(No. 217.)

AN ACT

To dispose of, and distribute the late cession of lands, obtained from the Creek Nation, by the United States, in a treaty concluded at the City of Washington, on the fourteenth day of November, in the year one thousand eight hundred and five.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, that the territory lately acquired from the Creek Nation, as described by the articles of convention made between Henry Dearborn, on the part of the United States, and Uche Hargo, William McIntosh, Tuskenehan Chapeo, Tuskenehan Enhau Tlucco, of the Creek Nation of Indians, duly authorized and empowered by the said nation, shall be laid off in the following manner, viz:—The dividing line between the counties of Baldwin and Wilkinson shall be extended south forty-five degrees west, to the Ocmulgee river; and all that part of the lately acquired territory lying above said line, shall be attached to, and considered as a part of the county of Baldwin; and all that part lying below said line, shall be attached to, and considered a part of the county of Wilkinson, except the reserve made in the aforesaid articles of convention:

SEC. 2. And be it further enacted by the authority aforesaid, That the said territory shall be divided into thirty-eight districts, as nearly equal as they can be conveniently made by running parallel lines south forty-five degrees west, and others intersecting them at right angles; which said lines shall be run by such person or persons as the surveyor-general may appoint, not being a district surveyor.

SEC. 3. And be it further enacted by the authority aforesaid, That the land contained in the several districts, shall be divided by lines running parallel with the dividing lines of districts, and by others crossing them at right angles, so as to form tracts of forty-five chains square, containing two hundred two and an half acres each, plainly and distinctly marked in a manner different from the mode heretofore prescribed for marking lines in this State, to be pointed out by the surveyor-general.

SEC. 4. And be it further enacted, That the fractional parts of surveys, which may be created by the natural or artificial boundaries of said territory, shall be set apart for the redemption of the public debt under the direction of a future legislature.*

SEC. 5. And be it further enacted, That a number of surveyors equal to the number of districts, shall be appointed by joint ballot of the legislature, in one general ticket; and the person having the highest number of votes shall be entitled to first choice of districts, and in that order, agreeably to the number of votes each surveyor, so appointed, may receive.

* See act of 1808, No. 335, appropriating the proceeds of the sale of fractional surveys, for the purpose expressed in this section.
SEC. 6. And be it further enacted, That if two or more persons shall have an equal number of votes, then and in that case, it shall be determined by lot, under the superintendence of the surveyor-general, which person or persons shall be entitled to the choice of districts.

SEC. 7. And be it further enacted, That no ticket shall be counted, unless it be filled with the number of names from among the candidates, equal to the number of districts.

SEC. 8. And be it further enacted, That if any person shall offer and be elected a surveyor, who shall hereafter be found deficient in the qualification necessary to a due execution to the duties required by this act, it shall be deemed a forfeiture of his bond, and himself and securities immediately liable therefor.

SEC. 9. And be it further enacted by the authority aforesaid, That the respective surveyors shall give bond in the penalty of ten thousand dollars to his excellency the governor, and his successors in office, with such security as he, or a majority of the justices of the inferior courts of the respective counties where the said surveyors may reside, shall approve, for the faithful discharge of the trust reposed in them, and duties required of them by this act, which bond shall be taken by the governor or the aforesaid justices, and deposited in the executive office.

SEC. 10. And be it further enacted by the authority aforesaid, That it shall be the duty of the surveyors appointed in pursuance of this act, to make the surveys of the districts to which they may be appointed in their own proper person, to mark or cause to be marked, plainly and distinctly upon trees, if practicable, otherwise stakes may suffice, all lines which he may be required to run, for the purpose of making the surveys in their respective districts immediately after the boundary and district lines shall have been run by the proper authority, to cause all such lines to be measured with all possible exactness, with a half chain, containing two perches of sixteen feet and one half each, consisting of fifty equal links, which shall be adjusted by a standard to be kept for that purpose in the surveyor-general's office, to take as accurately as possible the meanders of all water courses, which shall form natural boundaries, to any of the surveys—to note in field books to be kept by them respectively, the names of the corner and other station trees, which shall be marked and numbered in such manner as the surveyor-general shall direct; also all rivers, creeks, and other water courses, which may be touched upon or crossed, in running or measuring any of the lines aforesaid—transcripts of which field books after being examined with the originals by the surveyor-general and certified and signed on every page by the district surveyor returning the same, shall be deposited in the surveyor-general's office, there to be preserved as a record—to make a return within ninety days after the running the boundary and district lines as aforesaid, of a map of the district to which they may respectively be appointed, in which shall be...
correctly delineated, represented and numbered in such order as the surveyor-general
shall prescribe; all surveys within such district, and also, return at the same time a
detached plat of every such survey of land, certificated and signed by them—which plat
shall be filed among the other records in the surveyor-general's office, and from which
a copy shall be made to be annexed to grants, and to conform to such instructions as they
may receive from the surveyor-general, from time to time during their continuance in
office, and progress in the duties thereof, not militating with this act.

SEC. 11. And be it further enacted by the authority aforesaid, That the surveyors
shall receive two dollars and seventy-five cents for every mile that shall be actually run or
surveyed, as a full compensation for all the duties required of them by this act, out of
which sum they shall defray the expenses of chain-men, axe-men, and every other
expense incidental to the said business; and his excellency the governor is hereby au-
thorized and required to issue his warrant on the treasurer in favor of each and every sur-
veyor, immediately after the boundary and district lines are completed, to the amount of
one hundred and fifty dollars, to enable them to proceed without delay, to the execution
of their duties, for the balance of which by this law they may be entitled, they shall re-
ceive a warrant in like manner, on producing to his excellency the governor, a certificate
from the surveyor-general, setting forth that such surveyor has completed the duties
assigned him, and made his return conformably to this act.

SEC. 12. And be it further enacted by the authority aforesaid, That the surveyors
who may be employed in dividing the said territory into counties and districts
shall receive the same compensation for each mile run and surveyed, as is allowed by
this law for other surveyors out of which, all expenses incidental thereto, must be
paid, without any additional charge on the State, and his excellency the governor is re-
quired to grant his warrant on the treasurer for compensating that service, so soon as he
shall be advised by the surveyor-general of its completion.

SEC. 13. And be it further enacted by the authority aforesaid, That the said land
shall be distributed by lot, in the manner following, to wit:—After the surveying is com-
pleted, and the returns made to the surveyor-general, his excellency the governor shall
cause tickets to be made out, whereby all the numbers of surveys, in the different dis-
tricts shall be represented, which tickets shall be put into a box to constitute prizes,
with others to be denominated blanks; of which blanks the number or amount shall be
determined by subtracting the number of prizes from the whole number of draws to
which the said lottery shall be subject, upon the following principles, that is to say:—
every free male white person, twenty-one years of age and upwards, being a citizen of
the United States, and an inhabitant of this State, three years immediately proceeding
the passage of this act, and paid a tax towards the support of government, (including
such as may be absent on lawful business) shall be entitled to one draw,* every free male person of like description, having a wife or legitimate child or children, under the age of twenty-one years, shall be entitled to two draws—all widows with like residence, shall be entitled to one draw—all free female white persons, who have arrived to the age of twenty-one years or upwards, who have resided in this State as above, and are unmarried shall be entitled to one draw—all families of orphans residents as aforesaid, under the age of twenty-one years, whose father is dead, shall be entitled to one draw—and all families of orphans consisting of more than one, who have neither father nor mother living, shall have two draws; but if only one, then such orphan shall be entitled to one draw, which shall be given in, in the county and district where the eldest of said orphans or orphan resides:—Provided nevertheless, That the person or persons who drew a prize or prizes in the late land lottery, shall be excluded from any participation in the present lottery.

Sec. 14. And it be further enacted, That lists of persons entitled to draw in conformity to the provisions of this act, shall be taken and made out within three months from the passing of this act, by such fit and proper person or persons as the inferior court of each county in this State, shall or may appoint for that purpose, not exceeding two to each battalion district, and it is hereby declared to be the duty of the said inferior courts respectively, to make such appointments for the purposes aforesaid, to attend at the place of holding justice’s courts in each captain’s district, on as many several days as the said inferior courts may deem necessary, and appoint for that purpose; and it shall be the duty of such person or persons, so appointed, to take and make out such lists, and to give at least ten days notice of such attendance, in the aforesaid captain’s districts, and the names of persons so entitled to draws, with the number of draws to which they may be entitled, shall be entered in alphabetical order, in a book to be provided for that purpose, which lists or books shall, immediately after the same shall be completed, and transcripts thereof deposited in the office of the clerks of the superior courts, be transmitted by the said person or persons to his excellency the governor. And the said persons thus appointed by the inferior courts, shall, before they enter upon the execution of the duty required of them by this act, take and subscribe the following oath, to wit:—“I, A. B. do solemnly swear or affirm (as the case may be) that I will not receive or register any name, except the person giving in, shall first take the oath prescribed by this act—So help me God.” Which oath any justice of the inferior court is hereby required to administer; and the said person or persons appointed to take the lists as aforesaid, shall administer to all applicants for draws, other than widows, the following oath, to wit:—“I, A. B. do solemnly swear or affirm (as the case may be) that I am a citizen of the United States, and have resided in this State three years, immediately preceding the

* See act of December 1806, No. 261, amendatory of this act, and dispensing with the payment of taxes and making provision for persons laboring under accidents or misfortunes.
LAWS OF GEORGIA,

(No. 217.) passing of this act, and am now an inhabitant of this district, that I am twenty one years of age; that I have a wife, child or children, (as the case may be) that I have not given in my name for any draw or draws in the present contemplated lottery in any other part of this State; that I have not drawn a tract of land in the former lottery, and that the orphan or family of orphans, whom I now return, is, or are entitled to a draw or draws under this act, to the best of my knowledge—So help me God.” And to all widows the following oath: “I, A. B. do solemnly swear or affirm, (as the case may be) that I am a widow, that I have resided the three last years in this State, and am now resident in this district; that I have not put in my name for a draw in the present lottery in any other part of this State, and that I have not drawn land in the former lottery, to the best of my knowledge and belief—So help me God.”

Sec. 15. And be it further enacted, That the person or persons appointed by the inferior court to receive and enter the names of applicants entitled to draws in the present lottery, shall receive for each draw so entered, twelve and an half cents. And his excellency the governor is hereby authorized and required forthwith to issue his proclamation, and cause the same to be published in one of the gazettes of the cities of Savannah and Augusta, and in those of Louisville, Sparta, Washington and Petersburg, setting forth the outlines of this act, and requiring all persons interested therein, to exhibit their claims in the counties of their respective residence.

Sec. 16. And be it further enacted, That as soon as the lists of persons entitled to draws in the lottery as aforesaid, shall have been received at the executive department, his excellency the governor shall cause tickets to be made out for carrying the said lottery into effect, in the following manner, that is to say: Blank pieces of paper equal in number to the whole number of draws to which the lottery may be subject, and as equal in size as possible, shall be prepared, and on them shall be written separately, the names of the several persons entitled to draws as aforesaid, and the designatory remarks which may appear against each name; and the pieces of paper so written on, shall be deposited in one wheel, and the blanks and prizes on pieces of paper, also as equal in size as possible, shall be deposited in another wheel; and from each wheel as nearly at the same time as can be, one ticket shall be taken and delivered to the managers appointed to superintend the drawing of said lottery, whose duty it shall be to have the name, if a prize should be drawn against it, entered in a book to be provided for that purpose, and opposite thereto, the number of the lot so drawn, and the number of the district, and the name of the county in which the same may be. And that his excellency the governor shall cause one months notice of the day the drawing of the lottery will commence, to be given in the several Gazettes aforesaid.

Sec. 17. And be it further enacted, That where vacancies may happen by death resignation or otherwise, of any district surveyor or surveyors appointed in pursuance of this act, the governor is authorized and required to fill up such vacancy or vacancies. And in case

Oath of widows.

Such persons to receive for every draw by them taken 12 1-2 cents.

Governor to give notice by proclamation of this act.

After the lists are taken and returned to the Governor, he to cause tickets to be made out, for said lottery.

The manner of doing it.

One months notice to be given of the commencement of drawing.

Vacancies of surveyors to be filled up by the governor.
any surveyor shall fail to execute the trust reposed in him either from inattention or otherwise, in such manner as in the opinion of the governor may render doubtful the finishing the surveys within the time limited, he shall have power to declare such appointment vacant, and to fill up the same as in case of other vacancies.

Sec. 18. And be it further enacted by the authority aforesaid, That the surveyors to be appointed in pursuance of this act, shall before they proceed to the duties of their appointments, take and subscribe the following oath or affirmation; to wit "I , do solemnly swear or affirm (as the case may be) that I will well and faithfully to the utmost of my skill and abilities discharge the duties of surveyor for district No., agreeably to the requisitions of this act—So help me God." Which oath the surveyor general is authorized and required to administer. And all chain men to be employed in pursuance of this act, shall before they enter severally upon their duty, take the following oath or affirmation, to wit. I , do solemnly swear or affirm (as the case may be) that I will to the utmost of my skill and judgment, measure all lines which I shall or may be employed on as a chain carrier, as accurately, and with as little deviation from the courses pointed out by the surveyor as possible, and give a true account of the same to the said surveyor—So help me God." Which oath the district-surveyors are hereby empowered and required to administer.

Sec. 19. And whereas it may so happen, that persons may have surveyed lands in the aforesaid cession contrary to law, and on which grants may have issued:

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

Sec. 20. And be it further enacted, That all persons against whose names lands may be drawn in pursuance of this act, shall be entitled to receive grants for the same, vesting in them fee simple titles, on paying into the treasury of this State, the sum of six dollars per hundred acres, in lieu of all fees of office and other charges for surveying and granting the said lands. Provided nevertheless, That if any person or persons entitled to such grant or grants, shall fail to pay the aforesaid sum; and take out such grant or grants, within twelve months from the completion of the lottery, the same shall revert to and be vested in this State, and appropriated for the redemption of the public debt.*

Sec. 21. And be it further enacted by the authority aforesaid, That all returns made contrary to the true intent and meaning of this act, are declared to be fraudulent, and

*See act of 1806, No. 327, extending the time.
(No. 217.)

all grants issued in consequence of any draw made in the contemplated lottery, on such fraudulent return, is hereby declared to be null and void, and the land so granted shall revert to, and become the property of this State.

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

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

---

(No. 218.)

AN ACT

To amend an act, entitled "An Act to organize the counties of Baldwin and Wilkinson."

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted, That an election shall be held in the county of Baldwin, at the house of George Hill, commonly called Hillsborough, on the second Monday in July next, for the election of clerks, sheriff, coroner and county surveyor, for the said county, at which election all free white male citizens who have arrived to the age of twenty one years, who were resident in, and citizens of the said county, on the first day of June, one thousand eight hundred and six, shall be entitled to a vote; which election shall be opened and conducted in the manner prescribed by the act regulating elections in this State.

SEC. 2. And be it further enacted, That it shall be the duty of the justices of the inferior court, sheriff and clerk of the superior courts of Baldwin and Wilkinson counties, as soon as possible after the said officers are commissioned, to proceed to select the grand and petit jurors for the counties aforesaid; and shall also proceed to draw the said jurors for the next term of the said courts, and cause them to be subpoenaed, at least four days before the meeting of the said courts, any thing in the act entitled "An act for the better selection and drawing of grand jurors for the several counties in this State," or any law, usage or custom to the contrary notwithstanding.

SEC. 3. And be it further enacted, That this act shall continue and be in force until the first Monday in June next, and no longer.

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

Assented to June 26, 1806.

JOHN MILLEDGE, Governor.
Securing upon certain conditions to Joseph Hill, his heirs or assigns, the exclusive right to erect a bridge over Ogechee river, at, or near the place where a bridge was heretofore erected, by Wade Hampton and James Gunn.

WHEREAS by an ordinance passed the sixth day of December one thousand seven hundred and ninety, the exclusive right to erect a bridge over Great Ogechee river in the county of Chatham, at the place where the ferry was then kept, was vested in Wade Hampton and James Gunn, esquires, in which it was also provided "that the said bridge be completed on or before the last day of December, one thousand seven hundred and ninety-two and rebuild when necessary and keep the said bridge in good and sufficient repair." And whereas the said bridge, although built agreeably to the directions of the aforesaid in part recited ordinance, has been suffered to decay, and has long since been entirely insufficient for the purposes intended, and the parties interested therein have wholly neglected to repair the same, by which the intention of the legislature hath not been carried into effect, and the right intended to be secured to the said Wade Hampton and James Gunn, and their heirs and assigns, become void.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all rights and emoluments vested by the aforesaid ordinance of the sixth day of December, one thousand seven hundred and ninety, in Wade Hampton and James Gunn, and their heirs or assigns, so far as respects the said bridge on Great Ogechee river in the county of Chatham, and the emoluments arising therefrom, be, and the same are hereby declared to be null and void.

SEC. 2. And be it further enacted by the authority aforesaid, That the exclusive privilege of erecting a bridge over the river Great Ogechee, at or near the place where the ferry is now kept, in the county of Chatham, is hereby fully and absolutely vested in Joseph Hill, who at present resides at, and keeps the said ferry, his heirs and assigns, with the right of building the same, either with wood or stone, on the following terms and conditions, viz.—That the said Joseph Hill, his heirs or assigns, shall erect the said bridge in a complete and substantial manner, at least sixteen feet in width, and capable of sustaining and passing all carriages in common use, within three years from the date hereof, and rebuild the same when necessary and keep the said bridge in good and sufficient repair forever: To hold the same and all emoluments arising therefrom, to the said Joseph Hill his heirs and assigns.

SEC. 3. And be it further enacted, That the said Joseph Hill shall also have to him, his heirs and assigns, one quarter of an acre of the public land, on the south side of the said
(Ne. 219.) A ferry, to be put and kept in good order and repair, by the said Joseph Hill, within three months after the date hereof, and at all times thereafter, and also one acre of the high land on the north side, not to include the building called the ferry house—and that the said lots of land shall be allotted and marked off by the surveyor of Chatham county when required by the said Joseph Hill, his heirs, executors, administrators or assigns, and after ten days notice of the time of making such survey being given to the inferior court of Chatham county.

Sec. 4. And be it further enacted, That the said Joseph Hill, his heirs, executors, administrators or assigns, be entitled to receive, and may legally demand, during the continuation of the said bridge, a toll equal to that heretofore granted to the said Wade Hampton and James Gunn, and shall and may at all such times as the said bridge may be impassable from accident or decay, have the free and quiet enjoyment of the ferry on the same conditions as that of the bridge.

Sec. 5. And be it further enacted, That it shall not be lawful for any person or persons, at any time or times, to build any bridge or keep any ferry on the said river Great Ogeechee, within five miles, either above or below the said bridge, which is hereby exclusively vested in the said Joseph Hill, his heirs and assigns: Provided, That such bridge shall not be so constructed as to impede the navigation of said river—but that it shall be a draw-bridge, so as to admit vessels that are usually employed in the said river to pass and repass the same.

Sec. 6. BE it further enacted, That this act shall be deemed, adjudged and taken to be a public act, and shall be judicially taken notice of as such, by all judges, justices and other persons whatsoever without specially pleading the same.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.
AN ACT

For amending an act, entitled "An act for regulating the wharves and shipping in the several ports of this province, and ascertaining the rates of wharfage of shipping and storage, and also the duty of the Harbor-Master for the port of Savannah," and to authorize the said Harbor-Master to put in force an act, entitled "An act to amend an act, to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same."

WHEREAS the increase of the trade of the city of Savannah and the increased number of shipping entering the port of Savannah, render it necessary to extend the provisions of the second section of the act, entitled "An act to regulate the wharves and shipping in the several ports of this province, and ascertaining the rates of wharfage of shipping and storage, and also the duty of an Harbor-Master, for the port of Savannah," and to authorize the said Harbor-Master to put in force an act, entitled "An act to amend an act to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this province, and for keeping clear the channels of the same," passed the 12th day of March, 1774.

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, all and every vessel lying in the river Savannah, above four mile point, and not loading at any wharf, shall be properly moored, head and stern, as near the north side of the river as possible; and that no vessel, not loaded, shall be permitted to be, for the purpose of loading or taking in their loading, in the middle of the said river on any pretence whatever, but that whilst taking in her loading, or whilst unloading as aforesaid, in any part of the said river Savannah, above four mile point as aforesaid; all and every vessel shall do the same at some one of the wharves of the said city of Savannah, or five fathom hole, or at any other which may be hereafter built or erected between the said four mile point and the said city of Savannah, as the case may be; and shall be subject to and liable for the usual and customary rates of wharfage therefor.

SEC. 2. And be it further enacted by the authority aforesaid, That all and every master or commander of any vessel, who shall neglect or refuse to comply with the provisions of this act, shall forfeit and pay the sum of four hundred dollars, to be sued for and recovered by action of debt, in the name of the person choosing to prosecute for the same, in any of the courts of this State, having competent jurisdiction, one half whereof shall be appli-
(No. 220.) ed to the use of the informer, and the other half to be paid to the commissioners of pilotage of the port of Savannah, to be applied to the purpose of improving the navigation of the river Savannah.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

(No. 221.)

AN ACT

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

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Clement Bryan, William Williams, Shadrach Standley, Jesse Bird, sen. and John Watts, be, and they are hereby appointed commissioners for fixing on the site of the court-house and jail in the county of Tattnall, and that they, or a majority of them, shall, within twelve months after the passing of this act, meet at the present temporary court-house of said county, and fix upon the place for the permanent seat of the public buildings of said county, which shall be as near the centre of said county, as shall be expedient.

Sec. 2. And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, after having agreed upon the permanent site for the public buildings of the county aforesaid, shall have full power and authority to purchase or otherwise procure titles in fee simple, in trust for the aforesaid county, not less than six, or more than one hundred acres of land; and after having made choice of so much of said land as may be thought necessary for the public buildings, to lay off in lots and dispose of the same, as in the judgment of the said commissioners or a majority of them shall think will be most conducive to the interest of said county; and the said commissioners or a majority of them are hereby authorized and required to contract for, and cause to be built, a court-house and jail of such dimension and on such plan as they shall deem most convenient to answer the end proposed, of which said contract for erecting said buildings the said commissioners or a majority of them, shall give at least thirty days public notice thereof.
Sec. 3. *And be it further enacted,* That the justices of the inferior court of said county shall be, and they are hereby authorized and empowered to lay a tax on the inhabitants and taxable property of the same, which tax shall not exceed one fifth of the general tax, and the monies arising therefrom, or so much thereof as will be sufficient to defray the expenses of the public buildings, shall be paid into the hands of the commissioners of the same, to be applied to and for that express purpose.

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

Sec. 5 *Be it enacted by the authority aforesaid,* That all laws and parts of laws, here-tofore passed, which militate against this law, be, and they are hereby repealed.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

AN ACT

To amend an act, entitled "An Act, to amend and continue in force, an act to raise a tax for the support of government, for the year 1805, until the meeting of the next General Assembly, and from thence until the same shall be repealed"—passed at Louisville, the 4th of December, 1805.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority aforesaid, it is hereby enacted, That the tax imposed by the aforesaid act, upon the branch bank of the United States, at Savannah, be reduced to thirty-one and a quarter cents, per hundred dollars, upon the amount of capital of said bank, on the first day of January last.*

* See act of December, 1806, No. 267, section 6, making this sum of 31 1 4 cents on every hundred dollars amount of capital, the unconditional tax on any banking in this State.
Provided, The directors or cashier of said bank shall render on oath to the receiver of tax returns a true account of the capital of said branch bank, on the said first day of January last, within sixty days from the passing of this act, and in default of making such return, the tax imposed by the above recited act, shall be levied and collected as directed therein.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

AN ACT

To pardon Sally Nelson.

WHEREAS at a superior court held in and for the county of Jackson, for April term, in the year of our Lord, one thousand eight hundred and six, a certain Sally Nelson was convicted of the crime of murder, and received sentence of death, to be executed on the nineteenth day of May, in the said year of our Lord, one thousand eight hundred and six—but, on the petition of sundry persons, inhabitants of said county, and others, to his excellency the Governor, praying a respite for the said Sally Nelson, which was granted until the nineteenth day of December next.

BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, the said Sally Nelson, be, and she is hereby declared to be fully, and entirely pardoned, exonerated and discharged from the pains and penalties of her said conviction.

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.
AN ACT

To alter and repeal "An Act to authorize the Justices of the Inferior court of Franklin county to levy 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 of the county of Franklin, are hereby authorized to impose a proportionate extra tax on the inhabitants of said county annually, equal to one half of the general tax, until they shall have collected a sum of money sufficient to defray the expenses of building a court-house and jail in said county; 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; which said tax when collected shall be set apart for the special purposes above mentioned.

SEC. 2. And be it further enacted, That the justices aforesaid, shall, within four months from the passing of this act, let the said buildings to the lowest bidder, at the place contemplated for the erection of said buildings, which shall be at the town of Carnesville, or the nearest adjacent situation thereto, to which sufficient titles can be obtained.

SEC. 3. And be it further enacted, That the law heretofore passed on that subject, be, and the same is hereby repealed.*

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

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

AN ACT

To alter and repeal certain parts of an act, entitled "An Act, for the limitation of actions, and for avoiding suits of law, and to repeal the act passed on that subject, the 26th day of March, 1767, for the better and more effectually quieting men's possessions and estates, and for avoiding suits at law;" passed the 7th of December, 1805.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, * See act of 1806, No. 232, on this subject, and repealing all other laws.

Persons commencing actions before, and discontinuing or being
That when any action shall be instituted within the time limited in the said recited act, and the plaintiff be non-suited, or shall discontinue the same after the term of limitation is expired, that he shall be permitted to renew his action within six months thereafter, for one time only, and not after. And so much of the second section of the said act as is repugnant hereto, be, and the same is hereby repealed.

**SEC. 2. And be it further enacted,** That the above recited act passed in one thousand seven hundred and sixty-seven, be, and the same is hereby declared in full force, as to all actions and causes of actions which originated under it. And that the fifth section of the recited act passed in 1805, be, and the same is hereby repealed.*

ABRAHAM JACKSON, Speaker of the House of Representatives.

JARED IRWIN, President of the Senate.

Assented to, June 26, 1806.

JOHN MILLEDGE, Governor.

AN ACT

To authorize certain commissioners therein named, to define, ascertain and new mark the dividing line between the counties of Elbert and Franklin.

WHEREAS the line dividing the counties of Elbert and Franklin, has never been properly defined and ascertained—and difficulties having already arisen for the want of such ascertainment: For remedy whereof,

**SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Richardson Hunt and William Pulliam, citizens of the county of Elbert and John Martin and James Little, citizens of the county of Franklin, shall be commissioners for and on the part and behalf of the counties aforesaid, who shall be invested with full power and authority to define and ascertain the said line, and plainly to mark the same: which line when so marked as aforesaid, by the commissioners aforesaid, or a majority of them, shall be deemed, held and taken, as the true line of division between the said counties.**

See act of 1806, No. 264, reviving the act of 1767, and declaring it in full force from the 1st February, 1793, and repealing all others militating against the true intent and meaning of said act of 1806.
PASSED IN THE YEAR 1806.

SEC. 2. And be it further enacted, That the said commissioners shall receive as a compensation for their services, the sum of three dollars each per day; which shall be paid by the inferior court of each of the aforesaid counties, out of the county funds.

SEC. 3. And be it further enacted, That in case of the death, disability, or refusal to act, of any of the aforesaid commissioners, the justices of the inferior court of the county in which the same may happen, shall immediately proceed to fill such vacancy.

SEC. 4. And be it further enacted, That the said commissioners shall make return of their proceedings to the inferior courts of their respective counties, on or before the last day of July next.

SEC. 5. And be it further enacted. That all laws heretofore passed on that subject, be, and the same are hereby repealed.*

BENJAMIN WHITAKER, Speaker of the House of Representatives,

EDWARD TELFAIR, President of the Senate.

Assented to, November 21, 1806.

JARED IRWIN, Governor.

AN ACT

For the better regulation and government of the town of Watkinsville, in the county of Clarke.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Bedford Brown, Edward Bond, and Robert Echols, shall be commissioners of said town, and their successors in office, shall have full power and authority to pass all bye-laws and regulations which may be necessary for the improvement and repairing of the streets of the said town, and the preservation of the public springs—Provided, That such bye-laws and regulations, shall not be repugnant to the constitution and laws of this State, and that no penalty thereby imposed shall extend

* See act of 1807, No. 303, repealing this and all other acts on the subject, and appointing other commissioners.
(No. 227.)

To corporeal punishment (except to people of color)—And provided also, That the said commissioners shall not impose any tax upon the citizens of the said town which shall exceed one dollar on each poll within the term of one year.

SEC. 2. And be it further enacted, That the said commissioners shall continue in office until the first Monday in January, one thousand eight hundred and eight, and on the first Monday in every year thereafter, on which day all the free male white citizens of the said town who have given in their taxable property, and who are entitled to vote for members of the General Assembly, shall assemble at the court-house in said town, and by ballot elect other commissioners, who shall continue in office for one year; at which election, two justices of the peace for the said county shall preside: Provided nevertheless, That the said commissioners shall be re-eligible to the said appointment.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 24, 1806.

JARED IRWIN, Governor.

---

(No. 223.)

To regulate the town of Jefferson, in the county of Jackson, and to make permanent the seat of the public buildings of said county.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That Buckner Harris, David Witt, John Allen, Thomas Hyde, and Stewart M'Cravy, Esquires, shall be commissioners of said town, and their successors in office, shall have full power and authority to pass all bye-laws and regulations which may be necessary for the improving and repairing of the streets of the said town, and the preservation of the public springs—Provided, That such bye-laws and regulations be not repugnant to the constitution and laws of this State, and that no penalty thereby imposed shall extend to corporeal punishment (except on slaves or persons of colour)—And provided also, That the said commissioners shall not impose any poll tax upon the citizens of the said town which shall exceed one dollar, within the term of one year.
Sec. 2. And be it further enacted, That the said commissioners shall continue in office until the first Monday in January, eighteen hundred and eight, on which day and on the first Monday in January every year thereafter, all free male white citizens of the said town, who shall have given in their taxable property, and are entitled to vote for members of the General Assembly, shall assemble at the court-house of said county, and by ballot elect other five commissioners, who shall continue in office for one year, at which election any two justices of the peace of said county shall preside: Provided nevertheless, That the said commissioners shall be re-eligible to the said appointments.

Sec. 3. And be it further enacted, That the said town of Jefferson, be and the same is hereby declared to be the permanent seat of the public buildings, and of the administration of public justice in said county.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 24, 1806.

JARED IRWIN, Governor.

AN ACT

To regulate the town of Lexington.

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same it is hereby enacted, That Mathew Gage, George Philips, John Gresham, Thomas W. Cobb, and George Pascal, and their successors in office, shall be commissioners of the said town, and shall have full power and authority to pass all bye-laws and regulations which may be necessary for the improving and repairing of the streets of said town, and the preservation of the public spring—Provided, That such bye-laws and regulations shall not be repugnant to the constitution and laws of this State, and that no penalty thereby imposed shall extend to life, limb, or corporeal punishment on white persons; And provided also, That the said commissioners shall not impose any poll tax upon the citizens of the said town, which shall exceed one dollar within the term of one year.

*This act amended by act of 1807, No. 302.
Sec. 2. And be it further enacted, That the said commissioners shall continue in office until the first Monday in January, 1808, on which day, and on the first Monday in January in every year thereafter, all the free male white citizens of the said town, who shall have given in their taxable property, and who shall be entitled to vote for members of the General Assembly, shall assemble at the court-house in said town, and by ballot elect five other commissioners, who shall continue in office for one year, at which election any two of the justices of the inferior court, or justices of the peace of said county shall preside: Provided nevertheless, That the said commissioners shall be re-eligible to the said appointments.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 21, 1806.

JARED IRWIN, Governor.

---

(No. 230.)

AN ACT

To authorize the trustees of the University, through the aid and assistance of certain commissioners herein named, to establish a lottery, for the purpose of raising three thousand dollars, to purchase a library for the use of the University.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That it shall, and may be lawful for the commissioners herein after named, to establish a lottery, whereby they may be enabled to raise the sum of three thousand dollars, for the purpose of purchasing a library for the use of the University of this State, under such schemes and regulations as they, or a majority of them may deem necessary and proper to carry into effect the above recited object.

Sec. 2. And be it further enacted, That Thomas Cumming, John Murray, John Willson, the elder, John Twiggs, and Thomas Flournoy, be, and they are hereby appointed commissioners to carry into effect the aforesaid lottery.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 28, 1806.

JARED IRWIN, Governor.
AN ACT

To amend an act, entitled, "An Act to empower the inferior courts of the several counties in this State, to order the laying out of public roads, and to order the building and keeping in repair of public bridges," so far as respects the county of Effingham.

SEC. 1. BE it enacted, That all overseers of roads, who shall refuse or neglect to do their duty as is directed by this act, or shall not keep the roads and bridges over small watercourses, and cause-ways over swamps and low lands in repair, or let them remain uncleared or out of repair, for and during the space of thirty days, unless hindered by extreme bad weather, such overseer shall forfeit for every such offence the sum of two hundred dollars—one moiety thereof to the informer, and the remainder to the use of the county, to be recovered by warrant or execution to be issued by the inferior court of the county where such default shall happen; which court is hereby authorized and empowered to examine into such default in a summary manner, after having given twenty days notice to such overseer, to come forward and exculpate himself from such charge.

SEC. 2. And be it further enacted, That this act shall be in force in the county of Effingham only.

SEC 3. And be it further enacted, That the fifth section of the above recited act, so far as respects the county of Effingham, be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 28, 1806.

JARED IRWIN, Governor.

AN ACT

To make permanent the seat of the public buildings in the county of Franklin and to appoint commissioners to erect the said buildings.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Carnesville, in the county of Franklin, shall be the permanent seat of the public buildings thereof.
(No. 232.) Commissioners named to erect said buildings.

SEC. 2. And be it further enacted, That James Terrel, Obediah Hooper, Joseph Chandler (of Broad river) Frederick Beall, and Benjamin King, be, and they are hereby appointed commissioners to erect said building; and they or a majority of them, are hereby fully authorized and required, after giving twenty days notice, at three or more of the most public places in the county, shall contract for, or let the building of the court-house and jail, of such dimensions, and on such plan as they shall deem most convenient to answer the end proposed, at the place aforesaid.

SEC. 3. And be it further enacted, That the said commissioners, or a majority of them, are hereby authorized and empowered to draw on the funds of the said county for such sums of money as may be necessary to defray the expense of said buildings.

SEC. 4. And be it further enacted, That all laws or parts of laws, heretofore passed, that militates against this act, be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 29, 1806.

JARED IRWIN, Governor.

(No. 233.)

AN ACT

To authorize the justices of the inferior court of Hancock county to levy an extra tax for the purpose of building a new jail, and making such repairs to the court-house of said county, as may appear necessary.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted, by the authority of the same, That the justices of the inferior court of Hancock county shall be, and they are hereby authorized to levy an extra tax on all persons and property in said county, liable to taxation, for the purpose of building a new jail, and making such repairs to the court-house of said county as may appear necessary and proper—Provided, the amount so levied shall not exceed one third part of the general tax—And provided also, that the said levy shall not be continued more than three years.
AN ACT

To regulate the election of Aldermen for the city of Savannah, and the city officers, and to repeal the laws heretofore passed on that subject.

WHEREAS by the present mode of electing aldermen for the city of Savannah, a great number of citizens are wholly disfranchised, deprived of the inestimable privilege of voting for their representatives, and subject to penal laws, arbitrary fines and taxes, imposed upon them without their consent, in direct violation of the fundamental principles of the constitution.

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 enacted by the authority of the same, That the present mayor and aldermen of the said city, shall continue in office until the first Monday in September next, and from thence until their successors shall be duly elected and qualified, according to the directions of this act.

SEC. 2. And be it further enacted by the authority aforesaid. That on the said first Monday in September next, and on the first Monday in September in every year thereafter an election shall be held in the court-house in Savannah, for aldermen to represent the several wards of the said city, by three or more justices of the peace, or justices of the inferior court, not being candidates, whose duty it shall be to preside at, and superintend the said election; and it shall be the duty of the sheriff of the said city to attend, the said election, with two or more constables to keep and preserve order.

* See act of 1807, No. 314 amendatory of this act.
SEC. 3. And be it further enacted, That the said election shall be by the citizens, inhabitants of the said city, who shall have resided therein six months previous to the day of election, and who are entitled by law to vote at elections, for representatives or members of the legislature of this State, and the said election shall be opened, conducted and closed in the same manner as is established by law for elections of members of the legislature.

SEC. 4. And be it further enacted, That at the said elections, the said electors shall elect from among the citizens generally, one alderman for each of the wards of the said city and shall at the same time elect a city-marshal, sheriff, clerk of the council, clerk of the mayor's court and clerk of the market, which said officers shall give such security for the faithful execution of their duty, as the said corporation shall require and approve.*

SEC. 5. And be it further enacted, That all acts, and parts of acts, heretofore passed, so far as the same militate with this act, be and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 29, 1806.

JARED IRWIN, Governor.

AN ACT

To amend an act, entitled "an act, to carry into effect the 9th section of the third article of the constitution."

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the divorces recognized by this act shall be absolute, and totally dissolve the marriage contract, or conditional, and only separate the parties from bed and board, and provide for separate maintenance and support of the parties, and their issue.

* See act of 1808, No. 325, altering this mode of election and placing it in the hands of the Mayor and Aldermen of the city of Savannah.
Sec. 2. And be it further enacted, That all cases of divorce which shall come before the superior court, shall be tried by a special jury,* who shall enquire into the situation of the parties before their intermarriage, and also at the time of trial, and in all cases where they shall determine in favor of a conditional divorce, they shall by their verdict or decree make provision out of the property of which the husband may be possessed, for the separate maintenance and support of the wife and the issue of such marriage, which verdict or decree, the said court shall cause to be carried into effect according to the rules of law, or according to the practice of chancery, as the nature of the case may require.

Sec. 3. And be it further enacted, That in all cases where the verdict shall be for an absolute divorce, the party whose improper or criminal conduct shall authorize such divorce, shall not be permitted to marry again during the life of the other party, and in case of such second marriage, the party so offending shall be subject to the pains and penalties enacted against bigamy—Provided always, That where the marriage is declared void for such causes existing before such intermarriage as are recognized by the ecclesiastical courts, the said parties may marry again, any thing herein before contained to the contrary notwithstanding.

Sec. 4. And be it further enacted, That in all cases where the special jury shall have brought in a verdict for an absolute divorce, and the General Assembly shall refuse to pass a law to carry the same into complete effect, it shall be lawful for either party to apply to the superior court of said county, after giving thirty days notice in writing, of such application to the adverse party, if within the State, and if out of the State, three months notice, in one of the public gazettes—and it shall be the duty of such court to appoint three commissioners, who shall enquire into the situation of the parties before their intermarriage, and also at the time of such enquiry; and shall determine upon the support or provision which may be necessary for the separate maintenance of the wife, having due regard to her situation before marriage, and also the situation of the husband at the time of such enquiry—and the said three commissioners, before they proceed to make the enquiry, shall take and subscribe before one of the justices of the inferior court, or justices of the peace of said county, the following oath or affirmation, viz:—I, A, B, do solemnly swear or affirm, that I will, without prejudice or partiality, faithfully enquire, and justly decide upon the case now submitted to me, and that I will make my report or decree thereon according to the principles of justice and equity, to the best of my skill and understanding, So help me God. And it shall be the duty of such commissioners to report their decision or decree in the premises to the next superior court of the county aforesaid; which shall cause the same to be entered as the judgment of said court; subject nevertheless to be altered or modified by

* See act of 1810, No. 519, prescribing the oath to be taken by such jury.
Provided, application be made to the next superior court of said county for that purpose, stating the grounds upon which such application is founded, and in such case it shall be the duty of the said superior court to refer the said decree, or report to the same commissioners, with two additional commissioners, who shall take the oath herein-before prescribed, and shall proceed to re-examine the said decree, and report their decision or decree in the premises, to the next superior court of said county: which shall be entered as the judgment or decree of said court.

Sec. 5. And be it further enacted, That all commissioners appointed under and by virtue of this act, shall have power to compel the attendance of such witnesses, as may be deemed necessary by the parties, before them, at such time and place as they may appoint for their meeting; and shall also have competent power and authority to administer an oath to such witnesses, and shall take down the testimony of such witnesses in writing, which shall be annexed to their decree, and be deposited in the clerk’s office.

Sec. 6. And be it further enacted, That in all cases where provision is made for the separate maintenance of the wife according to the provisions of this act, the husband shall not be subject to any contract made thereafter by such wife, but in all & every such case, the wife shall be subject to the payment of her own debts, out of her separate maintenance, during the time that such separation, and separate maintenance shall continue.

Sec. 7. And be it further enacted, That in all cases of divorce, the issue of such marriage shall not be bastardized, but shall be capable of taking by descent of distribution from either of their said parents.

Sec. 8. And be it further enacted, That in all cases of applications for a divorce, the party applying shall render a schedule on oath, of the property owned or possessed by said parties at the time of such application, or if the parties have separated, at the time of such separation, which shall be filed of record by the clerk of the superior court, and after all just debts shall be paid, shall be subject to a division or equal distribution between the children of such parties, except the jury before whom the same may be tried, shall think proper to allow either party a part thereof.

Sec. 9. And be it further enacted, That so much of the before recited act, as is repugnant to this act, be and the same is hereby repealed.

Benjamin Whitaker, Speaker of the House of Representatives.

Edward Telfair, President of the Senate.

Assented to, December 3, 1806.

Jared Irwin, Governor.
AN ACT

To repeal an act, entitled "An Act to incorporate Vann's Creek Baptist Church, in Elbert county."

WHEREAS the said church, by their petition presented to the present General Assembly, praying a repeal of the aforesaid act:

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That the above recited act, and every part thereof, be and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 5, 1806.

JARED IRWIN, Governor.

AN ACT

To incorporate the Red's Creek Baptist Church, in Columbia 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 Loveless Savidge, James Simms, Archibald Odom, David Walker and John Collier, and their successors in office, shall be and they are hereby declared to be a body corporate, and known by the name of the Incorporated Red's Creek Baptist Church.

SEC. 2. And be it further enacted, That the said Loveless Savidge, James Simms, Archibald Odom, David Walker and John Collier, and their successors in office, shall be vested with all such property, both real and personal, as has, shall or may be bestowed on said society, or church, by gifts, grants, or otherwise in trust, for the use and benefit of the said society, or church.

SEC. 3. And be it further enacted, That the aforesaid society, or church, or a majority of them, shall, at any time they may deem proper, proceed to elect other persons as
trustees in the room of the aforesaid Loveless Savidge, James Simms, Archibald Odom, David Walker and John Collier or either of them, or their successors in office, previously thereto, giving at least thirty days notice of such intention, to said society, or church.

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

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 5, 1806.

JARED IRWIN, Governor.

AN ACT

To amend the acts for regulating Vendues—so far as to authorize a Vendue-Master for the Town of Milledgeville.

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted, That there shall be a vendue-master for the town of Milledgeville, who shall be appointed by concurred resolution of both branches of the Legislature, and who shall in all respects proceed and conduct himself in conformity to the several acts heretofore passed for regulating vendues, during the time he may continue in office.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 5, 1806.

JARED IRWIN, Governor.
AN ACT

To change the time of holding the Superior Court in the counties of Oglethorpe, Clarke and Jackson.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That immediately from and after the passing of this act, the times of holding the superior court, in said counties, shall be as follows, viz.—In the county of Oglethorpe, on the second Monday in March and September; in the county of Clarke, on the third Monday in March and September; and in the county of Jackson, on the fourth Monday in March and September.

Sec. 2. And be it further enacted, That the grand and petit jurors and witnesses, summoned to appear before such courts, and all writs and recognizances returnable on the days, upon which said courts would have been held under the laws heretofore in force, shall be returnable to the several days herein before specified for holding of the said courts in the aforesaid counties—any law, usage or custom, to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 5, 1806.

JARED IRWIN, Governor.

AN ACT

To empower the Inferior court of Jefferson county to levy an extra tax, for the purpose of building a new Jail in said county.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the inferior court of the county of Jefferson, be, and they are hereby authorized to levy an extra tax on all persons and property in said county, liable to taxation, for the purpose of building a new Jail therein—Provided always, nevertheless, That the said tax shall not exceed more than one fourth of the general tax, nor continue in force for more than three years.
AN ACT

To authorize the Inferior Court of the county of Clarke to levy an extra tax, for the purpose of enlarging or re-building the Court-House in said county.

Sec. 2. And be it further enacted by the authority aforesaid, That the tax-collector for said county, shall collect and return to the justices of the inferior court of Jefferson county, aforesaid, the amount so levied, to be by them applied to the purposes aforesaid, after deducting the lawful per cent. for the collection thereof.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.
AN ACT

To authorize the justices of the inferior court of Washington county, to levy an extra tax, for the purpose of repairing the court-house and jail of said county, so far as may appear necessary.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the inferior court of Washington county, shall be, and they are hereby authorized to levy an extra tax on all persons and property in said county, liable to taxation, for the purpose of repairing the court-house and jail, so far as may appear necessary and proper—Provided, the amount so levied, shall not exceed one fourth part of the general tax.—And Provided also, That the said levy shall not continue for more than three years.

SEC. 2. And be it further enacted, That the collector of tax for said county, shall collect and return to the court the amount so levied, to be by them applied to the purpose aforesaid, after deducting the usual per cent. for collecting the same.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To authorize the justices of the inferior court of the county of Columbia, to levy an extra tax, in aid of the county funds, for the purpose of building a court-house in said county.

SEC. 1. Be it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the inferior court of the county of Columbia, are hereby authorized to levy an extra tax on the inhabitants of said county, annually, not to exceed one fourth part of the 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, in aid to the county funds, for the special purpose of building a court-house 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 building of the said court-house, by public outcry, to the lowest bidder, at the place contemplated for building said court-house, after giving twenty days public notice, at three or more of the most public places within the county.*

**Sec. 3.** And be it further enacted, That this act shall be and continue in force until there shall be a sufficient quantum of monies raised, in aid of the county funds, to complete the building of said court-house, and no longer.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

**AN ACT**

(No. 244.) To appoint commissioners, for the purpose of carrying into effect the building the court-house and jail for the county of Wayne.

**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 Solomon Gross, Francis Smallwood, John Mundon, William Clement and William Knight, be, and they are hereby appointed commissioners, with full and ample powers, to point out and fix upon the most suitable and convenient place in the said county of Wayne, for erecting a court-house and jail thereon, and such place to be agreed on by them, or a majority of them, shall, and the same is hereby declared to be the permanent seat of the court-house and jail of said county of Wayne.

* See act of 1807, No. 310, amendatory of this act.
Sec. 2. And be it further enacted, That the aforesaid commissioners are hereby au-
orized and empowered to contract with some person or persons, as the case may be, upon the best terms for the building said court-house and jail of said county of Wayne.

Sec. 3. And be it further enacted, That until such court-house and jail shall be completed, the inferior and superior courts and elections for said county, shall be held at the house of Francis Smallwood.*

Sec. 4. And be it further enacted, That the aforesaid commissioners, or a majority of them, are hereby authorized and empowered to collect and receive all monies which may be appropriated for that purpose—any law, custom or usage, to the contrary notwithstanding.

Benjamin Whitaker, Speaker of the House of Representatives.

Edward Telfair, President of the Senate.

Assented to, December 8, 1806.

Jared Irwin, Governor.

AN ACT

To authorize certain commissioners therein named, to new mark and ascertain the dividing line between the counties of M'Intosh and Liberty.

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 John Stacy, of Liberty county, and Leonard Jourdine, of M'Intosh county, shall be, and they are hereby appointed commissioners, to ascertain and new mark the dividing line between the said counties of Liberty and M'Intosh, in the following manner, to wit:—Commencing at the head or main source of Bull-Town Swamp, then running a north west course, until by a right angle they shall strike the Alatamaha river at Oswald's bluff. And the said commissioners for their services shall be allowed three dollars per day each, and their choppers one dollar each per day, while performing that duty, to be paid jointly out of the funds of said counties of Liberty and M'Intosh.

* See act of 1806, No. 322, amending this act, and removing the courts and elections to Capt. Wm. Clements. (No. 245.)

Commissioners named to run the dividing line between Liberty and M'Intosh counties. How to proceed & what allowed.
Sec. 2. And be it further enacted, That in case of failure of either of the above commissioners, the inferior court of the county where they reside, shall fill the vacancy occasioned thereby: and the report of said commissioners shall be to the inferior courts of said counties, to be entered of record, for the information of the inhabitants thereof.

Sec. 3. And be it further enacted by the authority aforesaid, That in case of disagreement between the commissioners as to running said line, or either party shall refuse to act, that then, and in that case, it shall and may be lawful for the commissioner of either of the said counties, after giving thirty days notice to the commissioner of the other county, to proceed to run and new mark the line dividing said counties; which shall be deemed, held and taken as the true line.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT.

To appoint commissioners for the better regulating and government of the town of Milledgeville, 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: David Fluker, Jett Thomas, Uriah Thweatt, John W. Devereaux and Thompson Bird, be, and they are hereby appointed commissioners of the town of Milledgeville, 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 to them, until the first Monday in January, eighteen hundred and eight, at which time, and on every subsequent year thereafter, the citizens of Milledgeville, entitled to vote for members of the General Assembly, shall choose by a ballot, five persons to succeed them as commissioners of said town, and they shall have,
and are hereby vested with full power and authority to make such bye-laws and regulations, and inflict or impose such fines, penalties and forfeitures, and doing other incorporative acts, as in their judgment shall be conducive to the good order and government of the said town of Milledgeville: — 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 Baldwin, 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 hereinbefore 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.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

The more effectually to ensure the testimony of witnesses going beyond seas, or removing without the jurisdiction of the State, and aged and infirm persons.

WHEREAS no provision is made by the laws of this State for taking the examination of witnesses, going beyond seas, or removing without the jurisdiction of this this State, or who from infirmity may be unable to attend the court, in suits or actions, there pending, by which serious injuries result to the citizens thereof.

Sec. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That in case either plaintiff or defendant, may deem any witness or

* See act of 1807, No. 271, amendatory of this act.—See also, act of 1819, No. 535, amendatory, and defining, specifically the powers of the commissioners.
(No. 247.) witnesses material, on any cause or causes pending in any of the courts of law in this State, and who are going beyond seas, removing without the jurisdiction of the State aforesaid, or from age or other bodily infirmity, may be unable, personally to attend the said court, application by petition to the judge of the superior court, if the action is there pending, or in his absence to one, or more justices of the inferior court, stating the grounds for such application, to which petition the party so applying shall annex an affidavit, stating the materiality of the witness or witnesses, that he, she, or they, are removing without the jurisdiction of the State aforesaid, or going beyond seas, or from age, or bodily infirmity, are unable to attend court; and that he cannot with safety proceed to trial without such testimony. And it shall be the duty of the judge, justice or justices to grant the prayer of the petitioner, and fix a day on which he, or they will attend to receive and take the examination of such witness or witnesses, and when he or they shall have so taken and received the testimony aforesaid, the same shall be sealed up, and directed to the clerk of that court, in which the suit or action may be then pending:—Provided always, The adverse party have at least three days notice, for every twenty miles, he, she, or they, may reside from the place of taking such examination—And provided also, That in case the person or persons, whose testimony shall have been taken, return or be able to attend such court, that then, and in that case, such written testimony shall not be received or read.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

(No. 248.)

AN ACT

To amend and explain an act, entitled "An act to revise and amend an act, to incorporate the town of St. Mary's" so far as respects the second and ninth sections of the said act.

WHEREAS in and by the said act, it is among other things enacted, "That any two justices of the peace for the county of Camden, shall, without loss of time after the passing of this act, and on the second Monday in October annually thereafter, give ten days public notice in two or more places," and whereas doubts have arisen respecting the construction of the said clause, in the second section of the said act, as to the true intention of the legislature.

AND WHEREAS IN AND BY THE NINTH SECTION OF THE SAID INCORPORATING ACT, POWER IS VESTED IN THE CORPORATION TO ELECT COMMISSIONERS OF PILOTAGE, AND TO PRESCRIBE SUCH RULES AND REGULATIONS FOR THEIR GOVERNMENT, AS THEY MAY SEE FIT—THEREBY PRECLUDING THAT BODY FROM HAVING ANY CONTROL OVER THE CONDUCT OF PILOTS, OR PASSING SUCH BYE-LAWS AND REGULATIONS, WHICH TO THEM MIGHT SEEM PROPER—which IS ABSOLUTELY INCONSISTENT, UNREASONABLE AND UNJUST.

SECT. 2. BE IT THEREFORE ENACTED BY THE AUTHORITY AFORESAID, THAT THE SAID INTENDANT & COUNCIL, ARE HEREBY AUTHORIZED AND REQUIRED TO APPOINT A BOARD OF COMMISSIONERS OF PILOTAGE, FOR THE PORT AND DISTRICT OF ST. MARY’S—who SHALL HOLD THEIR APPOINTMENTS DURING GOOD BEHAVIOUR, UNLESS SOONER REMOVED BY SENTENCE ON IMPEACHMENT; AND THE SAID COMMISSIONERS SHALL HAVE POWER TO APPOINT ANY NUMBER OF PILOTS THEY MAY SEE FIT FOR THE SAME, AND TO PRESCRIBE ANY SUCH RULES AND REGULATIONS AS THEY MAY DEEM EXPEDIENT THEREFOR—which RULES AND REGULATIONS SHALL BE BINDING ON ALL PILOTS AND THOSE THAT ACT UNDER THEM, ANY LAW TO THE CONTRARY NOTWITHSTANDING.

BENJAMIN WHITAKER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

EDWARD TELFAIR, PRESIDENT OF THE SENATE.

ASSENTED TO, DECEMBER 8, 1806.

JARED IRWIN, GOVERNOR.

AN ACT

TO INCORPORATE THE PRESBYTERIAN CHURCH OF THE CITY OF SAVANNAH.

WHEREAS A NUMBER OF THE INHABITANTS OF THE CITY OF SAVANNAH AND COUNTY OF CHATHAM, HAVE BY THEIR MEMORIAL REPRESENTED TO THE LEGISLATURE, THAT ON THE 16TH DAY OF JANUARY, 1756, A CERTAIN LOT OF LAND, SITuate AND BEING IN THE CITY OF SAVANNAH, AND KNOWN BY THE LETTER K. WAS GRANTED TO JAMES POWELL, ROBERT BOLTON, JAMES MILLER, JOSEPH
Presbyterian church of Savannah incorporated its commissioners named.

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 enacted by the authority of the same, That Thomas Newell, Charles Harris, Francis Courvoisie, John G. Williamson, John Serven, Barrack Gibbons, Thomas F. Williams, Fingal T. Flyming and Benjamin Maurice, and their successors in office, be, and they are hereby declared to be a body corporate, by the name and style of "The Trustees of the Presbyterian Church of the city of Savannah." *

Sec. 2. And be it further enacted, That the said Trustees and their successors in office, shall be invested with all manner of property, real and personal, all monies due, and to grow due, donations, gifts, grants, privileges and immunities whatsoever, which shall or may belong to the said Presbyterian Church, at the time of the passing of this act, or which shall, or may at any time, or times hereafter, be granted, given, conveyed, or transferred to them, or their successors in office—to have and to hold the same, to the said trustees, and their successors in office, to the only proper use, benefit and behoof of the said church forever. And the said Trustees and their successors in office, may have and use a common seal, and shall be, and they are hereby declared to be capable, by the name and style aforesaid, of suing and being sued, impleading and being impleaded, in any court or courts of law or equity, and of using and taking all lawful and necessary

*See act of 1807, No. 308. amending this act and pointing out the manner of electing their Trustees.
ways and means for recovering or defending any property whatever, which the said church may have, hold, claim or demand, or the rents, issues and profits thereof, or of any part thereof.

Sec. 3. And be it further enacted, That the above named Trustees shall continue in office until Easter Monday, in one thousand eight hundred and eight—and that on the said Easter Monday, one thousand eight hundred and eight, annually thereafter, the members of the said church shall convene at the said church, between the hours of ten and two o'clock, and then, and there elect, from among the said members, nine fit and discreet persons, as trustees of the said church, who shall be vested with all necessary powers, to carry the several purposes intended by this act into full effect.

Sec. 4. And be it further enacted, That nothing herein contained shall be construed to vest in the said trustees, any right or title, or color of right or title to any estate or property whatsoever, real or personal, other than such as doth, or may rightfully or lawfully belong to the said Presbyterian church or congregation, hereby made a body corporate.

Sec. 5. And be it further enacted, That it shall not be lawful for the said trustees or their successors in office, at any time or times, hereafter, to grant bargain, sell, alien, or convey, any real estate whatsoever, belonging to the said church, to any person or persons, under any pretence, or upon any consideration whatsoever, so as to dispose of the fee simple thereof.

Sec. 6. And be it further enacted, That an act entitled "An act to increase the funds of the Presbyterian Church of the city of Savannah," be and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.
AN ACT

To limit the jurisdiction of the Mayor’s court in the city of Savannah, and to alter the times of holding the same.

WHEREAS the frequent sittings of the Mayor’s court in the city of Savannah, and the small sums of which it has cognizance under the existing laws, hath been found to operate grievously and oppressively on the inhabitants of the said city.—For remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of same, That from and after the first day of January next, the said court shall not take cognizance of any cause in which the plaintiff’s demand shall not exceed thirty dollars.

SEC. 2. And be it further enacted, That from and after the said first day of January next, the said court shall be held quarterly, on the days and times hereinafter mentioned, that is to say:—On the third Tuesday in March, the third Tuesday in June, the third Tuesday in September, and the third Tuesday in December, in every year.

SEC. 3. And be it further enacted, That all acts heretofore passed, so far as the same militates with this act, be, and the same are hereby repealed.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, November 29, 1806.

JARED IRWIN, Governor.

AN ACT

(No. 251.)

To authorize the Judges of the superior courts of this State, to alternate in their districts.

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted That

* See act of 1807, No. 292, extending the jurisdiction of this court to 100 dollars, and making monthly sessions of the same, and repealing this act.
it shall and may be lawful for the judges of the superior courts in this State, and they are hereby authorized to alternate in their districts from and immediately after the first day of January next, any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to December 3, 1806.

JARED IRWIN, Governor.

AN ACT.

For the better regulation and government of the town of Athens, and to incorporate the same.

Sec. 1. Be it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That William Malone, Stephen Thomas, and Hope Hull, be appointed commissioners of the town of Athens, and that they or a majority of them shall, immediately after the passing of this act, convene and proceed to the appointment of a secretary, 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, eighteen hundred and eight, at which time, and on every subsequent year thereafter, the citizens of the town of Athens, entitled to vote for members of the General Assembly of this State, shall choose by ballot, three 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 fines, penalties and forfeitures, and to do such other incorporate acts, as in their judgment shall be conducive to the good order and government of the said town of Athens—Provided, That such bye-laws and regulations be not repugnant to the constitutional laws of this State.

Sec. 3. And be it further enacted, That any two or more justices of the peace for said county of Clarke, are hereby authorized and required to preside at such elections.
for commissioners aforesaid—Provided always, 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 eligible at the next, or any subsequent election, after the expiration of the time for which he, or they may have been elected as commissioners under this act.

BENJAMIN WHITAKER, Speaker of the House of Representatives,

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

(No. 253.)

To extend the operation of the laws of this State, over the persons resident in Wafford’s settlement, and to organize the same.*

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That immediately from and after the passing of this act, that the land included in Wafford’s settlement, as defined and marked by the Cherokee nation of Indians, by their agents James Vann and Katahee, in conjunction with James Blair, Esq. on the part of the United States, be added to and become a part of the counties of Franklin and Jackson, and that the line dividing the said counties, be extended in the same direction until it shall intersect the external boundary of Wafford’s settlement.

Sec. 2. And be it further enacted, That it shall be the duty of the inferior courts of said counties to organize the persons resident within the said lines, and each and every person, and persons residing within the said district, are hereby declared to be subject to the full force and operation of the laws of this State, and entitled to all the rights, privileges, and immunities of free citizens of this State.

Sec. 3. And be it further enacted, That for quieting and securing the said persons in the enjoyment of their habitations and lands, it shall not be lawful for the land courts of said counties, to grant any land warrant to be located between the line run and marked

* See act of 1807, No. 239, suspending this law, and see act of 1808, No. 361, repealing the suspending law, and consequently restoring this to its force. See also act of 1810, No. 499, amending this act, and annexing this settlement to Jackson county.
by Col. Hawkins, and the said lines run and marked by the said Cherokee Indians, and James Blair; and it shall not be lawful for any surveyor to run, locate or survey any lands within the above described lines, upon any such warrant, or any other warrant whatsoever—and all such surveys, and the grants which shall issue thereon, are hereby declared to be null and void; any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To authorize Pleasant Walton, to erect a Mill on Little River.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That it shall be lawful for Pleasant Walton, of the county of Lincoln, to erect a Mill at his mill-seat, on Little River near his plantation—Provided nevertheless, That the same does not interfere with the rights of any other person; any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

For the better regulating the admission of Attorneys to plead and practice in the several courts of law and equity, within 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, it is hereby enacted That
(No. 255.) from and after the passing of this act, all, and every person or persons whatsoever, who are citizens of this State, may, on application to the judge of the superior court, be admitted to practice as an attorney—Provided, such person shall produce satisfactory evidence of his moral rectitude, and shall undergo an examination in open court, upon a day assigned for that purpose, by the judge; any law, usage or custom, to the contrary notwithstanding.

SEC. 2. And be it further enacted, That the rules of court relative to the admission of Attorneys, which requires the applicant to study any particular length of time in the office of any judge or practitioner of law, be, and the same is hereby declared to be abrogated and void.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

(No. 256.)

To regulate the navigation of the Savannah River, between the cities of Savannah and Augusta, so far as respects the patroons of boats.

WHEREAS it is found from experience to be highly improper and inexpedient for the boats employed in the carrying trade between the cities of Savannah and Augusta, to be commanded by, and under the care of slaves:—for remedy whereof:

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of January next, it shall not be lawful for any negro slave or other person of colour to be patron of a boat between Augusta and Savannah.

Sec. 2. And be it further enacted, That persons transgressing this act, shall be liable to indictment in the superior courts of this State, and on conviction thereof, shall forfeit
and pay the sum of two hundred dollars; one half thereof to the use of the informer, and the other half to the use of the county where such conviction shall take place. And the party so offending, shall moreover be liable for all losses which may happen to the owners of property on board such boats, the usual dangers of the river, and other exceptions not excepted.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To alter and amend the second and fourth sections of an act, entitled, "An Act for the establishing and regulating patrols, and for preventing any person from purchasing provisions or any other commodities from, or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager or employer.

WHEREAS the fines imposed by said act for the refusal and neglect of patrol duty, is found from experience to be inadequate to the purposes therein intended—for remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That any person liable to do and perform patrol duty, as prescribed in the above recited act, who shall refuse or neglect to do and perform the same, shall forfeit and pay a sum not exceeding five dollars for each offence, to be adjudged by a majority of the militia officers of the company district where the offence shall be committed, and levied by distress and sale of the offenders goods, under the hand and seal of the captain or commanding officer of such company, to be paid over to the inferior court, for the use of the poor of the county where such offence shall be committed; unless sufficient excuse be made to the officers of such company on their next ensuing muster day. And it shall be the duty of the commanders of patrols, to make a just and true return of all defaulters in their respective districts to the captain or commanding officer of the company, on the muster day after they shall have been appointed. And if any person shall have been regularly appointed to command persons liable to do patrol duty, and neglecting or refusing to do the same, be fined not exceeding $5 dollars. How collected.

Commanders of patrols to make return of defaulters to captains of companies. Penalties of commanders of patrols for neglecting of duty.
(No. 258.)

The patrol, agreeable to the above recited act, who shall refuse to accept of such command, or after acceptance thereof, shall refuse or neglect to do his duty, such person so offending, shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be adjudged by a majority of the officers of the company, and levied by distress and sale of the offender's goods, under the hand and seal of the captain or commanding officer of the company, and paid over to the inferior court, for the use of the poor of the county where such offence shall be committed.

Sec. 2. And be it further enacted, That any thing in the above recited act which militates against this act, be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

(No. 258.)

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 inveigling and carrying away slaves, from their masters, owners or employers."

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is enacted by the authority of the same, That the several crimes and offences hereinafter particularly enumerated, are hereby declared to be felony; that is to say:—If any slave, free negro, indian, mulatto or mustizo, (Indians in amity with the United States excepted) shall be guilty of homicide of any sort, upon any white person, except by misadventure, or if a slave, in defence of his or her owner, or other person under whose care and government such slave shall be, or shall raise or attempt to raise any insurrection, or commit or attempt to commit any rape on any white person whomsoever, every such offender or offenders, his and their aiders and abettors, shall upon conviction thereof, suffer death; or if any slave, free negro, indian, mulatto, or mustizo, (except as before excepted) shall wilfully and maliciously kill any slave, free negro, indian, mulatto, or mustizo, or shall break open, burn or destroy...
any dwelling house or other building whatsoever, or set fire to any rice, corn, or other
grain, tar-kiln, barrel or barrels of pitch, tar, turpentine, resin, or any other goods or
commodities whatsoever, or shall steal any goods or chattels whatsoever, or inveigle,
delude or entice any slave or slaves to run away, whereby the owner or owners of
such slave or slaves, shall, might, or would have lost or been deprived of such
slave or slaves, every such slave, free negro, indian, mulatto or mustizo, and his
and their accomplices, aiders and abettors, shall upon conviction as aforesaid, suf-
der death, or such other punishment as the justices and jury shall in their dis-
ccretion think fit—Provided, That such slave, free negro, indian, mulatto, or mustizo as
aforesaid, shall have actually prepared provisions, arms, ammunition, horses
or horses, or any flat, canoe or other vessel, or done any other overt act, whereby
their intentions shall be manifested.

Sec. 2. And be it further enacted by the authority aforesaid, That the trial of any
such free negro, indian, mulatto or mustizo as aforesaid, shall be had, held and
conducted in the same manner, and be governed by the same rules and regulations,
as to evidence and punishment, as in and by the act aforesaid is directed for the
trial and punishment of slaves.

Sec. 3. And be it further enacted, That the twelfth clause and such other parts
of the said act, and all other acts, so far as the same are contrary to this act, be,
and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To compensate the Justices of the Inferior Courts.*

WHEREAS arduous duties are imposed upon the justices of the inferior courts
of the several counties in this State, for which no compensation is allowed:—And

* See act of 1809, No. 431, repealing this act.
(No. 259.) Whereas it is declared in the 4th section of the 3d article of the constitution, that the justices of the inferior courts may be compensated in such manner as the legislature may by law direct:

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 there shall be a tax levied on all suits which may be commenced after the date hereof, in the superior and inferior courts of the several counties of this State, in the following manner, that is to say:—On all suits not exceeding one hundred dollars, the sum of one dollar: on all suits exceeding one hundred dollars, and not exceeding three hundred dollars, the sum of one hundred and fifty cents: on all suits exceeding three hundred, and not exceeding five hundred dollars, two dollars: on all exceeding five hundred dollars, the sum of three dollars: and on all actions of ejectment, the sum of two dollars; which said several sums shall be paid by the parties cast in such suits, & shall be taxed in the bill of cost, and collected in the same manner as other costs of such suits.

SEC. 2. And be it further enacted, That all monies which shall be collected or received by any of the officers of the said courts, on account of the aforesaid tax upon suits, shall be paid to the justices of the inferior court of the county in which such proceedings shall have taken place, as a compensation for their services; and all and every officer of the said courts who shall neglect or refuse to pay over such money, after an order shall be made for that purpose by such court, shall be deemed guilty of contempt, and may be proceeded against by attachment.

SEC. 3. And be it further enacted by the authority aforesaid, That the aforesaid monies shall be equally divided between the said justices of the inferior court.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.
AN ACT

To establish the fees of the public officers of this State, on all grants that may be issued in the counties of Baldwin and Wilkinson, under the act of the General Assembly of this State, passed at Louisville, the 26th of June, 1806.

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 for each grant issued in the counties of Baldwin and Wilkinson for the lands obtained by treaty, entered into by Henry Dearborn, secretary at war, for the use of Georgia, and the Creek nation of Indians, on the fourteenth of November, eighteen hundred and five, each grant issued in the counties of Baldwin and Wilkinson for the lands obtained by the treaty, entered into by Henry Dearborn, secretary at war, for the use of Georgia, and the Creek nation of Indians, on the fourteenth of November, eighteen hundred and five, the secretary of State, shall be entitled to receive sixty cents—the surveyor-general, fifty cents—the secretaries to the executive department, eight cents each—the treasurer, eight cents—and the comptroller-general, eight cents; which shall be in full for the services by them performed, in granting said land. And the governor is hereby authorized, quarterly to draw a warrant on the treasury in favor of the aforesaid officers, for the said several sums, as they become due.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

(No. 261.)

To revise and amend "An Act to distribute and dispose of the late cession of land obtained from the Creek Nation of Indians, by Henry Dearborn, Secretary at War, being specially authorized therefor, by the President of the United States, in a treaty concluded at the City of Washington, on the fourteenth day of November, one thousand eight hundred and five"—so far as it respects the persons that were entitled to draws in the present contemplated Land Lottery, agreeably to the requisitions of this act, and were prevented from giving in their names, from sickness and other casualties, or who have not paid taxes in conformity to the said act.

WHEREAS it doth appear by the petition of sundry persons to this legislature, stating that they were absent from this State, prevented by sickness or other unavoidable circumstances, from giving in their names.
Persons who from sickness or other cause did not give in for a draw in the contemplated Lottery—how and before whom to give in.

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 it shall be the duty of the justices of the inferior courts of the several counties within this State, to meet at their respective court-houses, three separate times, within the term of three months from the publication of this act, first giving twenty days public notice of such meetings, in two of the most public places in each battalion district within their counties—and shall proceed to take, and enter the names of all applicants entitled to draws, agreeably to the requisitions of the above recited act; and they shall be entitled to receive from each applicant, twelve and an half cents for each draw such person or persons shall be entitled to. And it is hereby declared to be the duties of the justices of the inferior courts of the several counties within this State, to transmit a list of such names, so taken by them, within three months from the publication of this law, to the executive department, that such persons names may be entered on the general list, and enjoy an equal participation with other citizens in the present contemplated land lottery.

SEC. 2. And be it further enacted, That all male persons over the age of twenty-one years, having all the requisitions, as specified in the aforesaid act, other than having paid taxes, shall be admitted to have a draw or draws in the contemplated land lottery, without having paid taxes; any thing in the said act to the contrary notwithstanding.—And his Excellency the Governor is hereby required to give the outlines of this act, in one or more of the public gazettes of this State, so soon as it shall receive his assent and signature.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.
AN ACT

To relieve certain fortunate drawers in the late Land Lottery.

WHEREAS by an act, supplementary to an act, entitled "An Act to make distribution of the late cession of lands obtained from the Creek Nation, by the United States' commissioners, in a treaty entered into at or near Fort Wilkinson, on the sixteenth day of June, eighteen hundred and two," it is enacted that monies directed to be paid into the treasury in lieu of office fees in pursuance of the act, entitled "An Act to alter and amend an act to make distribution of the late cession of lands obtained from the Creek Nation, by the United States' commissioners, in a treaty entered into at, or near Fort Wilkinson, on the sixteenth day of June, eighteen hundred and two," passed at Louisville, the eleventh day of May, eighteen hundred and three, "shall be paid within the term of twelve months from and after the completion of the lottery contemplated by the aforesaid act, and in default thereof, such lots of land, on which the whole of the monies shall not then be paid, shall revert to and become the property of this State, and sold in like manner as fractional parts of surveys."

AND WHEREAS many persons who have been fortunate drawers in the aforesaid lottery, have failed and omitted to take out their grants, within the time prescribed by the said law:—for remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of same, That the term allowed for receiving monies on grants in lieu of office fees, in pursuance of the aforesaid act, shall be and the same is hereby continued and extended to the tenth day of November next, any law to the contrary notwithstanding. Provided nevertheless, That nothing herein contained shall authorize the governor to issue any grant, to persons who may have given in their names, and drawn land, contrary to the provisions of the aforesaid act.

AND WHEREAS the commissioners of the lottery, in transcribing the names of the fortunate drawers, into the book deposited in the executive chamber, in some few instances have, by mistake entered the names of persons who were not fortunate drawers in lieu of those who were; by reason whereof those legally entitled, although they hold the land, cannot obtain grants therefor, without provision is made by law for that purpose.

Be it therefore enacted, That in each and every such case, his Excellency the Governor, be, and he is hereby authorized and required, to cause such grant or grants to

* See act of 1807, No. 307, extending the time still further.
issue, in the name of the real fortunate drawer, his heirs, or devisees, according to the justice of the case; and all grants which have issued in consequence of such mistake, shall be, and are hereby declared to be null and void—Provided nevertheless, if the holders of such grants shall return the same to the executive chamber, his Excellency the Governor shall cause the true name to be inserted therein, and in the records of the different offices, free from all additional charge; which grants shall be good and valid in law, any thing herein contained to the contrary notwithstanding.

SEC. 2. And be it further enacted by the authority aforesaid, That it shall be the duty of the clerks of the superior courts of the several counties within this State, to cause a correct list of the persons whose names were entered, as being entitled to draws in the late land lottery, to be laid before the grand juries of their respective counties, at the next term of the superior court to be held therein, whose duty it shall be to examine and report to the court, the names of all persons who were not entitled, under said act, to a draw, or draws in the said lottery, and the court shall direct the clerk to transmit a correct list of all such persons to his Excellency the Governor, whose duty it shall be, to cause the same to be compared with the list of the fortunate drawers, and if it should be found that any person or persons, have drawn a tract or tracts of land, on such fraudulent return, the grant which may have issued, is hereby declared null and void, and the same hereby set apart for the redemption of the public debt—Provided, That his Excellency the Governor, shall immediately cause a list of the names of all persons who shall appear to have made such fraudulent returns, to be published thirty days, in one or more of the public gazettes of this State, requiring such person or persons to file in his office, such testimony as he, she, or they may think proper to substantiate his, her, or their claim; which shall, by his Excellency the Governor, be laid before the next legislature, by them to be admitted, or otherwise acted on as they shall deem proper.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.
AN ACT

To sell and dispose of the fractional parts of surveys of land, in the counties of Baldwin and Wilkinson, reserved to the State, by an act of the General Assembly, passed at Louisville, the 16th day of June, 1806.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, it is hereby enacted, That all the fractional parts of surveys of lands reserved to the State by the late land law, making distribution of the lands lately acquired from the Creek nation of Indians, by a treaty concluded at the City of Washington, the 14th day of November, 1805, by Henry Dearborn, secretary at war, being specially authorized therefor, by the President of the United States; and lying and being on the rivers Ocmulgee and Oconee, and also on the present and former temporary boundary lines, 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 immediately after the completion of the contemplated lottery, by first giving sixty days notice in the gazettes of Petersburg, Washington, (Wilkes county,) Sparta, Augusta, Milledgeville and Savannah: in which advertisement shall be particularly specified, the day or days on which the fractions in each county, and 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 in the fork of the Ocmulgee and Oconee rivers, in Wilkinson county, and continuing up the Oconee river, in a regular progression, to the mouth of Toulou Hatchie, the former boundary line; thence up that line, to where the lines that divide the counties of Wilkinson and Baldwin crosses the same, thence beginning again at the fork of the said rivers and proceed to sell the first or lowest fraction, not heretofore sold, on the Ocmulgee river; thence up the Ocmulgee river in the like progression as on the Oconee river, to where the dividing line of Wilkinson & Baldwin counties strikes the said river, then in the same progression up the said river, in Baldwin county, to the mouth of the Uleofouhatchie, where the present temporary boundary line leaves the said river, thence on the said line to where it will intersect the former boundary line, at the High Shoals of the Appalachee; thence on that line, through Baldwin county, to the line that divides the said county from Wilkinson, which includes all the fractions that may be created in pursuance of the late land law.

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 and 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 on me by this act; and that I will make due returns of all bonds and other securities, to the treasurer 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 commissioners shall take bond of the purchasers, payable in four equal annual instalments, together with good and sufficient security; which bond and security may be given by the person or persons purchasing, his or their attorneys or agents, 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 security 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—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 payment shall be made in gold or silver—and said commissioners shall not be more than seventy-six days on such sales (Sundays excepted.)

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 in the counties of Baldwin and Wilkinson aforesaid, leaving a blank for the name of the person to whom the same may 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 purchasers, on the purchasers paying the sum of four dollars and twenty-five cents on each grant which shall be received by the commissioners, and by them paid into the treasury. 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 commis-
sioners to lay a correct statement of their proceedings under this act, before the next legislature—Provided nevertheless, That the said grants shall express in the face of them that the land therein granted shall be subject to the payment of the purchase money due for the State therefor, in preference to all other liens whatsoever, whether by judgment, existing before, or entered after the date of such grant, but the said land shall not be sold to satisfy the first, second and third instalments, unless the legislature shall expressly direct the sale thereof.*

Sec. 6. And be it further enacted by the authority aforesaid, That if the purchaser of any of the fractions, as aforesaid, in the counties of Baldwin and Wilkinson, shall neglect, or fail within one month after the same may become due, to pay the first, or any of the succeeding instalments, it shall be the duty of the treasurer to issue an execution for the amount of the debt, and interest that may be then due, directed to the sheriff where such purchaser, or his securities may reside, which shall be levied on their goods and chattels, lands and tenements, and all the property of which the purchaser is possessed, at the time of giving such bond, shall be bound—and when any such purchaser shall be in default, for any one of the instalments, execution shall issue against such purchaser and his securities, and all the property of which such securities shall be possessed at the time such execution shall issue, shall be bound for the whole of the purchase money, which may then or thereafter become due.—And the money so collected by the sheriff, except the costs, shall be paid into the treasury within three months after the execution shall have issued; but if the money should not be collected as aforesaid, then the execution shall be, by the sheriff, returned to the treasurer, within the time above expressed; but should the sheriff refuse, or neglect to return the money, or the execution, as aforesaid, it shall then be the duty of the treasurer to issue his execution against the sheriff, and his securities, for the amount of the said execution, or executions, put into his hands, directed to the coroner of the county, where such sheriff or his securities may reside; whose duty it shall be to levy, collect, and return the same, within three months thereafter.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

* See act of 1810, No. 548, to amend this section. See also act of 1810, No. 552, directing the sale of fractions in the 7th district of Baldwin, and other lands. And see also resolution of 1810, directing the disposition of extra fractions in the 8th district of Wilkinson.
AN ACT

To revise and continue in force, "An Act for the limitation of actions, and avoiding suits in law," passed the 26th day of March, one thousand seven hundred and sixty-seven; and to amend the fifth and ninth sections of said act.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and immediately after the passing of this act, the act for the limitation of actions and avoiding suits in law, passed on the twenty-sixth day of March, one thousand seven hundred and sixty-seven, shall be, and is hereby revived and declared to be in full force and operation, from the first day of February, one thousand seven hundred and ninety-three, until this act shall be repealed. And no deduction in any calculation of time shall be made in the construction of said act after the aforesaid first day of February, 1793.

SEC. 2. And be it further enacted, That if any person or persons, that is, or shall be entitled to any such action of trespass, detinue, action of trover, replevin, actions of account, actions of debt, action of trespass for assault, menace, battery, wounding or imprisonment, actions on the case for words, be, or shall be at the time of any such cause of action, given or accrued, fallen or come within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or where the defendant shall remove out of the jurisdictional limits of this State, that then such person or persons shall be at liberty to bring the same actions, so as they take the same within such times as before is limited, after their coming to, or being of full age, discover, of sane memory at large or the return of the defendant into the same as by other persons having no such impediment should be done—Provided nevertheless, That all notes and instruments of writing, not under seal, bearing date after the passing of this act, shall be of the same dignity with specialties, and subject to the same limitations, heretofore in force in the case of specialties, any thing in the 5th and 9th sections of the said act to the contrary notwithstanding.*

SEC. 3. And be it further enacted, That all acts or parts of acts, which militates against the intent and meaning of this act, be and the same are hereby repealed.

SEC. 4. Provided nevertheless, and be it further enacted, That the limitation laws of this State, shall not take effect in the county of Walton, nor impede the citizens in the

* See act of 1859 No. 437, amending and explaining this section and limiting the time of action, on bonds or instruments and, under seal, notes and open accounts.
recovery of their just rights, until the term before expressed is elapsed, after the line of (No. 26.) demarkation is run and plainly marked between this State and North-Carolina, any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To establish the salaries of the public officers of this State, for the political years one thousand eight hundred and eight, and one thousand eight hundred and nine, and from thence until the same shall be repealed, and for defining the fees of malicious prosecutions.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, that the public officers of this State, shall receive as a salary or compensation for their services, during the political years one thousand eight hundred and eight, and one thousand eight hundred and nine, the following sums, that is to say:—The governor, two thousand dollars per annum; the secretaries of the executive department, not exceeding two, five hundred dollars each per annum; the treasurer, twelve hundred dollars per annum; the comptroller-general, six hundred dollars per annum; the secretary of State, two hundred dollars per annum; the surveyor-general, two hundred dollars per annum; the secretary of the Senate, three hundred dollars per annum; the clerk of the House of Representatives, three hundred dollars per annum; the judges of the superior courts, fourteen hundred dollars each per annum; and the attorney and solicitors-general, one hundred and fifty dollars each per annum; which said several sums shall be paid to the said officers quarter yearly, out of any monies which may be in the treasury not otherwise specially appropriated.

Sec. 2. And be it further enacted, That in all cases of presentment or indictment, the party presented or indicted, shall not be subjected to the payment of the fees or

Prosecutor to pay cost, where prosecution is malicious.
costs of prosecution, where the party presented or indicted, shall be acquitted, unless the jury by their verdict shall subject such party thereto, which it shall be their duty in all cases to do, unless it shall clearly appear to the satisfaction of such jury that the prosecution is malicious, in which case the prosecutor shall pay all legal costs of such prosecution.

Sec. 3. And be it further enacted, That this act shall continue and be in force until the expiration of the political year one thousand eight hundred and nine, and from thence until the same shall be repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To regulate the weighing of Cotton, and other commodities in this State.

WHEREAS it has lately become customary with the merchants and others, in the principal commercial towns and cities, within this State, to make certain deductions from the weight of all bales, bags or packages of cotton, and other commodities purchased from the good citizens of this State, and also to make charges for the weighing thereof, which custom operates injuriously to the people of this State—for remedy whereof,

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That from and after the first day of January next, it shall not be lawful for any person or persons who shall weigh or purchase any bale, bag or package of cotton, or tierce or half tierce of rice, boxes or barrels of indigo, to make the deduction of two pounds per bale, bag or package of cotton, or tierce or half tierces of rice, boxes or barrels of indigo, or any other deduction whatever; nor shall it be lawful for any person to ask, demand, or receive more than six and a quarter cents for weighing any such bale, bag or package of cotton, tierce or half tierce of rice, box or barrel of indigo.
SEC. 2. And be it further enacted, That it shall not be lawful for any person or persons, in the cities of Savannah and Augusta, to weigh any bale, bag or package of cotton, tierce, or half tierce of rice, box or barrel of indigo, without first taking and subscribing the following oath, before some one of the justices of the inferior court, or justice of the peace of the said counties—I, A. B. do solemnly swear, or affirm (as the case may be) that I will justly, and without partiality, weigh all bales, bags or packages of cotton, tierces or half tierces of rice, boxes or barrels of indigo, that may be brought to me for that purpose, and mark the true weight thereof, without any deduction whatever, and render a true & accurate account thereof to the parties concerned, if required; so help me God.

SEC. 3. And be it further enacted, That each and every person who shall offend against the provisions of this act, shall forfeit and pay for every such offence, the sum of twenty dollars, for each bale, bag or package of cotton, tierce or half tierce of rice, box or barrel of indigo; to be recovered in any court having jurisdiction thereof; one moiety thereof to the party injured or the informer, and the other to the county.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To appropriate monies for the political year eighteen hundred and seven, and to levy and collect a tax on all banks, or offices of discount and deposit within this State, and to amend the tax act.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted That for the support of government for the political year one thousand eight hundred and seven, the following sums of money be, and the same are hereby appropriated, that is to say:—The salary of the governor, shall be two thousand five hundred dollars; the secretaries of the executive department, not exceeding two, five hundred dollars each; the secretary of State, two hundred dollars; 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 courts, 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 quarter yearly, by warrant from the governor, on the treasury, out of any monies not otherwise specially appropriated.

**SEC. 2. And be it further enacted**, That the sum of fifteen thousand dollars, be, and the same is hereby appropriated as a contingent fund, subject to the orders of the governor.

**SEC. 3. And be it further enacted**, That for the 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 the speaker of the House of Representatives, during their attendance, and the sum of three 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 each per day, and the sum of dollars each for contingent expenses, &c. &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 William Marbury, 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 for the sale of the fractional parts of surveys of land in the counties of Wilkinson, Baldwin and Wayne, their secretary and cryer, three dollars per day each, while in actual service; to Edmund Lane, clerk to the committee of enquiry, forty dollars; to Graystock Roberts, for his attendance on the said committee, the sum of twenty dollars; to Mixfield Kennedy, the sum of fourteen dollars six and a quarter cents, agreeably to a concurred resolution; to Jett Thomas, Esq. the sum of ten thousand dollars, agreeably to a contract entered into by the commissioners of Milledgeville, for the building of the State-House, and the further sum of five thousand dollars, subject to the draft of the commissioners of Milledgeville, for carrying on said building, if they shall deem it necessary; to Jacob Robinson, one hundred and five dollars, in full for his services as a brigade major, agreeably to a resolution of this house; to Joseph Lemaster, the sum of seventy dollars, and to Wm. Barnett, the sum of forty-five dollars, agreeably to a concurred resolution in full for their services; to Dennis Ryan, fifty dollars, for printing seven hundred bonds and seven hundred mortgages, agreeably to a contract made with the commissioners for the sale of the fractional surveys; to the engrossing clerks, door keepers
and messengers of each branch, three dollars for every twenty miles going home, which said several sums shall be paid out of any monies which now are, or may hereafter come into the treasury.

Sec. 4. And be it further enacted by the authority aforesaid, That it shall be the duty of the receivers of tax returns, to make out three digests, and to deposit one with the comptroller-general as heretofore, and the other two with the clerk of the inferior court, and it shall be the duty of the clerk, on application of the tax collector, (he first receipting for the same) to deliver one of said digests to enable him to collect the taxes therein contained.

Sec. 5. And be it further enacted by the authority aforesaid, That all the property of the tax collector, and his securities, for which they, or either of them were possessed, at the time of entering into bond, shall be bound from the signing the same, for the amount which may be due the State.

Sec. 6. And be it further enacted by the authority aforesaid, That there shall be annually levied, collected and paid into the treasury of this State, agreeably to the manner pointed out in and by an act of the General Assembly, entitled, "An Act to amend and continue in force an act to raise a tax for the year one thousand eight hundred and six, until the meeting of the next General Assembly, and from thence until the same shall be repealed, passed on the fourth of December, eighteen hundred and five, a tax of thirty-one and a quarter cents on every hundred dollars, on the amount of the capital of any bank, or office of discount and deposit, to be returned in manner pointed out, in and by said act, which shall be collected annually, until the same shall be repealed by law.

Sec. 7. And be it further enacted, That there shall be annually levied and collected upon all stallions or covering horses, let to mares for hire, a tax equal to the season or price of one mare let to such stallion or covering horse.

Sec. 8. And be it further enacted, That in all cases where any stallion or covering horse shall be sent into this State to be let to mares by citizens or persons resident without the limits of this State, it shall and may be lawful for, and it hereby declared to be the duty of the tax collector of the county where such stallion or covering horse shall be let to mares, to levy and collect the said tax, at any time after the commencement of the season, and before the close of the same.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.
EDWARD TELFAIR, President of the Senate.

Assented to December 8, 1806.

JARED IRWIN, Governor.

* See act of 1807, No. 296 re-enacting these amendments with other amendments, and continuing the act of 1804, as the tax act for 1808.
AN ACT

To amend the several acts, regulating roads in this State, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne.*

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That the commissioners or surveyors of the several districts or divisions heretofore appointed by virtue of an act passed at Louisville, the tenth day of December, eighteen hundred and three, are hereby empowered and required to continue to work upon, clear, amend, repair, erect and improve the several roads, bridges, fords, causeways and water passages in the counties of Bryan, Liberty, McIntosh, Glynn, Wayne and Camden, as are already laid out, opened, & erected cleared, and to lay out, open erect and clear any other that may hereafter be found necessary.

SEC. 2. And be it further enacted, That all male white inhabitants (except permanent residents of the town of Sunbury) free negroes and mulattoes, and all male slaves from the age of eighteen to forty-five years, shall be, and they are hereby declared to be obliged to appear and work upon the several roads, creeks, causeways, water passages and bridges, within the several districts or divisions to which such male white inhabitants free negroes and mulattoes respectively belong, and all male slaves shall be allotted (according to their place of residence) pursuant to the mode herein after pointed out, or such white male inhabitants, free negroes and mulattoes, and owners, managers and employers of such negroes and other male slaves, shall be liable to the fines, and penalties in this act defined and expressed.—Provided nevertheless, That nothing herein contained shall extend or be construed to extend to subject practitioners of physic or teachers of schools to personal working or attendance on the roads, causeways, bridges and water passages, within the several districts or divisions wherein such persons shall or may reside.

SEC. 3. And be it further enacted, That the commissioners or surveyors so appointed, or a majority of them, shall, and they have full power and authority to appoint one or more person or persons, within their several districts and divisions, to summon all such persons as are obliged to work within the said districts or divisions, at such time of the year, and for as many days as they may think convenient and necessary (not exceeding six days at one time, or twelve days in one year) to repair, erect, open, clear and work upon the several roads, bridges, causeways, water passages and water courses within the same; and said summoner or summoners, before entering on the duties of his or their appointment, shall take the following oath, to be administered by one of the com-

* See act of 1808, No. 378 amending this act so far as respects the county of Wayne—And see act of 1809, No. 483, also amending this act so far as respects the county of Camden.
missioners or surveyors of said district, viz: I, A. B. do solemnly swear (or affirm) that I will faithfully discharge the duties of summoner of the district to which I am appointed, and that I will receive no return from any owner, manager or other person unless such owner, manager or other person take the oath prescribed by law—So help me God. And the several owners or managers of male slaves, within their several districts, shall, when summoned, deliver to the person summoning; a list in writing or print, on oath of all such male slaves as by this act are liable to work, which shall be as follows, viz: I, A. B. do solemnly swear (or affirm) that the list which I now give in, is a just and true return of all the male slaves subject to road duty, under my control either as owner, executor, administrator, agent or manager to the best of my knowledge and belief—So help me God.—Which oath the said summoner is hereby authorized and empowered to administer. And for the refusal of such owner or other person, in his or her behalf, to give in a list of all such slaves on oath, as by this act are liable to work, shall forfeit the sum of three hundred dollars, to be recovered in any court having cognizance thereof, to be levied of the goods and chattels of such owner, and which shall come to trial at the first term after commencing the suit.

SEC. 4. And be it further enacted, That the person or persons summoning as aforesaid, shall be exempt from his or their personal labor in such districts or divisions; and in case any person or persons appointed to summon as aforesaid, shall neglect or refuse so to do, such person or persons shall severally forfeit thirty dollars for every such offense, to be levied by warrant of distress, and sale of the offenders goods and chattels, under the hands and seals of a majority of the commissioners or surveyors of said district.

SEC. 5. And be it further enacted, That the commissioners or surveyors, shall give at least ten days' notice to all persons subject to work within their respective districts or divisions, of the time and place of attendance, with such tools as they may deem necessary; and if any person subject to work as aforesaid, shall fail to attend agreeably to such notice, together with all slaves liable to work on the roads by this act, owned by them, or under their care and management, they shall be subject to the following fines, to wit: For the non-attendance of every free person, the sum of two dollars per day, except such persons as have personally to work on said road or roads who shall not be subject to pay more than one dollar for each day in default; and for every slave the sum of onedollar per day, to be levied by warrant of distress and sale of the offenders goods and chattels, under the hands and seals of a majority of the commissioners or surveyors of the district in which the same shall be assessed, or be incurred, and directed to any constable of the county wherein such offender or offenders property shall or may be found, whose duty it shall be to execute the same without delay, and the said constable shall be entitled to the same fees as are allowed for executing other processes of a similar nature; and in all cases where the fines accruing and imposed by this act, shall exceed the sum of thirty dollars against any one offender, it shall be the duty of the said commissioners or
a majority of them, and they are hereby authorized, required and directed to issue separate and distinct executions against such offender's goods and chattels for the amount of the fine incurred by the default of each and every slave of such offenders severally; which said fines when levied, shall be paid by the said constable to the commissioners, or any one of them, who shall apply the same towards the repairs of the several roads bridges and causeways within such division, and be severally answerable for the sums received by them to the board of commissioners, and shall make a return of the sum or sums of money by them received as aforesaid, and of the particular bridges, causeways or roads about which they have expended and laid out the same, or parts thereof, at the annual meeting of the board; unless the party making such default, shall, within ten days thereafter, make such excuse on oath, as may be deemed satisfactory to the commissioners of their respective districts or divisions.

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

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

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

Sec. 9. And be it further enacted, That if any person or persons as aforesaid, shall hinder or forbid any traveller from going through, or passing over any roads, bridges, rivers or creeks, in any division or district, or obstruct or oppose the commissioners or surveyors of such division or district, the overseers, white persons, free negroes and mulattoes or slaves, working in and upon, or clearing the same, in so doing, or making any use of trees or timber, wood or earth, in or near the same, for mending and repairing the said roads or bridges, or any causeways whatsoever, within the same, such person or persons shall forfeit a sum not exceeding thirty dollars; and the commissioners are required to allow a reasonable compensation of which they, or a majority of them shall judge, for the trees or timber to the owners thereof, for the purpose of keeping in repair the several roads, bridges and causeways, to be paid out of any fines collected by virtue of this act.

Sec. 10. And be it further enacted, That the several commissioners nominated and appointed, shall meet yearly, and at such time and place within the county, as the commissioners of the several divisions may appoint, giving at least twenty days notice in their respective districts, of the time when, and place where such meeting will be held; and a majority of the commissioners so convened, shall form the board, and then and there determine all matters relating to the several roads, bridges, rivers, creeks, causeways and water passages already laid out, erected, cleared or made, or which may be erected, cleared or made, and assign any particular part of the duty to be performed by any particular person or persons, commissioner or commissioners, and to appoint the time of working within their respective divisions or districts, and also to appoint other commissioners in the room of any dying, departing the State, declining, refusing or neglecting to act, as shall be agreed upon and determined by a majority of the commissioners then present; in the event of their not being a majority of commissioners to form a board, those present shall give ten days notice of the time and place of another meeting.

Sec. 11. And be it further enacted, That any commissioner or surveyor appointed, or to be appointed, who after accepting of such appointment, shall not daily and every day, attend upon the roads within their respective districts or divisions, during the time of working on the same, or whenever thereunto required by a majority of the commissioners of such division or district, or who shall refuse or neglect to do or perform the duties required of them by this act, such commissioner or commissioners, shall at the discretion of the board of commissioners, forfeit and pay a sum not exceeding thirty dollars.
Sec. 12. And be it further enacted, That if any person or persons shall by themselves their slaves or servants, (for whom their respective masters, owners, managers or employers shall be answerable) alter, or in any wise damage, by stopping of water, or by any means whatever, obstruct any of the roads, bridges, rivers or creeks in any division or district already laid out, or that may hereafter be laid out, every such person or persons, so offending, shall be summoned by the commissioners or surveyors of the districts or divisions wherein any such offence shall be committed, on a majority of them, forthwith to amend, clear and repair the same; and in case of refusal or neglect of such person or persons so to do, such person or persons so offending, shall be fined in a sum not exceeding thirty dollars; and the said commissioners or surveyors, or a majority of them, are hereby empowered and required to hire and employ such a number of hands as may be necessary to attend, repair and clear the same; and the expense of such amendment, repairing and clearing, shall be defrayed and paid by the person or persons so offending, neglecting or refusing as a foresaid, which fine and expense shall, on refusal of payment, be levied on the goods and chattels of such offender, as in this act is directed.

Sec. 13. And be it further enacted, That if at any time after the passing of this act, any number of persons shall wish or desire a new public road to be laid out, opened cleared and kept in repair, such person shall communicate their wish or desire by petition to the board of commissioners or surveyors, at their annual meeting, therein giving a full and accurate description of the road they wish laid out, with the place from whence, and whither they wish it to lead, and through what district or districts such road is intended to run:—And Provided, the prayer of such petitioners shall be deemed just and reasonable by the commissioners or surveyors, or a majority of them then present, they are hereby required and empowered to order such new road to be laid out, and to determine and prescribe the district or districts of such road or roads, and forthwith to appoint three commissioners to each district or division, who shall accordingly proceed to lay out and cause to be opened, cleared and kept in repair such road or roads—Provided, That if the said new road shall not be of sufficient length, or difficulty to form, or require a separate district, the said commissioners or surveyors, or a majority of them, may at their discretion, allot the same to such other district or districts as may appear to them most equal and fair.

Sec. 14. And be it further enacted, That all public roads laid out, or to be laid out, or now in use, or which shall be hereafter laid out, shall be cleared of all trees, grubs and bushes, at least twenty feet wide, and such limbs of trees as may incommode horsemen or carriages, shall be cut away:

And whereas it may not be practicable for the several persons subject to work by this act, to erect bridges over the several creeks and rivers which may be in their several districts or divisions, by working thereon in the mode pointed out by this act.
SEC. 15. Be it further enacted, That the commissioners or surveyors of such districts or divisions, by the consent of the justices of the inferior court, are hereby empowered to contract and agree with any person or persons willing to undertake the same, and the expenses thereof to be defrayed out of the county funds; and whenever it shall be necessary to erect or repair any bridge between two counties, the commissioners of the districts adjoining such bridge in both counties, by the consent of the justices of the inferior court of each county, are hereby empowered to contract and agree with any person or persons willing to undertake the same, and the expenses thereof to be at the joint expense of each county, to be defrayed out of the county funds.

SEC. 16. And be it further enacted, That if at any time after the passing of this act, any person or persons, should wish or desire to have a private path for the convenience of his or their settlement to the nearest public road or landing place, such person or persons shall communicate their wish or desire to the board of commissioners at their annual meeting, therein giving a full and accurate description of the road they wish laid out, with the place from whence, and whither they wish it to lead; and the board are hereby empowered to determine on said petition, and if deemed reasonable, to order the laying out the same, at the joint proportional labor and expense of those who may apply for, and use the same in common, of which proportional labor and expense the board are hereby declared to be sole judges.

AND WHEREAS, the inhabitants within that part of Camden known by the name of Little Satilla Neck, are subject to great inconvenience from their remote situation from the main public road.—*

SEC. 17. Be it further enacted by the authority aforesaid, That William Scott, Nathan Adkenson and Benjamin Turner, be, and they are hereby appointed commissioners to lay out a road from Nodding's point to the public road leading from Barrington, to St. Mary's, taking such direction as they in their judgment may think proper, which shall be worked upon by the inhabitants, within those limits, for the space of two years only, and governed by the same rules and regulations, that are required by this act. Provided nevertheless, That nothing herein contained shall be construed to exempt the inhabitants within such limits, from working on any public road which may be assigned them by the proper authority, after the expiration of the aforesaid two years from the passage of this act.

SEC. 18. And be it further enacted by the authority aforesaid, That Captain Charles Dewitt, William McKennen, John Snead, Samuel Burnett and James Alney, Esqrs. be, and they are hereby appointed commissioners of the road leading from the town of Brunswick to Fort Barrington, until the same shall intersect the main post road, leading

* This section continued in force for one year by act of 1808, No. 380.
(No. 268.)

And certain labor on the last mentioned road apportioned between Glynn and Wayne, to the town of St. Mary's. And that Job Tyson, John Thomas and Edward Pitcher, Esqrs. be, and they are hereby declared commissioners of the road beginning at Fort Barrington, and taking the direct route, so as to intersect the road leading to St. Mary's aforesaid—And that the labor necessary to be done on the aforesaid road shall be apportioned between the counties of Glynn and Wayne, in the following manner, to wit:—The inhabitants of Wayne, as well whites as slaves, residing within twelve miles of the said roads, or any part thereof, shall be liable to, and subject to perform road duty; beginning from the south side of the river Alatamaha, immediately opposite Fort Barrington, and extending along the road already laid out, to the plantation of John Fort; and all the inhabitants of Glynn, residing within ten miles of the said road, shall be liable to, and subject to perform road duty; beginning from the plantation of the said John Fort, and extending along the said road, to the head of the Little Satilla, so as to intersect the Camden road.

SEC. 19. And be it further enacted, That William O'Neal, Stephen Pitcher and William Clement, be, and they are hereby appointed commissioners of the road aforesaid, leading through and bordering on the county of Wayne.

SEC. 20. And be it further enacted by the authority aforesaid, That all persons liable to perform road duty, residing, or being on any sea-island, within the county of Glynn, are hereby declared subject to work on the road leading from the town of Brunswick to Fort Barrington, until the same shall be completed, under the direction of the commissioners aforesaid—Provided nevertheless, That nothing herein contained shall compel the personal attendance of any slave or slaves, in case their masters, owners, managers or employers, shall pay to the commissioners within ten days thereafter, being notified thereof, the sum of three dollars for each and every slave or slaves, so liable to work as aforesaid, and that in default thereof, after being so notified, he, she or they shall be subject to all the fines and forfeitures, as the persons subject to road duties residing on the main are.

Captains of militia to make a return of men liable to do militia duty on the said roads to the commissioners at their annual meeting. Who are to make out a roll therefrom, having regard to the several districts to which they belong, and to

SEC. 21. And be it further enacted by the authority aforesaid, That it shall become the duty of the captains of the several district companies of militia, within the county of Camden, to render the commissioners or surveyors aforesaid, at their annual meeting, lists of all whites within their several districts, who are subject to perform duty as militia men on the roads aforesaid. And the commissioners shall, from the lists so to be rendered, select, and make out a roll of the names of the several persons, having regard to those only who reside within the several districts marked and pointed out by the commissioners aforesaid, from which roll, or list, so made out, as aforesaid, the commissioners or commissioners of each district, shall select or divide his or their list of names as aforesaid, into three divisions, or squads; the first of whom shall, by the summoner or summoners, be notified to appear on the two first days; the second division on the
third and fourth, and the third on the fifth and sixth days—And in case the aforesaid captains of districts shall neglect, or refuse to render their lists, as aforesaid, at the times aforesaid, each, and every of them so neglecting, or refusing, shall be subject to a fine of twenty dollars, to be recovered as other fines in and by this act are.

SEC. 22. And be it further enacted, That all laws, or parts of laws heretofore passed so far as respects the regulation of the public roads in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne, be and the same are hereby repealed.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

EDWARD TELFAIR, President of the Senate.

Assented to, December 8, 1806.

JARED IRWIN, Governor.

AN ACT

To lay out and identify six new counties, out of the counties of Baldwin and Wilkinson.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passage of this act, Baldwin and Wilkinson counties shall be divided as hereinafter pointed out, viz:—Beginning on the Oconee river, where the line dividing the third and fourth districts of Baldwin county, leaves said river, running south seventy-seven degrees, thirty minutes west to Little River, then up said river to the Indian boundary line; thence with the said Indian boundary to the Appalachee river; thence down the same to its junction with the Oconee; thence down the same to the beginning; which tract or parcel of land so bounded and described, shall form a new county, to be called and known by the name of Morgan.

SEC. 2. And be it further enacted by the authority aforesaid, That all that tract of country herein after pointed out, beginning at Little creek, where the county of Morgan intersects the same, running south two degrees, thirty minutes west to the main fork of Cedar creek; thence south seventy-eight degrees, thirty minutes west to the Ocmulgee river; thence up the same to the mouth of the Ulcofahachee, up said river to

*See act of 1807, No. 309, amendatory of this act so far as respects the county of Glynn.