act into effect.

WHEREAS the high fines and penalties inflicted by the act aforesaid, and the difficulties attending the conviction of offenders, together with the want of sufficient power in the corporation of the city of Savannah to enforce the same, tend to render the said act ineffectual, and to defeat the salutary purposes intended thereby:

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the jurisdiction of the corporation of the said city of Savannah, shall in cases of quarantine, extend to all ships and vessels, which shall enter any port or inlet from Ossabaw to Tybee, including all inlets, rivers and creeks within those limits.

SEC. 2. And be it further enacted by the authority aforesaid, That it shall and may be lawful to, and for the mayor and aldermen of the said city, and they are hereby vested with full power and authority to, take cognizance of, and enquire into all violations of the said act, committed within the limits aforesaid; and upon such enquiry the said mayor and aldermen shall and may, as they shall think proper, according to the nature and degree of the offense, either bind the offender or offenders over to appear at the next superior court, to answer to any indictment that may be preferred against him, her or them, in terms of the said act; or they may proceed against such offender or offenders in a summary manner, as is usual and customary with the said corporation in other cases, and inflict and levy such fine or fines on the offender or offenders, not exceeding fifty dollars, for each and every offense, as they in their judgment shall think fit and necessary, to deter others from offending in like manner; and in case no goods or chattels shall be found, whereon to levy such fine or fines as aforesaid, then it shall be lawful to, and for the said mayor and aldermen to commit the offender or offenders to the common jail, there to remain without bail or mainprize, for a term not exceeding one month, or until the said fine or fines, together with the costs and charges of prosecution, shall be fully paid and satisfied; any thing in the said act contained to the contrary herein in any wise notwithstanding.

SEC. 3. And be it further enacted, That with respect to the other rivers and inlets of this State, the same powers which are hereby vested in the corporation of Savannah,
(No. 125.)

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is, and are hereby given to and vested in the justices of the county, or commissioners of
the town adjacent to such inlets or rivers, or the commissioners of pilotage of the port, as it
may happen; and they are hereby authorized to proceed in the same manner as is herein
before mentioned, with respect to the mayor and aldermen of Savannah.

Sec. 4. And be it further enacted, That it shall and may be lawful to, and for the
said mayor and aldermen to remove from the said city, any person or persons who may
be infected with the small-pox, or other contagious disorder, to such place or places
without the limits thereof, as they may appoint for that purpose.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

(No. 126.)

AN ACT

To amend an act, entitled, "An Act to alter and amend an Act, to empower the In-
ferior Courts of the several counties within 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 Chatham, Liberty, Bryan, McIntosh, Glynn and
Camden.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of
Georgia, in General Assembly met, and by the authority of the same, That the justices
of the inferior court shall, at their first session (spring term) in the year one thousand
eight hundred and four, in the counties of Chatham, Liberty, Bryan, McIntosh, Glynn,
and Camden, proceed to appoint three commissioners or surveyors to each district or
division in said counties, and they are likewise authorized and required to prescribe and
point out as many, and such districts or divisions as to them shall seem meet and proper,
having due regard to proportioning the said districts so as to divide the labor and expense
of the roads, bridges, causeways and water passages equally among the citizens, and in
case there should be no inferior court held in the time of the spring session, or should the

* See act of 1805, No. 177, amendatory of this act.
commissioners not be appointed at that time, the justices of the Inferior court, or a majority of them, shall as soon as may be, meet and appoint the same.

Sec. 2. And be it further enacted, That the commissioners or surveyors of the several districts or divisions, which may be made under and by virtue of this act, are hereby empowered, and required to continue to work upon, clear, amend, repair, erect, and improve the several roads, bridges, fords, causeways, and water passages, in said counties as are already laid out, opened, erected and cleared, and to lay out, open, erect and clear, any others, that may hereafter be found necessary.

Sec. 3. And be it further enacted, That all male white inhabitants (except permanent residents of the town of Sunbury,) free negroes and mulattoes, and all male slaves from the age of eighteen to forty-five years, shall be, and they are hereby declared to be obliged to appear and work upon the several roads, creeks, causeways, water passages and bridges, within the several districts or divisions to which such male white inhabitants, free negroes and mulattoes and all male slaves, may be allotted (according to their places of residence) pursuant to the mode hereinafter pointed out, or such white male inhabitants, free negroes and mulattoes, and owners, managers and employers of such negroes and other male slaves, shall be liable to the fines and penalties in this act defined and expressed. Provided nevertheless, That nothing herein contained, shall extend, or be construed to extend, to subject practitioners of physic, or teachers of schools, to personal working or attendance on the roads, causeways, bridges, and water passages within the several districts or divisions, wherein such persons shall or may reside.

Sec. 4. And be it further enacted, That the commissioners or surveyors, appointed under this act, or the majority of them, shall, and they have full power and authority to appoint one or more person or persons, within their several districts or divisions, to summon all such persons as are obliged to work within the said districts or divisions, at such time of the year, and for as many days as they may think convenient and necessary, (not to exceed six days at one time, or twelve days in one year) to repair, erect, open, clear and work upon the several roads, bridges, causeways, water passages, and water courses within the same, and the several owners, managers or employers of male slaves within their several divisions or districts, shall, when summoned as aforesaid, deliver to the person summoning him, her or them, a list of all such male slaves as by this act are liable to work, in writing signed by such owner, manager or employer, under a penalty of thirteen dollars for a neglect thereof, which list the person summoning, shall deliver to the surveyors or commissions of such districts or divisions, and the said commissioners or surveyors are empowered and required, to swear any owner, manager or employer, giving and signing such list to the truth thereof; and the person or persons summoning as aforesaid, shall be exempt from his or their personal labour in such districts or divisions, and in case any person or persons appointed to summon as aforesaid,
shall neglect or refuse so to do, such person or persons shall severally forfeit ten dollars for every such offence.

Sec. 5. And be it further enacted, That the surveyors or commissioners, shall at least give ten days notice to all persons subject to work within their respective districts or divisions, of the time and place of attendance, with such tools as he may deem necessary, and if any person subject to work as aforesaid, shall fail to attend agreeably to such notice, together with all slaves owned by them, or under their care and management they shall be subject to the following fines, to wit:—For the non-attendance of every free person, the sum of two dollars per day, and for every slave, the sum of one hundred cents per day, to be levied by warrant of distress and sale of the offenders goods and chattels, under the hands and seals of a majority of the commissioners or surveyors of the district in which the same shall be assessed or be incurred, and directed to any constable within the county, wherein such offender shall reside, and shall be paid into the hands of the said commissioners or surveyors, or any one of them, who shall apply the same towards the repairs of the several roads, bridges, and causeways, within such division, and be severally answerable for the sums received by them, to the Inferior court of the county, and shall make a return of the sum or sums of money by them received as aforesaid, and of the particular bridges, causeways or roads, about which they have expended and laid out the same or parts thereof, on the first term of the said courts, in each year, unless the party making such default shall within ten days thereafter, make such excuse on oath, as may be deemed satisfactory to the commissioners or surveyors of their respective districts or divisions.

Sec. 6. And be it further enacted, That every male white inhabitant liable to work and appear as aforesaid, shall when summoned and appearing as aforesaid in his division or district, carry with him one good and sufficient gun or pair of pistols, and at least nine cartridges to fit the same, or twelve loads of powder and ball, or buck shot, under the penalty of one hundred cents for every day he shall neglect so to do.

Sec. 7. And be it further enacted, That no civil officer, or any person whatsoever, shall on any pretence, execute any warrant or process, unless for felony, treason, or breach of the peace, on any person or persons, during the time any such person or persons shall be working upon the said roads, or in going to and returning from working, and appearing as aforesaid on the same, or within twenty-four hours after such person or persons shall be discharged from working upon such roads, under the penalty of ten dollars, and the service of such warrant or summons, on any person or persons, is hereby declared to be null and void to all intents and purposes; and during the time aforesaid, not any implement of labour shall be liable to be seized, or taken in execution, for any cause, matter or thing whatsoever, except it be for any payment or assessment mentioned in, or for any fine or forfeiture incurred by this act, but arms and accoutrements shall not
be liable to be seized or taken under any pretence whatsoever, and in case any person shall seize, distress or levy upon any such implements of labour, arms and accouterments (except as aforesaid) every such person shall forfeit and pay the sum of ten dollars.

Sec. 8. And be it further enacted, That the commissioners or surveyors aforesaid, or any one of them, shall have power and authority to nominate and appoint one or more overseers or overseers, in their respective districts or divisions, to attend, view, manage, and direct all persons working within the same, and such overseer or overseers, hereby have full power to correct any slave or slaves neglecting the work by them to be done, or otherwise offending; and in case any white person, free negro or mulatto, shall neglect to work, or perform the duty required of him or them, the commissioners or surveyors, or a majority of them, upon report thereof by the overseer or overseers, shall fine every person so offending, in a sum not exceeding two dollars for each day he shall so refuse or neglect; and if any person or persons chosen overseer as aforesaid, shall refuse to do and perform the duty thereof, such person or persons shall at the discretion of the said commissioners or surveyors, or a majority of them, be fined ten dollars for every such offence.

Sec. 9. And be it further enacted, That all public roads laid out, or now in use, or which shall hereafter be laid out, shall be cleared of all trees, grubs and bushes, at least twenty feet wide, and such limbs of trees as may inconvenience horsemen or carriages, shall be cut away; all bridges or causeways, made or to be made, over small water courses and causeways over swamps or low lands, shall be made and kept in repair by the hands subject to work on the roads where the same may be necessary; and the pieces wherewith the same shall be made, shall be laid across the road, and be at least sixteen feet long, well secured, made fast and covered with earth; And whereas it may not be practicable for the several persons subject to work by this act, to erect bridges over the several creeks or rivers, within their several districts or divisions, by working thereon three days—

Sec. 10. Be it therefore enacted, That the commissioners or surveyors of such districts or divisions by consent of the justices of the Inferior court of the county, shall, and they are hereby empowered, to contract and agree with any person or persons willing to undertake the same, and to defray the expense thereof, by an equal assessment on all persons and property within the said district or division.—Provided nevertheless, That where it may appear necessary to erect such bridges over any creek or river, being between two divisions, the labor and charges of erecting the same shall be defrayed or done, by an equal assessment upon both divisions, or if any person or persons shall refuse or neglect to perform or pay his, her or their assessment, execution may and shall be levied upon his, her or their goods and chattels, in the manner before mentioned.
Sec. 11. And be it further enacted, That if any person or persons shall, by themselves, their slaves or servants, (for whom their respective masters, owners, managers, or employers, shall be answerable) alter, or in anywise damage, by stopping of water, or by any means, whatever, obstruct any of the roads, bridges, rivers, or creeks, in any division or district already laid out, or that may hereafter be laid out, every such person or person so offending, shall be summoned by the commissioners or surveyors of the districts or divisions wherein such offence shall be committed, or a majority of them, forthwith to amend, clear and repair the same; and in case of the refusal or neglect of such person or persons so to do, such person or persons so offending, shall be fined in a sum not exceeding thirty dollars, and the said commissioners or surveyors, or a majority of them, are hereby empowered and required, to hire and employ such a number of hands as may be necessary to attend, repair, and clear the same, and the expense of such amendment, repairing and clearing, shall be defrayed and paid by the person or persons so offending, neglecting or refusing as aforesaid, which fine and expense shall, on refusal of payment, be levied on the goods and chattels of such offenders, as in this act is directed.

Sec. 12. And be it further enacted, That if any person or persons as aforesaid, shall hinder or forbid any traveller from going through, or passing over any roads, bridges, rivers or creeks, in any division or district, or obstruct or oppose the commissioners or surveyors of such division or district, the overseers, white persons, free negroes and mulattoes, or slaves working in and upon, or clearing the same, in so doing, or making any use of trees or timber wood, or earth, sand or stones, in or near the same, for mending and repairing the said roads or bridges, or any causeways whatsoever, within the same, such person or persons shall forfeit a sum not exceeding thirty dollars. And for the better and more effectually carrying this act into execution:—

Sec. 13. Be it enacted, That the several commissioners or surveyors to be nominated and appointed by virtue of this act, shall meet yearly, and at such time and place within the county, as the commissioners or surveyors of the several divisions may appoint, giving at least twenty days notice in their respective divisions or districts, of the time when, and place where such meeting will be held, and then and there determine all matters relating to the several roads, bridges, rivers creeks, causeways and water passages already laid out, erected, cleared or made, or which may be erected, cleared or made, and assign any particular part of the duty to be performed by any particular person or persons, commissioner or surveyor, and to appoint the time of working within their respective divisions or districts, and also, to appoint other commissioners or surveyors, in the room of any dying, departing this State, declining, refusing or neglecting to act, as shall be agreed upon and determined by a majority of the commissioners then present.

Sec. 14. And be it further enacted, That any surveyor or commissioner to be appointed by virtue of this act, who shall not daily, and every day, attend upon the roads
within their respective districts or divisions, during the time of working on the same, or whenever thereunto required, by a majority of the commissioners or surveyors of such divisions or districts; or if any of the commissioners or surveyors, so appointed, shall after accepting such appointment, refuse, or neglect to do or perform the duties required of them by this act, such commissioners shall, (at the discretion of the other commissioners or surveyors of his district or division) forfeit and pay a sum not exceeding twenty four dollars; this clause not to extend to fine any commissioner or surveyor, who, after serving as such by virtue of this act, the space of two years, shall choose to decline the said office.

Sec. 15. And be it further enacted, That the commissioners or surveyors within their respective districts, upon application being made to them by any person concerned, shall, and they hereby have power to lay out any private path, for the convenience of any particular settlement, to the nearest public road or landing place, which roads are to be cleared, opened and kept in repair, solely for the joint proportional labor and expense of those who may apply for and use the same in common, of which proportional labor and expense the said commissioners or surveyors are declared to be sole judges; and any person or persons, so liable to keep in repair the said private paths, who shall refuse or neglect to keep the said roads in repair as aforesaid, shall be liable to such penalties and forfeitures as are inflicted on persons who refuse or neglect to work upon the public roads; this clause not to extend to exempt such persons from laboring on their respective public road.

Sec. 16. And be it further enacted, That if at any time after the passing of this act, any number of persons should wish or desire a new public road to be laid out, opened cleared, and kept in repair, such persons shall communicate their wish or desire, by petition, to the board of commissioners or surveyors, at their annual meeting, therein giving an accurate and full description of the road they wish laid out, with the place from whence, and whither they wish it to lead, and through what district or districts such road is intended to run; and provided the prayers of such petitioners should be deemed just and reasonable by the commissioners or surveyors, or a majority of them then present, they are hereby empowered and required to order such new road to be laid out, and to determine and prescribe the district or districts of such road or roads, and forthwith to appoint three commissioners to each division, who will accordingly proceed to lay out and cause to be opened, cleared and kept in repair, such road or roads. Provided, That if the said new road shall not be of sufficient length, or difficulty to form or require a separate district, the said commissioners or surveyors, or a majority of them, may at their discretion allot the same to such other district or districts, as may appear to them most equal and fair.

Sec. 17. And whereas, it has been found that the inhabitants of Cumberland island are subject to great inconvenience from their remote situation from the main public road,
by which they are inevitably exposed to a dangerous water passage, and much loss of
time, in going to, and returning from the same.

Be it therefore enacted by the authority aforesaid, That the judges of the inferior court,
or a majority of them, shall have power to order the laying out a road, from the shortest
ferry between the island of Cumberland and the main land, to the nearest public road,
taking such direction as they in their judgments shall think proper, and to lay out or
divide the said road into as many districts as they may deem expedient, which shall be
subject to and governed by the same rules and regulations that are required by this act:
Provided nevertheless, That nothing herein contained, shall be construed to compel white
male inhabitants, so far as it respects the county of Camden, to perform personal labor on
any of the roads, but to attend armed and accoutered as is heretofore pointed out.

SEC. 18. And be it further enacted, That nothing in this act shall be construed to
prevent the justices of the inferior courts, in the before recited counties, from serving
as overseers or commissioners.

SEC. 19. And be it further enacted, That all laws or parts of laws, pointing out
any other mode for keeping in repair the public roads and bridges in this State, be, and
the same are hereby repealed, so far as respects the counties of Chatham, Liberty, Bryan,
McIntosh, Glynn and Camden.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

(No. 127.)

AN ACT

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

SEC. 1. 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

* See act of 1804, No. 167, amendatory of this act—And see also act of 1805, No. 203, amendatory of this
act, and repealing the act of 1804.
be and the same is hereby revived, re-enacted and continued, as the tax act for the year eighteen hundred and four; except so far as relates to giving in returns of taxable property by non-residents.—Whereas great inconvenience results to non-residents and their agents, from being required by the last tax act to make separate return of their lands and other taxable property in each county in which they are situate, and for want of sufficient time to make such return—for remedy whereof—

SEC. 2. Be it enacted, That the time allowed for making such returns be, and the same is hereby extended for three months, and the said non-residents or their agents, may make such return before any judge or justice of the inferior court of this State, upon oath, and transmit the same to the receiver of tax returns in their respective counties in which said lands are situate, and the returns so made, shall be good and effectual; any thing contained in the said act to the contrary notwithstanding.

SEC. 3. And be it further enacted, That the receivers of tax returns in the several counties of this State, shall transmit to the treasurer the aggregate amount of the tax of their respective counties.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To appropriate monies for the political year one thousand eight hundred and four. (No. 128.)

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 salary of the Governor shall be two thousand dollars per annum, and the further sum of five hundred dollars per annum for house rent, &c., for the use of the executive; 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 annum; the attorney and two solicitors-general, Salary of the Governor.

(No. 127.)

Time for non-residents to return property, extended to three months and may make return before a judge or justice of the inferior court and transmit the same to the receiver where the land lies.

Receivers to transmit to the treasurer the aggregate amount of the tax of their county.

Salary of his Secretaries.

Of the Secretary of State.

Surveyor-General.

Judges of the superior courts.

Treasurer,
(No. 128.) Solicitors and Attorney-General.
Secretary of Senate & Clerk of the House of Representatives.
Office fees how paid.
Comptroller-General.

President of the Senate & Speaker of the House of Representatives & members of both branches, and their officers.

To others.

The Adjutant-General, Brigade-Inspectors, and to others.

SEC. 2. And it further enacted, That the President of the Senate and Speaker of the House of Representatives, shall have each, four dollars per day, and the other members of both branches of the Legislature, at and after the rate of three dollars per day each for their coming to, attendance on, and returning from the same; the Secretary of the Senate, and clerk of the House of Representatives, four dollars per day each; two engrossing clerks of the Senate, and two engrossing clerks of the House of Representatives, four dollars per day each; the messengers and door-keepers of both branches of the General Assembly, three dollars per day each; the clerk of the House of Representatives, and Secretary of the Senate, the sum of sixty-eight dollars each for stationary, fire-wood and other contingent expenses during the present session; to Doctor John Murray, for Charles Old, and Alexander Stewart, the sum of one hundred dollars, for apprehending a fugitive from justice, under the Governor's proclamation; to Hugh Bell, an invalid soldier, the sum of fifty dollars; to Levin Wailles, clerk to the committee on the state of the republic, the sum of fifty dollars in full for his services; to Edmund B. Jenkins, as clerk to the committee on finance, the sum of forty dollars; to the Adjutant-General, the sum of three dollars per day, while in actual service; to the Brigade-Inspectors and Adjutants, two dollars each per day, while in actual service; to Richard Weatherford, an invalid soldier, the sum of fifty dollars; to Mrs. A. Jones, widow and relict of James Jones, an invalid soldier, dec. the sum of fifty dollars, as a temporary support for herself and children; to Alexander Cameron, an invalid soldier, the sum of fifty dollars; to Col. Roderick Easley, the sum of six hundred and fifty dollars twelve and a half cents, in full for rations furnished a detachment of militia in the year 1792, agreeably to a concurred resolution; to Day and Hely, for printing the militia bill, seventy dollars; to James Smile, for printing the road law, ten dollars; to George Fee, the sum of forty two dollars and eighty five cents, in full for apprehending a fugitive from justice, under a proclamation, agreeably to a con-
PASSED IN THE YEAR 1803.

 resolution; to Joel Barnett, Esquire, the sum of four hundred and fifty-three dollars, and forty-three cents, in full for balances due him as collector of tax, for the county of Richmond; to William J. Bunce, the sum of seventy-eight dollars thirty-one and a quarter cents, being the amount of his printing account up to the twentieth of July, 1803; to Seymour, Woolhopter and Stebbins, for printing up to this day, the sum of seventy-six dollars, and twenty-five cents; to Captain Thomas Bell, the sum of seven dollars and seventy cents, for duty performed by order of Col. Harris; to Captain Edwin Wise, the sum of six dollars and sixteen cents, for duty performed under order of Col. Hampton; to Thomas Carr of the Creek Nation, the sum of one hundred and sixty-four dollars, fourteen and a quarter cents, in full for redeeming Murdock M'Leod, a citizen of Georgia, when a prisoner in the Creek Nation, &c. which said several sums of money shall be paid out of any monies which now are, or hereafter may come into the Treasury, from the payment of taxes.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 11, 1803.

JOHN MILLEDGE, Governor.

AN ACT*

To revise, amend and consolidate the several Militia Laws of this State, and to adopt the same to the acts of Congress of the United States.

WHEREAS the appointment of the officers, and the power of training the militia of the several States according to the discipline prescribed by Congress, is secured to them respectively by the constitution of the United States:—And whereas it is evident from the experience of ages, that to be prepared for war is the greatest security of the peace of a nation, and that a well organized and disciplined militia ought to be considered among the first objects of a free people.

* See act of 1804, No. 152, act of 1805, No. 214, amendatory of this act, and act of 1807, No. 312 to amend and consolidate, repealing all former laws, except as to patrolling, which act and its amendments since, are the laws governing the militia of this State.
Sec. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That when it shall be found necessary to create any new division or brigade district, or make alterations in any of those already laid off and defined, such new definitions or alterations, shall be made by the legislature and a record made of the same in the Adjutant-General’s office, as well as of the organization of the divisions and brigades heretofore created and defined.

Sec. 2. And be it further enacted, That when it shall be necessary to create any new regimental battalion, or company district, or make alterations, in any such as have been heretofore laid off; the commanding officers of regiments, shall assemble the commanding officers of battalions and companies, at some fit and convenient place, and shall proceed to lay off, or alter any such regimental, battalion, or company district or districts, which districts shall, in all cases, be designated by certain lines and bounds, and recorded by the clerk of the respective regimental courts of enquiry; but that in all creation or division of the aforesaid districts, a due regard shall be had to the number of effective men required for each corps by the militia law of the United States, and that in case of the creation of any new company district, any subaltern officer or officers, falling within the bounds thereof, shall hold his or their rank and grade, his or their respective commissions being made to bear the number of the said new district; and that in case of the organization of an additional acquisition of territory, the regimental battalion, and company districts therein, shall, in the first instance, be defined in such manner, and by such officers of the militia, as the commander in chief may order and direct.

Sec. 3. And be it further enacted; That a regiment shall not contain less than two, or more than three battalions; and that in a regiment composed of two or more counties, regimental musters shall be held by battalions, and regimental courts of enquiry shall also be held in each of said counties, and that battalion districts shall be so arranged, as not to embrace parts of two or more counties, and that the brigadier-general and field officers shall determine which several counties shall form a regiment.

Sec. 4. And be it further enacted, That every division, brigade, regimental, battalion, and company district, shall be numbered throughout the State, by order of the commander in chief, in such manner, that every corps of the same denomination, shall bear a different number; by which numbers every district shall be designated in the commissions of officers commanding therein; and that when in the field, for the purpose of exercise, officers of the same grades shall take rank agreeably to the date of their respective commissions, their respective commands following the same; regiments being told into regular battalions; battalions into regular divisions, companies, platoons, and sections.

Sec. 5. And be it further enacted, That all vacancies which may happen by death, resignation or otherwise, of any major-general, brigadier-general, or quarter-master,
general, shall be filled by the General Assembly, by joint ballot of both branches, and that conformably to an act of Congress, passed the 2d day of March, 1803, a quartermaster-general for this State shall be appointed in like manner, and a list of the name or names, of the person or persons so appointed, under the signature of the president of the Senate and speaker of the House of Representatives, shall be transmitted to his excellency the governor, within two days thereafter, who is hereby required to issue commissions, to each and every person so appointed, within ten days thereafter.

Sec. 6. And be it further enacted, That when vacancies shall happen by death, resignation or otherwise, in any company district, or where a new created district shall require officers, such officers shall be elected by the citizens liable to bear arms, within such company district, under the following rules and restrictions:—The commanding officer of the regiment or battalion shall give at least ten days public notice of the time and place of holding such election, and the election shall be held under the presidency of two or more justices of the county such company may be in, who shall receive the ballots of all such citizens of the district as aforesaid, and make report within thirty days under their hands and seals, to the commander in chief for the time being, of the persons having the highest number of votes, together with a state of the poll, for captain, lieutenant and ensign, as the case may be, and the commander in chief shall, within five days after the receipt thereof, commission the persons so elected; and in the interim between the time of holding such election, and receiving their commissions, such officers shall be fully authorized to act in all their functions, by brevet from the lieutenant-colonel, or major-commandant; Provided such election is not protested against, by any person having been a candidate; and in case the citizens of any company district, shall neglect or refuse to elect the officers as aforesaid, at the time and place appointed, then the commander in chief shall proceed to appoint the necessary officers for such company district, and in the interim of such refusal or neglect of the citizens of a district to elect proper officers, and the appointment by the commander in chief, the major of the battalion to which such company district belongs, shall order the commanding officer of the next adjacent company, to enrol such deranged company within his own, and they shall be subject to the orders of such officer until their own company district is again completely organized.

Sec. 7. And be it further enacted, That when a vacancy shall happen by death, resignation, or otherwise, of any commanding officer of a regiment or battalion, such vacancy shall be filled by the election of all the commissioned or breveted officers within such regimental or battalion district, who will become subject to the command of such field officer, when elected, under the following rules and restrictions, that is to say:—Any two or more captains, within such regimental or battalion district, not being themselves candidates, shall give twenty days public notice in every company district within the same, of the time and place of holding such elections; and they, with any two or more justices,
who are not candidates, shall preside at the election, and the said presiding captains and justices, shall, within thirty days thereafter, certify under their hands and seals, the person or persons having the highest number of votes, and the state of the poll so taken, shall be transmitted to the commander in chief, who shall, within ten days after said transmission, commission the person or persons so elected; and that in regi-mental districts, the brigadier-general shall appoint the time and place at which said elections shall be held.

SEC. 8. And be it further enacted, That each major-general, brigadier-general, and lieutenant-colonel, shall have the appointments of their own respective aids-de-camp, brigade inspectors, brigade quarter-masters, and the regi-mental staff, as pointed out by the militia law of the United States, and that brigade inspectors, and brigade quarter-masters, shall be commissioned by the commander in chief.

SEC. 9. And be it further enacted, That each and every officer appointed, or who may hereafter be appointed and commissioned, or breveted, (not having heretofore done the same) shall previous to entering on the duties of his office, take the following oath, (to be administered by a justice of the peace, or the court of the county in which such officer resides,) to wit:—"I-----, do swear, that I will support the constitution of this State, and of the United States, and faithfully discharge the duties in the of militia of the State of Georgia, to the best of my skill and judgment, so help me God."

If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his county, there to be entered on record by the clerk.

SEC. 10. And be it further enacted, That the commanding officers of companies, shall enrol every able bodied white male citizen between the age of eighteen and forty-five years, except such as are exempt by the laws of the United States, and this present act, residing within his district, and that in all cases of doubt, respecting the age of any person enrolled, intended to be enrolled, or pleading incapacity to serve in any company, the party questioned shall prove his age or inability to the regi-mental court of enquiry, within whose bounds he may reside; and it shall at all times hereafter, be the duty of every such captain or commanding officer of such company, to enrol every such white male as aforesaid, as shall from time to time arrive at the age of eighteen years, and under forty-five years, except as before excepted, shall come to reside within his bounds; and shall without delay notify such person of the said enrolment by a proper non-commissioned officer, by whom such notice may be proven.

SEC. 11. And be it further enacted, That the captain or commanding officer of each company, shall divide his company as nearly equal as possible into four squads, and annually in the month of March, shall nominate one fit and proper person in each squad as
serjeant, and another fit and proper person as corporal; but in case of refusal of all or any such persons to act as serjeant or corporal, the commanding officer of such company shall deposit the names of the men in each squad in separate hats, and call on some disinterested person to draw two names from each hat, and the person whose name shall be first drawn shall be a serjeant, and the person whose name shall be next drawn, shall be a corporal, and such persons shall be responsible for the duties required of such non-commissioned officers by law, for the term of one year thereafter, but such person shall not be compelled to serve again, until the names of all the other persons in the respective squads shall have been so drawn.

Sec. 12. And be it further enacted, That the respective regimental courts of enquiry, shall have power to cause to be bound for a term of years, to the several commandants of companies, battalions and regiments, and their successors in office as the case may require, such a number of boys and young men, with the consent of their parents or other person authorized as they in their discretion may deem proper, for the purpose of being instructed in the different branches of military music, and of serving as musicians when they may be competent thereto, to the several companies, battalions and regiments, and the father of any youth who may be bound, otherwise subject to be enrolled, shall be exempt from all duty in the militia, so long as his son so bound, may continue to serve in the corps to which he would otherwise belong, as well during his apprenticeship as thereafter; and the several regimental courts of enquiry shall make provision from time to time, for the clothing, maintenance, and properly instructing all such youths, to be paid from the funds arising from the fines imposed by this act; and the commanding officers of regiments shall cause the drummers and fifers and other musicians of their respective regiments to meet at such times and places that commissioned officers are required to meet, for the purpose of being trained by the adjutant-general or brigade-inspector, there to be instructed in their respective branches of music, for which purpose the commanding officer of the regiment may employ such person or persons as he may think proper and capable, to instruct such drummers and fifers and other musicians, the person so to be employed by the commanding officer of the regiment, to be allowed such compensation as the regimental court of enquiry may authorize, and each drummer and fifer and other musician, unless an apprentice, shall be allowed during the time they are convened, one dollar per day, to be paid out of the funds arising from fines.

Sec. 13. And be it further enacted, That until arms and equipments of the description required by the militia law of the United States can be procured in this State, by any mode which the legislature may hereafter point out, every non-commissioned officer or private in the militia of the line, shall stand bound to appear at all musters or on all other necessary occasions, armed, equipped and provided with a firelock in good order, and a cartridge box or shot pouch; but all volunteer companies of light-infantry, granniers or riflemen, shall at all times be and appear at musters, or on other necessary
Volunteer companies how to be uniformed how to be raised & to what extent.

Sec. 14. And be it further enacted, That three years after the passing of this act, the clothing and apparel of all volunteer corps already raised, or to be raised, in conformity to the law of Congress, shall be uniform for each service throughout the State, and shall be determined on by the major-generals collectively; and no person belonging to the militia of the line, shall under colour of enlisting into any company to be made up by volunteer enrolment, be excused from doing duty in the infantry of the line, until he shall have equipped himself for service in such volunteer company, according to law, and shall have produced a certificate thereof from the commanding officer of the volunteer company, to the commanding officer of the district company to which he did properly belong; and no person having enlisted in any volunteer company, shall be permitted to withdraw himself from the same, under the penalty of ten dollars, unless in case of removal from his regimental or battalion district, to be recovered as other fines imposed by this act, upon the evidence of the commanding officer of the company from which he shall so withdraw, without having given said commanding officer thirty days previous notice of his intention so to withdraw; which commanding officer shall return all such cases to the first battalion court of enquiry that shall sit thereafter; and the commissions of such volunteer corps shall designate the number of the regiment or battalion to which they are attached, and the commanding officers of the regiment or battalion shall direct how they are to be posted on regimental or battalion parades, unless differently ordered by a superior officer; and the said companies shall perform the same routine of duty (under their respective officers) and be subject to the same rules, regulations, penalties and orders as the rest of the militia; and the commander in chief may order them or any of them out on duty, as occasion, in his opinion may require, by entire companies, and when a district company shall not contain any greater number of effective men than what is required by the law of Congress, no volunteer corps shall enlist more than one eleventh man out of said district, and no greater number of volunteer corps shall be commissioned henceforward, (unless it is in cases of emergency) than what the militia law of the United States prescribes to be attached to regiments and battalions; and the major-generals shall also determine the uniform and badges of the different grades in the militia of the line, until which time, and for three years afterwards, the uniform now prescribed to the different brigades shall be lawful, as well as the newly prescribed.

Sec. 15. And be it further enacted, That the commanding officers of companies of every description, shall muster their respective companies four times in every year, at such places within their company districts as may be most convenient to a majority of each company, and at such times as shall be prescribed by the regimental or battalion courts of enquiry, and such company musters shall be so arranged, that the commanding officer, of the regiment or battalion may (when to him convenient) with the adjutant of
the regiment, attend all or any of them; and it is hereby made the duty of the adjutants of
regiments, to attend all or as many of such company musters as the commanding officer
of his regiment may direct, in order to assist the company officers in training their respec-
tive companies in the exercises and discipline prescribed by Congress; and it shall be
the duty of all commanding officers of companies, at any and every of their respective
company musters, to take an exact account of arms, accoutrements and ammunition in
possession of each member of his company, and shall add to such account the arms,
accoutrements and ammunition in possession of any other person who may fall into his
company, from time to time, and shall make an exact return of his company to the com-
manding officer of the regiment or battalion, at every regimental or
battalion review, in the form which he shall receive from such commanding officer, or
the adjutant, which returns shall be filled, ready to be delivered to the inspector, as he
shall commence the inspection of each company.

Sec. 16. And be it further enacted, That there shall be held in each regiment or
county, once in every year, or as the commander in chief may order, a convention of the
field, staff, company, and non-commissioned officers of regiments, for the purpose of
being trained and instructed by the adjutant-general, in the exercises and discipline
prescribed by Congress; at which said conventions all field officers shall appear in their
uniform, armed with swords, and provided with their respective commissions; and all
staff, company and non-commissioned officers, shall appear in their uniform, armed with
firelocks and bayonets, accoutred with cartouch boxes, bayonet belts and scabbards, and
provided with their commissions and six blank cartridges each; and all such officers so
convened, shall form a company, and be subject to such orders, regulations and restric-
tions as the adjutant-general may deem necessary, to teach and enforce the discipline
prescribed by Congress, for a term not exceeding two days at any one meeting.

That there shall be held in each county or regiment once a year, or as often as the
commander in chief may order, a regimental muster (or battalion muster in counties
holding one battalion only) for the purpose of being trained and instructed by the adju-
tant-general, in the exercises and evolutions prescribed by Congress.

And that a like convention of field and company officers and musters by bat-
talions shall be held once a year, by order of the brigadier-general, for the purpose
of being trained and instructed by the brigade-inspector, in the exercises and evolutions
prescribed by Congress; and that the brigade-inspector shall attend all conven-
tions of field and company officers, regimental and battalion musters within their respec-
tive brigades, and shall make such returns as are prescribed by the militia law of the
United States.
(No. 129.) Sec. 17. And be it further enacted, That when sutlers shall attend regimental or other musters, they shall be considered under the direction of the commanding officer present, with regard to the time and place of their selling liquors, or other refreshments; and that it shall be lawful for said commanding officer, to grant exclusive privileges to such persons as may engage to furnish spacious and convenient places of parade.

Sec. 18. And be it further enacted, That if any bye-stander shall interrupt, molest or insult any officer or soldier while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer at such muster, or such court or board, may cause him to be confined for the day, and the commanding officer at all musters shall have power to fix certain limits to their respective parades, within which no spectator or bye-stander shall enter without his permission; and if any person shall intrude or offend, he or they shall be liable to be confined for the day, by order of such commanding officer. And if any non-commissioned officer or soldier, shall behave himself disobediently or mutiniously when on duty, or before any court or board, directed by this act to be held, or shall leave the ranks without permission, or refuse to fall therein when ordered at any muster whatever, or shall appear on parade drunk, or shall quarrel himself, or promote any quarrel among his fellow soldiers, such non-commissioned officer or soldier so offending, shall be disarmed and confined for the day, by order of the commanding officer present, and shall moreover be fined at the discretion of a court of enquiry, in a sum not exceeding ten dollars, or less than one dollar, to be appropriated as other fines imposed by this act.

Sec. 19. And be it further enacted, That the following forfeitures and penalties shall be incurred for delinquencies, to wit:—By a lieutenant-colonel or commanding officer of a regiment, for failing to appear at musters or on any other necessary occasion, armed and uniformed as the law of the United States directs; for failing to take an oath, to summon any court or board, or failing to order a regimental or battalion muster; to report delinquent officers; to make return of his regiment, shall for each and every such offence or neglect, forfeit and pay a sum not exceeding seventy dollars; for failing to call into service any militia legally detailed to his regiment, three hundred dollars.

By a major, for failing to appear at musters or on any other necessary occasion, armed and uniformed as above; for failing to take an oath, to attend any court or board; to give notice of any regimental or battalion muster, to report delinquencies, or make any return, he shall forfeit and pay for each offence and neglect, a sum not exceeding thirty dollars, for failing to call forth his battalion with due dispatch, or any detachment of men or officers that may be required from time to time, by the commanding officer of his regiment, or the commander in chief of the State, one hundred and fifty dollars.

By a captain, for failing to appear at muster, or on any other necessary occasion, armed and uniformed as the law directs; for failing to take an oath to attend any court
or board; to enroll his men and take an account of their arms, accoutrements and ammunition; to appoint or draft non-commissioned officers as directed by this act; to give notice of regimental, battalion and company musters; to cause his roll to be called and his company to be exercised; to examine his company and report delinquencies and defaults, or to make any return as directed by this act; shall forfeit and pay for each and every such offence and neglect, a sum not exceeding twenty dollars; for failing to call forth such officers and men as may from time to time be legally called for from his company, or for failing on such occasions to repair to the place of rendezvous, he shall forfeit and pay a sum not exceeding sixty dollars.

By a subaltern officer, for failing to appear at muster or on any other necessary occasion, armed and uniformed as the law directs; for failing to take an oath or attend any court; for each and every such offence, he shall forfeit and pay, at the discretion of the court of enquiry, a sum not exceeding ten dollars; for failing to appear at the place of rendezvous, when ordered upon any call from the commander in chief, he shall forfeit and pay a sum not exceeding fifty dollars.

By a non-commissioned officer or musician; for refusing or neglecting to act as such, after having been legally drafted or taught; to give due notice to their respective squads of all musters, and to such of them as they are ordered to summon to courts of enquiry; for failing to attend any muster or courts of enquiry when ordered; for failing to appear properly armed and accoutred at aforesaid muster; he shall forfeit and pay a sum not exceeding six dollars or less than one, for each and every such offence, at the discretion of a court of enquiry; for failing to repair to his rendezvous when legally drafted and ordered, upon any call from the commander in chief, a sum not exceeding fifty dollars.

By a private soldier, for failing to attend any muster, when legally warned thereto, or failing to attend by the time appointed (which for all musters to be held throughout the State shall be by eleven o'clock in the morning) armed and accoutred as this act directs, shall forfeit and pay for each offence, a sum not exceeding three dollars, or less than one dollar, at the discretion of a court of enquiry; for failing to repair to his rendezvous, properly armed, accoutred and equipped, when legally drafted and ordered upon any call from the commander in chief, a sum not exceeding fifty dollars, at the discretion of a court of enquiry; Provided that no officer of the militia shall be fined for not appearing in uniform, until six months after he shall have been commissioned.—And if any non-commissioned officer shall be returned as a delinquent, for not appearing armed and accoutred as the law directs; the court of enquiry before whom the same shall be tried, may, if it appears reasonable, and the delinquent shall make it appear that he was unable to procure the legal equipment, remit the fine incurred by him; and that the fines and penalties incurred by minors and apprentices, for the breach and neglect of their duty.
in any particular service by law required of them, shall be paid by the parent, guardian, or master.

Sec. 20. *And be it further enacted*, That all arms, ammunition and equipments, the troopers horses and furniture of the militia, shall be exempted from execution and distress at all times; and their persons from arrest and process in civil cases, while going to, continuing at or returning from musters, and while in actual service.

Sec. 21. *And be it further enacted*, That the distribution of all orders requiring any muster to be held, shall take place in such manner as that a lieutenant-colonel or commanding officer of a regiment, shall have notice in writing, from the brigadier-general, at least thirty days before such intended muster; a major or commanding officer of a battalion, from the lieutenant-colonel or commanding officer of the regiment, at least twenty days, a captain or commanding officer of a company, from the major or commanding officer of the battalion, at least fifteen days; who shall distribute all orders to their sergeants, at least ten days, and the sergeant to each person in his squad, at least three days before such musters respectively; nevertheless, all notices publicly given by the commanding officers of companies, at their respective musters, of any subsequent muster, shall be held and deemed as legal notices, to as all persons present at such musters. And ten days previous notice shall be served in writing, to any delinquent officer, non-commissioned officer or soldier, by the adjutant to said officers, and by sergeants to non-commissioned officers and privates, of the time and place the court of enquiry shall sit; and a written or verbal declaration before the court of enquiry, by said adjutants and sergeants, or any other officer or soldier, shall be sufficient evidence to such courts of such notices and services. And the commanding officers of regiments and battalions, shall, at their respective regimental and battalion musters, take notice of all delinquent officers, and shall lay the same, together with the returns of delinquencies of the commanding officers of companies, at company, battalion and regimental musters, before the court of enquiry appointed under this act, to take cognizance of, and determine on them. And to each of the said returns, shall be annexed the following certificate, to wit:—"I do certify that the return hereunto annexed, contains all the delinquencies which have occurred since my last return, having duly examined the same."

Sec. 22. *And be it further enacted*, That there shall be battalion courts of enquiry, to be appointed and ordered by the commanding officer of the battalion, for the assessment of fines incurred under this act in such battalion, and such courts of enquiry shall be held within fifteen days after each battalion muster; at or as near as may be convenient to the place where such battalion muster was held; to consist of the commanding officer of the battalion, and the commanding officers of the companies, or a majority of them; who shall

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*This Section amended by act of 1805, No. 214, so far as to authorize the commissioned or brevetted officers of companies to hold courts of enquiry for the hearing and determining on all cases of default at company musters.*
take the following oath, to be administered by the presiding officer, and afterwards by any officer of said court to him, to wit:—"I will truly and faithfully enquire into all delinquencies which appear on the returns to be laid before me, and will assess such fines therein as may seem just, without favor, partiality or affection; so help me God."—The commanding officer of the battalion shall then lay before the said court, all delinquencies as directed by this act; whereupon they shall proceed and determine. And there shall moreover be held, at least one regimental court of inquiry each year, to be appointed and ordered by the commanding officer of the regiment; to consist of the commanding officer of the regiment; and the commanding officers of battalions and companies in such regiment; but where the regiment is composed of two or more counties, there shall be a court held in each of such counties by the field officers as aforesaid, and a majority of the commanding officers of companies in such regiment: such regimental courts when convened and qualified as above directed, shall have power to assess fines on all delinquent officers and soldiers within the regimental district, and to remit fines assessed by the preceding battalion courts, for good cause shewn; and may adjourn from day to day until they have completed all the duties required of them by this act.

sec. 23. And be it further enacted, That the respective regimental courts of inquiry, shall annually appoint by ballot a clerk and provost-marshal, who shall attend the courts herein before directed to be held; and it shall be the duty of such clerk to keep a fair record of all the proceedings of said courts, and within ten days after every battalion and regimental court of inquiry, to make out a fair list of all fines assessed by such battalion or regimental courts, designating therein the captain's district in which each delinquent resides, and transmit the same to the paymaster of the regiment, who is hereby authorized to receive the fines which any delinquent may voluntarily pay, and such delinquent upon producing the paymaster's receipt to the clerk, shall be credited therefor without any further costs or trouble; and the said clerk shall, within thirty days after every regimental court of inquiry, make out warrants of distress & sale against every delinquent on whom fines have been assessed, (and who have not produced the paymaster's receipt as aforesaid) signed by himself & countersigned by the commanding officer of the regiment & directed to the constable of the district in which the defaulters respectively reside, & take the constable's receipt therefor, who shall proceed to levy the same on the goods & chattels of such delinquent, and shall pay the monies so collected to the paymaster of the regiment, & make returns of such warrants to the clerk within one month after receiving the same; and shall be entitled to the same costs as are allowed by law in civil cases of equal dignity; and subject to the same rules, restrictions and penalties as if such warrants had been issued by any justice of the peace.

sec. 24. And be it further enacted, That the paymaster of a regiment, previously to his entering on the duties herein required, shall give bond and security to the court of inquiry, for the faithful discharge of his duty, under such pecuniary penalty as they may think proper.
He shall keep fair accounts of the receipts and disbursements of all monies which may come into his hands by virtue of this act, which accounts shall at all times be subject to the inspection and examination of said court or of any member thereof. And all accounts passed by said court, (or appropriations made by them) and certified by the presiding officer, shall be sufficient to authorize the pay-master to pay the same, and should such pay-master fail to render a true and just account of all monies by him received, at any time when required so to do, by the court of enquiry, he shall forfeit double the sum which he so fails to account for, to be recovered by motion in the name of the commanding officer of the regiment, in any court having jurisdiction of the same, in the county where he may reside, giving such pay-master ten days previous notice of such motion, and he shall moreover be dismissed from the office of pay-master of the regiment.

SEC. 25. And be it further enacted, That the monies arising from fines and forfeitures by virtue of this act, shall be considered as a fund to defray the expenses arising under the same, to provide standards and colours for the battalions and regiments, musical instruments for companies, ammunition for field days; and as the funds may increase, any or every kind of warlike arms, implements or equipage, which in the opinion of the court of enquiry may tend to the advancement of the militia service. And moreover the courts of enquiry shall, from time to time, appropriate such sums as they shall think just and right, as a compensation to their clerks and pay-masters, and any other person necessarily employed in carrying the militia law into effect, within the bounds of their respective regiments,

SEC. 26. And be it further enacted, That the commander in chief of the State, upon complaint for misconduct or neglect of duty, lodged in writing in the Executive office by any one or more commissioned officers, may, at his discretion, cause to be arrested, any major-general, brigadier-general, the adjutant or quarter-master-generals, and order a court martial of all the other generals, field officers and captains, or so many of them (having regard to seniority) as shall amount to thirteen, which court martial shall proceed in the same way, and under the same restrictions as is hereafter provided for the trial of field officers; and any major-general, or brigadier-general, for misconduct within their own knowledge, or upon complaint lodged in writing by any commissioned officer, shall have power to arrest any lieutenant-colonel, major of brigade or inspector, and the commanding officer of the division or brigade, shall order a court martial, for the trial of such lieutenant colonel, major of brigade or inspector, to be composed of one brigadier-general, and as many lieutenant-colonels, majors and captains, as shall make up a number not less than thirteen, and such courts martial, shall proceed to hear and determine on all offences against military order and decorum, and may censure, fine or cashier such officer, which sentence shall be final, when approved by the commander in chief of the State. And any brigadier general, lieutenant-colonel, or major, for misconduct in any captain, subaltern, or regimental staff officer, within his own knowledge, or upon complaint lodged in writing, by any commissioned officer,
may arrest such captain, subaltern, or regimental staff-officer; and the brigadier or commanding officer of the brigade shall order a brigade court-martial, for the trial of any such offender, to be composed of one or more field officers, and as many captains and subalterns, as will make up a number not less than thirteen, and such courts-martial shall proceed to hear and determine on all offences against military order and decorum, and may censure, fine, or cashier, any officer so tried, which sentence shall be final, when approved of by the major-general, or commanding officer of the division. And before any court martial shall proceed to hear and determine on any case, they shall take the following oath, to be administered by the presiding officer to every other member, and then by the officer next in rank to him, to wit:—"I do swear, that I will well and truly try the case now before me, according to the evidence and the opinion I entertain, of the spirit and intention of the militia law of this State, and of the United States, and that I will not divulge the vote or opinion of any member of this court, unless required to give evidence thereof, in a court of justice in a due course of law, until the sentence shall be approved by the proper authority, so help me God." And for obtaining the necessary evidences for the trials aforesaid, the commander in chief of the State, or the presiding officer of the court martial, shall issue his summons, and every person so summoned, failing to attend and give evidence, shall be subject to be tried by a court martial; and if an officer, may at the discretion of such court, be cashiered, or fined, not exceeding six month's pay, as by the law of the United States, allowed to such officer when in service; and if a non-commissioned officer or soldier, or person not enrolled, to be reported to the court of inquiry of the regimental district in whose bounds he shall reside, and be then subject to such fines and penalties, as they may think proper to inflict, not exceeding twenty dollars. And all persons summoned or called to give evidence before any court martial, shall take the following oath, to be administered by the president or judge advocate.—"I do swear, that the evidence I will give in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth, so help me God." And that when any militia officer shall be cashiered, he shall not be eligible to hold any commission for the term of three years thereafter.

SEC. 27. And be it further enacted, That his Excellency the Governor be authorized and empowered, on an invasion or insurrection, or probable prospect thereof, to call forth such a number of militia, and from such county or counties, and in such manner, either companies or by drafts, as he may deem proper; and for the accommodation, equipment, and support of the militia so called forth, the commander in chief of the State, may appoint such quarter-masters, commissaries, and other staff-officers, as to him shall seem proper, and shall also take such measures for procuring, transporting and issuing all orders which may be necessary. Orders for the militia to be called forth as aforesaid shall be sent to the commanding officer of the regiment, brigade or division, with a notification of the place or places of rendezvous; who shall immediately take measures for detaching the same, with the necessary number and rank of officers by regular detail.
drafts, or volunteer enlistments, as he may be ordered. Whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the article of war which govern the troops and the militia in the service of the United States—and courts martial shall be held as therein directed, to be composed of militia officers only, for the trial of any person in the militia, but to the cashiering of any officer, or capital punishment of any person, the approbation of the commander in chief, shall be necessary.—

And when any militia shall be in actual service, they shall be allowed the same pay and returns, as are allowed by law to the militia of the United States. If a sudden invasion should be made, or an insurrection should happen in any county in this State, the commanding officer of the militia in such county, is hereby authorized and required, to order out the whole, or such part of the militia as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection, and shall call on the commanding officer of the adjacent county, for such aid as he may think necessary; who shall forthwith, and in like manner furnish the same, and in the event of any militia ordered out by the commanding officer of a county, as aforesaid, such officer shall immediately give notice of the same, and the cause thereof, to the commanding officer of the brigade or division, who shall forthwith report the same to the commander in chief.

**Sec. 28. And be it further enacted, That major-generals and brigadier-generals, be, and they are hereby vested with power to employ such persons, and contract with the same at any reasonable rate, not exceeding two dollars per day, to ride express for transmitting such orders as in their judgment may be for the good of the public service: Provided, that a day's riding of any express be not less than thirty-five miles, during the necessary time they may be actually engaged in performing such duty, to be paid by the Governor out of the contingent fund, upon their producing a certificate of the general officer so employing them.**

**Sec. 29. And be it further enacted, That the adjutant-general, brigade inspectors and adjutants shall be allowed such pay, while in actual service, as shall be expressed in each annual appropriation law, and that in case of omission in any of said laws of such allowances, the commander in chief, is hereby authorized to pay the same out of the contingent fund at the rate of the pay, subsistence and forage, which officers of their respective ranks are allowed when in the service of the United States. The accounts of the adjutant-general for the same, being first certified by a major-general or the commander in chief; the accounts of the brigade inspectors, by a brigadier general; and those of the adjutants, by a lieutenant-colonel.**

**Sec. 30. And be it further enacted, That his Excellency the Governor, is hereby authorized to cause a sufficient number of copies of this law, together with the act of Congress, more effectually to provide for the national defence, by establishing an uni-
form militia throughout the United States, and the act of Congress for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions, and the articles of war, to be printed and distributed throughout the State, so that every general and field officer therein, and every brigade inspector, adjutant and captain may be furnished with one copy each; and his Excellency the Governor is moreover required to contract for a sufficient number of copies of the rules of discipline prescribed by Congress for the troops of the United States, as will furnish the commanding officers of every company through the State with one copy—all which shall be the property of the company, and descend to them in the succession of captains as long as they may last.

SEC. 31. And be it further enacted, That it shall be the duty of every captain or commanding officer of a company, to read or cause to be read, in the hearing of his company whilst on parade, at least such parts of the militia law of this State and of the United States, as relate to discipline and the preservation of good order, once in every year.

SEC. 32. And be it further enacted, That all militia laws heretofore passed in this State (except such as relate to patrolling) be, and the same are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN MILLEDGE, Governor.

AN ACT

To authorize certain Commissioners therein named, to define, ascertain and new-mark the Division Lines between the counties of Elbert and Franklin;* the Division Line between the counties of Glynn and Camden; the Division Line between the counties of Liberty and McIntosh, and the Division Line between the counties of Montgomery and Tattnall.

WHEREAS the lines dividing the counties of Elbert and Franklin, Glynn and Camden, Liberty and McIntosh, and Montgomery and Tattnall, has never been properly defined and ascertained, and difficulties having already arisen from the want of such ascertainment—For remedy whereof,

* See act of 1806, No. 226, repealing this act so far as relates to Elbert and Franklin and appointing other commissioners, and also see act of 1807, No. 303, repealing all acts on this subject so far as relates to Franklin and others and appointing other commissioners.
Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That Allen Daniel, and Moses Haynes, of the county of Elbert—and Thomas P. Carnes, and James Little, of the county of Franklin—Richard Ward, and William Cone, of the county of Glynn—Nathaniel Atkinson, and John Parish, of the county of Camden—Elijah Lewis, and Elijah Baker, of the county of Liberty—Samuel Jones, and Murdoch McLeod, of the county of McIntosh—and Abner Davis, for the county of Montgomery—and James Thomas, for the county of Tattnall, shall be commissioners for and in behalf of their said several counties aforesaid, who shall be invested with full power and authority, to define and ascertain the said lines dividing the said several counties, and plainly to mark the ares; which lines, when so ascertained and marked as aforesaid, by the commissioners aforesaid, shall be deemed, held and taken as the true lines of division between the said several counties.

Sec. 2. And be it further enacted, That the Inferior courts of each of the aforesaid counties, shall make compensation for the services rendered by the commissioners appointed for the respective counties, out of the county funds.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, December 10, 1803.

JOHN Milledge, Governor.

AN ACT

To declare the approbation and assent of this State, to the amendment of the Constitution of the United States, proposed by Congress, respecting the Election of President and Vice-President, and to confirm and ratify the same on the part of this State.

WHEREAS the Congress of the United States, have resolved, two thirds of both houses concurring, that in lieu of the third paragraph of the first section of the second article of the Constitution of the United States, the following be proposed as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the Legislatures of the several States, shall be valid to all intents and purposes as part of the said constitution, to wit: "The electors shall meet in their respective States,
and vote by ballot for President and Vice-President, one of whom at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President. And they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed. And if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President,—The House of Representatives shall choose immediately by ballot the President, but in choosing the President, the votes shall be taken by States; the representation from each State having one vote; a quorum for this purpose, shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed. And if no person have a majority, then from the two highest numbers on the lists, the Senate shall choose the Vice-President, a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice; but no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States." And whereas, the Senate and House of Representatives of this State do approve of the said proposed amendment.

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the said proposed amendment of the Constitution of the United States, above recited, be, and the same is hereby assented and agreed to, confirmed and ratified.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, May 1, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To prevent the insurrection of slaves, and to punish such persons as shall excite, promote, aid or abet any such insurrection.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That from and after the passing of this act, if any person or persons, shall raise or attempt or endeavour to raise any insurrection of slaves, or shall counsel, advise, aid or abet any such insurrection, or shall excite, promote, instigate, or stir up any endeavor to excite, promote, instigate, or stir up any such insurrection, every person or persons so offending, shall on conviction thereof, be adjudged guilty of felony, and shall suffer death without benefit of clergy.

SEC. 2. And be it further enacted, That if any person or persons, shall hold any discourse or conversation with any slave or slaves, and shall make or deliver, or cause, or procure to be made, or delivered to any slave or slaves, any discourse, speech, harangue or talk tending to excite such slave or slaves to sedition, tumult or disorder, or write, print, or publish any such discourse, speech, harangue or talk; every person or persons so offending, shall on conviction thereof, be declared guilty of felony, and banished this state forever. And if any such person or persons shall at any time after being so convicted and banished, return to and be found at large within the limits of this state, he, or they so returning, shall suffer death without benefit of clergy.

ABRAHAM JACKSON, Speaker of the House of Representatives.

DAVID EMANUEL, President of the Senate.

Assented to, 19th May, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To establish the salary of the Judges of the Superior Courts, and the Attorney and Solicitors-General of this State.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the Judges of the Superior courts of this State, shall receive
for their salary, the sum of fourteen hundred dollars each per annum; and the Attorney (No. 133.) and Solicitors-General each, the sum of one hundred and fifty dollars per annum, to be paid quarterly out of any monies which may be in the Treasury at the time the said several sums may become due.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, November 21, 1804.

JOHN MILLEDGE, Governor.

**AN ACT**

(No. 134.)

To incorporate the Vann's Creek Baptist Church in Elbert county.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That Dozier Thornton, John White, Joseph Chipman, Reuben White, junr. Littleton Johnston, Robert Burk, and John Johnston and their successors in office, shall be and they are hereby declared to be a body corporate, and known by the name of the Incorporated Vann's Creek Baptist Church.

SEC. 2. And be it further enacted, That the said Dozier Thornton, John White, Joseph Chipman, Reuben White, junr. Littleton Johnston, Robert Burk, and John Johnston, and their successors in office, shall be invested with all such property, both real and personal, as shall or may be bestowed on said society or church, by gifts, grants or otherwise, in trust, for the use and benefit of the said society or church.

SEC. 3. And be it further enacted, That the aforesaid society or church, or a majority of them, shall at any time they may deem proper, proceed to elect other persons as trustees, in room of the aforesaid Dozier Thornton, John White, Joseph Chipman, Reuben White, junr. Littleton Johnston, Robert Burk, and John Johnston, or either of them, or their successors in office, previously thereto, giving at least thirty days notice of such intention to said society or church.

SEC. 4. And be it further enacted, That the aforesaid trustees, and their successors in office, shall be, and they are hereby declared to be a body corporate, and capable of succeed a body politic.
AN ACT

To raise money by Lottery, for the purpose of aiding the funds for erecting a Poor-House and Hospital,* in the City of Savannah, and also to rebuild the Court-House in the county of Chatham.

WHEREAS the building a poor-house and hospital, in the city of Savannah, as a receptacle for unfortunate poor and distressed persons; and the re-building the court-house, in the county of Chatham, which has been destroyed by the late violent storm, are objects of much magnitude and greatly merit legislative aid.

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 lottery be, and hereby is allowed and authorized, which said lottery shall be managed and drawn under the direction of Edward Telfair, Joseph Clay, senr. Thomas F. Williams, John P. Williamson, and John H. Morell, who are hereby appointed commissioners for that purpose, and are hereby authorized to adopt such scheme or schemes for the said lottery, as they may deem fit, so that the sum of twenty thousand dollars, at least, be raised thereby.

Sec. 2. And be it further enacted, That the money arising from said lottery, after deducting the expenses attending the same, be and the same is hereby appropriated; one half to, and for the purpose of aiding the fund already established by subscription, in the county of Chatham, for erecting a poor-house and hospital in the city of Savannah, as a receptacle for unfortunate and distressed persons; and the other half to, and for the purpose of re-building the court-house of said county.

* Further aided by act of 1808, No. 349, authorizing the sale of Bethesda college estate.
Sec. 3. And be it further enacted, That the commissioners aforesaid, shall, within sixty days after the drawing of the said lottery is completed, pay over and deliver the sum and sums of money arising from the said lottery, after deducting expenses; one half to the trustees already appointed, by a number of persons who have subscribed, for the purpose of building a poor-house in the city of Savannah, to be by them applied in aid of that fund, for that benevolent purpose; and that the said commissioners hereby appointed to superintend the said lottery, be and are hereby added to the trustees appointed as aforesaid, to superintend the building of the said poor-house and hospital; and the other half to be paid and delivered to the commissioners of the court-house, in the county of Chatham to be by them applied to the re-building of the court-house.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, November 21, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To authorize the commissioners of the Academy of Washington county, to dispose of certain lands.

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 academy of Washington county, their successors in office, or a majority of them, are hereby fully empowered, to sell or otherwise dispose of, to and for the use and benefit of the said academy, all and singular the lands or any part thereof, heretofore purchased by virtue of law, by the commissioners of the said seminary, at the sales of reverted confiscated property; and the said commissioners in the sale, or other disposition of the said land, shall do the same on the most efficient security, and on such terms and conditions, as may be most conducive to the interest and prosperity of the aforesaid institution.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To amend an act entitled "An Act to appoint commissioners, for the better regulation and government of the Town of Petersburg."

WHEREAS the powers granted to the commissioners of the town of Petersburg, by the afore recited act, are not sufficiently extensive for carrying into full and complete effect, such regulations as the welfare of said town requires, and whereas disputes have arisen relative to the commons and limits of said town.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the said commissioners shall have power to employ the county surveyor of Elbert, and with him to survey said town, and ascertain and lay out the commons thereunto belonging, agreeable to the proposals, upon which said town was settled; and cause a correct plat of the same to be made and recorded in the clerk's office of the superior court, for said county.

SEC. 2. And be it further enacted, That the said commissioners shall have power, and be capable in law, to purchase, hold and retain to them and their successors in office, to the use of the said town, in perpetuity or for any term of years, any estate real or personal, also to lease or hire the same for any term not exceeding ten years; and to sue and be sued, implead and be impleaded, and to answer and be answered unto in any court of law or equity in this state.

SEC. 3. And be it further enacted, That they shall have power to make such by-laws, rules and regulations, respecting the streets, public buildings and taverns, carriages, waggons, carts, drays, pumps, buckets, fire-engines, the care of the poor, the regulation of disorderly people, negroes, and in general all regulations which they may deem necessary for the welfare and convenience of said town, and for preserving good order therein: Provided they be not repugnant to the constitution and laws of this State.

SEC. 4. And be it further enacted; That said commissioners shall have power to make such assessments on the citizens or persons holding taxable property in said town, as may from time to time appear necessary; to inflict pains and penalties and forfeitures for offences committed against the by-laws and regulations; to appoint a clerk, treasurer, sheriff, constable, and all other officers (affixing their salaries) that may appear to them necessary, for carrying into full effect the by-laws and regulations of said town.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.
AN ACT*

(No. 138.)

To authorize the Trustees of the Orphan House or Bethesda College, in the county of Chatham, to sell certain unproductive lands, and to reduce the number of Trustees of the said institution.

WHEREAS it appears by the memorial of the trustees of the orphan house, in the county of Chatham, that it is expedient to sell and dispose of certain unproductive lands, belonging to the said institution.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, and it is enacted, That it shall and may be lawful to, and for the trustees of the said orphan house or college, or a majority of them, to sell and dispose of, at public or private sale, the following tracts of land: (that is to say) one thousand acres in the former parish of St. Patrick, new county of Glynn, situate and being on the south branch of Turtle river, bounded at the time of survey, on all sides by vacant lands; also five hundred acres in the former parish of St. David, now county of Glynn, bounded to the north east by the Alatamaha river, to the north by a Carolina survey for Henry Lawrens, and on every other side by vacant land; and also five hundred acres in the same parish of St. David, and county of Glynn, bounded eastwardly by the Alatamaha, north west by land laid out for Henry Monroe, and to the south by land vacant, which said several tracts of land, were granted to the reverend George Whitfield, for the endowment of the said institution, of which he was the founder, and to make and execute good and sufficient titles to the purchaser or purchasers of the said land, in whole or in part, in fee simple or otherwise, as to the said trustees shall seem most beneficial and advantageous; and to apply as well the monies arising from such sale or sales, as the rents, issues and profits of those other lands appertaining to the said institution, known by the name of Bethesda, Euphrates, Nazareth, Huntingdon, Habersham, or by whatever other name or names such lands may be called or known, to the use, benefit and advantage of the said institution, according to the intention of the founder, and the laws of the State relative thereto.

AND WHEREAS from the difficulty of convening a majority of the present trustees, it is rendered expedient to reduce the number.

SEC. 2. BE it therefore enacted, That the present trustees shall continue and remain until by death or otherwise, the number shall be reduced to nine, and that in the mean time, a majority of the existing number shall constitute a board, and be competent to do and perform all the business of the said institution. And from and after the reduction of the said trustees to the number nine, the said nine or a majority of them, shall

* See act of Geo. No. 349, directing the manner in which this estate shall be disposed of.
(No. 138.)

constitute a board, and be competent to business as aforesaid, and that when and so often as a vacancy shall happen amongst the said nine members, such vacancy shall be filled as heretofore by the governor.

Sec. 3. And be it further enacted, That all acts heretofore passed, so far as the same are contrary hereto, be and the same are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDEGE, Governor.

(No. 139.)

Supplementary to an act, entitled "An Act to secure to Jesse M'Call, the exclusive right of erecting a Toll-Bridge over the river Great Ogeechee," passed the 9th of May, 1803.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That for the term of fifteen years from and after the passing of this act, it shall not be lawful for any person or persons to erect any new bridge, or establish any new public ferry over the said river Great Ogeechee, within five miles above or below the place where the said Jesse M'Call has erected his bridge, pursuant to the act above recited; and every person or persons who shall erect any new bridge, or establish any new public ferry, contrary to the provisions of this act, shall for every such offence, forfeit and pay to the said Jesse M'Call, his heirs or assigns, the sum of one thousand dollars, to be recovered by action of debt, in the Superior or Inferior court of the county wherein such offender or offenders shall reside: Provided, That the said Jesse M'Call, do within three months from the passing of this act, give bond and security to the commissioners of the roads of Bryan county, in the sum of one thousand dollars, conditioned to keep the said bridge in good repair during the term aforesaid, and to answer all damages that may arise by reason of the badness or want of repair of such bridge.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDEGE, Governor.
AN ACT

To authorize Peter Coleman to erect a Mill on Little 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 it shall be lawful for Peter Coleman, of the county of Columbia, to erect a Mill on Little river, at the mill seat of the said Coleman, near the plantation of the said Coleman, any law to the contrary notwithstanding:—Provided nevertheless, That the same does not interfere with the right of any other person.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To pardon Chatten Doggett Scroggen.

WHEREAS at a Superior court held in and for the county of Jackson, for October term, in the year of our Lord, one thousand eight hundred and four, a certain Chatten Doggett Scroggen, was convicted of the crime of murder, as principal in the second degree; and received sentence of death, to be executed on the twenty-sixth day of October, in the year of our Lord, one thousand eight hundred and four, but on the petition of sundry persons, inhabitants of said counties of Jackson, Clark, and others, to his Excellency the Governor, praying a respite for the said Chatten Doggett Scroggen, which was granted until the fourteenth day of December next.

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 said Chatten Doggett Scroggen, be, and he is hereby declared to be freely, fully and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction, as freely, as if such offence had never been done or committed by him.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 3, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To amend and revise An Act to incorporate the town of St. Mary's.

WHEREAS from the extent and population of the town of St. Mary's, 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 attend the legislature at their general meeting, it has been found inconvenient and may hereafter become more so, 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 after the passing of this act, all persons, citizens of the United States, and residing six months within the said town and having a frehold 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 of the said town; and they and their successors shall have perpetual succession, and be styled and known by the name of the intendant and council of the town of St. Mary's, 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 said town of St. Mary's, in perpetuity, or for any term of years, any estate or estates, real or personal, messuage, lands, tenements or hereditaments of whatever nature or kind secerer, 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 and public buildings, work houses, markets, wharves, public houses, carriages, waggons, carts, drays, pumps, buckets, fire engines, the care of the poor, appoint a harbor master and health officer, the regulation of disorderly people, negroes, and in general, every other by-law or regulation that shall appear to them requisite and necessary for the security, welfare, convenience and advantage of the said town, or for preserving 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: Provided, that the tax or assessments so levied by the said intendant and council, within their said jurisdiction does not exceed the ordinary taxes of this State as regards slaves, & to affix & levy fines for all offences committed against the bye-laws of the said town; and they are hereby authorized to appoint a clerk.
treaucer, health officer, commissioners of pilotage, fire masters, marshals, constables, and all such other officers (affixing the salaries and fees of such officers respectively) as shall appear to them requisite and necessary for carrying into effectual execution all the bye-laws, rules and ordinances they may make for the good order and government of the said town, and the persons residing therein; Provided, that nothing herein contained shall authorize the said intendant and council, to make any bye-laws repugnant to the constitution or laws of the land; And provided also, that the bye-laws rules and ordinances they may make, shall at all times be subject to the revisal, alteration or repeal of the legislature.

Sec. 2. Be it further enacted, That any two justices of the peace for the county of Camden, shall, without loss of time, after the passing of this act, and on the second Monday in October, annually thereafter, give ten days public notice in two or more public places in the said town of Saint Mary, that five members are to be chosen to constitute the council of the said town, and which said five 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 six months within the said town, and having a freehold or lease for years of a lot therein as aforesaid, shall be entitled to vote for five 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 with in three days after their election, for the purpose of taking the oath of office prescribed by 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 Saint 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 town of St. Mary, according the 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.*

Sec. 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 thereafter, call a meeting of the said members, and elect from their own body, (the concurrence of three being necessary to a choice) an intendant of the said town; and the said intendant, or in case of his absence or disability, any two of the members, shall and may, as often as occasion may require, summon the members to meet together in council, any two of whom with the intendant, or any three, shall be competent to proceed to business. And should a vacancy happen by death, resignation or otherwise, it shall be filled by the people, who are to be notified thereof, ten days previous to the election.

* See act of 1805, No. 248, explaining this section.
No. 142.)

SEC. 1. 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, or in his absence, any three of the 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 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 accrued on such trial, and giving sufficient security to abide and perform the sentence of the court at the trial of the appeal; and all appeals from the decision of the said courts, shall be tried at the next succeeding court day after such trial by a jury of twelve 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 non-attendance or other misconduct, in manner such as they may think proper, not exceeding half the fines for non-attendance on inferior courts of this State; and shall have power to award execution for such fines, and cause the goods of the persons so 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 thereof 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. And be it further enacted, That the said intendant and council, are hereby authorized and empowered to use the jail now erected in the town of St. Mary', as a place of confinement for persons offending against the laws of said corporation, and also to employ the present court-house in said town, in such way as they may see fit.

Sec. 9. And be it further enacted, That the said intendant and council are hereby authorized and required to appoint a board of commissioners of pilotage for the port and district of St. Mary, and also, to appoint any number of pilots they may see fit for the same; and to prescribe and establish any such rules and regulations, as they may deem expedient therefore; which rules and regulations shall be binding on all pilots, and those that act under them, any law to the contrary notwithstanding.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 10, 1804.

JOHN MILLEDGE, Governor.

AN ACT

Appointing commissioners for ascertaining and fixing the dividing line, between this State and the State of North-Carolina.

WHEREAS by an act of the legislature of South-Carolina, passed the eighth day of March, in the year one thousand seven hundred and eighty-seven, certain delegates were fully authorized to assign over to the United States, all that tract of territory within the chartered limits of the said State; lying and being within the boundaries and lines hereinafter described, that is to say: all the territory or tract of country, included within the river Mississippi, and a line beginning at that part of the said river Mississippi,
(No, 113.) which is intersected by the southern boundary line of North-Carolina, and continuing along the said boundary line until it shall intersect a ridge or chain of mountains, which divides the eastern from the western waters, thence along the said ridge of mountains to where it intersects a line to be drawn due west from the head of the southern branch of Tugalo river to the said mountains, and thence to run a due west course to the river Mississippi.

And whereas, the United States did accept of a deed of cession, executed by the said delegates in due form, on the seventh day of August, in the year of our Lord, one thousand seven hundred and eighty-seven.

And whereas, it also appears, that previous to the date of the aforesaid deed of cession, that is to say: in the year of our Lord, one thousand seven hundred and seventy-two, the Governors of the then provinces of North and South-Carolina, by virtue of an order of George the third, King of Great-Britain, appointed commissioners to alter the line between the two provinces aforesaid, new States of North and South-Carolina, which said line was actually run and ascertained by the said commissioners; and that the said line was continued from the end of the line northwest from Little river, a due west course to the lands belonging to the Catawba nation of Indians, thence northwardly with their lands, so as to leave the same in South-Carolina, thence due west; by which proceeding it evidently appears that all the land comprehended within the limits of Walton county, and as far as the thirty-fifth degree of north latitude, continued to be the property of South-Carolina, until their deed of cession to the United States.

And whereas articles of agreement and cession were entered into, and signed, sealed, and executed, by commissioners duly authorized by the United States and this State respectively, on the twenty-fourth day of April, in the year of our Lord, one thousand eight hundred and two, which were ratified by this State on the sixteenth day of June following, by which articles of agreement and cession aforesaid, the United States conveyed to this State, both the right of soil and jurisdiction to all the territory within the aforesaid boundaries and limits, which the State of South-Carolina had any claim to at the time that State made a cession of the same to the general government.

And whereas the State of Georgia did, being vested by the articles of agreement and cession aforesaid, with the right of soil and jurisdiction of the lands within the limits of the county of Walton, passed an act on the tenth day of December, in the year of our Lord, one thousand eight hundred and three, entitled “An Act to establish a county in the territory lately acquired by the cession of the United States,” which said act has been carried completely into effect; and the said county of Walton in pursuance of the same, hath been duly organized, and the authority of this State exercised therein.
And whereas it is necessary that commissioners, on the part and behalf of this (No. 143.) State, should be appointed to meet any commissioners which may hereafter be appointed by the State of North-Carolina, for the purpose of marking more plainly the line in every part designating the county of Walton.

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 his Excellency the Governor be, and he is hereby authorized and required to appoint two or more fit and proper persons, as commissioners on the part and behalf of this State, with full and competent power to meet any two or more commissioners that may be appointed by the State of North-Carolina, for the purpose of designating more plainly and clearly the lines of the aforesaid county of Walton.

Abraham Jackson, Speaker of the House of Representatives.

Jared Irwin, President of the Senate.

Assented to, December 10, 1804.

John Milledge, Governor.

An Act

To afford aid to Ebenezer Jenckes, and to amend an Act, "entitled "An Act, to authorize Ebenezer Jenckes to establish a Toll on the Newington road, between Joshua Loper's in the county of Effingham, and the city of Savannah."

Whereas the completing the repair of the road called the Newington road, will be productive of great public utility:—And whereas Ebenezer Jenckes hath, in pursuance of the act above mentioned, made great progress in repairing the said road, but hath by petition represented, that from various causes he is rendered unable to complete the same, and hath prayed the aid of the legislature:—And whereas, it is expedient to afford assistance to the said Ebenezer Jenckes for completing the repairs of the said road.

Sec. 1. Be it therefore enacted, That the said Ebenezer Jenckes, shall as soon as conveniently may be, after the passing of this act, enter into bond to the commissioners named in the act aforesaid, or to their successors in office, with two sufficient sureties, in the
sum of ten thousand dollars, conditioned to put the said road in good order and repair, according to the act aforesaid, within the term of two years from the date of the said bond, and to keep the same in repair, and be answerable for injuries or damages that may accrue or happen, by reason or means of the badness or want of repair of the said road, during the term granted him by the said act; and in default of putting the said road into complete repair within the said two years, then the said bond shall become forfeited, and the said Ebenezer Jenckes shall also lose all claim to the benefits and advantages allowed him by this, and the act aforesaid.

Sec. 2. And be it further enacted, That so soon as the said Ebenezer Jenckes shall have entered into such bond, as aforesaid, the commissioners shall permit and suffer the said Ebenezer Jenckes, his executors, administrators, or assigns, to erect and put up a toll gate, and the said Ebenezer Jenckes shall, after erecting the said gate, be entitled to demand and receive the following toll until such time as he shall put the said road into complete repair as aforesaid.

For every four wheeled pleasure carriage, - Eighty-seven and a half cents.
For every two wheeled - - - Forty-three and three quarter cents.
For every waggon and team, - - - Twenty-five cents.
For every cart and three horses, - - - Eighteen and three quarter cents.
For every cart and two horses, - - - Twelve and an half cents.
For every cart and one horse, - - - Six and a quarter cents.
For every rolling hogshead of Tobacco, - - - Twelve and a half cents.
For every man and horse, - - - Six and a quarter cents.
For all black cattle and horses, per head, - One cent.

Sec. 3. And be it further enacted, That whenever the said commissioners, or their successors, shall declare the said road is completely repaired, according to the first section of the act aforesaid, it shall be lawful for the said Ebenezer Jenckes, his executors, administrators or assigns, from thenceforth to demand and receive toll at the following rates.

For every four wheeled pleasure carriage, - One dollar.
For every two wheeled ditto - Fifty cents.
For every waggon and team, - - - Forty-three and three quarter cents.
For every cart and three horses, - - - Twenty-five cents.
For every cart and two horses, - - - Eighteen and three quarter cents.
For every cart and one horse, - - - Twelve and an half cents.
For every rolling hogshead of Tobacco, - - - Eighteen and three quarter cents.
For every man and horse, - - - Twelve and an half cents.
For all black cattle and horses, per head, - One and an half cents.
SEC. 4. And be it further enacted, That such parts of the above mentioned act, as is (No. 145.) contrary hereto, be, and the same are hereby repealed.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 10, 1804.

JOHN MILLEDGE, Governor.

AN ACT†

(No. 145.)

To amend An Act, entitled "An Act to carry into effect the sixth section of the fourth article of the Constitution, touching the distribution of intestate estates, directing the manner of granting letters of Administration, letters Testamentary, and Marriage Licenses", passed the 23d day of December, 1789.

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 when any person holding real or personal estate, shall depart this life intestate, the said estate, real and personal, shall be considered as altogether of the same nature, and upon the same footing, so that in case of there being a widow and child, or children, they shall draw equal shares thereof, unless the widow shall prefer her dower, in which event, she shall have nothing further out of the real estate, than such dower; but shall nevertheless receive a child's part or share out of the personal estate. And in case any of the children shall die before the intestate, their lineal descendants shall stand in their place and stead; in case of there being a widow and no child, or children, or representative of children, then the widow shall draw a moiety of the estate, and the other moiety shall go to the next of kin, in equal degree, and their representatives; if no widow, the whole shall go to the child, or children; if neither widow, child or children, or legal representative of the children, the whole shall be distributed among the next of kin, in equal degree, and their representatives; but no representation shall be admitted among collaterals, further than the child or children of the intestate's brothers and sisters. If the father or mother be alive, and a child dies intestate, and without issue,

* See act of 1809, No. 352, amendatory of this act.
† See act of 1805, No. 198, altering and amending certain parts of this act.
such father or mother, in case the father be dead, and not otherwise, shall come in on
the same footing as a brother or sister would do: Provided, That such mother after
having intermarried, shall not be entitled to any part or proportion of the estate of a
child who shall die intestate, and without issue, but the estate of such child shall go to,
and be vested in the next of kin, on the side of the father: And provided also, That on
the death of the last child intestate, and without issue, the mother shall take no part of
his or her estate, but the same shall go to, and be vested in like manner in the next of
kin on the father's side. And in case a person dying without issue, leaving brothers or
sisters, of the whole and half blood, then the brothers and sisters of the whole blood
and the half blood in the paternal line only, shall inherit equally; but if there shall be
no brother or sister, or issue of brother or sister of the whole or half blood in the patern-
al line, then those of the half blood, and their issue in the maternal line shall inherit.
The next of the kin shall be investigated by the following rules of consanguinity, viz:
children shall be nearest parents, brothers and sisters shall be equal in respect to distrib-
ution, and cousins shall be next to them.

Repealing clause.

SEC. 2. And be it further enacted, That so much of the above recited act, as is repug-
nant to this act, shall be, and is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, GOVERNOR.

(No. 146.)

AN ACT

To compel trespassers on the lands south of the Oconee, lately ceded by the Creek Indi-
ans, to return within the settled limits of the State.

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
be the duty of his Excellency the Governor to issue his proclamation, commanding all
persons who have trespassed on the lands south of the Oconee, lately acquired by cession
from the Creek Indians, to return forthwith within the jurisdictional limits of the State,
and forbidding all further trespasses.
SEC. 2. And be it further enacted by the authority aforesaid, That in case of refusal to obey the mandate of the said proclamation, it shall then become the duty of the Governor to obtain accurate returns of all persons persisting so to refuse, and which shall be authenticated under the hand of the commanding officers of the militia of the county which may border the district wherein such trespassers reside, and be made on the oath of two or more respectable men, employed from the county adjoining such districts for the purpose of obtaining them, who shall each be allowed the sum of twelve and an half cents for each so returned as aforesaid.

SEC. 3. And be it further enacted by the authority aforesaid, That such returns shall be made a file of in the office of the Executive, and shall operate completely to exclude the parties so persisting to refuse, from all interest in the lottery contemplated, and forever bar the issuing any grant to either of them, for any part of the lands included in either cession: Provided always, That if any or either of the said trespasser or trespassers shall deny the fact of their having so trespassed as aforesaid, they shall be entitled to a trial by jury as to the fact of such trespass, on filing such denial in the Executive office within six months after such returns as soon as the counties in which such trespass or trespasses was committed, shall be organized: Provided, That the informer shall in all cases notify in writing, the person or persons so returned.*

SEC. 4. And be it further enacted, That all persons from any other State who have trespassed as aforesaid, and who shall not abide by the proclamation directed by this act to be issued by his Excellency the Governor, shall be considered as standing in defiance of the laws of this State, and his Excellency the Governor shall order out a military force compelling such intruders to return.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

* See act of 1805, No. 193, repealing this section.
AN ACT

For the relief of James Jackson.

WHEREAS James Jackson at the sales of confiscated property at Savannah, in the month of August, one thousand seven hundred and eighty-five, purchased of the commissioners thereof, two tracts of land, of five hundred acres each, situated, lying and being in the county of Glynn, originally granted to, and belonging to George Kineaid, a person named in the act of confiscation; and it appears by sufficient documents that only one five hundred acre tract was granted the said George Kineaid, in the said county; but that there is a tract of five hundred and fifty acres, part of a tract of eleven hundred, and fifty acres granted the said George, under a Carolina grant, dated the seventeenth day of June, one thousand seven hundred and sixty-three, bounded northwesternly on land surveyed for Susannah Bee, to the northeastern on land surveyed for Captain John North, to the southwestern by land surveyed for William Main, and part for Paul Percher, and to the southeastern on land surveyed by Cornelius Dupont, and part on vacant land; six hundred acres of which were conveyed by deeds of lease and release by the said George, dated the twelfth and thirteenth days of May, one thousand seven hundred and sixty seven, to one Daniel Blake, as appears of record in the Secretary's office, leaving the said surplus of five hundred and fifty acres, still the property of the said George, and liable to confiscation and sale; and which tract it is reasonable to conclude the said commissioners intended to sell; and as the said James Jackson has paid taxes for two five hundred acre tracts, ever since the time of purchase:

BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the said tract of five hundred and fifty acres, part of the said Carolina grant to George Kineaid, containing eleven hundred and fifty acres, be, and is hereby confirmed and vested, absolutely and amply in the said James Jackson, his heirs, and assigns forever, as fully to all intents and purposes, as if the said five hundred and fifty acres had been included in the titles of the commissioners of confiscated estates to him, dated the twenty-sixth day of August, in the year of our Lord, one thousand seven hundred and eighty-five:—Provided, That should any other five hundred acre tract, the property of the said George, liable to confiscation, be hereafter found, that the said James, his heirs and assigns, shall be, and hereby are precluded from any claim to the same, or any part thereof:—And provided also, That the said tract of five hundred and fifty acres of land, shall not have been conveyed by the said George Kineaid, before the passing the said act of confiscation.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To cede to the United States, jurisdiction over four acres of land, on the southern extremity of St. Simon's island, and six acres of land, on the southern extremity of Cumberland island, for the purpose of erecting light houses.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and immediately after the passing of this act, the jurisdiction to and over four acres of land, in the southern extremity of St. Simon's island, in the county of Glynn, ceded to the United States, for the purpose of erecting a light house, in and for the port of Brunswick, be and the same is hereby vested in the said United States of America: Provided, that the said United States shall erect a light house on the same.

SEC. 2. And be it further enacted, That jurisdiction to and over six acres of land, on the southern extremity of Cumberland island, in the county of Camden, ceded to the United States, for the purpose of erecting a light house in and for the port of St. Mary's, be and the same is hereby vested in the United States: Provided, That the said United States shall erect a light house on the same.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 10, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To amend an act, entitled "An Act to make permanent the road on the north side of Great Ogeechee river, from the place where it leaves the road leading from Louisville to Savannah, to the toll bridge over Ogeechee" passed the 10th December, 1803.

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 be, and they are hereby appointed commissioners for that part of the aforesaid road, leading through the county of Effingham, viz: Joshua Loper, Curtis Loper, and John
(No. 149.) Powers; and for that part leading through the county of Chatham, John Woolf, William Bridges and Richard Sanderlin.

SEC. 2. And be it further enacted by the authority aforesaid, That all the white males, and slaves liable to work on the public road, within three miles of the said road, from Joshua Loper's to the place where it intersects the main public road, leading from Savannah to Gunn's bridge, on Ogeechee, shall be liable to work on said road, under such regulations and restrictions as the road law in force in the above mentioned counties shall require.

SEC. 3. And be it further enacted by the authority aforesaid, That the fifth section of the before recited act, shall be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

(No. 150.)

To authorize Henry West to erect a mill on Little 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 it shall be lawful for Henry West, of Lincoln county, to erect a mill on Little river, at his mill seat, above Gorley's bridge on said river: Provided nevertheless, that the same does not interfere with the right of any other person.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To vest certain powers in the justices of the inferior court of Franklin county.

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 justices of the inferior court of the county of Franklin, are hereby fully authorized to purchase any bridge or bridges in said county, that have been erected by private individuals over any water course that they may deem necessary to establish as public bridges, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To alter and amend an act, entitled, "An Act to revise, amend and consolidate the several militia laws of this State, and to adapt the same to the Act of the Congress of the United States," passed at Louisville, on the tenth day of December, eighteen hundred and three.

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, That so much of the above mentioned act, as invests battalion courts of enquiry, with power and authority to try and impose fines on delinquents and defaulters, at company musters, be, and the same is hereby repealed:— and in lieu thereof, the commissioned or breveted officers belonging to each respective company of militia within this State, or a majority of them, be, and they are hereby vested with full power and authority to hear and determine in all cases of delinquency or default, which may in future happen at said company musters; and impose such fines for delinquency or default, as is directed and prescribed by the said act; which fines when so imposed, shall be levied and collected by warrant, under the hands and seals of the officers present at the said company court of enquiry, or a majority of them, and di-
(No. 152.) Rected to a sergeant of such company, whose duty it shall be to collect the same, in the same way and manner as is directed by the aforesaid act, where constables are required to levy and collect fines; and where fines are collected by the sergeants under this act, they are hereby required to pay over the same into the hands of the pay-master of the regiment, to which they respectively belong; and also make a return of the warrant to the captain or commanding officer of the company, within thirty days after receiving the same, and shall be entitled to receive as a compensation for said service, the same fees as is allowed by said act, to constables for performing the like duty. And the said company courts of enquiry, shall be held at the usual muster ground in each captain's district, within fifteen days after each and every muster of such company; and the delinquents and defaulters shall in all cases be notified thereof, by a sergeant of such company, at least five days previous to the meeting of such court. And it shall be the duty of the captain or commanding officer of each respective company, annually, to lay a fair and correct return or statement in writing, of all proceedings had in the said company courts of enquiry, during the year prior to making such return, before the battalion court of enquiry, to which such company belongs, and in case of such refusal or neglect, the said captain or commanding officer of such company, shall be fined at the discretion of the said battalion court of enquiry, in a sum not exceeding twenty dollars.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1802.

JOHN MILLEDGE, Governor.

(No. 153.)

AN ACT

To secure to John Beal, for the term of ten years, the sole and exclusive right of running a line of Stage Carriages, between the city of Augusta, and the town of Washington in Wilkes county, and the town of Petersburg in Elbert county; and to secure to James Gaffney and Lewis Calhoun, their heirs and assigns, the sole and exclusive right of running a line of Stage Carriages, between the cities of Savannah and Augusta, for the term of five years.

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 John Beal, 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 Augusta and the town of Washington in Wilkes county, and the town of Petersburgh in Elbert county, for the term of ten years, to commence the first day of March, which will be in the year of our Lord, one thousand eight hundred and five.

Sec. 2. And be it further enacted, That if any person or persons shall within the said term, presume to run any stage carriage or carriages in any manner, for fare or hire, between the places aforesaid, without the consent or concurrence of the said John Beal, under his hand and seal first obtained, every such person or persons so offending, shall forfeit and pay to the said John Beal, his heirs and assigns, double the amount of the sum demanded or received by the said person or persons for the carriage or conveyance of any person or persons to or from any part or place within the limits of the said city of Augusta, and town of Washington, and the town of Petersburgh in Elbert county, comprehending all the different roads between the same, to be prescribed by the said John Beal or his legal representatives, by action of debt before any magistrate or court having cognizance thereof:—Provided nevertheless, That the said John Beal shall within the term of six months, from the passing of this act, commence and put in practice the running of the said line of stage carriages, and continue the same at least once every week between the places; and to the end of the time or term aforesaid, Provided, That the said John Beal do give bond of three thousand dollars, with good and sufficient security, to his Excellency the Governor for the running of stages for the aforesaid term.

And whereas the exclusive right to run a line of stage carriages for the conveyance of passengers and their baggage, between the city of Savannah and city of Augusta, was by law vested in Nathaniel Twining, Thomas Davis and Joseph Grant, for the term of ten years, which term will expire on the first day of October, one thousand eight hundred and six, and which exclusive right hath been transferred to James Gaffney and Lewis Calffrey, the present proprietors of the same; who have petitioned the present legislature for the exclusive right of running the said line of stage carriages, between the aforesaid cities of Savannah and Augusta, to be extended to them for the further term of five years; to commence from the first day of October, one thousand eight hundred and six.

Sec. 3. Be it therefore enacted by the authority aforesaid, That the said James Gaffney and Lewis Calffrey, their 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 the city of Augusta, for the term of five years; to commence on the first day of October one thousand eight hundred and six.

Sec. 4. And be it enacted, That if any person or persons shall within the said term, presume to run any stage carriage or carriages in any manner, for fare or hire, between...
LAWS OF GEORGIA

(No. 153.)

Sections 1, 2, 3, 4, and 5, in General Assembly not. That from and after the passing of this act, the matrimonial connexion of marriage between the said Martha Dickson, formerly Martha Burnwell, and Allen Dickson, her husband, shall be, and is hereby declared completely annulled, to all intents and purposes, as if no such contract had ever before been made or entered into between them.

WHEREAS the parties in the above recited cases have had a trial in the superior court, and verdicts have been obtained authorizing divorces.

Be it enacted by the Senate and House of Representatives of the State of Georgia, and by the authority thereof, That from and after the passing of this act, the matrimonial connexion of marriage between the said Martha Dickson, formerly Martha Burnwell, and Allen Dickson, her husband, shall be, and is hereby declared completely annulled, to all intents and purposes, as if no such contract had ever before been made or entered into between them.

AN ACT

To divide Martha Dickson and Allen Dickson, her husband; William Guirey and Martha G. Guirey, his wife; Humphrey Tomkins and Susannah Tomkins, his wife; Barbrora Goodwin and Daniel Goodwin, his wife; William Patrick and Jemima Patrick, his wife; William Simmons and Fanny Simmons, his wife; William Hobgood and Milly Hobgood, his wife; Humphrey Tomkins and Susannah Tomkins, his wife; William Simmons and Fanny Simmons, his wife; William Hobgood and Milly Hobgood, his wife; and Mark Smallwood and Mary Smallwood, his wife.

ASSIGNED TO, December 12, 1804.

JOHN MILLEDGE, Governor.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Be it enacted by the Senate and House of Representatives of the State of Georgia, and by the authority thereof, That from and after the passing of this act, the matrimonial connexion of marriage between the said Martha Dickson, formerly Martha Burnwell, and Allen Dickson, her husband, shall be, and is hereby declared completely annulled, to all intents and purposes, as if no such contract had ever before been made or entered into between them.

And that the said James Gaffney and Lewis Calffrey, under their hands and seals first obtained, every such person or persons so offending, shall forfeit and pay to the said James Gaffney and Lewis Calffrey, their heirs and assigns, double the amount of the sum demanded or received by the said person or persons, for the carriage or conveyance of any person or persons, from any part of the city of Savannah or city of Augusta, from any part or place within the limits of the said city of Savannah or city of Augusta, to be recovered by the said James Gaffney and Lewis Calffrey, or their legal representatives, by action of debt before the said James Gaffney and Lewis Calffrey, or the court having cognizance thereof, provided, that the said James Gaffney and Lewis Calffrey shall give bond in the sum of two thousand five hundred dollars, with good and sufficient security, to his excellency the governor for the running of stages for the aforesaid term.
Sec. 2. And be it further enacted, That the said Martha Dickson is hereby declared a fema sole, and shall not in future be allowed, on any pretence whatever, to charge the said Allen Dickson, his heirs executors or administrators, or his or their estates, with any debts or dues of her contracting, or with actions, or for damages, for or on account of any tort, trespass, or damages whatever, which shall be hereafter committed or done by the said Martha Dickson; nor shall she be entitled to dower, of, in or out of the estate of the said Allen Dickson, but shall be considered as barred of that right.

Sec. 3. And be it further enacted, That the said Martha Dickson, and Allen Dickson, in future, shall be deemed and considered as distinct and separate persons, altogether unconnected by any mystical union or civil contract heretofore entered into between them.

Sec. 4. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said William Guirey and Martha G. Guirey, formerly Martha G. Marks, his wife, shall be, and is hereby declared to be null and void, to all intents and purposes, as fully and entirely as if no such contract had been entered into between them.

Sec. 5. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said Humphrey Tomkins and Susannah Tomkins, late Susannah Bridges, his wife, shall be, and is hereby declared to be null and void, to all intents and purposes, as fully and entirely as if no such contract had been entered into between them.

Sec. 6. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said Barbara Goodwin, formerly Barbara West, and Daniel Goodwin, her husband, shall be, and is hereby declared to be null and void, as fully and entirely as if no such contract had been entered into between them.

Sec. 7. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said William Simmons and Fanny Simmons, formerly Fanny Morris, his wife, shall be null and void, as fully and entirely as if no such contract had been entered into between them.

Sec. 8. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said William Hobgood and Milly Hobgood, formerly Milly Moore, his wife, shall be null and void, as fully and completely as if no such contract had been entered into between them.

Sec. 9. And be it further enacted, That the matrimonial contract made and entered into between the said William Patrick and Jemima Patrick, formerly Jemima Arm-
(No. 152.) strong, his wife, shall be null and void, as fully and completely as if no such contract had been entered into between them.

Mark Smallwood and his wife.

SEC. 19. And be it further enacted, That from and after the passing of this act, the matrimonial contract made and entered into between the said Mark Smallwood, and Mary Smallwood, his wife, shall, and is hereby declared to be null and void, to all intents and purposes, as fully and entirely as if no such contract had been entered into between them.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

(No. 155.)

To Pardon William Smith.

Whereas, the superior court held in and for the county of McIntosh, for November term, in the year of our Lord one thousand eight hundred and four, a certain William Smith was convicted of the crime of murder, and received sentence of death, to be executed on the thirteenth day of November instant, in the said year of our Lord one thousand eight hundred and four; but on the petition of sundry persons, inhabitants of the county aforesaid, of liberty and others, to the Senate and House of Representatives, now in session, supplianting pardon for the said William Smith.

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, the said William Smith, be, and he is hereby declared to be freely, fully and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction, as freely, fully and entirely, as if such offence had not been done or committed by him.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To amend an act, entitled, "An Act to authorize certain persons therein mentioned, to sell or otherwise dispose of certain land appertaining to the people called Quakers.

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, it shall and may be lawful for the aforesaid people, who are qualified to vote for members of the legislature, to vote for three fit and discreet persons of their own body, as trustees, in such manner and at such time and place as a majority of the said voters may think proper, who shall continue in office for the term of one year, and shall be vested with all the powers as was vested in the trustees appointed under said act.

Sec. 2. And be it further enacted, That any thing contained in the before recited act, militating against this act, shall be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To Incorporate the Georgia Medical Society.

Whereas Noble Wimberly Jones, President—John Irvine, Vice-President—John Grimes, Secretary—Lemuel Kollock, Treasurer—John Cumming, James Ewell, Moses Sheftall, Joshua E. White, William Parker, Thomas Schley, George Jones, George Vinson Proctor, Henry Bourquin, Thomas Young, jun. Peter Ward, William Cocke, James Glenn, and Nicholas S. Bayard, have by their petition represented, that they have associated in the city of Savannah, under the style and name of The Georgia Medical Society, for the purpose of lessening the fatality induced by climate and incidental causes, and improving the science of medicine.—And in order to ensure and establish
their said institution in a permanent and effectual manner, so that the benevolent and desirable objects thereof, may be executed with success and advantage, have prayed the legislature to grant them an act of incorporation.

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, it is hereby enacted, That the several persons herein before named, and others who are, or may become members of the said society 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 Georgia Medical Society;" 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 or the constitution of this State or the United States.

SEC. 2. And be it further enacted, That they shall have full power and authority under the style and name of the Georgia Medical Society, to sue for in the name of their President and Vice-President, for the time being, and recover all such sum or sums of money, as now are, or hereafter may become due the said society, by any name or style whatever, in any court of law, or at any tribunal having jurisdiction thereof; and the rights and privileges of the said society in any court, or at any tribunal whatever, to defend and also to receive, take and apply such bequests or donations as may be made, to, and for the uses and purposes intended by the said society; and shall be, and are hereby declared to be vested with all the powers and advantages, privileges and immunities 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 deemed and considered a public act, to all intents and purposes whatever.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To give further time to the commissioners of the town of Louisville, to assess the value and dispose of the Alleys and several parts of Streets of the said town, as pointed out by an act passed the tenth day of December, 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 time given the commissioners of the town of Louisville, to assess the value and dispose of the Alleys and several parts of Streets of the said town, by an act passed the tenth day of December, one thousand eight hundred and three, be, and the same is hereby extended until the first day of October, one thousand eight hundred and five.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To regulate sales made by Executors or Administrators.

BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted, That immediately from and after the passing of this act, no sale made by executors or administrators, shall commence before the hour of ten o'clock in the forenoon, or be continued after the hour of four o'clock in the afternoon, nor shall any such sale be continued from day to day, unless the advertisement shall be so expressed, and the same be publicly made known by the hour of four o'clock in the afternoon of the day on which the said sale shall commence.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

* Town commons to be laid off in lots and sold for the benefit of the academy, see act of 1808, No. 385.
AN ACT*

To require the Clerks of the Superior and Inferior Courts of the county of Screven, to keep their offices at or near the Court-House of the said county.

WHEREAS the inhabitants of the county of Screven sustain great inconvenience from the distance of the offices of the clerks of the Superior and Inferior courts from the court-house of the said county.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That within six months after the passing of this act, it shall be the duty of the clerk of the Superior court and the clerk of the Inferior court to keep their offices of the county aforesaid, at or within three miles of the said court-house.

SEC. 2. And be it further enacted, That if the said clerk of the superior court or clerk of the inferior court, shall neglect or refuse to remove his or their said office, within the time prescribed by this act, that he or they shall forfeit and pay for every month in which he or they shall so neglect or refuse, the sum of twenty-five dollars, to be recovered by action of debt, in any court having cognizance thereof, one half whereof to any person who shall sue for the same, and the other half to the use of the said county.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

* This act repealed by act of 1859, No. 428.
AN ACT

To make the town of Milledgeville, the permanent seat of Government of this State, and dispose of a certain number of lots therein.

WHEREAS the commissioners appointed in and by an act of the General Assembly of this State, passed the eleventh day of May, eighteen hundred and three, have fixed upon the site and laid off the town of Milledgeville, pursuant to the provisions of the said act:—And whereas the legislature do agree to and approve of the said site, it is expedient that a part of the lots of the said town should be sold, to raise a fund for erecting of a State-House and other public buildings.

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 Howell Cobb, John Rutherford, Littleberry Bostwick, Archibald M. Devereaux, George M. Troup, John Harbert and Oliver Porter, be appointed commissioners, and they or a majority of them, are hereby vested with full power and authority, after giving sixty days notice in two or more gazettes of this State, to sell and dispose of any number of lots in the said town of Milledgeville, not exceeding twenty lots of one acre each, and convey the same in fee simple, taking bond and approved security, together with a mortgage on such lot or lots of the purchaser, payable to the said commissioners and their successors in office in the following manner, viz. one third at the end of twelve months from and after the said sale; one third at the end of twelve months next thereafter; and the remainder at the end of six months thereafter; which said several instalments shall bear an interest of eight per cent. and the money arising from said sale shall be, and is hereby appropriated to defray the expenses of erecting a State-House in the said town, for the accommodation of the General Assembly of this State.

SEC. 2. And be it further enacted, That the said commissioners at the sale aforesaid, shall not sell more than two lots in any one square, nor shall any one person be allowed to purchase by himself, or other for his use more than two of the said lots.

SEC. 3. And be it further enacted, That every purchaser shall within two years after such purchase, build upon and improve said lot or lots, to the value of one hundred dollars each, or the lot or lots together with the instalments which he may have paid, shall be forfeited to the State.*

SEC. 4. And be it further enacted, That the said commissioners are hereby authorized and required, to report a plan of the State-House to the next legislature, together with an estimate of the expense of building the same, including all necessary materials.

* See act of 1805, No. 222, on this subject, supplementary to this act.
(No. 161.)

Commissioners to give bond and security, and to have compensation, 3 dollars per day.

Milledgeville declared the permanent seat of government, and the next General Assembly to meet thereat.

The Governor after being notified of the completion of the Statehouse shall cause the public records to be removed thereto.

Sec. 5. And be it further enacted, That the said commissioners before they enter upon the duties of their appointments, shall give bond and approved security to his Excellency the Governor and his successors in office, in the sum of two thousand dollars each for the faithful performance of their duty; and each and every of the said commissioners shall receive while in actual service, a sum not exceeding three dollars per day; and it shall be the duty of the said commissioners, yearly and every year to make a full and accurate statement of their proceedings to the legislature of this State.

Sec. 6. And be it further enacted by the authority aforesaid, That his Excellency the Governor within thirty days after he shall be officially notified by the said commissioners, that the said State-House is completed, which notification the said commissioners are hereby required to make, shall signify the same by proclamation, and cause the records in the public offices, to be removed to the said town, and to defray the expenses of such removal out of the contingent fund.

Sec. 7. And be it further enacted, That the next meeting of the General Assembly, after the date of said proclamation, shall be at the said town of Milledgeville, which is hereby declared to be the permanent seat of Government of this State.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

(No. 162.)

AN ACT

To make permanent the site for the public buildings in the county of Tattnall, and to appoint commissioners for that purpose.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Nimrod Shadley, Daniel Brinson, Shadreu Stanley, senr. Jesse Bird, senr. and Benjamin Shipling, be and they are hereby appointed commissioners for fixing on the site of the court-house and jail in the county of Tattnall, and that they or a majority of them, shall within ninety days after the passing of this act, meet

*See act of 1808, No. 586, extending the time until the 1st January 1810, upon certain conditions or provisions.
at the present temporary court-house of said county, and fix upon the place for the permanent seat of the public buildings of said county, which shall be as near the centre of the county as shall be expedient.

Sec. 2. And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, after having agreed upon the permanent site for the public buildings of the county aforesaid, shall have full power and authority to purchase or otherwise procure titles in fee simple, in trust, for the aforesaid county, not less than six nor more than one hundred acres of land; and after having made choice of so much of the said land, as may be thought necessary for the public buildings, to lay off in lots and dispose of the same, as in the judgment of the said commissioners, or a majority of them, shall think will be most conducive to the interest of said county; and the said commissioners or a majority of them, are hereby authorized and requested to contract for, and cause to be built, a court-house and jail of such dimension, and on such plan, as they shall deem most convenient to answer the end proposed; of which said contract for erecting said buildings, the said commissioners, or a majority of them, shall give at least thirty days public notice thereof.

Sec. 3. And be it further enacted, That the justices of the Inferior court of said county, shall be, and they are hereby authorized and empowered to levy a tax on the inhabitants and taxable property of the same, which tax shall not exceed one fifth of their general tax; and the monies arising therefrom, or so much thereof as will be sufficient to defray the expense of the public buildings, shall be paid into the hands of the commissioners of the same, to be applied to, and for that express purpose.

Sec. 4. And be it further enacted, That the Superior and Inferior courts shall be held in the two story house at Cox's old mills in the county aforesaid, until the aforesaid public buildings shall be completed, and no longer.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT*

For the better regulating of the town of Greensborough, and for the appointment of commissioners of the county of Greene; and Siloam Meeting-House in said county, and to incorporate 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 the Reverend James H. Ray, the present rector of the academy aforesaid, or the rector thereof for the time being, shall be the president of the board of commissioners, who, together with a majority of the said commissioners, shall have full power and authority to make all such ordinances, bye-laws, rules and regulations, which may be necessary for the better regulation and government of the town of Greensborough:—Provided the said ordinances bye-laws, rules or regulations are not inconsistent with, or contrary to the constitution, or constitutional laws of this State.

Sec. 2. And be it further enacted, That the president and commissioners aforesaid, shall have a corporate capacity, and be known in courts of law and equity, as a body politic and incorporate, so far as to enable them to sue and be sued; and to receive and acquire property both real and personal, either by gift grant or purchase, and to hold the same in perpetuity for the purposes and uses before mentioned, and that the style of the said commissioners shall be "The president and commissioners of the town of Greensborough."

Sec. 3. And be it further enacted, 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.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

* To extend the town of—and corporate jurisdiction thereof. Sec act of 1808, No. 384.
AN ACT

To authorize the Commissioners of the Academy of the town of Washington, to establish a Lottery, for the purpose of raising two thousand dollars, towards finishing the said Academy, and purchasing a literary apparatus for 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 thereof, 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 two thousand dollars, under such schemes and regulations as they or a majority of them may deem necessary and proper to carry into effect the above recited object.

Sec. 2. And be it further enacted, That Nicholas Long, Gilbert Hay, Joel Abbot, John Griffin, Felix Gilbert, Richard Worsham and William Prince, junr. Esquires, be and they are hereby appointed commissioners to carry the aforesaid lottery into full effect.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To alter and amend an act, entitled, "An Act for the better regulating of the town of Sunbury."

WHEREAS the above recited act, passed the eighth day of December, one thousand seven hundred and ninety one, is found to be deficient in part, and does not answer all the purposes thereby intended:

Sec. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the election of commissioners for the said town of

* Time extended until the first day of October 1807, by act of 1805, No. 199.
Sunbury, shall be held annually on the first Monday in August at the academy in the
said town; and all male white citizens of the age of twenty one years and upwards, who
may be owners or occupiers of a house or lot in the said town, shall, and are hereby en-
titled to a vote for commissioners: Provided, That no person or persons shall be capable
of serving as a commissioner or commissioners of the said town of Sunbury, who is or are
not citizens of the United States, and possessed in his or their own right in fee simple of
a lot, and reside in the said town at least three months in each year.

Sec. 2. And be it further enacted by the authority aforesaid, That all vacancies which
may happen, by death, resignation or otherwise, in the said board of commissioners,
shall be filled by election of all those entitled to vote as aforesaid, and a majority of the
said commissioners are hereby authorized and required to order the same, and appoint
the time, giving at least thirty days notice thereof.

Sec. 3. And be it further enacted, That the said commissioners for the time being,
shall be ex-officio justices of the peace within the limits of the said town, and hamlets
of Sunbury; and that all laws and parts of laws heretofore passed respecting the said
town of Sunbury, which are repugnant to this act, be, and the same is and are hereby
repealed.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To establish the fees of the Harbor Master and Health Officer of the ports of
Savannah and St. Mary.

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 harbor master and health officer of the ports of Savannah and St. Mary, for
the time being, be and they are hereby authorized, each and every of them severally,
to have, demand and receive, of and from all foreign vessels which shall arrive at the
ports of Savannah and St. Mary, from and after the passing of this act, four cents per

See sect of 1805, No. 178, amendatory of this act.
ton, and on all American vessels two cents per ton, which shall be in full of all fees, (No. 166.)
dues or demands whatsoever, for the services of them the said harbor master and health
officer respectively.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT*

To alter and amend an act, entitled, "An Act to alter and amend an act, to empower
the Inferior Courts of the several counties within 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 Chatham, Bryan, Liberty, Glynn and Camden, passed the
19th December, 1803.

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 several
commissioners or surveyors to be nominated and appointed (or those now in office) by
virtue of this act, shall meet on the fourth Monday in May, annually, at the court houses
in the several counties respectively, and then and there determine all matters relating to
the several roads, bridges, rivers, creeks, causeways and water passages already laid out,
erected, cleared or made, or which may be erected, cleared or made, and assign any par-
ticular part of the duties to be performed by any particular person or persons, commis-
sioner or surveyor, and to appoint the time of working within their respective divisions
or districts; and also to appoint other commissioners or surveyors in the room of any
dying, departing the State, declining, refusing or neglecting to act, as shall be agreed
upon by a majority of the commissioners or surveyors then present.

Sec. 2. And be it further enacted, That any surveyor or commissioner now in office,
or to be appointed by virtue of this act, who shall not daily and every day, attend upon
the roads within their respective districts or divisions, during the time of working on the

*See act of 1803, No. 203, section 8, repealing this act.
(No. 163.) same, or whenever thereunto required by a majority of the commissioners or surveyors, or if any of the commissioners or surveyors so appointed, shall, after accepting such appointment, refuse or neglect to do, or perform the duties required of them by this act, such commissioner or commissioners shall, at the discretion of the commissioners or surveyors of his county, or a majority of them, who shall be present at the meeting next, forfeit and pay a sum not exceeding twenty four dollars; this clause not extending to fine any commissioner or surveyor, or who after serving as such by virtue of this act, the space of two years, shall choose to decline the said office; and it shall be the duty of every commissioner or surveyor to make his return of defaulters, in his or their respective districts at the general meeting of the said commissioners or surveyors, whose duty it shall be to determine on all fines to be imposed as well on the commissioners and surveyors as otherwise.

SEC. 3. And be it further enacted, That all persons liable to and bound to do duty on the public roads in the counties of Glynn and Camden, shall be liable only to work on the main post roads through said counties, until a majority of the commissioners of either of said counties, shall (from the good order of said roads) direct otherwise, and not before; any law to the contrary notwithstanding.

SEC. 4. And be it further enacted by the authority aforesaid, That in the counties of Glynn and Camden, the white male inhabitants liable to do duty on said road, and who shall attend for that purpose as the law directs, shall be divided into three equal parts by the commissioners or surveyors of each district, on the day of meeting, either by draught or otherwise, as may be directed by the commissioners or surveyors, each of which party so divided, shall attend the roads in rotatory order, and each take their due portion of said duties, to be so allotted by the commissioners or surveyors, as not to compel more than one third part of the white male inhabitants of their respective districts to do and perform one whole day of duty together: Provided, nothing herein shall be construed to except more than two thirds of said white male inhabitants at a time, on the same day from the performance of the duties required of them.

SEC. 5. And be it further enacted by the authority aforesaid, That any person or persons neglecting or refusing to do and perform the duties hereby required, shall be liable to a fine not exceeding one dollar for every such offence, which said fine shall be levied agreeable to the mode heretofore pointed out, at the discretion of the board of commissioners.

SEC. 6. AND WHEREAS the judges of the inferior court for Glynn county have neglected to lay out a public post road through the body of that county (corresponding with the roads through the adjacent counties) by which the said roads through the adjacent counties are rendered of less public utility; And, that whereas great convenience might
result from the establishment of a road, from Fort Barrington to Little Satilla, where (No. 167.)

the Camden county main road terminates:

"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 commissioners or surveyors who may be appointed in said county of Glynn, are hereby authorized and empowered to lay out a public road, commencing from the south side of the Alatamaha, opposite to fort Barrington, taking the most direct and convenient course to the Little Satilla, where the path, long known by the name of the Rebel road, leading from Fort Barrington to the burnt fort on Great Satilla, crosses said Little Satilla; and the said commissioners or surveyors are hereby required to lay off, and work on said road agreeable to the regulations established by this law, for repairing roads, &c. in the several counties herein before mentioned.

SEC. 7. And whereas it may not be practicable for the several persons subject to work by this act, to erect bridges over the several creeks or rivers within the several districts or divisions, by working thereon six days:—Be it therefore enacted, That the commissioners or surveyors of such districts or divisions, by consent of the justices of the inferior court of the county, shall be, and they are hereby empowered to contract and agree with any person or persons willing to undertake the same, and that the expenses thereof be defrayed from the county funds: Provided nevertheless, That where it may appear necessary to erect such bridges over any creek, or river between two counties, the labor and charges of erecting the same, shall be defrayed equally by the respective counties.

SEC. 8. And be it further enacted by the authority aforesaid, That so much of the road act, passed the 10th day of December, 1803, as is contrary to this act, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To alter and change the names of Churchill Hines Taylor, George Washington Rawls and Amos May.

WHEREAS Richard Hines and Richard Wiggins, by their petition to this legislature, setting forth that they are the reputed fathers, to wit: The said Richard Hines, the reputed father of Churchill Hines Taylor, and George Washington Rawls, minors; and the said Richard Wiggins, the reputed father of Amos May, also a minor; and praying that the said children may bear their name;

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, that it shall be lawful for the said Churchill Hines Taylor, George Washington Rawls, and Amos May, to take, be called, and known by the name of Churchill Taylor Hines, and George Washington Hines, and the said Amos May, Amos Wiggins.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To Manumit certain persons therein named.

WHEREAS John C. Livingston, of the State of South Carolina, deceased, did in and by his last will and testament, bearing date the twenty ninth day of December, one thousand eight hundred and three, authorize the emancipation of a certain negro woman called Mag; and her five mulatto children called Mary-Ann, Lydia, Rose, Paul and Selina; and did by the said last will and testament, devise and bequeath real and personal property to a considerable amount, for the use and benefit of the aforesaid persons; and therein appointed Charles Oddingsells and Francis Hopkins, Esquires, trustees and guardians of the said negro woman Mag, and her said five mulatto children, Mary-Ann,
Lydia, Rose, Paul and Selina; and also appointed the said Charles Oddingsells and Francis Hopkins, with others, executors of the said last will and testament of him the said John C. Livingston, who have by their petition prayed the present legislature, that the benevolent intentions of the said John C. Livingston may be carried into effect.

**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 the said negro woman Mag, and her said five mulatto children, called Mary-Ann, Lydia, Rose, Paul and Selina, be, and they, and each and every of them, are hereby manumitted and set free; and they and each and every of them are hereby declared to be entitled to the same privileges and immunities as if they had been born free: and the said Charles Oddingsells and Francis Hopkins, are hereby vested with all the property both real and personal, given and devised by the said John C. Livingston, in and by his said last will and testament as trustees and guardians to, and for the sole and separate use, benefit and advantage of the said negro woman Mag, and her said five mulatto children, Mary-Ann, Lydia, Rose, Paul and Selina, to the same extent, and under the same conditions, restrictions and limitations as are expressed or contained in the said will.

And whereas brigadier general Josiah Tatnall, jun. late of this State, deceased, did in and by his last will and testament, bearing date the thirteenth day of February, one thousand eight hundred and three, authorize the manumission of his negro woman Bess, for her affectionate attention and faithful services, and particularly requested his executors to take the necessary steps under the law, to place the said faithful negro woman Bess, at her full liberty, free and unfettered by slavery: And whereas the executors of the said General Josiah Tatnall, jun. have by their petition prayed the present legislature, that the benevolent intentions of the said Josiah Tatnall jun. expressed in his said will, in regard to the said negro woman Bess, may be carried into effect.

**Sec. 2. BE it therefore enacted by the authority aforesaid, That the said negro woman Bess, be, and she is hereby declared to be manumitted and set free from all manner of servitude and slavery whatever, and she is hereby declared to be entitled to the same privileges and immunities as if she had been born free: Provided nevertheless, That nothing herein contained, shall be so construed as to exonerate the aforesaid slaves from being liable and subject at all times to the payment of any just debt or debts that may appear against their last owners; and that security be given by the executors, trustees or guardians to his excellency the governor, or his successors in office, in the sum of two hundred dollars, for each and every slave so emancipated, that such slave or slaves shall not become a public charge.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

For apportioning Representatives among the several counties in this State, according to the second enumeration, in conformity to the seventh section of the first article of the constitution.

WHEREAS the seventh section of the first article of the constitution directs, "that the House of Representatives shall be composed of members from all the counties according to their respective numbers of free white persons, including three fifths of all the people of color," in order therefore to apportion the representatives of each county respectively, to the said second enumeration or census.

BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That in future the representation of the respective counties shall be apportioned in the following manner, to wit:—Camden one, Glynn one, McIntosh two, Liberty two, Bryan one, Chatham three, Effingham one, Serven two, Burke three, Bulloch one, Tatnall one, Montgomery two, Jefferson two, Lincoln two, Elbert three, Jackson three, Clark three, Richmond two, Wilkes three, Columbia three, Warren three, Washington three, Hancock three, Greene three, Oglethorpe three, Franklin three, and Walton one.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

(No. 171.)

To admit Howel Washington Runnells to practice and plead in the several courts of Law and Equity within this State.

WHEREAS the said Howel Washington Runnells hath produced a certificate from the honorable Thomas P. Carnes, formerly Judge of the Superior courts of this State, and from the honorable John Griffin, formerly Judge of the said courts, the former of which, that he examined the said Howel W. Runnells, respecting his abilities, fitness
and capacity to practice and plead in the several courts of law and equity within this State, and found him qualified; and the latter, satisfactory as to his moral rectitude.

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 Howel Washington Runnells, be, and he is hereby admitted to practice and plead in the several courts of law and equity within this State, with all the rights, privileges, and immunities, which attorneys and practitioners of law have, or are entitled to enjoy; the said Howel W. Runnells first taking the usual oath administered to attorneys upon their admission.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To authorize Allen Daniel to erect a public ferry across Broad River, on lands of said Daniel, at or near the mouth of Blue-Stone Creek.

WHEREAS the establishment or erection of a public ferry across Broad River, at, or near the mouth of Blue-Stone Creek, will greatly tend to the public convenience.

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 the said Allen Daniel, immediately from and after the passing of this act, shall be authorized and empowered to establish a public ferry across the said Broad River, at, or near the mouth of Blue-Stone creek, on the lands of the said Allen Daniel, and that the said Allen Daniel, shall have and receive from all passengers crossing the said river, at the said ferry, the rates of toll established by law for ferries over the said river.

ABRAHAM JACKSON, Speaker of the House of Representatives.
JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.
AN ACT

To lay out and open a road from Hooker's ferry, on Canouchee river, to McCall's bridge, on Great Ogeechee river, running through Bulloch and Bryan counties.

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, that there shall be a road laid out from Hooker's ferry on Canouchee river, to McCall's bridge over Great Ogeechee river, the nearest way that may be found convenient.

Sec. 2. And be it further enacted by the authority aforesaid, That John Dukes, Elias Daniel, and Thomas Albritton, be, and they are hereby appointed commissioners to lay out said road and attend the opening the same; and that all male inhabitants, in the different districts, through which the said road may run, are hereby declared to be liable to work on said road, agreeable to a road act now in force in that case made and provided.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.

AN ACT

To appropriate monies for the political year 1805.

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 there be appropriated for the use of the Governor, the sum of two thousand five hundred dollars, in conformity to the law of 1804; the secretaries to 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 Treasurer, twelve hundred dollars per annum; the Comptroller-general six hundred dollars per annum; the secretary of the Senate, three hundred dollars per annum; the clerk of the House of Representatives, three hundred dollars per annum, which said several sums shall be and they are
hereby appropriated for the use of the officers above mentioned, the same to be paid quarter yearly, by warrant from the governor on the treasurer, out of the taxes to be received for the years 1804 and 1805; and the sum of fifteen thousand dollars as a contingent fund, subject to the draughts of the governor.

SEC. 2. And be it further enacted, That the President of the Senate and Speaker of the House of Representatives, shall have each four dollars per day, and the other members of both branches of the legislature, at, and after the rate of three dollars per day each, for their coming to, attendance on, and returning from the same; the secretary of the Senate and clerk of the House of Representatives, four dollars per day each; two engrossing clerks of the Senate and two engrossing clerks of the House of Representatives, four dollars each per day; the messengers and door keepers of both branches of the General Assembly, three dollars per day each; the clerk of the House of Representatives and secretary of the Senate the sum of sixty-eight dollars each, for stationary, fire-wood, and other contingent expenses during the present session; to Reuben Langston, clerk of the committee on the state of the republic, the sum of fifty dollars in full; to Edmund B. Jenkins, clerk to the committee on finance, the sum of fifty dollars; to the adjutant-general, the sum of three dollars per day while in actual service; to the brigade inspectors, three dollars per day, and adjutants two dollars per day, while in actual service.

SEC. 3. And be it further enacted, That the sum of one thousand four hundred and ninety-nine dollars be appropriated to meet the contract of the commissioners appointed on the part of this State, agreeably to a resolution of the legislature, for the laying out and opening a road from this state to the state of Tennessee; also the sum of one hundred and fifty-three dollars, to William Barnett, and the sum of one hundred and seventeen dollars to Roderick Easley, for their services as commissioners, in exploring and marking out the said road and for other services; to John J. Schley, the sum of thirty-two dollars for a paper case and writing desk for the House of Representatives; to Patrick Jack, the sum of forty dollars for services rendered as brigade inspector of the first brigade of the third division, in the year 1802; to John Hamill, the sum of twelve dollars as adjutant of Warren county regiment of militia, for the years 1801 and 1802; to David Adams for contingent expenses attending the running the boundary line, agreeably to the treaty of Fort-Wilkinson, the sum of one hundred and forty-six dollars; to William Cone, the sum of sixty dollars for building a fort in Effingham county, agreeably to a concurred resolution; to Richard Bond, the sum of nine dollars for services rendered as drum-major in the regiment commanded by Col. Edward Ware, in Elbert county.
(No. 174.) TO the following persons for taking the second enumeration agreeably to the constitution of this state, the following sums, to wit:—

To Josiah Everitt, of the county of Bulloch, seventeen dollars and thirty-four cents; to Asa Raygan, of Oglethorpe, forty-one dollars six and one quarter cents; to William Lumpkin of said county of Oglethorpe, forty dollars and fifty-six and a quarter cents; to Daniel Beall of Franklin, sixty-nine dollars and sixty-eight and three quarter cents; to Joseph Lamaster of Jackson, nineteen dollars and ninety-three and three quarter cents; to J. M. C. Montgomery of said county, twenty-six dollars and ninety-three and three quarter cents; to Edwin Wise of said county, fourteen dollars and twenty-five cents; to Etheldred Wood, of said county of Jackson, thirteen dollars and thirty-one and a quarter cents; to Lazarus Battle of Hancock, twenty-four dollars and six and one quarter cents; to Hamlin Lewis of said county, twenty dollars and thirty-one and a quarter cents; to Jared Burch of said county, twenty dollars six and a quarter cents; to Wyll Abercrombie of said county, thirty-eight dollars; to James Bird of Bryan, seven dollars and thirty-one and a quarter cents; to Timothy McKinney, twenty-six dollars thirty-seven and a half cents; to James Rutryney of McIntosh, fifteen dollars, forty-three and three quarter cents; to Thomas Davis of Montgomery, thirty-four dollars and twenty-five cents; to Thomas Sandwich of Richmond, thirty-seven dollars and twelve and an half cents; to James Robinson of Jefferson, forty-four dollars and sixty-eight and three quarter cents; to James Bransford and John Waddel of Clark, sixty one dollars and thirty-seven and a half cents; to William Cain of Wilkes, thirty-six dollars and eighty-one and a quarter cents; to William Fleming of Columbia, thirty dollars and sixty-eight and three quarter cents; to William Ogle of said county, fifty dollars and six and a quarter cents; to John Hopson of Warren, thirty-four dollars and thirty-seven and a half cents; to Harden Pratt of said county, thirty-six dollars and thirty-one and a quarter cents; to Beckum Dye and R. T. Cosby of Elbert county, forty-eight dollars eighty-one and a quarter cents; to Middleton Woods of said county, forty dollars and eighteen and three quarter cents; to George Norman of Lincoln, thirty-three dollars and forty-three and three quarter cents; to William M'Murry of Washington, twenty dollars and twelve and a half cents; to T. B. Rutherford of said county, twenty-four dollars and twelve and a half cents; to Samuel Robinson of said county, thirty-three dollars and eighteen and three quarter cents; to William Daniel of Greene, fifty-one dollars and forty-three and three quarter cents; to Joshua Haughton of said county, forty-three dollars and thirty-seven and a half cents; and to John Pooler of Savannah, fifty dollars; to Johnson Welborn thirty six dollars, and Nathaniel Willis thirty six dollars.

To the commissioners and their secretary, who were appointed to repair to the Creek nation, for the purpose of demanding and receiving restitution for property claimed by this State from the said nation, at and after the rate of three dollars per day each, whilst in actual service; to the commissioners and their secretary, who attended the run-
ning the temporary boundary line, at and after the rate of three dollars per day whilst 
in actual service; to the commissioners and their secretary, appointed to lay off the 
town of Milledgeville, at and after the rate of three dollars per day each, whilst in 
actual service; to the surveyor, at and after the rate of four dollars per day, whilst by 
them employed; and two chain carriers and one chopper, at and after the rate of one 
dollar per day each, whilst employed; to Buckner Harris, Esq. one of the commissi-
ners for laying out the road through the Cherokee nation, at and after the rate of three 
dollars per day, whilst in actual service; to general David B. Mitchell, the sum of 
twelve hundred and thirty five dollars and seventy five cents, in full of his accounts for 
ammunition and sundry supplies furnished in the year eighteen hundred and two, under 
the order of the governor, in the defence of the sea-coast against the landing of Brigand 
 negroes from Guadalupe, and in full for a boat lost in said service; to Daniel Buller one 
hundred dollars, agreeably to a concurred resolution of the present session; the sum of 
sixty four dollars and seventy five cents, to John Paulett, as per order of Peachy Bled-
soe, brigade inspector to the second brigade of the third division of the militia of this 
State, for services rendered in the years 1801 and 1802; to George Christian, the sum 
of fifteen dollars for the year 1801, in full for his services as adjutant for the Franklin 
regiment; to Sarah Hillhouse, the sum of twenty dollars, and forty one and a quarter cents 
for printing for the State, in the last political year; and the sum of five hundred and 
eighty two dollars and thirty two cents, to John Milton, Esq. of Burke county, in full for 
articles furnished and services rendered as secretary of State, agreeably to a concurred 
resolution; to James Stallings four hundred and fifty four dollars and thirty five cents, 
agreeably to the report of the committee on his petition to the present legislature:— 
which said several sums shall be paid to the several persons herein named, out of any 
monies which now are, or may hereafter come into the treasury.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1804.

JOHN MILLEDGE, Governor.