(No. 475.)

Duty of the inferior court in carrying in to effect this act.

him for taxes, and to levy and collect the same, and to make due returns to the said collector within thirty days after the receipt of each execution, where personal property is levied on, and where it shall be real estate sixty days; for which the said sheriff, shall receive such pay as by law is directed in cases of tax collectors executions, levies, and sales, and in case of default or neglect of duty, the justices of each inferior court shall from time to time, on the application of the tax collector, make such rules and regulations as shall cause a due execution of the collection of the general and county tax in each county as aforesaid.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 12, 1805.

JOHN MILLEDGE, Governor.

(No. 476.)

AN ACT.

To amend an Act, entitled "An Act, for regulating the inspection of Tobacco."

WHEREAS it has been found by experience, that the laws heretofore passed, are not sufficient to guard against the fraud and imposition, which too frequently takes place in the execution of the inspection laws, and that the prices allowed for storing tobacco is not sufficient to reward or compensate the different proprietors for the trouble and expense of keeping the ware-houses in sufficient repair.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That from and after the passing of this act, if any inspector or inspectors, picker or pickers, belonging to any ware-house shall presume to purchase or manufacture any tobacco, within the time for which he or they is or are appointed, and being thereof convicted upon indictment in the superior court of the county, shall be incapable of ever after serving as inspector or picker, (as the case may be) in this State, and shall moreover be fined in a sum not exceeding five hundred dollars, one half to the informer, who shall prosecute, and the other half to the county.

SEC. 2. And be it further enacted, That each inspector and picker, before entering on the duties of his appointment, shall take and subscribe the following oath respectively, viz:—
INSPECTOR'S OATH.

I DO solemnly swear, that I will diligently and carefully view, examine and inspect all tobacco delivered me for inspection at the ware house, whereof I am appointed inspector, and that, not separate and apart from, but in presence of my fellow, and that I will not receive any tobacco that is not in my judgment, sound, well conditioned, and merchantable, and clear of trash; and that I will cause to be burnt all tobacco which may be refused within two days after such refusal, and that I will not change, alter or give out any tobacco, other than such hogsheads or casks for which the receipt to be taken was given; but that I will in all things, well and faithfully discharge my duty in the office of an inspector, to the best of my skill and judgment, and according to the directions of this act, without fear, favor, affection, malice or partiality, and that I will not purchase or manufacture any tobacco during the time that I am appointed inspector, either directly or indirectly. So help me God.

PICKER'S OATH.

I DO solemnly swear, that I will carefully pick such refused tobacco that I may have charge of, and will faithfully, and truly make a return of the net proceeds thereof, without waste or embezzlement to my knowledge, that I will not purchase any tobacco during the time that I am appointed picker, and that I will not be concerned in the manufacturing of tobacco, either directly or indirectly. So help me God.

Sec. 3. And be it further enacted, That the proprietors or owners of each ware house, shall be entitled to demand and receive for the storage of each hogshead of tobacco inspected at their ware house, the sum of thirty one and a quarter cents: Provided the said hogsheads does not lay longer in said ware house than one year; and for every month after the year, the owners or proprietors shall be entitled to charge, demand and receive the sum of eighteen and three quarter cents, which duty of storage shall be paid to the inspectors before the tobacco is removed from the ware house, and the inspectors shall pay over when demanded, to the proprietors or owners, the amount by them so received.

Sec. 4. And be it further enacted, That the inspectors of ware-houses shall be liable for any loss, damage or injury, which the owner of any hogshead of tobacco deposited in the ware house may sustain, at the suit of the party injured, unless it shall be made appear by the defendant that the loss, damage or injury was sustained by unavoidable accident. And if any loss, damage or injury shall be suffered or sustained by the inspectors, from any neglect or omission by the proprietors, in not providing good and secure houses for the safe keeping of all tobacco deposited, the said proprietors shall be liable for such loss, damage or injury to the inspectors.
Sec. 5. And be it further enacted, That all former acts, or parts of acts, contrary or repugnant to this act, be and they are hereby repealed.

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

Assented to, December 2, 1805.

JOHN MILLEDGE, Governor.

(No. 177.)

AN ACT

To amend an act, passed the seventeenth day of December, 1798, and an act passed the tenth day of December, 1803, regulating quarantine in the port of Savannah, and other places within the limits of the said city of Savannah.

WHEREAS it is highly expedient that the corporation of the city of Savannah should exercise the power of compelling vessels coming from ports or places, suspected to be infected with contagious or malignant diseases, to perform quarantine; and whereas doubts have arisen whether the said corporation is invested with such power under existing laws, for the removal of which doubts,

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 lawful for the corporation of the city of Savannah, whenever they shall have reason to suspect that any vessel or vessels, person or persons, has or have sailed, or come from any port or place infected, or supposed to be infected with any malignant or contagious disorder, by resolution or order to require and compel the said vessel or vessels, so arriving, or person or persons to come to anchor, or stop at any place by said resolution or order pointed out, until an examination is made by the health officer as to the state and condition of the said vessel or vessels, person or persons, and until sufficient purification shall have taken place, and a certificate of the health officer obtained to that effect.

SEC. 2. And be it further enacted by the authority aforesaid, That all and every part or parts of the above recited acts, not repugnant to this act, shall be and is hereby declared to be in full force.

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

Assented to, December 2, 1805.

JOHN MILLEDGE, Governor.
AN ACT

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

WHEREAS the justices of the peace in the county of Liberty have neglected to hold an election for commissioners of the town of Sunbury, to the great injury of the said town—for remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, That so soon as may be, after the passing of this act, the justices of the inferior court for the county of Liberty, shall be authorized and required to call an election for that purpose, giving ten days notice of the same at the most public place in said town.

SEC. 2. And be it further enacted, That in case of failure at any future period to elect commissioners on the day pointed out by the above recited act, it shall be the duty of the inferior court, on being informed of such failure, to advertise an election as aforesaid, which shall be held and conducted in the same manner, and under the same regulations, as elections are by law held in like cases, any thing to the contrary notwithstanding.

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

Assented to, December 2, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To authorize and empower the Mayor and Aldermen of the city of Savannah, to assess and levy a tax for the purpose of establishing a regular watch in the said city.

WHEREAS the present manner of guarding the city of Savannah under the patrol law, is found by experience not to afford the necessary protection, and to operate unequally and injuriously on the inhabitants—for remedy whereof,
(No. 179.)

**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 it shall and may be lawful for the mayor and aldermen of the city of Savannah, as speedily as may be after the passing of this act, to raise and establish a regular watch, to consist of such number of men as they shall deem sufficient for the security and protection of the said city, which watch shall be under the superintendence, control and direction of the mayor and aldermen, or such other person or persons as they shall or may nominate and appoint to superintend and direct the same.

**SEC. 2.** And be it further enacted by the authority aforesaid, That for the purpose of paying and maintaining the said watch, it shall and may be lawful to and for the mayor and aldermen of the said city, and their successors in office, to assess and levy, and they are hereby authorized and empowered to assess and levy an annual tax on all persons and property within the said city liable to pay tax by the general tax laws, which tax shall be assessed and levied in such manner as the said mayor and aldermen shall deem most advantageous and least inconvenient or burthensome to the citizens.

**SEC. 3.** And be it further enacted, That from and after the establishment of the said watch, the operation of the patrole laws in the said city of Savannah, shall cease and determine.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 2, 1805.

JOHN MILLEDGE, Governor.

(No. 180.)

**AN ACT**

For the better regulation of the town of Darien.*

**SEC. 1.** BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the town of Darien, laid out on the river Alatamaha, in the county of McIntosh, shall be, from and after the passing of this act, vested in five commissioners, and that William A. Duham, Virgil H. Vivion, John L. K. Holzendorf, George Street and Scott Cray, be appointed commissioners thereof, who, or a

* See act of 1808, No. 387, further to regulate.
majority of them are hereby authorized and required, within twelve months after the passing of this act, to transmit to the surveyor general a fair and correct copy of the plan of said town, by him to be recorded in the office of the surveyor general of this State.

SEC. 2. And be it further enacted, That in case of death, resignation, or refusal to act, of any of the said commissioners, his excellency the governor is hereby authorized and empowered to appoint some other person or persons in his or their room.

SEC. 3. And be it further enacted, That the commissioners so appointed, shall have full power and authority, over all streets, allies, lanes and wharves, and to make such bye-laws and regulations, and inflict and impose such fines and forfeitures as shall be conducive to the good order and government of the said town, provided such bye-laws and regulations be not repugnant to the laws and constitution of the State.

SEC. 4. And be it further enacted, That it shall and may be lawful for the said commissioners or a majority of them, yearly and every year, to make, lay and assess a rate or assessment upon all and every person or persons who do or shall inhabit, hold, use, occupy, possess or enjoy any lot, ground, house, building, tenement or hereditament within the limits of the town of Darien, for raising such sum or sums of money as the said commissioners or a majority of them shall judge necessary for and towards carrying this act into execution; and in case of a refusal or neglect to pay such rate or assessment, the same shall be levied and recovered by warrant of distress, and sales of the offenders goods, under the hands and seals of the said commissioners or a majority of them.

SEC. 5. And be it further enacted, That the commissioners or a majority of them are hereby authorized and empowered to appoint a clerk, treasurer and constables, (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.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 2, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To establish a ware house and inspection of Tobacco on lands of John D. Terrell on Tugaloe river, in Franklin county.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That there shall be an inspection of tobacco and a ware house established on lands of John D. Terrell, on Tugaloe river, in Franklin county, on the Bluff which borders on the Indian shoal below Mullin's ford, the place to be called Wilton.

SEC. 2. And be it further enacted, That James H. Little, Thomas P. Carnes, Larkin Cleveland, and John D. Terrell, be appointed to lay off the same; which said ware house shall be subject to such rules and regulations as other ware houses in this State now are, or hereafter may be.

ABRAHAM JACKON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To repeal an Act, entitled "An Act to establish an academy, or seminary of learning at Sunbury, in the county of Liberty so far as respects commissioners.

WHEREAS the said act authorized an addition of two commissioners to the former number, in consequence of which, great injury will result to the institution.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That from and after the passing of this act, the number of commissioners shall be but five, and that those five now in office, or a majority of them, shall have all the powers to act in all things respecting said academy, that were given the former seven 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.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT*

To authorize the justices of the inferior court of Franklin county, to lay an extra tax for the purpose of building a court-house and jail in said county, and making permanent the seat of the public buildings in said county.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the justices of the Inferior court for the county of Franklin, are hereby authorized to impose a proportionate extra tax on the inhabitants of said county, annually for the term of three years in succession, not exceeding one moiety of the annual general tax, which said tax shall be collected in the same manner as the general tax; out of which sum, the tax collector shall be entitled to receive two and one half per centum for his services and the monies so arising from the extra tax, as aforesaid, shall be appropriated as a part of the county funds, for the special purpose of building a court house and jail in said county.

Sec. 2. And be it further enacted, That the justices aforesaid, shall within six months from the passing of this act, let the said buildings by public outcry to the lowest bidder, at the place contemplated, for said buildings to be erected, which shall be at Carnesville, after giving twenty days public notice, any law to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

* See act of 1806, No. 224, altering and repealing this act.
AN ACT

(No. 184.)

To increase the funds of the Independent Presbyterian Church in the city of Savannah.

WHEREAS the Independent Presbyterian Congregation of the city of Savannah, did, under the provincial government, obtain in the said city a lot, known in the plan of said city by letter K. to build thereon a church to be denominated the Independent Presbyterian Church, which was accordingly built and remained dedicated to the service of the Almighty God, until the same was destroyed by fire.

And whereas, there is not at present any successors of the original trustees of said congregation alive, authorized to take upon themselves the charge and care of said church lot, and execute religious objects and desires of said congregation, excepting Barrach Gibbons, esq. who has the uncontroled government, management and disposition thereof.

BE it therefore enacted, That Joseph Bryan, and Josiah Gibbons Telfair, be, and they are hereby appointed as trustees in aid and addition to the said Barrach Gibbons, to continue in office, to encrease the funds and to rebuild the church on lot K. to be denominated and known by the Independent Presbyterian Church in the city of Savannah.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN President of the Senate.

Assented to, December 8, 1805.

JOHN MILLEDGE, Governor.

AN ACT

(No. 185.)

To alter and change the name of Thomas Kyes, to that of Thomas Allen.

WHEREAS by the petition of William Allen, it doth appear that he hath lately intermarried with Sarah Kyes, the mother of a male child, known by the name of Thomas Kyes, of which child he is the reputed father: And whereas it is the wish of said Allen, that the name of the said child, be altered and changed to that of Thomas Allen.

* See act of 1806, No. 249, section 6th repealing this act.
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 from and after the passing of this act, the said child now called Thomas Kyes, shall be called and known by the name of Thomas Allen.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

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AN ACT

To alter and change the name of Daniel Sharp, to Daniel Nunez.

WHEREAS Daniel Sharp of Burke county, by his petition to the legislature, setting forth that he is the son of Mary Sharp, deceased, by his reputed father Samuel Nunez, and praying that he as well as his wife Nancy may bear his name.

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, it shall be lawful for the said Daniel Sharp, and his wife Nancy, to take, be called, and known by the name of Daniel Nunez and Nancy Nunez.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To authorize the justices of the inferior court of the county of Wilkes, to levy and collect an extra county tax, for county purposes.

WHEREAS the public jail of Wilkes county stands in need of considerable repairs; and the provision heretofore made for the poor of said county has proved to be insufficient—for remedy whereof,

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the inferior court of the county of Wilkes be, and are hereby authorized to levy an extra tax upon the inhabitants of the said county, equal to one seventh part of the general tax for the year 1805, which said county tax, shall be collected by the collector of said county for the year aforesaid, and by the said collector shall be paid to the said inferior court, for the purposes and uses herein after mentioned, viz.:—So much of the said money as shall be necessary to put the said jail in a complete state of repair, shall by the said court be applied for that purpose, and the remainder of the money so collected and paid over, shall by the said court be applied to the maintenance and support of the poor of said county.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To secure to churches or religious societies, the lots of land conveyed to them for erecting churches and meeting houses.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That all deeds of conveyance heretofore made, and which may hereafter be made by any person or persons, for any lots of land within this State, to any church or religious society, or to trustees for the use of any church or religious society, for the purpose of erecting churches or meeting houses, are and shall be...
deemed and taken to be good and valid, and available in law, for the intents, uses and purposes contained in such deeds of conveyance: and all lots of land so conveyed, shall be fully and absolutely vested in such church or religious society, or in their respective trustees, for the uses and purposes in the said deed expressed; to be holden to them or their trustees for their use, by succession, according to the mode of church government, or rules of discipline exercised by such churches or religious societies respectively.

SEC. 2. And be it further enacted by the authority aforesaid, That all trustees, to whom conveyances are or shall be made for the purposes herein before expressed, shall be subject to the authority of the church or religious society, for which they hold the same in trust, and may be expelled from the said trust, by such church or society, according to the form of government or rules of discipline by which they may be governed. And every church or religious society shall be, and they are hereby authorized and empowered to fill up all vacancies which may happen in the said trusts, by death, removal, expulsion or otherwise; and when any vacancy shall be filled up, the same shall be certified under the hand or hands of the person or persons presiding in the said society, and according to the form of government or discipline practised by the said church or society; which certificate shall express the name of the person appointed to fill the vacancy, and the name of the person in whose place he shall be appointed, and the said certificate being recorded in the office of the clerk of the superior court of the county in which the land lies; the persons so appointed to fill such vacancy, shall be as fully vested with such trust, as if a party to and named in the original deed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT

For the better regulation and government of the town of Sparta, in the county of Hancock.

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 Thomas Lan-
(No. 189.)

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to December 3, 1805.

JOHN MILLEDGE, Governor.

AN ACT.

(No. 190.)

To alter and change the names of Betsey Burton, Sally Burton, and Matilda Burton, minors.

WHEREAS Solomon Page, hath set forth, that he is the reputed father of Betsey Burton, Sally Burton and Matilda Burton, and, being desirous that they should bear his name:

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, that it shall be lawful for the said Betsey Burton, Sally Burton and Matilda Burton, minors, to take, and be called and known by the names of Betsey Page, Sally Page and Matilda Page.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 3, 1805.

JOHN MILLEDGE, Governor.
AN ACT.

To authorize the justices of the inferior court of the county of Bryan, to levy a county tax, not exceeding one third part of the general tax, and to authorize the said court to collect the monies arising from the rents of the glebe land in said county, and to appropriate the same to the defraying county expenses.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met and by the authority of the same, That the justices of the inferior court of the county of Bryan, or a majority of them, be, and they are hereby authorized and empowered to levy a county tax on said county, not exceeding the one third part of the general tax, and the tax collector of said county shall collect said tax in the same manner, and shall receive the same compensation, in proportion as he does the general tax.

SEC. 2. And be it further enacted, That the said justices of the said court, be, and they are hereby authorized and empowered to collect all or any monies that is or may become due said county, arising from the rents of the glebe lands as aforesaid.

SEC. 3. And be it further enacted, That the said justices of the said inferior court, be authorized to dispose of the monies arising from the tax and rent aforesaid, to the defraying the county expenses, to wit: clerks of the courts, sheriff, repairing a court house, jail, bridges and poor.

SEC. 4. And be it further enacted by the authority aforesaid, That all laws or parts of laws heretofore passed, that 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 4, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To amend and continue in force "An Act to raise a tax for the support of government for the year one thousand eight hundred and five," until the meeting of the next General Assembly, and from thence until the same shall be repealed.

Tax act of 1805 continued.

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 act to raise a tax for the support of government, for the year one thousand eight hundred and five, with the amendments hereinafter expressed, be, and the same is hereby declared to be in force until the meeting of the next General Assembly, and from thence until the same shall be repealed.

SEC. 2. And be it further enacted by the authority aforesaid, That the clerks of the superior courts shall not be at liberty to receive any return of taxable property as directed in the before recited act; but it shall be the duty of the clerks of the inferior courts in the different counties, at any time before a digest of the taxes shall be completed, (and not after) on application on oath, which shall be the same and administered by the said clerk, as pointed out in the act aforesaid, and shall keep a regular list of the names and property of the person or persons so giving in, and by him to be returned in the digest deposited in his office, and a certified copy to the receiver of tax returns by him to be entered in the books to be put in the hands of the collector and deposited in the comptroller's office. *

SEC. 3. And be it further enacted by the authority aforesaid, That there shall be a tax of two and an half per cent. levied and collected on the amount of capital of any band or banks, office or offices of discount and deposit within this State, and the further sum of one half per cent. on the amount of bills issued from any such bank or office of discount and deposit, over and above the amount or capital as aforesaid, which shall be returned on oath by the cashier or directors thereof, and collected and paid into the treasury of this State, by the tax collector of the county in which such bank or office of discount and deposit is or may be established, in the same manner as pointed out in and by the aforesaid act, and if the cashier or directors of any such bank or office of discount and deposit, shall neglect or refuse to give in the amount of capital, or bills as aforesaid, it shall be the duty of the receiver of tax returns and the collector of taxes, to proceed against such cashier or directors in the same manner as against persons in

* See act of 1808, No. 340, section 1, supplemental to this section.
† See act of 1806, No. 222, reducing this tax upon bank stock, to 1-4 cents per hundred dollars, on the amount of capital—provided the directors will return the same to the receiver, and see act also of the same year, No. 267, section 6, establishing unconditionally this sum as a tax on said bank.
default, or who have neglected or refused to return the amount of taxable property by him, her or them claimed, and if no property can be found belonging to the proprietors or share holders of such bank or office of discount and deposit, whereof the amount of tax can be levied as returned by the cashier or directors, or assessed by the receiver of tax returns in case of default, the cashier and directors of such bank or office of discount and deposit are hereby declared and made liable and answerable in their own private capacity, and the tax collector is hereby authorized and required immediately to proceed by levy and sale, as pointed out by the aforesaid act, against the private property such cashier and directors, until the whole amount is collected.

Sec. 4. And be it further enacted, That the collectors of taxes for the counties of Wayne, Wilkinson, and Baldwin, shall give bond with sufficient security as follows:

For the county of Wayne, in the sum of one thousand dollars; for the county of Wilkinson, in the sum of four thousand dollars; and for the county of Baldwin in the sum of five thousand dollars, and shall subscribe and take the oath as laid down by the said tax act, and the receivers of tax returns for the said counties, shall give bond and sufficient security in the sum of two thousand dollars, to be taken by the justices of the inferior courts of their respective counties, which said tax collectors and receivers shall be appointed by the justices of the inferior courts of the said counties, on the first Monday in January next, and all lands lying within the said counties, shall be subject to the said taxes as other lands of the same quality in the adjacent counties.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 8, 1805.

JOHN MILLEDGE, Governor.

AN ACT.

To repeal the latter part of the second section of the 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 the 16th day of June, 1802, and the 3d section of an act to compel trespassers on the lands south of the Oconee, lately ceded by the Creek Indians, to return within the settled limits of the State.

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 latter
(No. 193.)

Part of the act of 1802, distributing the lands obtained from the Creek nation repealed.

And part of the act relative to trespassers on said lands also repealed.

part of the second section of the 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, 1802, that is to say, "reserving nevertheless, to the 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;" and the third section of the act to compel trespassers on the lands south of the Oconee to return within the settled limits of the State, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 5, 1805.

JOHN MILLEDGE, Governor.

AN ACT

(No. 194.)

To authorize the justices of the inferior court of the county of Greene, to lay an extra tax for the purpose of erecting a court-house and jail, and establishing the site thereof in the town of Greensborough.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia 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 a sum so collected shall amount to five hundred dollars, it shall be the duty of the justices aforesaid, to contract with some fit and proper person or persons, to build a convenient court-house, and a sufficient jail in 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 aforesaid buildings.
Sec. 2. And be it further enacted, That the site of the said court house and jail, shall be, and the same is hereby established in the town of Greensboro.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 5, 1805.

JOHN MILLEDGE, Governor.

AN ACT*

To amend an Act, entitled "an Act to regulate escheats."  

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, it shall be the duty of the court of ordinary when any alien, resident or non-resident, shall depart this life, intestate and without heirs in this State or the United States, to cause the estate and effects of such alien, without delay, to be safely collected, and a just and true inventory and appraisement thereof to be made, and after giving twenty days notice by advertisement in one of the public gazettes of this State, and at two or more public places in the county where such alien shall die, shall cause the said estate to be sold at public auction, and the proceeds of such sale to be paid into court, to be applied and disposed of in manner hereinafter mentioned.

Sec. 2. And be it further enacted by the authority aforesaid, That after such sale as above mentioned, shall have taken place and the proceeds paid into court, it shall be the duty of the said court of ordinary, and the said court is hereby required to cause public notice to be given by advertisement for the creditors of such deceased, to come forward within twelve months after the publication of such notice, and prove their debts to the satisfaction of the said court; and after the expiration of the said twelve months, the said court shall proceed to examine and ascertain the total amount due such creditors, and shall pay and satisfy each of the said creditors in whole or in part, as the estate of the deceased will admit, and the overplus, if any, shall be, after such payment as aforesaid, shall be disposed of as is directed by the escheat law.

* This act and the act of 1801, amended and explained by act of 1810. No. 556.
Sec. 3. And be it further enacted, That the several escheators of this State, who have or may hereafter have or receive any monies arising from the sales of such estates as aforesaid, shall upon the requisition of the court of ordinary of the county, pay such monies into the said court within twenty days after he shall be required so to do by the said court; and in default thereof, shall forfeit and pay double the sum which such escheator shall have received and have in his hands as aforesaid, to be recovered by action of debt in any court having jurisdiction thereof.

Sec. 4. And be it further enacted, That the act “to regulate escheats,” so far as the same militates with 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 5, 1805.

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 of John Boykin, sen’r.

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 much of the before recited act as respects the banishment of John Boykin, sen’r. of Screven county, be and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 5, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To alter and amend an act respecting Vendue-Masters, so far as to authorize the appointment of another Vendue-Master in the city of Augusta, and in the town of St. Mary.

WHEREAS it is represented to the legislature, that it is necessary to increase the number of Vendue-Masters in the city of Augusta, and in the town of St. Mary.

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That henceforward the said city of Augusta and town of St. Mary, shall be entitled to have two Vendue-Masters, to be appointed by joint resolution of both branches of the legislature, and who shall in all respects proceed and conduct themselves in conformity to the acts heretofore passed for regulating vendues, for and during the time they may be in office.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 5, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To alter and amend an Act, entitled an Act to carry into effect the sixth section of the third article of the constitution, and 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, and to prevent entail, passed on the 16th day of February, 1799.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That a court of ordinary be held in every county of this State, on the first Monday in January next, and on the first Monday in every second month thereafter; and if it shall be thought necessary by such court, at any time...
thereafter, it may adjourn to the first Monday* in the month thereafter; except the county of Camden, where it shall be the duty of the justices of the inferior court to hold a court of ordinary immediately after the adjournment of the inferior court of said county, and to adjourn said court of ordinary to such time as they may deem necessary.

Sec. 2. And be it further enacted, That no administrator shall be allowed to sell any slave or slaves, belonging to the estate of his intestate, but where the other personal estate, together with the hire of such slave or slaves for twelve months, shall be insufficient to discharge the debts, due by the estate, or where one or more slaves shall be subject to distribution, and an equal division thereof cannot be made in kind, it shall be lawful for the court of ordinary, by which administration was granted, to direct the sale of such slave or slaves, Provided always, that such distributee, or his, her or their guardian shall receive twenty days notice, in writing, previous to the granting of such order, to shew cause if any he or they can, against such sale.

Sec. 3. And be it further enacted, That from and after the passing of this act, it shall be the duty of all administrators, of sales to be made by them, to put up the property to be sold in such manner and quantity as shall be deemed most advantageous to said estate.

Sec. 4. And be it further enacted by the authority aforesaid, That the said courts of ordinary upon application made by any administrator, guardian or distributee, of any estate, after the expiration of two years from the date of such letters of administration, shall appoint three or more freeholders of the county in which such application shall be made, whose duty it shall be to divide the said estate, subject to distribution into as many parts or shares as there are distributees, and assign, by lot or otherwise, as to them shall seem proper, one of the said parts or shares to each distributee, or his, her or their guardian, or legal representative, the said distributee or his or their guardian or legal representative first giving bond and approved security to the said administrator, to refund his or her proportionable part, of any debt which may be afterwards established against the said estate, and the costs attending the recovery of such debt, Provided always, the party so applying shall give to all the parties in interest, written notice thereof twenty days before the meeting of the court at which the said application is made. And provided also, That the persons so making distribution, shall be previously sworn to make the same according to justice and equity, without favor or affection to any of the parties, to the best of their skill and understanding.

Sec. 5. And be it further enacted, That whenever securities for executors, administrators or guardians, conceive themselves in danger of suffering thereby, and petition the court of ordinary for relief, the said court shall cause the executor, administrator,
or guardian, to be summoned to appear before them at the next sitting thereof and shall make such order, and give such relief in the case, by counter security or otherwise, as to the said court shall seem just and equitable.

SEC. 6. And be it further enacted, That when it shall be made to appear to the satisfaction of the court of ordinary, that any executor or executors of an estate are in insolvent circumstances, and that the estate is likely to be wasted by the improper conduct of such executor or executors, it shall be the duty of said court, by order, to compel such executor or executors to give bond with approved security for the faithful execution of the trust reposed in him, her or them, by the said will, and in case of failure to comply with such order, to grant letters of administration, with the will annexed* to such person as would be entitled thereto if no such executor had been appointed.

SEC. 7. And be it further enacted by the authority aforesaid, That where there has been a contract or contracts in writing for the sale of land, and the party to whom titles are to be made dies before such titles are executed, it shall and may be lawful for the court of ordinary to order the title or titles to be made to the heirs general of the party deceased.

SEC. 8. And be it further enacted, That where any person or persons shall depart this life after having entered into any written agreement for the conveyance of any real estate, the obligee shall also have departed this life, the executors of the obligor shall in like manner make and execute a conveyance or conveyances to the heirs of the obligee.

SEC. 9. And be it further enacted by the authority aforesaid, That it shall be the duty of all ministers of the gospel, judges, justices of the inferior courts, or justices of the peace, who shall hereafter join together any person in the bonds of matrimony, to make a return on the marriage license of the actual intermarriage of the parties, and the day in which the same was solemnized, to the clerk of the court of ordinary, whose duty it shall be to enter the same in a book to be kept by him for that purpose, for which he shall be entitled to ask and receive the sum of twenty-five cents, which shall be paid when such license shall be granted; which register, or a certified copy thereof, shall be admitted as evidence of such marriage in any court where the solemnization of such marriage shall be called in question.

SEC. 10. And be it further enacted by the authority aforesaid, That this act shall not effect or operate on any administration heretofore granted.

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

Assented to, December 6, 1805.

JOHN MILLEDGE, Governor.

* See act of 1810, No. 459, directing how suits are to progress in such cases—and for other purposes.
AN ACT

To give further time to the commissioners of the town and academy of Washington, to carry into effect a lottery, for the benefit of that academy, as pointed out by an act passed the 12th day of December, 1804.

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 and academy of Washington, for the purpose of establishing a lottery to raise the sum of two thousand dollars, for the benefit of said institution, be, and the same is hereby extended until the first day of October, 1807; any thing to the contrary notwithstanding.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 6, 1805.

JOHN MILLEDGE, Governor.

AN ACT

Authorizing the Inferior Courts in each county within this State, to establish ferries and bridges, and such rates for crossing thereat, as to them may appear reasonable, and to authorize, the erection of a toll-bridge on Canouchee, in Liberty 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 Inferior courts in the several counties in this state, are hereby empowered, if they should deem it necessary, on application being made, to authorize the establishment of such ferries or bridges, as they may think necessary, other than where ferries and bridges have been already established by law, and to allow such rates for crossing thereat, as are usual or customary on water courses of the same width; Provided nevertheless, that the legislature shall at all times retain the power of making such alterations in the establishments made by the justices of the inferior courts, as to them may seem proper.

SEC. 2. And be it further enacted by the authority aforesaid, That it shall be the duty of any person who may obtain such establishment, order or leave, to keep a good and sufficient ferry-flat or bridge, and to give due attendance thereat, and if any dam-
age should happen to any person or persons by reason of the insufficiency of such flat or bridge, the non-attendance or neglect of the ferryman or keeper of such bridge, the person so aggrieved or damaged, shall and may have and maintain an action against the owner of such ferry or bridge.

Sec. 3. And be it further enacted, That any two of the justices of the district in the county where such ferry or bridge may be established, on complaint to him or them by any person, that may have sustained damages by reason of non-attendance, neglect or insufficiency of the flat or bridge, to an amount not exceeding thirty dollars, which information shall be made on oath, to cause the owner of such ferry or bridge, to appear at the next justices court of the district where such ferry or bridge may be, to answer the plaintiff's complaint, which shall be fully set forth in the warrant, and also the day on which such injury took place; and the justices before whom the same may be tried, shall cause five disinterested persons, to be empanelled and sworn as jurors, to whom such case shall be submitted, and their verdict shall be the judgment of the court, and such proceedings shall be had thereon, as in other cases; Provided that when any person considers himself aggrieved or hath sustained damages, to an amount exceeding thirty dollars he, she or they so considering themselves aggrieved or damaged, may have and maintain in the superior or inferior courts of the county, an action against the owner of such ferry or bridge, and shall recover thereon, the amount which the jury trying the cause may assess.

Sec. 4. And be it further enacted That the inferior court of Liberty county, be and they are hereby authorized to permit the erection of a toll bridge over the river Canouchee, at the place known by the name of Well's ferry, on Nathan Smart's land as to the said court shall seem most proper, and to fix the rates of toll, which shall be paid by passengers; and the owner or the proprietor of such bridge, shall be subject to the same restrictions and regulations as are herein before prescribed, for the owners or proprietors of ferries or bridges; Provided, That nothing herein contained shall be construed to extend to defeat the claim of any person to the land on either side of said river.

Sec. 5. And be it further enacted by the authority aforesaid, That no ferry shall be established on any stream or water course, over which bridges are now erected, at the expense of any county or counties; Provided nothing herein contained shall extend or be construed to extend, to prevent the erection of bridges at public expense, at places other than those where bridges are now established.

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

Assented to, December 6, 1805.
JOHN MILLEDGE, Governor.
AN ACT

To divorce James Brown and Abigail his wife.

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 connexion or civil contract of marriage made between the said James Brown and Abigail his wife, 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 or entered into between them.

SEC. 2. And be it further enacted, That the said Abigail Brown is hereby declared a feme sole, and shall not in future be allowed on any pretence whatever, to charge the said James Brown, 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 Abigail Brown.

SEC. 3. And be it further enacted, That the said Abigail Brown and James Brown in future, be deemed and considered as distinct and separate persons, altogether unconnected by any mistical union or civil contract heretofore entered into between them: Provided, that the said Abigail Brown, shall be entitled to all the estate, real and personal, not now disposed of, that she brought into the family at the time of their intermarriage.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 6, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To establish the number of commissioners for the town of Milledgeville, and to extend and define their powers.

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 number of commissioners for the town of Milledgeville, shall not exceed five, and that they be appointed by joint ballot of both branches of the legislature, and they or a majority of them shall be, and they are hereby vested with all the powers heretofore vested in the seven commissioners appointed by an act of the last General Assembly of this State.

Sec. 2. And be it further enacted by the authority aforesaid, That from and after the passing of this act, the said commissioners shall be, and they are hereby authorized and empowered to contract for the building a State-House, (which shall be of brick and according to the plan approved of by this legislature) in the town of Milledgeville, to such person or persons, and upon such terms as they in their judgment may think fit; provided the expense of said building shall not exceed sixty thousand dollars; the said commissioners taking bond with good security from the person contracting, in the sum of forty thousand dollars, for the faithful execution and performance of the work, on or before the first day of October, 1807.

Sec. 3. And be it further enacted by the authority aforesaid, That the said commissioners shall have the superintendence of all the public property within the limits of the town of Milledgeville, and shall make such regulations for the security and preservation thereof, as they may deem most conducive to the welfare of the said town, so that the same be not contrary to the constitution or laws of the land.

Sec. 4. And be it further enacted by the authority aforesaid, That the said commissioners be, and they are hereby authorized and empowered to lay off lots in addition to those already laid off in the said town of Milledgeville, and to sell such as in their judgment the public interest may require, provided they do not exceed one hundred,* in the same manner, upon the same terms, and subject and liable to the same provisions and conditions, as in the act of the last legislature, is set forth for regulating the sales of the lots in said town.

Sec. 5. And be it further enacted by the authority aforesaid, That all moneys, bonds or notes, arising from the sale of lots in the said town of Milledgeville,

* Authorized by act of 1810, No. 533, to sell twelve more lots, and the mode of payment pointed out.

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(No. 202.) shall be, by the commissioners aforesaid, deposited with the treasurer of this State, whose duty it shall be safely to keep the same, subject to the further order of the legislature of this State.

SEC. 6. And be it enacted, That if accommodations in the judgment of the commissioners, can be had for the members of the next legislature, and the State-House in such state as to admit the next session to be held thereat, it shall be the duty of the commissioners to notify his Excellency the Governor thereof, and his Excellency by proclamation to require the meeting of the next General Assembly thereat.

SEC. 7. And be it further enacted by the authority aforesaid, That so much of the act entitled an act to make the town of Milledgeville the permanent seat of government of this State, and to dispose of a certain number of lots therein, passed the 12th December, 1804, 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 5, 1805.

JOHN MILLEDGE, Governor.

(No. 203.)

AN ACT

To revise 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, passed at Louisville, 10th December, 1803, so far as respects the counties of Bryan, Liberty, 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 all owners, managers or employers of male slaves, within their several districts or divisions, shall when summoned, deliver to the person summoning him, her or them, a list in writing of all male slaves from the age of eighteen to fifty years, signed by such owner, manager or employer, under a penalty of one hundred dollars; which list, the person or persons summoning, shall deliver to the commissioners or surveyors of such districts or
divisions, on or before the day to which they are summoned to appear. And the said commissioners are empowered to swear any owner, manager, employer, or summoner, giving, receiving or delivering such list, to the truth thereof, and of such service having been duly made; and the person or persons summoning as aforesaid, shall be exempt from his or their personal labor or attendance in such districts or divisions, for that tour of duty.

Sec. 2. Be it further enacted by the authority aforesaid, That in case any person or persons appointed to summons as aforesaid, shall neglect or refuse so to do, such person or persons shall severally forfeit the sum of thirty dollars for every such offence.

Sec. 3. And be it further enacted, That the cut-off in the county of M'Intosh, known by the name of the general's cut; shall henceforth be deemed and considered as a part of the public highway, and that the commissioners of said county are hereby authorized to apportion such number of hands from the district or districts of said county, as they in their judgment shall deem expedient, to open and keep in repair the said cut-off, for the convenience of the passage and repassage of boats.

Sec. 4. Be it enacted by the authority aforesaid, That captain John Holmes, John Gigniliat, esqr. John Grantham, captain Sneed, John Fort and Thomas Armstrong, be, and they are hereby appointed commissioners of roads for said county, whose duty it shall be, immediately after the passing of this act, to convene agreeable to law, as pointed out in the before recited act, and proceed to lay out a road as follows, to wit: beginning at the causeway, on New-Hope creek, on the south side of the south branch of the Altamaha, taking the most direct route, so as to intersect the post-road at captain Tyson's, leading from Fort Barrington to St. Mary; Provided nevertheless, that nothing herein contained, shall be construed to prevent the working on, and improving the road at present leading to Fort-Barrington, at the discretion of the commissioners or a majority of them, who shall observe and conform to the several sections of this and the before recited act, regulating commissioners in laying off districts, and apportioning the labor, as herein before pointed out.

Sec. 5. And be it further enacted, That all persons liable to perform road duty, residing or being on any island, that the commissioners, in the county having jurisdiction over them, shall order and compel them to perform the duty required of them, on such district of road, as they may deem proper, and where the distance from their residence to the district to which they have to repair shall exceed ten miles by water or land, that then, and in that case, they shall be allowed one day for going to, and returning from such place of working.

Sec. 6. And be it further enacted, 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 road whatsoever; but to attend armed and accoutred as militia.
men, and be subject to such rules, orders and regulations, as the commanding officer of
the battalion may prescribe or deem necessary, except such as the commissioners may
appoint as overseers, to manage and superintend labor on said roads.

Persons to be appointed as constables in said districts.

SEC. 7. And be it further enacted by the authority aforesaid, That the commissioners
of each district, or a majority of them, shall have full power and authority to ap-
point any person or persons within their respective districts, who shall act as constables
in executing warrants under their hands and seals, for the recovery of fines and forfei-
tures incurred by this act, who shall receive the same compensation as is allowed in
such cases to constables by law; and if any person so appointed, shall refuse or neglect
to perform the duties required of him as constable, that for each and every refusal or
neglect, they shall severally forfeit the sum of thirty dollars.

Repealing clause.

SEC. 8. And be it further enacted by the authority aforesaid, That the amendment
of the road act, passed the 12th day of December, 1804, at Louisville, be, and the same
is hereby repealed; and that so much of the act passed the 10th of December, 1803,
as is contrary to this act, be also repealed, so far as respects the aforesaid counties.*

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

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To amend an act to carry into effect the sixth section of the third article of the
Constitution of this State.

WHEREAS the constitution of this State, in the said sixth section of the third
article declares, That, “the powers of the court of ordinary or register of probates,
shall be vested in the inferior courts of each county, from whose decision there may be
an appeal to the superior court, under such restrictions and regulations as the General
Assembly may by law direct,” &c.

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

* See act of 1806, No. 269, amending all the road acts with regard to these counties and repealing all others.
party in the said courts of ordinary, shall or may be dissatisfied with any decision thereof, then, and in all such cases, such dissatisfied party may, within four days after the adjournment of the said court, be allowed to enter an appeal, by paying all costs which may have accrued, and giving security to the clerk of the said court of ordinary for such further costs as may accrue by reason of such appeal, which appeal so entered, shall be by the said clerk transmitted to the clerk of the superior court of the county in which such proceedings may take place, at least ten days before the next superior court of said county; and which said superior court shall determine thereon at such term, according to law and right, and letters testamentary, or of administration, shall not be granted or issued until the decision of such appeal by the said superior court; but the said court of ordinary may, pending such appeal, grant temporary letters to collect the estate of the deceased.

Sec. 2. And be it further enacted by the authority aforesaid, That no letters testamentary,* or of administration, shall be granted to any person or persons who is or are not a citizen or citizens of the United States, residing in the State of Georgia.

Sec. 3. And be it further enacted, That all acts heretofore passed, militating against this act, shall be, and the same are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT

For the limitation of actions, and for avoiding suits at law, and to repeal the act passed on that subject the 26th of March, 1767, for the better and more effectually quieting men's possessions and estates, and for avoiding suits in law.

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 actions of

* See act of 1810, No. 559, authorizing two justices of the inferior court, to admit probates of wills in
decision of seven years.
(No. 205.)

ejectment or any other suit or action whatsoever, at any time hereafter, to be sued or
brought for the recovery of any lands or tenements, by occasion or means of any title
which may hereafter descend, happen or fall, shall be sued and taken within seven
years next after the title, and cause of action shall or may descend or accrue to the same,
and at no time after the said seven years. Provided nevertheless, That if any person or
persons that is or shall be entitled to such suit or action, be, or shall be at the time of
right or title first descended, accrued, come or fallen within the age of twenty one years,
feme covert, noncompos mentis, or imprisoned, that then such person or persons shall be
at liberty, notwithstanding the said seven years are expired, to bring such action or suit,
so as that the same be brought within three years after his, her or their coming to or
being of full age, discover or same memory or at large, and at no time after the said
three years.

Sec. 2. And be it further enacted by the authority aforesaid, That all actions of
trespass, detinue and trover; all actions of debt, whether upon specialty or simple con-
tract; all actions of assault, menace and battery, wounding and imprisonment, or any
of them which shall be sued or brought at any time after the passing of this act, shall
be commenced and sued within the time and limitation hereinafter expressed and not
afterward:—That is to say, the said actions of trespass, assault, battery, wounding,
imprisonment or any of them, within one year next after the cause of such action or
suit hath accrued, and not after. And the said actions of detinue, trover, debt, (other
than upon judgments) within four years next after the cause of such actions or suits
have accrued, and not after. And the said actions of debt upon judgments obtained in
courts, other than the courts of this State, within five years next after the judgment
shall have been obtained, and not after. And the said actions upon the case for words,
within one year next after the words spoken, and not after. Provided nevertheless
That if any person or persons who is or shall be entitled to any such actions of detinue,
trover, debt, (other than upon judgments) be, or shall be at the time of any such action
given or accrued within the age of twenty one years, feme covert noncompos mentis, or
imprisoned, that then such person or persons shall be at liberty, notwithstanding the
times of limitation shall have expired, to bring such actions or suits, so that the same be
brought within two years next after the coming to, or being of full age, discover of
same memory or at large, and at no time after the said two years. And provided also,
That if any person who is or shall be entitled to any such actions of trespass, assault,
menace, and battery and imprisonment, be, or shall be at the time any such action shall
have accrued, within the age of twenty one years, feme covert noncompos mentis, or im-
prisoned, then such person or persons shall be at liberty, notwithstanding the time here-
ine before limited for the bringing of such action shall have expired, to bring such actions
or suits, so that the same be brought within one year next after the coming to, or being
of full age discover, of same memory or at large, and at no time after the said one
year; and that the commencing an action or actions within the time limited, and afterwards discontinuing or becoming non-suit in the same, shall not defeat the operation of this act.*

SEC. 3. And be it further enacted by the authority aforesaid, That when any person or persons shall remove his property without the limits of this State, or absconds or conceals himself so that his creditors cannot commence an action, that the person so removing his property or absconding himself, shall not be entitled to the benefit of this act, but shall be answerable for any just demand against him, her or them; and this act shall be deemed, held and taken as a public act, and the judges of the superior and justices of the inferior courts and justices of the peace within this State, shall be bound thereby, although the same shall not be pleaded.

SEC. 4. And be it further enacted, That all actions upon the case, other than for words which shall be said or brought, at any time after the passing of this act, shall be commenced and sued within four years next after the cause of such action or suit hath accrued, and not after.

SEC. 5. And be it further enacted by the authority aforesaid, That the act entitled, "An Act for limitations of actions, and for avoiding suits in law," passed the twenty sixth day of March, 1767, be, and the same is hereby repealed.†

ABRAHAM JACKON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT‡.

To amend the several acts regulating roads in this State, so far as respects the operation of said acts in the county of Burke.

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

* The latter clause of this section, repealed by act of 1806, No. 225.
† See act of 1806, No. 225, repealing this section, and reviving the act of 1767; again.
‡ See act of 1807, No. 297, in addition to this act.
after the passing of this act, it shall be the duty of the justices of the inferior court of the county of Burke, to appoint overseers of the road in such manner that there shall be one overseer to each road in every captain's district.

Sec. 2. And be it further enacted, That the power heretofore exercised by the said justices of the inferior court, of apportioning the hands liable to work upon roads, shall be vested in, and exercised by the justices of the peace in each district.

Sec. 3. And be it further enacted, That it shall be the duty of the justices of the peace, in every district where any doubt shall exist as to the number of hands which may be in the possession or employ of any person liable to work on any road or roads, to give fifteen days notice in writing, at the place of holding court in such district, previous to the holding of the said court, directing and requiring all owners or persons having any such slave or slaves in his, her or their possession, to attend at the said place of holding court, then and there, on oath, to render an account of every slave in his, her or their possession, liable to work on roads, and in default of such attendance, the said justices may impose a fine not exceeding one dollar for each hand liable to work on said road, to be levied and collected by execution against the goods and chattels of such person in default. Provided always, that such defaulter may render an excuse, upon oath, before either of the said justices, and if deemed sufficient, the said fine so imposed, shall be remitted; and that it shall be the duty of the said justices which shall be judged of by the said justices to furnish the said overseers in their districts with lists of the hands liable to work on the road for which he may be appointed. And the fines when collected shall be applied to county purposes.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

(No. 207.)

AN ACT

For the better selection and drawing Grand Juries for the several counties 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 it shall be the duty of the justices of the inferior courts of each county, together with the Sheriff
and clerk, or a majority of them, to convene at the court house of their respective counties, on the first Monday in June next, and biennially* on the first Monday in June thereafter, whose duty it shall be to select from the books of the receiver of tax returns, for their respective counties, fit and proper persons to serve as grand jurors; and shall make a list of persons so selected, and transmit it under their hands to the next superior court of their respective counties; and it shall be the duty of the judge then presiding, to cause the clerk of the said superior court to make out tickets with the names of the persons so selected, which ticket shall be put in a box to be provided by the clerk at the public expense, which said box shall have two apartments marked number one and two, and the clerks of said courts shall immediately after receiving such lists, fairly enter the same in a book for that purpose, to be provided at his own expense, distinguishing in separate columns, the persons liable to serve as grand jurors, and those for the trial of civil and criminal causes, as pointed out by law; which said box shall be locked and sealed up by the judge, and placed in the care of the clerk, and the key in the care of the sheriff; and no grand jury shall be drawn and impannelled, but in the presence of the judge in open court, nor shall any clerk of the court, or other person having the custody of the jury box, presume, on any pretence whatever, to open the said jury box, transpose or alter the names, except it be by the direction of the judge in open court, attending for the purpose of drawing jurors, under the penalty of being dealt with in the manner pointed out by law for malpractice in office.†

SEC. 2. And be it further enacted, That the said judge, in open court, shall unlock and break the seal, and cause to be drawn out of the apartment of the said box marked number one, not less than twenty three, nor more than thirty six names to serve as grand jurors, which names so drawn out shall, after an account is taken of them, at each time of drawing, be carefully deposited in the other apartment of such box marked number two; and when all the names shall be drawn out of the apartment number one as aforesaid, they shall then commence drawing from the apartment number two, and return them into number one, and so on alternately: but no name so deposited shall on any pretence whatever, be destroyed, except it is within the knowledge of the judge that the said juror is either dead, removed out of the county or otherwise disqualified by law, or the sheriff certify the same.

SEC. 3. And be it further enacted, That if it shall so happen, that there should be a failure of the court in consequence of the non-attendance of the judge, then and in that case, the jurors being summoned, shall stand over to the next succeeding term in the

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* Selections to be made annually in the counties of Wayne and Camden—See act of 1810, No. 516.
† By act of 1810, No. 510, the justices of the inferior court in the counties of Twiggs, Telfair, Laurens, Wilkinson, Pulaskie and Montgomery, are authorized to draw grand and petit jurors for their respective counties.
LAWS OF GEORGIA.

(No. 207.)

Proviso.

manner as suiters and witnesses do in like cases. Provided always, that if the said justices, sheriff and clerk aforesaid, shall fail to make such selection on the day aforesaid, that then it shall be the duty of the said justices, sheriff and clerk aforesaid, or a majority of them, to make such selection at or before the next superior court thereafter, which shall be held in their respective counties.

SEC. 4. And be it further enacted, That so much of an act, entitled, "An Act to amend an act, entitled an act, to revise and amend the judiciary system of this State," passed at Louisville, the 16th day of February, 1799, 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 7, 1805.

JOHN MILLEDGE, Governor.

(No. 208.)

AN ACT

To incorporate a company for the improvement of the navigation of that part of the Oconee river, between the Big Shoals, at John Barnett's, and the town of Milledgeville.*

WHEREAS the improvement of the inland navigation of every country, is of primary importance to its inhabitants, and as few countries enjoy greater natural advantages than this State, for the extension of commerce, and it being conceived, that the clearing out and removing the obstructions in that part of the Oconee river, from the Big Shoals, at John Barnett's, to the town of Milledgeville, would greatly conduce to the convenience and interest of the inhabitants, settled in the north and northwestern parts of this State.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That a company shall be established, the capital stock whereof shall not exceed fifty thousand dollars, di-

* See act of 1803, No. 339, incorporating a company and allowing a lottery for the above purpose.—See also act of 1810, No. 527, incorporating another company for the same purpose.
vided into two thousand shares, each share being twenty-five dollars, and that subscriptions towards constituting the said stock, shall, on the first Monday in January next, be open at Hancock, Green, Clarke, Jackson, and Franklin court-houses, Washington in Wilkes, and Milledgeville, under the superintendence of such persons as the corporation may appoint for that purpose; which subscriptions shall continue open until the whole of the said stock shall have been subscribed.

Sec. 2. And be it further enacted, That it shall be lawful for any person, copartnership, or body politic, to subscribe, as he, she or they shall think fit, for such or so many shares not exceeding fifty; and that the sums respectively subscribed, shall, be payable in gold, silver or bank bills of the United States, to be paid at four several payments, at the distance of twelve calendar months from each other, the first whereof shall be paid at the time of subscribing.

Sec. 3. And be it further enacted, That all those who shall become subscribers to the said company, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, by the name and style of the Oconee Navigation Company, and by that name shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tene-ments, hereditaments, goods, chattels, and effects, of what kind, nature or quality soever; and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or other place whatsoever: and also to make, have and use a common seal, and the same to break, alter and renew, at their pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient, for the government of the said corporation, not being contrary to the laws of this state, or to the constitution thereof, (for which purpose, general meetings of the subscribers to the said stock, shall, and may be called by the directors, and in the manner hereinafter specified) and generally to do and execute all and singular the acts, matters and things, which to them shall appertain to do; subject nevertheless, to the rules, regulations, restrictions, limitations and provisions hereafter prescribed and declared.

Sec. 4. And be it further enacted That for the well ordering of the affairs of the said corporation, there shall be ten directors, for whom there shall be an election on the first Monday of January in each year, by the stockholders or proprietors of stock in the said corporation, and by a plurality of votes, actually given, and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end and expiration of the first Monday of January next ensuing, the time of such election, and no longer, and the said directors at their first meeting, after such election, shall choose one of their number as president.
Sec. 5. Provided always, and be it further enacted, That as soon as the sum of two thousand dollars shall have been actually received on account of subscriptions to said stock, notice thereof shall be given by persons under whose superintendence the same shall have been made in one of the public gazettes of this State, and the said persons shall at the same time and in like manner, notify a time and place at the distance of thirty days from the time of such notification, for proceeding to the choice of directors: And it shall be lawful for such election to be then and there made, and the persons then and there chosen shall be the first directors, and shall be capable of serving, by virtue of such choice until the end and expiration of the first Monday in January next ensuing, the time of making the same, and shall forthwith thereafter commence the operations of the said corporation. And provided further, That in case it should at any time happen, that an election for directors should not be made upon any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Sec. 6. And be it further enacted, That the directors for the time being, shall have power to appoint such officers and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively, as shall be reasonable, and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said corporation as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

Sec. 7. And be it further enacted by the authority aforesaid, That when the said corporation shall have so removed the obstructions in that part of the Oconee river, between the town of Milledgeville and the Big Shoals at John Barnett's that boats carrying a burthen of eight crop hogsheads of tobacco, when the water is at its common height, shall safely pass up and down from the Big Shoals, at John Barnett's, to the town of Milledgeville, then the said corporation and not before, shall have power to levy and receive a toll on all articles carried up and down the said river, which shall not exceed the following rates, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
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<tbody>
<tr>
<td>For every hogshead of tobacco</td>
<td>Fifty cents</td>
</tr>
<tr>
<td>For every barrel of flour</td>
<td>Eighteen and three quarter cents</td>
</tr>
<tr>
<td>For every bale of cotton</td>
<td>Twenty-five cents</td>
</tr>
<tr>
<td>For every hundred weight of all other articles except lumber</td>
<td>Twelve &amp; a half cents</td>
</tr>
<tr>
<td>And for every thousand feet of lumber</td>
<td>Twenty-five cents</td>
</tr>
</tbody>
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And shall also levy a toll in proportion to the distance from any other place on the said river, between the said town of Milledgeville and the Big Shoals at John Barnett's:
and if any person passing up and down the river as aforesaid, with any boat or other vessel with goods or any articles on board, and shall refuse to pay the toll aforesaid, or any other rates the said corporation may establish, not exceeding those aforesaid, then, and in that case, the said corporation shall have power, and are hereby authorized to seize and detain the same until the customary toll shall be paid.

SEC. 8. And be it further enacted, That the following rules, restrictions, limitations and provisions, shall form the fundamental articles of the constitution of the said corporation, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she or they shall hold, in the proportions following, that is to say: for one share and not more than four shares, one vote: for five shares, and not more than nine, two votes; for ten shares, three votes: and for every five shares above ten, one vote exclusive of the three to which he, she or they may be entitled by the ten shares. None but a stockholder shall be eligible as a director. No director or president shall be entitled to any emolument, unless the same shall be allowed by a majority of the stockholders at a general meeting.

Not less than five directors shall constitute a board for the transaction of any business, of whom the president shall be one, except in cases of sickness, or necessary absence, in which case his place shall be supplied by another director.

A number of stockholders not less than twenty-five, shall have power any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least twenty days notice in one of the public gazettes of this State, and specifying in such notice the object or objects of such meeting.

Every treasurer before he enters on the duties of his office, shall be required to give bond with two or more securities, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition of his good behaviour and faithful performance of the trust reposed in him, the stock of the said corporation shall be assignable and transferrable according to such rules as shall be instituted in that behalf by the laws and ordinances of the same.

Yearly dividends shall be made of so much of the profits of the stock as shall appear to the directors advisable, and once in every two years, the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of all debts due or owing, and all monies received or expended.

SEC. 9. And be it further enacted by the authority aforesaid, That Samuel Gardner, B. Harris, Joseph Cooper, Jehue Smith, Joel Early, John Stewart, Joseph Philips, Frederick Beall, James Terrel, Henry Hartford, Charles Daugherty, Bedford Brown, John Floyd, Thomas Napier, Francis Boyaken, John Dawson, Thomas Terrel, Francis Wil-
lis, Archibald M. Devereaux and Samuel Tinsly, are hereby appointed superintendents to open the subscriptions and conduct the business of the said corporation, until organized according to the prescriptions and limitations of this act.

**SEC. 10.** And be it further enacted, That the said company shall remain, and continue a body politic, under the restrictions, limitations and provisions aforesaid, for thirty years, to commence from the day when the corporation shall order the reception of the toll, according to the conditions of this act.

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

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

(No. 209.)

**AN ACT**

To appoint commissioners for the better regulation and government of the town of Washington, and for incorporating the same.

**SEC. 1.** Be it enacted by the Senate and House of Representatives in General Assembly met, That the following persons, to wit; Francis Willis, James Corbett, Felix H. Gilbert, Thomas Terrel, and William Sansom, be, and they are hereby appointed commissioners of the town of Washington; 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, 1807, at which time and on very subsequent year thereafter, the citizens of Washington, 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, and doing other incorporate acts, as in their judgments shall be conducive to the good order and government of the said town of Washington, 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 Wilkes, are hereby authorized and required to preside at such 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.

JARED IRWIN, President of the Senate.

Assented to December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To organize the counties of Baldwin and Wilkinson.

WHEREAS it is necessary and expedient, that the counties of Baldwin and Wilkinson, be organized as speedily as possible.

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 Samson Harris, Archibald M. Devereaux, Benjamin Tarver, Stephen Nobles and Edmund Lane, be and they are hereby appointed justices of the inferior court of the county of Baldwin; and that Samuel Beckum, William Randolph, Lewis Lanier, William O'Neal and Thomas Gilbert, be and they are hereby appointed justices of the inferior court of the county of Wilkinson; and the vacancies occasioned thereby, shall be filled by appointment of his Excellency the Governor; which justices and courts shall have, and are hereby vested with the same power and authority as the other justices and inferior courts of this State.

Sec. 2. And be it further enacted by the authority aforesaid, That the said justices of the said inferior courts or a majority of them be, and they are hereby vested with full power and authority, to decide and fix upon some convenient place, as nearly central as circumstances will admit whereat the superior and inferior courts of such county shall be held.
(No. 210.)

SEC. 3. And be it further enacted, That the justices of the said several inferior courts or a majority of them, shall assemble at such place as shall be appointed by them for holding courts in the said several counties, on the first day of April next, and after publicly administering to each other by virtue of a commission to them to be directed for that purpose by his excellency the governor, the oaths prescribed by the constitution for justices of the inferior courts; they shall proceed to define the militia company districts, which shall not exceed five in each of the said counties, and having so defined the said militia company districts, shall proceed to nominate and appoint two justices of the peace in each company district, and shall transmit such their appointment to his excellency the governor without delay, who is hereby authorized and required to issue commissions to the persons so appointed.

SEC. 4. And be it further enacted, That it shall be the duty of the justices of the said several inferior courts of the said counties of Baldwin and Wilkinson, or any two or more of them, as soon as may be convenient after they shall be qualified as aforesaid, to give notice by public advertisement, at the places appointed for holding courts in the said counties, and at two or more of the most public places in the said counties, of an election to be held twenty days after such notice given, for clerks of the superior and inferior courts, sheriff, coroner, and county surveyor, of the said several counties, which election shall be opened and held by three or more of the said justices of the inferior courts, or justices of the peace of the said counties, and shall be conducted in the same manner as other elections of county officers in this State.

SEC. 5. And be it further enacted, That superior and inferior courts shall be held in each of the said counties twice in every year, at the time hereinafter mentioned, that is to say: the superior court of the county of Baldwin, shall be held on the second Monday in February, and the second Monday in August in every year; and the superior court for the county of Wilkinson, on the fourth Monday in January, and on the fourth Monday in June in every year; and the inferior court of the county of Baldwin, on the fourth Monday in May, and the fourth Monday in October in every year; and the inferior court of the county of Wilkinson, on the first Monday in June and the first Monday in November in every year, until otherwise directed by the legislature; which said several counties shall be attached to, and form parts of the circuits or districts hereinafter mentioned, that is to say: the county of Baldwin to the western district, and the county of Wilkinson to the middle district; the judges of which said districts are hereby fully authorized and empowered to hold and preside at the several superior courts herein before mentioned, to be attached to their respective districts.

SEC. 6. And be it further enacted, That each of the said several counties shall be entitled to elect and return one senator and one representative to the legislature.
Sec. 7. And be it further enacted, That the citizens, inhabitants of the said counties, shall be entitled to elect officers of the militia, in such manner as is pointed out by the militia law, which militia shall be added to, and form a part of (that is to say) the militia of the county of Baldwin, shall form a part of the second brigade of the third division; and the militia of the county of Wilkinson, shall form part of the second brigade of the second division.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT

To be entitled an act to repeal an act entitled "An Act respecting vendue masters," passed in the year 1797, so far as respects the vendue master in the town of Washington, in the county of Wilkes.

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 so much of the above recited act, as respects the town of Washington, in Wilkes county, be, and the same is hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

* See act of 1806, No. 218, amendatory of this act, so far as relates to the place for holding elections for county officers in Baldwin, and the duty of the inferior court, relative to drawing grand and petit jurors for each of the said counties.
AN ACT

To add a part of Glynn county, to the county of Wayne, and to add a part of the county of Wayne, to the county of Camden, and to organize the said county of Wayne.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That all that part of Glynn county be added to the county of Wayne, which lies westwardly of the following boundaries and limits, to wit: beginning at the south side of the Alatamaha river on the main post-road, leading from Fort-Barrington to the town of St. Mary; thence along the said road until it intersects the line dividing Camden and Glynn counties; thence from said intersection, until it strikes the Great St. Tilla river, at a place known by the name of Fort-McIntosh, on said river; thence up the main south branch of the Great St. Tilla, until it strikes the outer boundary line of Wayne county—thence along the said line until it strikes the Alatamaha river; thence down the said river to the place of beginning, which shall form the county of Wayne; and all that part of the county heretofore known as Wayne, lying south of the south branch of the Great St. Tilla within the outer boundary line aforesaid, shall be added to, and form a part of Camden county.

SEC. 2. And be it further enacted, That all persons liable to perform road duty, residing in the county of Wayne, together with all persons in the county of Glynn, liable as aforesaid, residing within ten miles of said road, leading from Fort-Barrington to St. Mary, dividing the counties of Glynn and Wayne, shall, and are hereby made liable, at the discretion of the commissioners of said road, to work on and improve the same. Provided nevertheless, that nothing herein contained shall be construed to authorize the justices holding land courts, in the county of Camden, to issue any land warrant or warrants to any person or persons, or to authorize any person or persons to obtain a grant on head rights, or in any other way, in that part of the county heretofore called Wayne.

SEC. 3. And be it further enacted, That John Grantham, John Johnson, John Fort, William O'Neal and Matthew Jones, be, and they are hereby appointed justices of the inferior court of Wayne, appointed to hold an election for county officers.

SEC. 4. And be it further enacted, That the judge of the eastern district is hereby authorized and empowered to hold a superior court in said county, on the last Monday in
February, and the third Monday in October, in each year; and the justices of the inferior court are hereby required to hold an inferior court in said county on the last Mondays in December and June, in every year.

**Sec. 5.** And be it further enacted, That the said county of Wayne, shall be entitled to one senator and one representative to the state legislature, the election for which shall be held at the same time, and conducted in the same manner, as by law is directed for like elections for other counties within this State; and that the citizens residing in the said county, liable to bear arms shall be entitled to elect officers of the militia in such manner as is pointed out by the militia law of this State, which militia shall be added to, and form a part of the first brigade of the first division.

**ABRAHAM JACKSON, Speaker of the House of Representatives.**

**JARED IRWIN, President of the Senate.**

Assented to, December 7, 1805.

**JOHN MILLEDGE, Governor.**

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**AN ACT**

To authorize certain commissioners, to sell and dispose of the fractional parts of surveys of land in the counties of Wilkinson, Baldwin and Wayne.

**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 the fractional parts of surveys of land reserved to the State by the several laws, making distribution of the lands lately acquired from the Creek nation of Indians, by a treaty entered into at or near Fort-Wilkinson, on the 16th day of June, 1802, and lying and being on the Oconee river, and on the temporary boundary line, shall be sold in separate lots, to the highest bidder, in the town of Milledgeville, in the following manner, to wit: the commissioners hereafter to be appointed, shall by advertisement, to be published sixty days in the Gazettes of Petersburg, Washington, Wilkes county, Sparta, Augusta and Savannah; in which advertisements shall be particularly specified the day or days on which the fractions, in each district, will be sold, and the terms of sale; proceed to sell the same, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, commencing by the sale of the first or lowest fraction on the Oconee
(No. 215.)

river, in the first district in Wilkinson county, and continuing upwards in a regular progression to the line of the second district, and in like manner on the temporary line beginning at the lower extremity, and continuing upwards as aforesaid; and that the fractional parts of surveys in the county of Wayne, shall be sold in the same manner aforesaid; beginning on the highest fractional survey on the St. Mary river, and continuing in regular progression on the line dividing Wayne county from Glynn and Camden until the whole are sold; which rule shall be observed in the sale of the fractions in all the other districts of Wilkinson, Baldwin and Wayne counties,

SEC. 2. And be it further enacted by the authority aforesaid, That three commissioners shall be appointed by joint ballot of the legislature, and they or a majority of them, shall be sufficient to carry this act into effect, who shall before they enter on the duties required of them by this act, give bond with two or more sufficient securities to his excellency the Governor for the time being and his successors in office in the sum of thirty thousand dollars each for the due and faithful performance of the trust reposed in them, which bond shall be taken by his excellency the Governor or by any two of the justices of the inferior court of the county where such commissioners may reside, and immediately transmitted to the executive department, and shall moreover take & subscribe the following oath, viz. I, A, B, do solemnly swear (or affirm as the case may be,) that I will faithfully discharge the duties imposed upon me by this act, and that I will make due returns of all bonds and other securities to the treasury of this State, which come into my hands as commissioner aforesaid."—So help me God.

SEC. 3. And be it further enacted by the authority aforesaid, That the purchasers shall take bonds of the purchasers payable in four equal annual instalments, together with a mortgage on the land, which bonds and mortgages may be given by the person or persons purchasing, his or their attorney or agent duly authorized to execute the same, and shall be taken in the name of, and made payable to his excellency the Governor, for the time being, and his successors in office, and by the commissioners shall be deposited in the office of the treasurer within sixty days after the time the sales are completed, and each commissioner shall receive as a compensation three dollars per day while in actual service.

SEC. 4. And be it further enacted, That the commissioners aforesaid, shall take bond and mortgage of all and every purchaser, payable in the following manner, that is to say: one fourth part thereof in twelve months after the said purchase, which said fourth part shall be paid in gold or silver; one fourth part at the end of twelve months thereafter; one fourth part at the end of twelve months thereafter; and the remaining fourth part thereof at the end of twelve months thereafter; which said three last payments, shall in like manner, be paid in gold or silver.
Sec. 5. And be it further enacted by the authority aforesaid, That it shall be the duty of his excellency the Governor, to cause grants to be made out for all the fractional parts of surveys of land in the counties of Wilkinson, Baldwin and Wayne, leaving a blank for the name of the person to whom the same shall issue, which grants shall be put into the hands of the commissioners appointed to dispose of the fractions aforesaid, and by them filled up and delivered to the purchaser, on the purchaser’s paying the sum of four dollars and twenty-five cents on such grant, which shall be received by the commissioners, and by them paid into the treasury, for the purpose of defraying the different fees of office agreeable to the existing fee bill. And it shall be the duty of the surveyor-general and secretary of state, to insert the name of each purchaser in the record of such plat and grant remaining in the said offices; and it shall be the duty of the commissioners, to lay a correct statement of their proceedings, under this act, before the next legislature.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

AN ACT*

To alter and amend an act entitled an act, to revise and amend the several militia laws of this State and to adapt the same to the act of the Congress of the United States.

Whereas the twenty-second section of the above recited act requires a regimental court of enquiry to be held once a year in each county; and whereas great detriment will result to those counties, where two or more are required to compose a regiment, in consequence of such requisition.

Sec. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That where two or more counties are required to compose a regiment, the regimental court of enquiry be abolished, and battalion courts of enquiry be instituted, composed of the commanding officer of the battalion, and at least five commissioned officers; and in case the commander of the battalion does not attend, the senior captain shall take presidency; which said courts shall possess all the powers of a regimental court, as in counties furnishing a full regiment.

* This act, except as respects patroll duty, repealed by act of 1807, No. 312, section 34.
Sec. 2. And be it further enacted, That the respective battalion courts of enquiry, shall annually appoint by ballot, a clerk, who shall be subject to the same duties, and liable to the same penalties relative to the battalion, as though he had derived his appointment from the regimental courts of enquiry.

Sec. 3. And be it further enacted, That in future all subaltern officers in this State, shall, upon all courts of enquiry and courts martial, be entitled to take a seat, as is practised in the army of the United States.

And whereas, by the said recited act, a part of the duties required of the brigade inspectors and adjutants (other than the adjutant general) is in practice found to be inconvenient and expensive, and directs the performance of duties, not properly attached to those officers.

Sec. 4. BE it therefore enacted, That in future the brigade inspectors shall not be bound to attend any regimental or battalion muster, except those in the counties where they may respectively reside; and that the adjutants shall not be required to attend company musters, but shall attend the regimental and battalion musters, of the regiments to which they are attached; and shall perform such other duties as are required of them by said recited act, all of which they shall perform without pay.

Sec. 5. And be it further enacted, That all able bodied free male inhabitants, between the age of eighteen and forty-five years, as well aliens as others, shall after ten days residence in any captain's company, be bound when called on, to perform militia duty, in the same manner as citizens are bound by said act.

Sec. 6. And be it further enacted, That all fines inflicted by regimental and battalion courts, shall be collected by the provost-marshal, by warrant under the hand and seal of the officer presiding at such courts, and shall be entitled to like costs as are allowed constables for such duty, and all fines inflicted by company courts, shall be collected by a sergeant of such company, by warrant, under the hand and seal of the officer presiding at such court, and shall be allowed such costs as constables are entitled to for like services.

Sec. 7. And be it further enacted by the authority aforesaid, That all former acts or parts of acts, contrary or repugnant 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 7, 1805.

JOHN MILLEDGE, Governor.
AN ACT

To appropriate monies for the political year, 1806.

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 aforesaid, That for the support of government, for the political year, 1806, the following sums of money be appropriated, viz. The salary of the Governor, shall be two thousand five hundred dollars per annum; the secretaries of the executive department, not exceeding two, five hundred dollars each; the secretary of state, two hundred dollars per annum; the treasurer, twelve hundred dollars; the surveyor-general, two hundred dollars; the comptroller-general, four hundred dollars; the clerk of the House of Representatives, three hundred dollars; the secretary of the senate, three hundred dollars; the judges of the superior court, fourteen hundred dollars each; the attorney-general, and two solicitors-general, one hundred and fifty dollars each; which said several sums shall be, and they are hereby appropriated for their use; to be paid yearly by warrant from the governor, on the treasury, out of the taxes to be received for the years eighteen hundred four, and eighteen hundred and five.

SEC. 2. And be it further enacted, That the sum of fifteen thousand dollars be appropriated as a contingent fund, subject to the order of the governor.

SEC. 3. And be it further enacted, That for the like compensation to the members of the House of Representatives and Senate, the sum of three dollars each per day, during their attendance, and the sum of three dollars for every twenty miles in coming to, and returning from the seat of government; and the sum of four dollars each, to the president of the senate and speaker of the house of representatives, during their attendance, and the sum of four dollars each, for every twenty miles in coming to, and returning from the seat of government; to the clerk of the house of representatives and secretary of the senate, during the sitting of the legislature, four dollars per day each; the sum of fifty dollars each for stationary &c. to two engrossing clerks of the senate, and two of the house of representatives, four dollars each per day during their attendance; to the messenger and door-keeper of the senate, and messenger and door-keeper of the house of representatives, three dollars each per day; to Edmund Booker Jenkins, clerk of the committee of finance, forty dollars; to Joseph Worsham, clerk of the committee on the state of the republic, forty dollars; to the adjutant-general, three dollars per day, while in actual service; to the commissioners of the lottery, three dollars each per day, and the sum of three dollars each for every twenty miles in coming to and returning from the seat of government; to the commissioners of Milledgeville, that is to say: John Harbert, one hundred and thirty-nine dollars and fifty cents; to Howell Cobbs, one hundred and two dollars; to Littleberry Bostick,
eighty-two dollars and fifty cents; to Archibald M. Devereaux, one hundred and five dollars; to Oliver Porter, sixty dollars, and to George M. Troup, the sum of eighty-eight dollars; to Benjamin Easley, and his chain carriers, for laying out the town of Milledgeville, the sum of two hundred and fifty-four dollars; to Samuel Tinsley, secretary to the commissioners, one hundred and twenty-six dollars, and to the said commissioners for printing, twenty-two dollars; to Abraham Jones, the sum of two hundred and eighty-three dollars, agreeably to a concurred resolution; to Joseph Law, the sum of one hundred and thirty-eight dollars, agreeably to a concurred resolution; to William Johnston, the sum of three hundred and ninety-three dollars and twenty-seven cents, agreeably to a concurred resolution. which said several sums hereby appropriated for their use, and shall be paid out of any monies which now are or hereafter may be in the treasury, not otherwise specially appropriated.

Sec. 4. And be it further enacted, That the sum of fifteen thousand dollars be appropriated, and subject to the order of the commissioners of Milledgeville, to enable them to contract for the erection of a state-house, at Milledgeville; which said sum shall be paid out of any monies which now are, or hereafter may be in the treasury, not otherwise specially appropriated.

Sec. 5. And be it further enacted, That the following sums be appropriated to the use of the several persons herein after named, and payable as above mentioned—that is to say: to Burke Chisolm, drawer of the lottery, two dollars per day, and Peter Pharr, messenger to the commissioners of the lottery, two dollars per day; to Ambrose Day, fifty dollars, agreeably to a concurred resolution; to John Nicholson, one hundred dollars, agreeably to a concurred resolution; to Nathaniel Twining, twenty-five dollars, for distributing the laws and journals in the counties of Bryan, Liberty, McIntosh, Glynn and Camden, agreeable to contract; to John Bostick, the sum of sixty-nine dollars, and Jacob Robinson, fifty-four dollars, they being employed by the treasurer in destroying paper medium, &c. agreeable to a resolution; and to Ambrose Day, for printing notices, eight dollars fifty cents; to Lyon and Morse, for like services, four dollars and seventy-five cents; and to D. L. Ryan, for ditto, eight dollars and seventy-five cents.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.
AN ACT*

To amend an act entitled, "An Act for ordering and governing Slaves within this province, and for establishing a jurisdiction for the trial of offences committed by such slaves, and other persons therein mentioned, and to prevent the inveighing and carrying away slaves from their masters, owners or employers."

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 aforesaid, That after the passing of this act, if any slave who shall be in the lawful business or service of his or her master, owner, overseer, or other person having the charge, care and management of such slave, shall be beaten, bruised, wounded, maimed or disabled, by any person or persons not having sufficient cause for so doing, every person and persons so offending shall be liable to indictment in the superior court in the same manner as though such beating, bruising, wounding, maiming, or disabling had been committed on a white person, and on conviction, shall be subject to such fine or punishment as the said court shall inflict; and such offender or offenders shall also be liable to answer to the owner, master or other person having the charge of such slave, in an action of damages for the injury and loss which such owner, master or other person shall or may sustain by such beating, bruising, wounding, maiming or disabling his or her slave as aforesaid, any thing in the said act for ordering and governing slaves, to the contrary notwithstanding: Provided always, that upon the trial of such indictment or action, the jury shall be judges of the sufficiency of the cause of such beating, wounding, or maiming aforesaid.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, December 7, 1805.

JOHN MILLEDGE, Governor.

* See act of 1806, No. 258, relative to governing slaves &c.