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of the public roads in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne, be and the same are hereby repealed.*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 Oconee River; thence up the same to the mouth of the Uncofahahchee, up said river to

*See act of 1807, No. 360, amendatory of this act so far as respects the county of Glynn.
where the Indian temporary boundary line leaves the same; thence along said line to Little river, thence down said river to the beginning, shall form one other new county, to be called and known by the name of Randolph.

SEC. 3. And be it further enacted by the authority aforesaid, That all that tract or parcel of land hereinafter pointed out, beginning on the Ocmulgee river; at the lower corner of a tract of country, reserved for a trading establishment, by a treaty concluded at the city of Washington, on the fourteenth day of November, one thousand eight hundred and five, running north fifty-six degrees, east to Commissioners creek; thence north fifteen degrees west to Cedar creek; thence up the same to the corner of Randolph county; thence along the line of the same to the Ocmulgee river; thence down the same to the beginning; shall form a new county, to be called and known by the name of Jones.

SEC. 4. And be it further enacted by the authority aforesaid, That all that tract of land hereinafter pointed out, that is to say; beginning at the mouth of Little river; and running up said river to the mouth of Cedar creek; thence up said creek to the corner of Randolph county; and thence with Randolph county line to the corner of Morgan county; thence along Morgan county line to the Oconee river; thence down said river to the beginning; shall form one other new county, which shall be called and known by the name of Putnam.*

SEC. 5. And be it further enacted by the authority aforesaid, That all that tract of parcel of land hereinafter pointed out, lying and being in the county of Wilkinson, beginning at the mouth of Big Sandy Creek, on the Oconee river, running south sixty degrees west to the Ocmulgee river; thence down the meanders of the same to the upper corner of the fourteenth district on said river; thence north sixty degrees east to the Oconee river; thence up the same to the beginning; shall form one other new county, to be called and known by the name of Laurens.

SEC. 6. And be it further enacted by the authority aforesaid, That all that tract of parcel of land hereinafter pointed out, beginning on the Ocmulgee, on the corner of the county of Laurens, running down the meanders of the said river to its junction with the Oconee river, up the meanders of the last mentioned river, to the point where Laurens county strikes the same; thence along Laurens county line to the beginning, shall also form one other new county to be called and known by the name of Telfair.

SEC. 7. And be it further enacted by the authority aforesaid, That all that tract or parcel of land lying within the limits of the aforesaid counties, and south of the county of Jones, shall be annexed to, and become a part of Wilkinson.

* See act of 1808, No. 372, confirming these lines, 3d section. See also, act of 1810, No. 328, adding part of this county to the county of Jones.
Passed in the year 1807.

Sec. 8. And be it further enacted, by the authority aforesaid, That all that tract of country, lying north of a line beginning where Commissioners creek crosses Wilkinson county line, running north sixty-five degrees, east to the Oconee river; thence up said river to Baldwin county line, shall be attached to, and is hereby made a part of Baldwin county.

Sec. 9. And be it further enacted by the authority aforesaid, That all justices and other officers that may be residing within the aforesaid new counties, shall continue in office, and that the courts and other public business, shall be held and transacted in the county of Morgan, at the house of Fields Kennedy; in the county of Randolph, at the house of John Towns; in the county of Jones, at the house of William Jones; in the county of Baldwin, at the State-House* in the town of Milledgeville; in the county of Putnam, at the house of George Hill; in the county of Laurens,† at the house of Peter Thomas; in the county of Telfair,‡ at the house of Jesse Bird; and in the county of Wilkinson,§ at the house of Willis Anderson.

Benjamin Whitaker, Speaker of the House of Representatives.

David Bates, President of the Senate, pro. tem.

Assented to, December 10, 1807.

Jared Irwin, Governor.

An Act

To organize the counties lying between the rivers Oconee and Ocmulgee, and to form a judicial circuit.

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 counties of Greene, Morgan, Randolph, Putnam, Jones, Baldwin, Wilkinson, Laurens and Telfair, shall form one other circuit, to be called and known by the name of the Ocmulgee circuit.

* See act of 1808, No. 341, repealing so much of this section as authorizes the holding courts in the state-house.
† See act of 1810, No. 523, establishing the site of the public buildings of this county, appointing commissioners, &c.
‡ See act of 1810, No. 503, authorizing the justices of the inferior court to fix on the site for public buildings; and until they are completed, courts, &c. to be held at the house of Mark Pregon.
§ See act of 1810, No. 534, appointing commissioners to fix on the site for public buildings, &c.
SEC. 2. And be it further enacted by the authority aforesaid, That the judges of the superior courts, or one of them shall hold the said courts in each county, twice in every year, at the respective times and in manner following, to wit: On the fourth Mondays in February and August, in Putnam—on the first Mondays in March and September, in Greene—on the second Mondays in March and September, in Morgan—on the third Mondays in March and September, in Randolph—on the first Mondays in April and October, in Jones—on the second Mondays in April and October, in Baldwin—on the third Mondays in April and October, in Wilkinson—on the fourth Mondays in April and October, in Laurens—and on the first Mondays in May and November, in Telfair.*

SEC. 3. And be it further enacted by the authority aforesaid, That the inferior courts of said circuit in the counties aforesaid, shall be held twice in every year, at the respective times, and in manner following, to wit: On the second Mondays in June and December, in Putnam—on the third Mondays in June and December, in Greene—on the fourth Mondays in June and December, in Morgan—on the first Mondays in July and January, in Randolph—on the second Mondays in July and January, in Jones—on the third Mondays in July and January, in Baldwin—on the fourth Mondays in July and January, in Wilkinson—on the first Mondays in August and February in Laurens—and on the second Mondays in August and February, in Telfair.

SEC. 4. And be it further enacted by the authority aforesaid, That an election shall be held in the counties of Randolph, Morgan, Jones, Putnam, Laurens, and Telfair, on the first Monday in January next, for a clerk of the superior and inferior courts, sheriff, coroner, and surveyor, for each respective county, at the places appointed for holding courts in the said counties, and that all free male white persons, resident in said counties, at the time of holding the election, who have attained to the age of twenty-one years, shall and they are hereby entitled to give their votes for said officers; and the said sheriffs, coroners, and county surveyors, so elected, shall continue in office until the next general election for county officers throughout this State; any thing contained in an act entitled, “an act to lay out and identify six new counties, out of the counties of Baldwin and Wilkinson,” to the contrary notwithstanding.

SEC. 5. And be it further enacted, That the clerks of Baldwin and Wilkinson, sheriffs, coroners and other officers, shall, and they are hereby required to transmit all papers relative to any case now pending, and undecided, in the said counties of Baldwin and Wilkinson, to the clerks, sheriffs and other officers, in the respective counties, in which the defendants reside, as fully and as amply as before them remain; closely sealed up, and directed to the respective officers in whose care and charge they should be placed.

* See act of 1808, No. 344, altering the times of holding the superior courts in the counties of Jones, Wilkinson, Pulaski, Laurens, Baldwin, Telfair and Morgan. And see in the same act, an alteration of the inferior courts in Pulaski and Laurens; see act of 1809, No. 479, altering the times of holding all the superior courts in this circuit.
Sec. 6. And be it further enacted, That the justices of the inferior courts, of the said several counties, shall on the first Monday in February next, make a selection from among the persons liable to serve as grand and petit jurors, agreeably to an act for the better selecting grand and petit jurors, for the said several counties, and then seal up the said selection agreeably to the said act, and return the same to the clerk of the superior court, which said jurors shall be duly summoned by the sheriff, and serve at the first term of the superior and inferior courts, in the said several counties,

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

AN ACT *

To amend "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, That all persons who are entitled to vote at the general election, for members of the General Assembly shall be entitled to vote for commissioners of the town of Milledgeville, which said election shall be held on the first Monday in January next at the State-House in Milledgeville, under the superintendance of any three justices of the peace for the county, not being candidates, and in case there should not be a sufficient number of justices to hold such election, then and in that case, it shall be lawful for any three respectable freeholders of the county, one of which shall be a justice of the peace, to hold said election; and in case of vacancy happening in the board of commissioners, such vacancies shall be filled by his Excellency the Governor, and shall hold their appointments until the next annual election thereafter: and no person shall be eligible to hold the appointment of commissioners of said town, unless he has resided one year previous to the election, and having a freehold or lease for years of a lot within the same: And the commissioners of said town shall have perpetual succession, and shall be capable to purchase, have, hold, receive, enjoy, possess and retain, to them and their successors, for the use of the town

* This act, altered and amended by act of 1810, No. 535.
(No. 271.) of Milledgeville, in perpetuity, or for any term of years, any estate or estates real or personal, messuage, lands, tenements, hereditaments of whatever nature or kind soever, within the limits of the tract of land appropriated and laid off for said town, and to alien, exchange or lease the same or any part thereof, as they shall or may think proper: And by the name of the commissioners of the town of Milledgeville, to sue and be sued, to plead and be impleaded, answer and be answered unto, in any court of law or equity in this State; and they shall be empowered from time to time to make and establish such bye-laws, rules and ordinances respecting the streets, public buildings (the State House and public square excepted), markets, public houses, carriages, waggons, carts and drays, pumps, buckets, fire engines, the renting all the cleared land and fisheries, the care of the poor, the regulation of disorderly persons, negroes; and in general any other bye-laws or regulations that shall appear to them requisite and necessary for the security, welfare and convenience of said town, or for preserving peace, order and good government within the same; And the commissioners shall also be vested with full power and authority to make such assessments on the inhabitants of said town and commons, as shall appear to them expedient, and to affix and levy fines for all offences committed against the bye-laws of the said town, and are hereby authorized to appoint such officers as they may deem necessary to carry the same into execution, and to affix the salaries and fees of such officers—Provided, nothing herein contained shall authorize the commissioners to make any bye-laws repugnant to the constitution of this State or the United States.

To take an oath. Oath.

SEC. 2. Be it further enacted, That the commissioners of said town of Milledgeville shall take the following oath before a justice of the peace: "I, A. B. do solemnly swear or affirm, that I will to the utmost of my power support, advance, protect, and defend the good order, peace and welfare of the town of Milledgeville and its inhabitants, as commissioner of said town."

Repealing clause.

SEC. 3. And be it further enacted, That any law or parts of laws, militating against the foregoing, be and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.
AN ACT

To add part of the counties of Washington and Hancock, to the county of Baldwin.

WHEREAS a number of the citizens inhabitants of said counties, have petitioned this legislature, praying to be added to the county of Baldwin:

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 all that part of the said counties of Hancock and Washington, hereafter described, be added to, and become a part of Baldwin county, to wit:—Beginning at Aaron McKinzie's ferry, on the Oconee river, thence a straight line to Holt's mills, on Town Creek; thence up said creek, with the meanders thereof, to Harris's upper mills, on said creek; thence a straight line to the Oconee river, opposite the mouth of Little river; thence with the Oconee river to the beginning.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

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

Assented to, December 10, 1807.

JARED IRWIN, Governor.

AN ACT

To provide for the arming the militia of this State.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That the following arms, ordnance, accoutrements and ammunition, shall be provided as soon as may be, for the use of the militia and defence of this State, that is to say:—ten thousand stand of arms, to wit: muskets of the size and dimensions as is provided for the army of the United States, now in service, the bore of each musket to be sufficient to receive eighteen balls to the pound, and of sufficient substance to bear that proportion of load and the necessary quantity of powder; with a complete bayonet, and cartouch box to contain twenty-four cartridges, and a bayonet-belt and scabbard for each stand of arms, also not exceeding twelve field pieces (brass four pounders,) complete and with carriages and limbers, seven hundred pair of horsemen's pistols of the ordinary size, and complete, and also, one thousand horsemen's swords, with belts and scabbards; ten
thousand weight of gun powder, thirty thousand weight of lead, two thousand five hundred cannon balls, and five hundred gross of gun flints.

Sec. 2. And be it further enacted, That his Excellency the Governor, be, and he is hereby required to procure by agency, or any other means, if he shall think the same more advisable and for the interest of the State, the aforesaid quantity of arms, ordnance, accoutrements and ammunition of the best quality, and on the best terms they can be had within the United States, and after the arms, ordnance, accoutrements and ammunition above prescribed, are procured as above directed, the governor is hereby required to have the same deposited in the late State House, in the town of Louisville, in the county of Jefferson, to be disposed of in such manner as may be pointed out by the commander in chief, or the legislature of this State.

Sec. 3. And be it further enacted, That his Excellency the Governor, be authorized and required to appoint a lieutenant, serjeant, and six fit and proper persons, who shall reside in the town of Louisville, to take charge of and keep in good order and repair, and at all times fit for service, the said arms, ordnances, accoutrements and ammunition.

Sec. 4. And be it further enacted, That for the faithful performance of these duties the said lieutenant, serjeant and six men, shall receive the following sums; the lieutenant, twenty-five dollars per month; the serjeant fifteen dollars per month, and each man twelve dollars per month, which compensation shall be paid quarter yearly, by his Excellency the Governor, out of the contingent fund of this State; and that the lieutenant having charge of the arsenal as aforesaid, shall give bond and such security as shall be approved of by the governor or commander in chief, well and truly to perform the duties required of him as keeper of the aforesaid arsenal, and to have the arms aforesaid in proper order and fit for service, and at all times when called on to produce the same, or any part thereof, by order of the commander in chief, or any officer he may authorize to receive the same, under the penalty of five thousand dollars, and that the keeper of the arsenal shall at all times, when he may be required, take into his possession the aforesaid arms, ordnance, accoutrements and ammunition when commanded so to do, by any officer commanding a division, brigade, regiment or battalion, and keep the same in the same order, as when the said arms, ordnance, accoutrements, and ammunition are received by him until such time as they shall be again called for by the authority aforesaid, for the public service.

Sec. 5. And be it further enacted, That it shall be the duty of the adjutant-general at least twice in every year, to inspect the arms, ordnance, accoutrements and ammunition so deposited in the arsenal, and the keeper of the arsenal is hereby required to submit to the inspection of the adjutant-general the arms, ordnance, accoutrements and ammunition, which may be in his care and keeping, on the days appointed by the said
adjutant-general, for the purpose of inspection as aforesaid, Provided, the said keeper
of the arsenal aforesaid, shall receive at least one day's notice thereof, as to the time
when the inspection shall commence, in writing from the adjutant-general, and in case
the keeper of the arsenal aforesaid, shall fail to produce the arms to be inspected by the
adjutant general, after having the notice in writing as aforesaid, the keeper of the arse-
nal so refusing or neglecting, shall forfeit and pay the sum of twenty five dollars, for
each and every day's neglect or refusal, to be recovered by action of debt, in any
court having jurisdiction thereof.

Sec. 6. And be it further enacted, That it shall be the duty of the adjutant-general
(to report the state and condition of the arms so inspected by him, to each and every suc-
ceeding legislature. And whereas, by information from our delegates in Congress, com-
municated to this legislature by his Excellency the Governor, there is a probability that
an appropriation will be made by Congress for the payment of the arms, ordnance, ac-
coutrements and ammunition aforesaid, as a payment in part of the consideration for our
western lands, sold and ceded to them by articles of cession, on the twenty fourth day of
April, one thousand eight hundred and two.

Sec. 7. And be it therefore enacted by the authority aforesaid, That should the Con-
gress of the United States not make an appropriation for the payment of the aforesaid
arms, ordnance, accoutrements and ammunition, that his Excellency the Governor be
and he is hereby authorized to pay out of any monies which now are or hereafter may be
in the treasury the amount of the arms, ordnance, accoutrements and ammunition so
purchased.

BENJAMIN WHITAKER, Speaker of the House of Representatives,

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.
AN ACT

To quiet the claim of General John Clark, to all the privileges, benefits, profits and immunities, belonging to, or in any way connected, with the fraction, number three hundred and sixty one, in the first district of Baldwin.

SEC. 1. Be it enacted by the Senate and House of Representatives of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That three upper fractions, (to wit:;) number three hundred and sixty one, three hundred and sixty two, and three hundred and seventy six, shall be reduced to the sum of six dollars per acre, which will entitle General John Clark to a credit on his bonds given to the State, to the amount of five thousand one hundred and nine dollars: Provided, the said John Clark shall and do file, in the office of the executive, a deed relinquishing all his right and title of, in and to the southwestern stream of the Oconee river, adjoining the fraction number three hundred and sixty-one, first district, Baldwin county, and to all privileges therein.

SEC. 2. And be it enacted, That the said John Clarke be, and he is hereby exonerated from all fines and penalties that may have been heretofore had, obtained or decreed against him by reason of any obstruction alleged to be made by him in the stream aforesaid, so far as the State of Georgia is, or may be interested in said fines and forfeitures, and all judicial officers in this State, are hereby required to stay all further proceedings in the premises in behalf of this State.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

AN ACT

To lay out and define the several divisions of the militia of Georgia.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,
That from and after the passing of this act, the militia of this State, shall be divided and organized into four general divisions, which shall be subdivided into eight brigades, in the following manner, to wit: the counties of Wayne, Camden, Glynn, Liberty, McIntosh, Bryan, Chatham and Effingham, shall compose one brigade, to be known and called as the first brigade of the first division; and the counties of Bulloch, Tattnall, Screven, Montgomery, Burke, and Jefferson, shall compose one brigade, to be known and called as the second brigade of the first division.

SEC. 2. And be it enacted, That the counties of Richmond, Columbia and Warren, shall compose one brigade, to be known and called as the first brigade of the second division; and the counties of Washington, Wilkinson, Laurens, Telfair and Hancock, shall compose one brigade, to be known and called as the second brigade of the second division.

SEC. 3. And be it enacted, That the counties of Baldwin, Jones, Putnam, Randolph, and Morgan, shall compose one brigade, to be known and called as the first brigade of the third division; and the counties of Greene, Oglethorpe and Clarke, shall compose one brigade, to be known and called as the second brigade of the third division.

SEC. 4. And be it enacted, That the counties of Wilkes, Lincoln and Elbert, shall compose one brigade, to be known and called as the first brigade of the fourth division; and the counties of Jackson and Franklin, shall compose one brigade, to be known and called as the second brigade of the fourth division.

SEC. 5. And be it enacted, That the divisions and brigades, herein before pointed out and described, shall be subdivided into regiments, battalions and companies, as directed by the militia law of this State, and the United States now in force.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 7, 1807.

JARED IRWIN, Governor.
AN ACT

To repeal an act, entitled, "An Act, pointing out a mode for adjusting the claims of the citizens of this State, against the Creek Nation.

WHEREAS the legislature of this State did, by the act aforesaid, give to the comptroller-general, certain powers therein mentioned, for adjusting the claims of the citizens of this State against the Creek nation: And whereas it is found that, by the adjustment of the claims aforesaid, made by the comptroller-general, that many of the good citizens of this State have been deprived of a considerable part of their claims, though the same were fully proven, 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 act entitled "An Act, pointing out a mode for adjusting the claims of the citizens of this State, against the Creek nation," passed the twenty-seventh day of November, one thousand eight hundred and two, and all other acts, parts of acts and resolutions, relative to the aforesaid claims, be, and the same are hereby repealed.

SEC. 2. And be it further enacted by the authority aforesaid, That the comptroller-general, be, and he is hereby directed to take up the aforesaid claims, and the books returned by the late comptroller-general, and thereupon lay before the legislature, a fair statement of the aforesaid claims, without any deductions whatsoever, together with such other claims as may be in like manner exhibited to the comptroller-general, duly authenticated, on or before the tenth day of November next.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.
AN ACT

For the better regulation of free negroes, in the cities of Savannah and Augusta, and the towns of Washington, Lexington, and Milledgeville.

WHEREAS the citizens of Savannah and Augusta, and their vicinities have heretofore, and do now experience great injury and inconvenience from the number of free negroes, mulattoes and mustezoes, of vicious and loose habits who have settled and are daily settling therein.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the first day of January next, all free negroes, mulattoes or mustezoes, who may then or any time thereafter, reside within the corporate limits of the cities of Savannah and Augusta, shall be subject to the same police regulations, and restrictions as slaves are or may be by the laws of this state, and any person who shall hire or let any house or tenement to any free negro, mulatto, or mustezoe within the limits of said cities, without permission from the city council thereof, shall be subject to the same penalties as if such house or tenement had been let or hired to a slave, any law, usage or custom to the contrary notwithstanding.

Sec. 2. And be it further enacted, That the commissioners of the towns of Washington, Lexington and Milledgeville, be and they are hereby vested with the same powers, as to the regulation of such free persons as above described, within their respective jurisdictions, as the corporations of Savannah and Augusta are by this law.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
DAVID BATES, President of the Senate, pro temp.

Assented to, December 7, 1807.

JARED IRWIN, Governor.

AN ACT

To authorize Thaddeus Holt, Esq. to erect a bridge across the Oconee river, at or near his ferry on the main road leading from Milledgeville to Augusta, Savannah and Darien.

WHEREAS Thadous Holt, by his petition to this Legislature, has prayed the privilege of erecting a bridge over the Oconee river, at or near his ferry, where the main...
road leading from Milledgeville to Augusta, Savannah and Darien, crosses the same; And whereas it is thought and believed, that, to grant him such privilege will tend to promote public convenience.

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 immediately after the passing of this act, the said Thadeus Holt is hereby authorized to erect a bridge across the said river, at or near his said ferry, and to hold and occupy the profits and advantages thereof, for and during the term of ten years after the same shall be completed, at the following rates of toll (to wit:) for a loaded waggon and four horses, fifty cents; for an empty waggon and four horses, thirty-seven and a half cents; for a loaded cart and two horses, twenty-five cents; for an empty cart and two horses, eighteen and three quarter cents; for a rolling hogshead of tobacco and two horses, twenty-five cents; for all four wheel pleasure carriages, fifty cents; for all two wheel ditto, twenty-five cents; for a man and horse, twelve and a half cents; for all led horses and mules, three cents; for each foot passenger, six and a quarter cents; for each head of stock cattle, two cents; and for each head of hogs, sheep or goats, one cent:—Provided, the said bridge shall be so constructed, as to admit the passage of any boat or raft, which may be brought down said river, and provided that the said Thadeus Holt, shall complete the said bridge within the term of two years from the date of this act.*

SEC. 2. And be it further enacted, That the said Thadeus Holt, his heirs, executors, administrators or assign, shall pay unto the commissioners of the corporation of Milledgeville, or their successors in office, such sum or sums of money annually, as they shall agree upon, previous to the building said bridge, for the privilege of butting the bridge on the land reserved to the town of Milledgeville, to be applied to the use of building a school house or academy in the town of Milledgeville.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

* See act of 1809, No. 466, extending the time one year longer.
AN ACT

To point out the mode, and punish such persons as have made fraudulent returns under the former laws, disposing of the territory lately acquired from the Creek nation.

WHEREAS many persons who were not entitled to draws in either of the late land lotteries, have imposed on the good people of this State, by pretending that they were entitled to draw or draws in one or other or both of the late land lotteries: and have returned their names upon oath, as entitled to the same, when in truth, they were incapable by law of deriving any benefit from the same, by their not having resided in this State for the space of time required, or being under the age pointed out by law, or pretending that they were the heads of families having a child or children, when they were not so; or by alleging that they were widows; when they knew themselves to be married women; or by pretending to be over and above the age of twenty one years, when they were not. And whereas the twenty-first section of the act entitled 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; passed on the twenty-sixth day of June, one thousand eight hundred and six, declares, that all grants obtained in any other manner than the one pointed out in the said act, should be null and void, without prescribing to the mode by which offenders of the aforesaid description should be brought to condign punishment.

SEC. 1. Be it therefore enacted, That it is and may be the duty of any person or persons whatsoever, to file or lodge a complaint in the clerks office of the superior courts, for the county where such offending person made his, her or their return for a draw or draws in the late or former land lottery, at any time after the passing of this act; pointing out such tracts of land as are claimed under those fraudulent returns: and it shall also be the duty of persons lodging such complaint, to advertise in the State's Gazette, published at Milledgeville, for six months at least once a month, notifying the original grantee or his, her or their legal representative to appear at the next superior court thereafter, to support the legality of their claim.

SEC. 2. And be it further enacted, That it shall be the duty of the attorney-general or either of the solicitors to prosecute in behalf of the State, for all such tracts of land as are charged, being founded on fraudulent returns, to final judgment and execution, and thereafter pay one half part of the value of the land so recovered to every informer who shall come forward and prosecute for such land, Provided, if such prosecutor shall fail, the informer shall pay all costs.
Sec. 3. And be it further enacted, That it shall be the duty of the attorney or solicitor-general, in all such cases to prefer indictments against such offenders in the county where such offence was committed, and on conviction thereof, the person so offending, shall be deemed and held incapable of holding any office of honor or profit in the State, for the term of ten years. And in cases where such offenders have made such fraudulent return on oath, they shall suffer all the pains, penalties and disabilities which are consequent upon the crime of perjury, Provided always, That in all trials under this act, the burden of the proof shall rest upon the grantee, his, her or their heirs or assigns.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

(No. 280.)

AN ACT

To appropriate monies for the political year eighteen hundred and eight.

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 sum of fifteen thousand dollars be, and the same is hereby appropriated as a contingent fund, subject to the orders of the governor.

Sec. 2. And be it further enacted, That for the compensation of the members of the House of Representatives and Senate, the sum of three dollars 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 per day, 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 also the sum of sixty dollars each, for contingent expenses; 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.

* See act of 1808, No. 337, section 6th, repealing this act.
and door-keeper of the House of Representatives, three dollars each per day; to Edmund Booker Jenkins, clerk of the committee on finance, forty dollars; to Thomas H. Kenan, clerk of the committee on the state of the republic, forty dollars; to the clerk of the House of Representatives, secretary of the Senate, and the messenger and door-keeper of each house, three dollars each for every twenty miles in coming to and returning from the seat of government; to the adjutant-general, four dollars per day while in actual service; to the commissioners for selling the fractional parts of surveys of land, in the counties of Wilkinson and Baldwin, three dollars per day each, while in actual service; to Zachariah Reed, the sum of fifty dollars agreeable to a concurred resolution; to the commissioners of the late land lottery, three dollars per day each while engaged in the duties of their said appointment, exclusive of what they have already received, to James Righly and Nathaniel Clarke, boys who attended the wheels, two dollars per day each; to Peter Fair, door-keeper, three dollars per day; which said sums shall be in full for their several services; for defraying the expenses of the funerals of the honorable Ezra Jones and Walter Drane, the sum of one hundred and fifty dollars; to James Luke, tax collector of Columbia county, twenty-seven dollars eighty-seven and an half cents; to James Foard, jailor of Wilkes county, seventy-eight dollars, sixty-two and a half cents; John Derrecot, forty-nine dollars ninety-seven cents; to James O. Cosby, thirty-four dollars; to Zebediah Payne, twelve dollars forty-eight and three quarter cents; to John Lamkin, eighteen dollars twelve and an half cents; to Dennis L. Ryan for printing, fifty-four dollars eighty-seven and a half cents; to Sarah Hillhouse, four dollars seventy-five cents; Ambrose Day, six dollars and fifty cents; Everitt and McLean, six dollars and fifty cents; Dennis Driscoll, six dollars and fifty cents; Alexander McMillan, four dollars ninety-three and three quarter cents; to Jacob Buckhalter, in behalf of himself and the heirs of Ann Wilson, for a negro girl named Jenny, five hundred dollars; to William Barnett, commissioner to ascertain the thirty fifth degree of north latitude between this State and North-Carolina, fifty nine dollars; to Thomas P. Carnes, commissioner as aforesaid, thirteen dollars, seventy-five cents; to John Herbert, commissioner of Milledgeville, three hundred and twenty-four dollars; to A. M. Devereaux, ditto, three hundred and nine dollars; to Howell Cobb, two hundred and fifty-two dollars; to Henry Carleton, thirty-six dollars; to Davis Gresham, fifty-one dollars; to Smart and Lane, fifty dollars; to Benjamin Easley, one hundred and fifty-three dollars; to Alexander McMillan, for printing grants for fractional surveys, twenty dollars; to Jett Thomas, towards completing the State-House, to be expended under the direction of the commissioners, twenty-five thousand dollars; which said several sums are hereby appropriated out of any monies which now are, or may hereafter come into the treasury of this State; to Alexander McMillan, for printing, two hundred copies of the bank bill, fifteen dollars; to Benjamin Wall, Captain

(No. 280.)

Adjutant-general.

Fraction selling commissioners and to sundry other persons.

For the State-House, $25,000.
(No. 280.) of the Chatham Artillery company, two hundred dollars; to provide a fund for the said company to repair their carriage, and furnish the said company with laboratory apparatus.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

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

Assented to, December 10, 1807.

JARED IRWIN, Governor.

(No. 281.)

AN ACT*

To incorporate the Planter's Bank of the State of Georgia.

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 a bank shall be established at Savannah, the capital stock whereof shall be one million of dollars, divided into ten thousand shares, of one hundred dollars each, but the directors or a majority of them, may at any time after the establishment of the said bank, increase the said stock to any amount, not exceeding three million of dollars: and that subscriptions towards constituting the said bank shall, on the first day of February next, be opened at the city of Savannah, under the superintendence of Charles Harris, William B. Bulloch and George Scott, commissioners, for two thousand four hundred shares; at the city of Augusta, under the superintendence of Thomas Cumming, John Catlett and Freeman Walker, for eleven hundred shares; at Columbia court-house, under the superintendence of Gary Davis, William Low and Thaddeus Bell, for two hundred and fifty shares; at the town of Washington, in Wilkes county, under the superintendence of Felix H. Gilbert, James Corbet and Doctor Gilbert Hay, for one thousand shares; at Athens, under the superintendence of William Malone, Hope Hull and Stephen Thomas, for five hundred shares; at Darien, under the superintendence of James Nephew, Norman McDonald and William Dunham, commissioners, for eight hundred shares; at Lexington, under the superintendence of Solomon A. Hopkins, Thomas W. Cobb and Robert Freeman, for four hundred shares; at Petersburg, under the superintendence of Leroy Pope, Thomas Bibb and John Watkins, for six hundred shares; at Greensborough, under the superintendence of George Clingham, Thomas W. Grimes and James Cun-

* This act repealed and another passed for the same purpose, in 1810, No. 360, which see.
ningham, for two hundred shares; at Milledgeville, under the superintendence of Za-
chariah Lamar, Archibald M. Devereaux and Jett Thomas, for five hundred shares; at
the town of Sparta, under the superintendence of John Lucas, James H. Jones and
Oliver Skinner, for five hundred shares; at St. Mary's, under the superintendence of
Henry Sadler, John Ross and David G. Jones, for five hundred shares; at Tatnall
court house, under the superintendence of James Perry, Martin Hardin and John P.
Blackman, for fifty shares; at Brunswick, under the superintendence of Leighton
Willson, S. Barnett and James Hamilton, for two hundred shares; at Jacksonborough,
under the superintendence of William Blair, George Williamson and Thomas Branan,
for one hundred shares; at Louisville, under the superintendence of David McCormick,
Walter Robinson and Doctor John Powell, for two hundred shares; at Waynesborough,
under the superintendence of Alexander Carter, Samuel Sturges and William Urquhart,
for two hundred shares; and a majority of the said commissioners, at the places before
mentioned, respectively, shall be sufficient to perform the duties of their appointment,
which subscriptions shall continue open, until the whole of the said stock shall have
been subscribed for; and that it shall be lawful for any person, being a citizen of the
United States, corporate or body politic, to subscribe for such or so many shares as he,
she or they, shall think fit, not exceeding fifty: Provided always, That if the said
capital shall not be filled up in six months after the commissioners herein appointed shall
open their books for subscriptions for that purpose, that then, and in that case, any per-
son, copartnership or body politic, being a citizen as aforesaid, may subscribe for such
or so many shares as he, she or they, may think fit, not exceeding in the whole one
hundred shares.

Sec. 2. And be it further enacted, That all those who shall become subscribers to
the said bank, their successors and assigns, shall be, and are hereby created and made
a corporation and body politic, by the name and style of "The President, Directors
and Company of the Planter's Bank, of the State of Georgia," and by that name
shall be, and are hereby made able and capable, in law, to have, purchase, receive, pos-
sess, enjoy and retain, to them and their successors, lands, rents, tenements, heredi-
taments, goods, chattels and effects of whatever kind or nature, or quality soever, to
an amount not exceeding in the whole three millions of dollars, including the amount of
the capital stock of the said bank; and the same to sell, grant, demise, alien or dispose
of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be
defended, in courts of record or any other place or places whatsoever; and also to
make, have and use a common seal, and the same to break, alter and renew at their
pleasure, and also to ordain, establish and put in execution such bye-laws, ordinances and
regulations, as shall seem necessary and convenient for the government of the corpora-
tion, not being contrary to the laws or constitution of this State or the United States, for
which purpose general meetings of the stockholders shall and may be called by the di-
rectors, at such time or times as by them shall be deemed necessary, and generally to do

All persons that are ci-
tizens of the U. S. entitled
to subscribe for any am-
ount of shares not exceed-
ing 50.

Proviso-

The subscri-
bers to be a
body corpo-
rate.

Their style

To make
bye-laws &c.

(No. 281.)

The subscri-
bers to be a
body corpo-
rate.
(No. 231.) and execute all and singular such acts, matters and things, which to them shall or may appertain.

**Sec. 3.** And be it further enacted by the authority aforesaid, That for the well ordering of the affairs of the said corporation, there shall be a President and directors appointed by the legislature, eight of whom shall reside in the city of Savannah, and three in each district, who shall be citizens of the United States, seven years, and of this State three years; and the president and any four or more of the said directors, shall be competent to proceed with the ordinary business of the said bank, and in case of the death, resignation, removal or refusal, to serve of a director, his place shall be filled up by the stockholders.

**Sec. 4.** And be it further enacted by the authority aforesaid, That the subscribers to the said stock, shall at the time of subscribing for the same, pay into the hands of the commissioners who shall receive such subscriptions, two per centum of the amount of the shares subscribed for, and after the expiration of six months from the passing of this act, the commissioners shall and are hereby required, to return the subscription books, with all papers appertaining thereto, within thirty days after the expiration of the said six months to the commissioners in Savannah, together with the amount of cash by them received; and the said commissioners, in Savannah, shall thereupon call on the directors herein before named, by a public notice, for that purpose, to assemble in Savannah, for the purpose of receiving the books of subscriptions, papers and cash in the hands of, or received by the said commissioners, and the subscribers to the stock of the said bank shall, upon thirty days notice given by the said directors, pay into their hands other twenty-eight per centum of the amount subscribed; and upon the like notice of the directors of other sixty days, the stockholders shall pay a further sum of twenty per centum of the amount subscribed; and that as soon as the sum of three hundred thousand dollars in gold and silver, shall have been actually received on account of the subscriptions to the said stock, notice thereof shall be given by the said directors, or such number of them as are herein before declared to be competent to proceed with the business of the said bank, and they shall at or after the expiration of the said notice, proceed to organize and commence business at and for the said bank.

**Sec. 5.** The President and directors who shall be appointed by the legislature as aforesaid, shall continue in office for the space of one year, but the President shall at all times be eligible to be re-elected; the directors shall go out in rotation in the following order: one fourth of the said directors shall go out by ballot at the expiration of the term of every year, and which said vacancies shall be filled up by a majority of the stockholders, in the following manner:—For one share, one vote; for two shares, two votes; for every two shares above two, and not exceeding eight, one vote; for every four shares above eight, and not exceeding twenty, one vote; for every eight shares...
above twenty, and not exceeding sixty, one vote; for every twelve shares above sixty, and not exceeding one hundred, one vote. Provided nevertheless, That the said directors so to be chosen, shall reside in the same district, that those did whose places are so to be filled up.

Sec. 6. No person shall be eligible to be a director, except stockholders, of at least ten shares in the bank in his own right.

Sec. 7. The president, or any one of the said directors, shall at no time, directly or indirectly, draw out of the said public stock or bank, a sum that shall exceed five thousand dollars; nor shall the president or any one of the directors of the said bank, or any branch thereof, draw out of the said bank, any money, but upon the same terms and conditions as other persons; and in case any of the directors or the president, drawing out a greater sum at one time, his stock in the bank shall be forfeited, and the seat of such person shall be vacated, neither shall any stockholder be eligible to be a director, who shall be in arrears over and above the sum of five thousand dollars to the said bank.

Sec. 8. And be it further enacted, by the authority aforesaid, That a branch of the aforesaid bank shall be extended to the city of Augusta, under the superintendence of eight directors, one of whom shall be president, to be appointed by the legislature, whose seats shall be vacated and filled up at the same time and in the same manner, as the president and directors of the bank in Savannah; and the said branch at Augusta, shall go into operation at the same period with the bank in Savannah.

Sec. 9. And be it further enacted, by the authority aforesaid, That the said branch shall at all times be amenable to the bye-laws, rules and regulations, that may be adopted by the corporation of the Planters' Bank of the State of Georgia.

Sec. 10. And be it further enacted, That the aforesaid directors shall have full power to extend a branch or branches of the said bank to any part of this State, which in their judgment they may think needful and necessary.

Sec. 11. The State may at any time within five years, subscribe for any number of shares, not exceeding one thousand.

Sec. 12. The President shall be elected by the directors out of their own body, after the first President appointed by the legislature shall go out of office; and shall have such compensation for his services, as may be decided by the directors; the cashier and other officers appointed by the directors, shall be compensated by the directors; they

A director to have ten shares.

President & directors limited as to the sum they shall draw out of bank.

Forfeiture.

A branch of said bank to be established at Augusta to be regulated like the mother bank.

The branch to be amenable to the mother bank.

The directors to extend another branch to any other part of the State.

The State may subscribe for 1000 shares.

The president and other officers to be elected by the directors and may be compensated.
(No. 281.) shall give bond and security as shall be pointed out by the directors, and shall take an oath, to be entered on the minutes or proceedings of said directors.

SEC. 13. The directors shall, from time to time, have power and authority to make such rules and regulations, as shall be found needful to carry into effect the design, intent and meaning, of this institution: Provided, That such rules and regulations do in no way militate with the constitution and laws of the State, or with the rules and regulations herein pointed out.

SEC. 14. No person shall be eligible to be a director, who is a director in any other bank; neither shall any person be eligible who shall be a partner in any house, co-partnership or firm, to or with any such person, or who is in arrears to any other bank or stockholder therein.

SEC. 15. And be it further enacted, That this act, and incorporation therein mentioned, shall continue and be in force thirty years, and from thence to the end of the next session of the General Assembly thereafter, and no longer.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 5, 1807.

JARED IRWIN, Governor.

(No. 282.)

AN ACT.

To take off a part of the county of Greene, and add the same to the county of Clark.

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 that part of Greene county, contained within the following boundary, be and is hereby added to the county of Clark—That is to say, beginning on the west side, and on the bank of the Oconee river, where the dividing line terminates on the said bank, between the aforesaid counties of Greene and Clark; thence down the said Oconee river to the mouth of Rose creek; and from thence in a right and direct line to the corner on Apalachee river, which at that place divides the aforesaid counties of Greene and Clark.
SEC. 2. And be it enacted, That the county surveyor for the county of Greene be, and he is hereby directed to lay out the said line, and report the same, within the term of three months from and after the passing of this act, to the inferior courts of the aforesaid counties of Greene and Clark, and that the said county court of the county of Clark be authorized and required to make compensation, for the said surveyor's services, out of the said county funds.

SEC. 3. And be it further enacted by the authority aforesaid, That from and after the aforesaid term of three months, as before mentioned, that all and every of that part of the county of Greene as aforesaid, shall be, and the same is hereby declared to be a part of the county of Clark, and subject to the same rules and regulations of the aforesaid county of Clark, any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives,
DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

AN ACT

To alter the name of Kitty Ann Edwards Caldwell, to that of Kitty Ann Edwards Willis.

WHEREAS satisfactory reasons have been offered to authorize the alteration aforesaid.

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 said Kitty Ann Edwards Caldwell shall, from and after the passing of this act, be known and called by the name and style of Kitty Ann Edwards Willis.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
ROBERT WALTON, President of the Senate.

Assented to, November 24, 1807.

JARED IRWIN, Governor.
AN ACT

To sell and dispose of the printed copies of Marbury's and Crawford's digest of the laws of Georgia.

WHEREAS it appears that there are yet remaining a number of the said printed digests of laws in the different Clerk's offices unsold, and are liable to great damages from the manner in which they are kept—for remedy whereof,

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That the clerks of the different counties throughout the State, who have in possession those printed copies of said digest aforesaid, shall after the first day of March next expose the same for sale, by first giving public notice thereof in three or more of the most public places of their counties, at least thirty days previous to the sale of the same; and the said clerks when advertising the same, shall give twelve months credit to all purchasers, on their giving bond and approved security, payable to his Excellency the Governor of this State, and to his successors in office, which bond shall remain in the clerk's office for collection; and the said clerks, whenever the monies arising from the sales thereof become due, shall give at least twenty days notice in three or more of the most public places as aforesaid, for all purchasers to pay the same, and on failure thereof, it shall be the duty of the said clerks, to bring suits against the said purchasers so in default, before any court having cognizance thereof; Provided, That they do not sell for less than four dollars each.

Sec. 2. And be it further enacted, That the said clerks shall, within six months after he or they shall collect the amount so sold, transmit the same to the treasurer of this State; and the said clerks shall have for their services, five per cent on the amount so sold by them and collected. Provided, That nothing herein contained shall prevent the officers that now are, or may be elected or appointed in the counties lying between the Oconee and Ockmulgee rivers, from receiving the aforesaid laws, as digested by Crawford and Marbury, as other officers heretofore.

Sec. 3. And be it further enacted, That any law or resolution contrary to this act, be and the same is hereby repealed.

Benjamin Whitaker, Speaker of the House of Representatives.
David Bates, President of the Senate, pro. tem.

Assented to, December 7, 1807.

Jared Irwin, Governor.
AN ACT

To authorize Charles Goodwin, Richard Gantt, and Edmund Bacon, Esquires, to plead and practice in the several courts of law and equity, within this State.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, the said Charles Goodwin, Richard Gantt, and Edmund Bacon of the State of South-Carolina, be and they are hereby permitted and allowed to practice in the several courts of law and equity within this State, as attorneys, solicitors and proctors, any law, usage or custom, to the contrary in any wise notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

AN ACT

For the more effectually securing the probate of wills, limiting the time for executors to qualify and widows to make their election.

WHEREAS there is no law in this State, which sufficiently enforces witnesses to wills to prove the same, whereby the wise and benevolent intentions of testators are often defeated, and heirs and legatees deprived of their just rights—for remedy whereof,

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That it shall be the duty of all and every witness to any will or wills, to be and appear at the court of ordinary, on the regular day for the probate of the said will, ready to testify of and concerning the validity of the same; and the courts of ordinary in this State shall have, and they are hereby vested with the same powers and authority that are vested in the superior and inferior courts, for the production and punishment of any witness or witnesses, that may be needful to carry into effect the business of the said courts of ordinary.

* See act of 1810, No. 559, for amendments and alterations of this act.
(No. 286.)

AND WHEREAS it often happens that persons left as executors to wills refuse to qualify, to the delay of the just claims of creditors, and to the injury of the estate of such testator—for remedy whereof,

EXECUTORS

SEC. 2. BE IT ENACTED, That it shall be the duty of all and every such person so left as executor, to be and appear at the court of ordinary at the first regular court for the probate of the same; and in case any such person so left as executor, should not qualify within one year after the death of the testator, then and in that case there rights to qualify shall be considered to be abated and destroyed, and the said court are hereby prohibited from admitting them to the same.

EXECUTORS HERETOFORE LEFT

SEC. 3. AND BE IT FURTHER ENACTED, That all and every person heretofore left as executor or executors to wills, but who have not yet qualified, are hereby directed to be and appear at the court of ordinary of their respective counties within one year after the passage of this act, with the will annexed, to qualify to the same; and every such person so failing to attend, shall be considered to have abandoned all right, title and claim, as executor, in and by the said will.

WIDOWS TO MAKE THEIR ELECTION OUT OF THE ESTATE OF THEIR HUSBANDS

SEC. 4. AND BE IT FURTHER ENACTED, That it shall be the duty of all widows, within one year after the death of their husbands, to make their election or portion out of the estate of the deceased; and any such widow so failing to make her election, shall be considered as having taken her dower or thirds, and shall forever after be debarred from taking any other part or portion of the said estate.

BENJAMIN WHITAKER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DAVID BATES, PRESIDENT OF THE SENATE, PRO. TEM.

ASSENTED TO, DECEMBER 10, 1807.

JARED IRWIN, GOVERNOR.

(No. 237.)

AN ACT *

TO KEEP OPEN THE MAIN CHANNEL OF THE TUGALO RIVER, FROM ITS JUNCTION WITH THE KEOWEE RIVER, TO THE MOUTH OF PANTHER CREEK.

WHEREAS the inhabitants adjacent to Tugalo river, have voluntarily undertaken to improve the navigation of said river, from its junction with Keowee ri-

* This act amended by act of 1810, No. 505.
ver to the mouth of Panther creek, and for their support in keeping open that part of the river in future,

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Joel Yowell, John D. Terrell, Robert Walton, Robert Walters and Nathaniel Payne, be, and they are hereby appointed commissioners, whose duty it shall be to view the said river, at least once in every year, to see that there is no obstruction placed in the main channel or sluice thereof, which channel or sluice shall remain open and clear of any obstructions, at least thirty feet in width, for the passage of boats.

Sec. 2. And be it further enacted, That the said commissioners, or a majority of them, shall have full power to determine on such channel or sluice, in any part of said river, that they may in their judgment deem most convenient, to answer the purposes intended by this act.

Sec. 3. And be it further enacted, That any person placing any obstruction in the channel or sluice as aforesaid, so as to prevent the free passage of boats, shall for every such offence, forfeit and pay the sum of ten dollars for every forty eight hours the same shall remain, to be recovered before any court having competent jurisdiction thereof, on the information of two or more of the commissioners aforesaid.

Sec. 4. And be it further enacted, That the monies so collected, shall be by the commissioners aforesaid deposited in the hands of the inferior court of Franklin county, to be by them applied to the special purpose of keeping open the said river as aforesaid.

Sec. 5. And be it further enacted, That whenever there shall be found any obstructions in the channel or sluice aforesaid, the commissioners aforesaid or a majority of them, are hereby fully authorized to call on the justices of the inferior court as aforesaid, so soon as any monies shall be collected and by virtue of this act, for such sums of money as, in their judgment, will be necessary to remove such obstructions, which obstructions the said commissioners, or a majority of them, are fully authorized to employ any person to remove: Provided, there shall be a sufficient sum of money collected as aforesaid, and deposited in the hands of the justices aforesaid; Provided also, That this act shall not be so construed as to authorize the commissioners aforesaid to demand of the inferior court, any part of their county funds, except the monies arising under and by virtue of this act.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 5, 1807.

JARED IRWIN, Governor.
AN ACT

To alter and amend the road laws, so far as respects the counties of Chatham and Effingham.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all overseers of roads now appointed or hereafter to be appointed in the county of Effingham, who shall refuse or neglect to do their duty as required by the laws of this State, they and each of them shall, for every such offence, forfeit and pay a fine not exceeding the sum of thirty dollars.

SEC. 2. And be it further enacted, That the fine for negroes not working on the roads in the aforesaid counties of Chatham and Effingham, shall after the passing of this act, be for each negro liable to work on said roads, the sum of two dollars, for each and every day that any negro subject to work on the roads shall neglect or fail so to do.

SEC. 3. And be it further enacted, That all acts or parts of acts, that militate with this act shall be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

AN ACT*

To authorize a lottery, for the purpose of raising the sum of six thousand dollars, to be appropriated for the purpose of more effectually securing the town of St. Marys from the overflowing of the river.

WHEREAS sundry inhabitants and residents of the town of St. Marys, and county of Camden, have petitioned this legislature, praying the authorizing a lottery for the purpose of enabling the inhabitants of said town to defend it against the inundation of the river St. Marys.

* See act of 1810, No. 499, authorizing the commissioners of this lottery to dispose of the funds.
SECT. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That Henry Sadler, John Ross, and Thomas King, merchants of St. Marys, be, and they are hereby appointed commissioners of a lottery, to be called the St. Mary's lottery, Provided the said commissioners give bond and security to the governor, in the sum of six thousand dollars, for the faithful discharge of their duty, which shall be approved of by the justices of the inferior court of the county of Camden.

SECT. 2. And be it further enacted by the authority aforesaid, That from and immediately after the passage of this act, the said commissioners shall have, and they are hereby vested with full power and authority to create and devise a scheme of a lottery to be called the St. Mary's lottery; by which said scheme they are hereby authorized and at liberty, to raise the sum of six thousand dollars, which said sum when so raised and made, shall be appropriated and paid for the erecting and making a dyke or dam, the more effectually to secure the said town of St. Mary's against the overflowing of the river.

SECT. 3. And be it further enacted by the authority aforesaid, That the said commissioners shall be, and they are hereby vested with full power and authority to let and contract for the throwing up or erecting said dam or dyke, at such time and in such manner as they may deem most expedient.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

AN ACT

For the relief of John Cormick.

WHEREAS by the memorial of John Cormick exhibited to this legislature, and by the documents and vouchers accompanying the same, it doth manifestly appear, that in the year of our Lord one thousand seven hundred and ninety eight, before the adop-
(No. 220.)

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 person and property of the said John Cormick, shall be free and exempt from the claims of the said Eliza Cormick, in as full complete and ample a manner, as if they had never been married, and that the said John Cormick be, and he is hereby declared fully authorized to do and perform all such acts and things as he might lawfully do, had he never entered into a matrimonial contract with the said Eliza, any law, usage or custom, to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, November 27, 1807.

JARED IRWIN, Governor.
AN ACT

To change the name of the Oglethorpe Academy, and to incorporate the commissioners thereof, by the name and style of the Trustees of Meson Academy.

WHEREAS John Lumkin, William Harris Crawford, Benjamin Baldwin, George Phillips and James Luckie, commissioners of the academy of Oglethorpe county, have, by petition to the legislature, stated that the late Francis Meson, deceased, did, by his last will and testament, devise and bequeath to them a considerable real and personal estate, in trust, for the said academy; and whereas this legislature, deeply impressed with the belief that the welfare and independence of republican States materially depend upon the general diffusion of useful knowledge, feel themselves imperiously called upon to patronize and encourage literary institutions, where it can be done without injury to the public interest; and whereas the said commissioners have prayed that a law may be passed to change the name of Oglethorpe academy, to that of Meson academy, and to incorporate the said commissioners by the name and style of "the trustees of Meson Academy," and authorizing them to accept of the said donation, and all others which may be hereafter given; and this legislature viewing such donations as highly beneficial to the public, and honorable to the donor: and being willing to encourage others to emulate the example set by the said Francis Meson, deceased, have determined to grant the prayer of the petitioners—for which purpose,

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted, That immediately from and after the passing of this act, the academy of Oglethorpe county, shall be known and called by the name of Meson academy; and that John Lumkin, William Harris Crawford, Benjamin Baldwin, George Phillips, James Luckie, Obadiah Jones and Thomas W. Cobb, and their successors in office, be, and they are hereby declared to be a body politic and corporate, by the name and style of "the trustees of Meson academy," and as such body politic shall be capable of suing and being sued, and shall be capable of doing all other acts which may be necessary; for the complete execution of the trust confided to them; and for that purpose may have and use a common seal, appoint such officers as may in their opinion be necessary, and remove the same for any malfeasance or neglect of duty.

SEC. 2. And be it further enacted, That the said trustees shall be capable of accepting the bequest of the late Francis Meson, deceased, and all bequests, gifts and donations which have been, or may be hereafter bestowed upon them, and shall hold the same according to the trusts and conditions contained in such donation or bequest.
(No. 291.)

Sec. 3. And be it further enacted, That all vacancies which may happen in the board of trustees, shall be filled by the General Assembly of this State, and it shall be the duty of the said board, yearly and every year, to lay a correct account of their receipts and expenditures of the preceeding year, before the grand jury of Oglethorpe county:—Provided nevertheless, that nothing herein contained shall be construed to impair the powers of the board of trustees of the University of Georgia, or of the Senatus Academicus, or of the board of visitors granted them by the several acts, regulating the University of Georgia.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, November 27, 1807.

JARED IRWIN, Governor.

AN ACT

(No. 292.)

To limit the jurisdiction of the Mayor's court in the city of Savannah, and for altering the times of holding the same.

WHEREAS an act passed on the 8th day of December, 1806, entitled, "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," has been found to operate injuriously to a majority of the inhabitants of the said city of Savannah—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 the same, That from and after the first day of January next, the said court shall take cognizance of any cause in which the plaintiff's demand shall exceed thirty dollars, and shall not exceed the sum of one hundred dollars.

SEC. 2. And be it enacted, That from and after the said first day of January next, the said court shall be held monthly, on the first Tuesday in each and every month.*

* See act of 1808, No. 324, altering the session of the court to the third Tuesday in each month.
Sec. 3. And be it further enacted, That all acts heretofore passed, so far as the same shall militate with this act, be and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, November 24, 1807.

JARED IRWIN, Governor.

AN ACT

To quiet the claim of William Wallace and Ann his wife, to the estate real and personal of John Moxam, deceased.

WHEREAS it hath been represented to this legislature, that John Moxam late of the city of Savannah, carpenter, deceased, unfortunately lost his life in the storm which took place on the eighth day of September, eighteen hundred and four, by being drowned opposite to the said city, of course deprived of the opportunity of bequeathing his property in the way he could wish; And whereas, it hath been represented to this legislature that Ann, the wife of William Wallace, of the county of Chatham, was the person on whom the aforesaid John Moxam intended to bestow his estate, both real and personal, being his daughter, unfortunately born out of wedlock, though the exclusive object of his affection, and acknowledged by him in his life time to be his only child.

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all the estate both real and personal, belonging to the aforesaid John Moxam, be, and the same is hereby vested in William Wallace and Ann his wife, their heirs and assigns forever, subject nevertheless, to the payment of the just debts of the said John Moxam: And provided, that the same has not yet been disposed of, and applied to the benefit of the State, under the escheat law now in force.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, November 24, 1807.

JARED IRWIN, Governor.
(No. 291.)

AN ACT

To authorize the justices of the inferior court of the county of Greene, to levy an extra tax for the purpose of erecting a public jail in said county.

Be it enacted by the Senate and House of Representatives in General Assembly met, That the justices of the inferior court, for the county of Greene, are hereby authorized and required, to impose a proportionate extra tax, on the respective inhabitants of said county annually; for the term of two years in succession, not exceeding the one half of the annual general state tax, of each inhabitant, which said tax shall be collected in the same manner, and under the same restrictions, as are laid down for the collection of the general tax of this State; and the monies arising from the extra tax as aforesaid, shall be appropriated for the special purpose of paying for the building a public jail in said county.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

(No. 295.)

AN ACT

To authorize the commissioners of Milledgeville, to lay out lots, not exceeding twenty acres each, in that part of the town tract of land (not specially applied to other purposes) to be leased out, also to sell more of the town lots already laid out, and for granting certain lots for an academy, and churches or meeting-houses.

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 and may be lawful for the commissioners of Milledgeville, to lay out of the town tract of land (not specially applied to other purposes) three hundred acres which shall be laid out into lots, not exceeding twenty acres each, which said lots shall be leased out by said commissioners, for a term not exceeding seven years, which they may think most productive to the interest of the State.

Sec. 2. And be it further enacted by the authority aforesaid, That the said commissioners shall have power and authority at any time after the passing of this act, to sell
and dispose of any number of the town lots already laid out, not exceeding forty on the same terms, and under the same restrictions as the lots have hitherto been sold.*

SEC. 3. And be it further enacted, That it shall be the duty of the commissioners to cause to be laid out, in the square already set apart for public uses, one acre of land, for the purpose of erecting a school-house or academy; and the said commissioners are hereby authorized and required to make a deed of conveyance to the trustees herein after named, and their successors in office, for the use and benefit of said school or academy.

SEC. 4. And be it further enacted, That Thompson Bird, Zachariah Lamar, Elijah Clark, John W. Devereaux and Augustin Harris, be and they are hereby appointed and declared to be trustees of the aforesaid school-house or academy, and capable of forming such bye-laws and regulations, as in their judgment will tend to the promotion and advancement of the said institution, not repugnant to the existing laws and constitution of this State; in case of the death, resignation or removal of any or either of the said trustees in the recess of the Legislature, the governor shall fill the vacancy, subject to be approved or disapproved by the next General Assembly.

And whereas, the promotion of religion and morality at the seat of government is an object of primary importance.

SEC. 5. Be it therefore enacted, That the commissioners are hereby authorized and required, on the application of any denomination of Christians, to cause to be laid out, in the said town, to each denomination, one acre of land, not heretofore disposed of, which shall be and forever remain lots for the purpose of building churches or meeting-houses.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

* See act of 1810, No. 533, authorizing the sale of more lots, and the terms.
AN ACT

To impose a tax for the support of government, for the year eighteen hundred and eight.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That the act to raise a tax, for the support of government, for the year one thousand eight hundred and five, with the amendments herein after expressed, be, and the same is hereby declared to be in force until the meeting of the next General Assembly, and from thence till the same is repealed.

SEC. 2. And be it further enacted, 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 (be first receipting for the same) to deliver one of said digests, to enable him to collect the tax therein contained.

SEC. 3. And be it further enacted, That all the property of the tax collector, and his securities, of which they, or either of them were possessed at the time of entering into bond, shall be bound from the time of signing the same, for the amount which may be due the State.

SEC. 4. And be it further enacted, 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 support of government for the year one thousand eight hundred and six, and until the end of the next General Assembly, and from thence until the same shall be repealed," passed on the fourth day of December, eighteen hundred and five, a tax of thirty-one and one quarter cents, on every hundred dollars, on the amount of the capital of any bank, or office of discount and deposit, except the Planter's Bank of the State of Georgia, 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. 5. 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. 6. 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

* See supplemental act to the several tax laws, No. 340.
† This section altered and amended by act of 1810, No. 501.
resident without the limits of this State, it shall and may be lawful for, and it is hereby (No. 296.) 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.

SEC. 7. And be it further enacted, That it shall be the duty of all persons who shall bring any stallion or covering horse into this State, after the first day of January next, to make a return of such horse to the clerk of the inferior court, or receiver of tax returns; and on failure thereof, such person shall be subject to the same penalty as other defaulters.

SEC. 8. And be it further enacted, That the sum of four dollars shall be levied on all free male negroes, mulattoes or mustizoes, of the age of twenty one years, and under the age of sixty, over and above the taxable property they may be possessed of, and one hundred dollars on all free persons of the above description, who may come into this State after the first day of March next for the purpose of settlement: Provided always, That if such free person shall leave the State in ten days, such tax shall then be remitted.

SEC. 9. And be it further enacted, That the tax on all high, river swamp, and low grounds, on the south side, and adjoining thereto of the Oconee river, and on the north side and adjoining thereto of the river Ocmulgee, the same assessment as, by the above recited law is levied on lands of the same quality, on the north side of the Oconee; and on all other oak and hickory land, and pine land lying between and in the fork of said rivers Oconee and Ocmulgee, the same assessment as in the other counties of this State.

SEC. 10. And be it further enacted, That it shall not be necessary for the tax collector of Chatham county, to go into each district of said county, to collect taxes, but that the said collector shall receive the taxes of that county in Savannah only.

SEC. 11. And be it further enacted, That so much of the above recited tax act, as relates to defaulters failing to make their returns being presented by the grand jury, be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.
AN ACT

For regulating and keeping in repair, the public roads, causeways and bridges in the counties of Burke, Jefferson, Richmond, Greene and Morgan.

WHEREAS the existing laws relative to the regulation and repair of public roads, causeways and bridges, in and for the counties of Burke, Jefferson, Richmond, Greene and Morgan, are from experience found to be ineffectual.

Sec. 1. BE IT THEREFORE ENACTED by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the Inferior courts in and for the counties of Burke, Jefferson, Richmond, Greene and Morgan, at their first session or term held after the passing of this act, shall proceed to define and point out as many and such districts, as to them shall seem meet and proper, having due regard to proportioning the said districts or divisions, so to divide the labour and expense of the roads, bridges and causeways, equally among the citizens of the respective districts or divisions throughout their said counties; and on application to the justices of the said Inferior courts, for any new road, or any alteration in an old road, the said justices shall proceed to appoint three discreet persons residing in the neighborhood of where such road is intended to pass, who shall report to the said justices, at their next term, their opinion of the propriety of such road or roads, on which report the justices aforesaid shall finally determine; and the justices of the said Inferior court, shall, at the same meeting when they so define and point out the districts or divisions aforesaid, appoint two or more commissioners, who shall be notified of such their appointment, by the clerk of the said inferior courts, within thirty days after such appointment or appointments, under the penalty of five dollars for every such default; and if any commissioner or commissioners, within ten days of the receipt of such notification, shall not make his or their resignation to some one of the justices of the inferior court aforesaid, such commissioner or commissioners shall be considered as having accepted of said appointment; and the commissioners so appointed, shall meet at the places of holding courts in said counties, on the last Saturday of the month of July in each year, and then and there proceed to apportion the hands for the several districts or divisions aforesaid, and in the case of refusal, departure, neglect or decease of any or other of such commissioners, the inferior courts in the counties aforesaid, shall have power to fill every such vacancy, and should any commissioner or commissioners so appointed refuse to act on such appointment, after being notified thereof by the clerk of said court, shall be liable to the fine of five dollars:—but should any commissioners so appointed refuse, at any

* See act of 1808, No. 374, amending this act so far as respects the counties of Greene and Morgan—and act of 1809, No. 447, so far as respects the counties of Burke, Jefferson and Richmond.
time within one year of said appointment [without good cause, to be judged of by the said inferior court,] he shall be liable to the fine of thirty dollars.

SEC. 2. And be it further enacted, That all male white inhabitants, mulattoes, and free negroes, and all male slaves from the age of sixteen to forty-five years, in the counties aforesaid, shall be and they are hereby declared to be obliged to appear with an ax, grubbing or weeding hoe, and work on the several roads, causeways and bridges, within the several districts or divisions to which such male white inhabitants, mulattoes, free negroes and male slaves, shall have been allotted pursuant to this act, as such male white inhabitants, mulattoes, free negroes, and owners, managers or employers of such negroes or male slaves, shall be liable to the fines and penalties in this act, defined and expressed.

SEC. 3. And be it further enacted, That the commissioners appointed under this act, or a majority of them shall, and they have hereby full power and authority to appoint one or more person or persons within their several districts or divisions, to summon all such persons as are obliged to work within the said districts or divisions, at such times 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, clear, and work on the several roads, bridges and causeways within the same; and the several owners, managers or employers of male slaves within the several divisions or districts, shall when summoned as aforesaid, deliver to the person summoning him, her or them, a list of all such male slaves, as are by this act liable to work, in writing, signed by such owner, manager or employer, under a penalty of ten dollars for a neglect thereof, which list the person summoning shall deliver to any one of the commissioners within the district or division in which he was appointed to summon as aforesaid.

SEC. 4. And be it further enacted, That every male white inhabitant, free negro or mulatto, who being duly summoned to work in the respective divisions or districts wherein such male white inhabitant, free negro or mulatto is obliged to work by this act, shall neglect or refuse to obey such summons, he shall for each day he shall so refuse or neglect to appear and work as aforesaid, forfeit a sum not exceeding one dollar, and for every day the owner, manager and employer of any male slave liable to work as aforesaid, shall neglect or refuse to send such slaves to perform such work, he, she, or they, shall forfeit a sum not exceeding one dollar for each slave; and it shall be the duty of the said commissioners to appoint a time and place, and to notify the same, (provided always, That such time shall be within ten days after such period of working on the road,) for hearing and determining on such excuses as may be offered by defaulters, and a majority of the commissioners convened at such time shall have full power to decide as aforesaid, and order executions to issue, to any lawful constable.
which executions shall be signed by two commissioners for the division or district in which the defaulter or defaulters may reside.

SEC. 5. And be it further enacted, That all fines and penalties imposed by this act, shall be paid by the person collecting the same to the justices of the inferior court of the county where the same may accrue, to be by them appropriated for the building and keeping in repair of bridges, and effecting such objects as are embraced by this act; Provided, That this act shall not be so construed as to effect the jurisdiction of the City Council of Augusta, over so much of the public roads in the county of Richmond, as they are entitled to by law.

SEC. 6. And be it further enacted, That all road laws heretofore passed, which in any way militate against this act, be and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

(No. 298.) AN ACT

To regulate the village of Carnesville, in the county of Franklin.*

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 Frederick Beall, Samson Lane, Benjamin Hersey, Dudley Jones and Andy Williamson, be and they are hereby appointed commissioners of the said village, and they or a majority of them, and their successors in office, shall have and they are hereby vested with full power and authority to pass all bye-laws and ordinances which they or a majority of them may deem necessary, for the improvement and keeping in repair and good order the streets of the said village, and for the preservation of the public springs, Provided, That such bye-laws and ordinances, shall not be repugnant to the constitution and laws of this State.

SEC. 2. And be it further enacted, That the power and authority vested in the said commissioners, shall no extend to the passing of any bye-laws or ordinances which

* See act of 1808, No. 391, altering and amending this law.
may require corporal punishment to be inflicted, (except the said corporal punishments is to be inflicted upon slaves or other persons of color,) neither shall the said commissioners be authorised to impose any poll tax upon the citizens of the said village, which shall exceed the sum of two dollars in the term of one year.

SEC. 3. And be it further enacted, That the said commissioners shall continue in office, until the first Monday in January, eighteen hundred and nine, on which day, and on the first Monday in January in every year thereafter, between the hours of ten o'clock in the forenoon, and three o'clock in the afternoon of that day, all the free male white citizens of the said village, 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 the said county, and by ballot elect five commissioners, who shall continue in office for the space of one year, at which election any two or more justices of the peace of the said county shall preside: Provided, That the said commissioners, after having served out the term of one year, shall be and they are hereby declared to be re-eligible to the said appointment.

SEC. 4. And be it further enacted by the authority aforesaid, That the entire row or line of lots situate on the north side, and adjoining the northern street of the said village, belonging to and now occupied by Benjamin Dorsey, Dudley Jones, Andy Williamson, Polly Whitaker and Thomas Williamson, shall be, and the same are hereby annexed to, and shall forever hereafter be considered as a part of the said village of Carnesville, and the aforesaid lot holders, and those holding under them, shall enjoy the same rights and privileges, and be subject to the like taxes and duties, as the persons resident, and holding lots in the old part of the said village are and shall be entitled or liable to.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 7, 1807.

JARED IRWIN, Governor.
(No. 299.)

AN ACT

To suspend for the time therein expressed, the operation of an act passed the eighth day of December, eighteen hundred and six, entitled "An Act to extend the operation of the laws of this State, over the persons resident in Wofford's settlement, and to organize the same."

The law of 1806 organizing Wofford's settlement, suspended.

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 immediately after the passing of this act, the act entitled "An Act to extend the operation of the laws of this State over the persons resident in Wofford's settlement, and to organize the same," shall be, and the same is hereby suspended in its operation, and the same shall not have any force or effect until the treaty represented to have been made by James Blair, agent on the part of the United States, and James Yann and Ketabashe, as agents on the part of the Cherokee nation of Indians, shall be approved of by the President, and ratified by the Senate of the United States, and the Governor of this State, shall be duly notified thereof.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 5, 1807.

JARED IRWIN, Governor.

(No. 300.)

AN ACT

To amend an act, passed at Louisville on the eighth day of December, eighteen hundred and six, regulating roads in this State, so far as respects the county of Glynn.

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 Charles Dewitt, Samuel Barnett, John G. Ence, Athelston D. Lawrence, and John Gigli- list, be, and they are hereby appointed commissioners of the road leading from Brunswick to Wayne county, and they or a majority of them, shall be empowered to summon all the male white inhabitants, free negroes, mustizoes, mulattoes and slaves,

* See act of 1808, No. 361, repealing this law. See also act of 1810, No. 490, adding this settlement to Jackson county.
who are liable to work upon the roads, and are residents within the limits hereafter designated, viz:—Upon Colonel's and Blyth islands, with those on Brunswick neck, up the south side of the Alatamaha, till it intersects the road dividing the county of Glynn from Wayne, from thence to the main Buffaloe Swamp upon the said road, down the said swamp to Turtle river, and that John Thomas, Job Tyson, Thomas B. McKen-ner, Robert Leach and Thomas Dover, be and they are hereby appointed commis-}
{ers on the road upon the north side of the Buffaloe, extending along the said road to the head of the Little Satilla, till it intersects the Camden road, then down the Little Satilla to Fanny Bluff, from thence to the mouth of the Buffaloe and to continue up the same, till it intersects the road on the north side of the Buffaloe at the place of beginning, and all who are subject to road duty within the said limits, are liable to work upon the aforesaid road.

**Sec. 2.** *And be it further enacted, That after the above roads are completed, it shall and may be lawful for the commissioners hereafter named to lay or cause to be laid out, a road from the road leading from Brunswick to Barrington, across the Buffaloes, to intersect at the most convenient place, the road leading from Barrington, to St. Ma-ry's, and that all the inhabitants of the county, subject to road duty are hereby decla-red liable to work upon the same, that John Gignillat, Thomas Dover, Thomas Leach, Samuel Burnett, James Moore, Athelston D. Lawrence, and James Powel, are hereby appointed commissioners, upon the said road.*

**Sec. 3.** *And be it further enacted, That the white inhabitants upon St. Simons's, and Jekyll islands, shall be subject as heretofore to road duty upon the main, or be liable to a fine of fifty cents per day for every such neglect.*

**Sec. 4.** *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.**

**Robert Walton, President of the Senate.**

**Assented to, December 5, 1807.**

**Jared Irwin, Governor.**
AN ACT

To dispose of the late State-House and public square, in the town of Louisville.

WHEREAS by the removal of the seat of Government of this State, to the town of Milledgeville, the late State-house in the town of Louisville, has become useless.

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the late State-House in the town of Louisville, together with the public square, and all the appurtenances thereto belonging, be, and the same is hereby established, and set apart as a public arsenal and place of deposit for all military stores, belonging to the State of Georgia.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.

AN ACT

To amend an act entitled "An Act, to regulate the town of Lexington."

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted, That from and after the first day of January next, the commissioners of the town of Lexington, shall have full power and authority to pass such bye-laws and regulations as they may deem necessary for the preservation of the health of the citizens of the said town, the security of the public buildings from fire and other accidents, and for erecting and repairing fences and palings in the said town: Provided, That such bye-laws and regulations be not repugnant to the constitution and laws of this State, and that no pain or penalty therein inflicted upon any free white person shall extend to life or limb, or corporal punishment.

SEC. 2. And be it further enacted, That it shall be lawful for the said commissioners to impose a tax upon all persons retailing liquors in the public square or streets,
of said town; provided, such tax shall not exceed five dollars for each day; such person shall retail liquors as aforesaid in less quantities than five gallons.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, November 27, 1807.

JARED IRWIN, Governor.

AN ACT

To authorize certain commissioners therein named, to run and plainly mark a line between the counties of Elbert and Franklin.

WHEREAS the line dividing the counties of Elbert and Franklin, has never been run and plainly marked, and difficulties having already arisen for want of such running and marking, 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 the same, That Robert Kenada, a citizen of the county of Elbert, and John Martin, a citizen of the county of Franklin, shall be commissioners for, and on the part of the counties aforesaid, who shall be invested with full power and authority to run and plainly mark the said line, (that is to say,) beginning on the south fork of Broad River, where the Jackson, Franklin, and Elbert county lines intersect, running from thence along an old path commonly called the line path, to the north fork of Blue Stone Creek, from thence a direct line to William Browns, where the road leading from Daniel’s Ferry, to Hatton’s Ford on Tugalo, crosses the road leading from Elberton to Franklin Court-House, so as to include Brown’s house in Franklin county; from thence to Thomas Carter’s on Lightwood Log Creek; thence down said creek to the mouth thereof,—which line when so run and marked, shall be held, deemed and taken hereafter as the true line of division between the said counties.

SEC. 2. And be it further enacted by the authority aforesaid, That in case of the death disability or refusal to act of either of the aforesaid commissioners, the justices of the inferior court in which the same may happen, shall immediately proceed to fill such vacancy.

SEC. 3. 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, whilst employed in running and marking said line, which said sum the justices of the inferior court of
(No. 303.) each of the aforesaid counties are authorized and required to pay out of their respective county funds.

Sec. 4. And be it further enacted, That each of the aforesaid commissioners shall report their proceedings to their inferior courts respectively, on or before the first day of April next.

Sec. 5. And be it further enacted, That all laws and parts of laws heretofore passed on that subject be and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, December 5, 1807.

JARED IRWIN, Governor.

(No. 304.)

AN ACT

To alter and amend the tenth section of the third article of the constitution.

WHEREAS the said tenth section is in the words following: "The clerks of the superior and inferior courts shall be appointed in such manner as the Legislature may by law direct, shall be commissioned by the governor, and shall continue in office during good behavior," for remedy whereof.

BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met and by the authority of the same, That the clerks of the superior and inferior courts shall be elected on the same day, as pointed out by law for the election of other county officers.

Sec. 2. And be it further enacted, That as soon as this bill shall be passed by two thirds of both branches of the next legislature, and be approved of by the governor, it shall become a part of the constitution of the State of Georgia.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 7, 1807.

JARED IRWIN, Governor.

* See Act of 1808, No. 410. confirming this act
AN ACT

To amend an Act entitled, "An Act, to incorporate the town of St. Mary's."

SEC. 1. BE IT ENACTED by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same it is hereby enacted, That on the second Monday in April, eighteen hundred and eight, and annually thereafter, the voters in the town of St. Mary's, entitled to vote for members of the Legislature, shall assemble at the court house, in said town, and elect five persons, to compose the council and intendant of the town of St. Mary's, each of whom shall be citizens of the United States, twenty-one years of age, possessed of a freehold estate within said town, be a resident of the state three years, and of the town at the time of their election, and continue so during his authority as intendant, or member of council, as the case may be; and any two justices, of the peace for the county of Camden, intendant or members of council for said town, are hereby authorized and required to cause five days previous public notice to be given of the time and place of said election, and also to superintend the same, or appoint proper persons residing in town so to do, and when the election is closed, the superintendents are required to declare publicly the five persons who may appear to have the highest number of votes, as duly elected, but in case of two or more candidates having an equal number of votes, then and in that case, the voters shall be notified by the superintendents, to assemble on the day following, or any other day not exceeding five thereafter, for the purpose of voting and determining between the doubtful candidates; and at any time within ten days after the election shall be finally closed as aforesaid, the members of council thus elected shall assemble, and by ballot elect an intendant for said town, out of their own body, three of whom shall be present to effect a choice, and when the intendant is elected as aforesaid, the oath of office prescribed by the afore-recited act shall be administered to the intendant by some justice of the peace of Camden county, and by said intendant to each and every member of council.

SEC. 2. And be it further enacted by the authority aforesaid, That the said intendant and council are hereby authorized and empowered to appoint one or more inspectors and measurers of lumber, also, one or more vendue masters for the town aforesaid, who shall be governed by the laws of this state now in force.

SEC. 3. And be it further enacted by the authority aforesaid, That should the intendant or any member of the council aforesaid, be absent from the town of St. Mary's more than sixty days successively, (except such absentee be employed on public business) his authority as such shall cease and be determined, and the vacancy be filled according to the provisions of the third section of the afore-recited act.

† Act amending this act, see act of 1806, No. 383
AN ACT
To compel the clerks to keep their offices at the court house of their respective counties or within one mile thereof.

WHEREAS great inconvenience has hitherto been experienced by the citizens of this state, from the great distance at which many of the clerks keep their offices from the court house, many records and other papers, being frequently necessary to the fair investigation of a cause in court, that are lodged in the office, and their absence necessarily delaying justice, and some times utterly defeating it, 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 from and after the first day of June next,* it shall be the duty of the clerks of the superior and inferior courts, and the clerks of the court of ordinary to keep their offices, books and papers, at the court-house of their respective counties, or within one mile thereof, except the counties of Glynn, Effingham, Bryan, and Bulloch, and except the county of Wilkinson, until the public buildings be made permanent.

SEC. 2. And be it further enacted, That each and every of the said clerks, except as before excepted shall forfeit and pay the sum of thirty dollars for every month they or either of them shall fail to comply with the requisitions of this act to be recovered in the superior court, on motion of the attorney or solicitor general, by attachment as for contempt, and to be considered as a part of the county funds.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 7, 1807.

JARED IRWIN, Governor.

* See Act of 1808. No. 323, extending the time until the 25th October 1808—And see certain counties excepted, Nos. 385, 392, 393, 395, 396, 426, 435.
AN ACT

To alter and amend an act entitled "An Act, to relieve certain fortunate drawers in the late land Lottery," passed at Louisville on the eighth day of December eighteen hundred and six.

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 by authority of the 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.*

Preamble.

Time for taking out grants by fortunate drawers extended.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, December 5, 1807.

JARED IRWIN, Governor.

AN ACT

To amend an act entitled "An Act to incorporate the Presbyterian Church of the city of Savannah.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is enacted by the authority of the same, That the trustees appointed in and by the said act, shall continue in office until the first Monday in January, one thousand eight hundred and eight, and no longer; and that on the said first Monday in January, one thousand eight hundred and eight, and on the first Monday in January, in each succeeding year, the pew holders, or persons renting pews in the said church, shall convene at the said church, between the hours of eleven and two o'clock, and there elect, from among the said pew holders, five fit and discreet persons, as trustees of the said church.

* See Act of 1808, No.364, extending the time still further.
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, monies, rights and immunities whatever, belonging to the said Presbyterian church, and shall have, use and exercise, the same powers as given and vested in the trustees named and appointed in said act, in as full and ample a manner, as the said trustees, at the time of passing this act, are invested therewith, under and by virtue of the act aforesaid.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, November 27, 1807.

JARED IRWIN, Governor.

AN ACT

For the better securing to the heirs of John Cobbs, deceased, a certain tract of land, purchased at the sales of confiscated property.

WHEREAS on the fourth day of August, in the year of our Lord one thousand seven hundred and seventy-two, a grant issued to Edmond Bugg, for two hundred acres of land in the parish of Saint Paul, now county of Columbia, which was conveyed by said Bugg to William Candler, and by him to William Manson, a person named in the act of confiscation and banishment: And whereas the said tract of land was sold by the commissioners of confiscated property, and under the said sale became the property of the said John Cobbs, deceased, And whereas the said grant, conveying the said land, was carried off by the said Manson; and on application to the secretaries office of this State, it is found that the name of the then governor, of Georgia, to wit, sir James Wright, is not inserted on the record book in the record of said grant, 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 a certified copy of the said grant, from the secretary’s office of this State, shall be admitted and received in all courts of judicature within this
State, as conclusive evidence of title as fully as if the record of said grant was completed (No. 309.)—any law, usage or custom to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 7, 1807.

JARED IRWIN, Governor.

AN ACT

To amend an act entitled an "Act authorizing the justices of the inferior court of Columbia county, to levy an extra tax, in aid to 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 of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and immediately after the passing of this act, it shall be the duty of the justices of the inferior court for the county of Columbia, or a majority of them so soon as they, or a majority of them, may deem it expedient so to do, to proceed to the letting of the building of the said court house to the lowest bidder, by public outcry, at the place contemplated for the building of said court house, after giving twenty days public notice, at three or more of the most public places within the county.

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

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 5, 1807.

JARED IRWIN, Governor.
AN ACT

To divorce and separate William Harding and Mary his Wife.

SEC. 1. BE it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this Act, the matrimonial connection, or civil contract of marriage, made between William Harding and Mary his wife, late Mary Test, shall be completely annulled, set aside and dissolved, as fully and effectually, as if no such contract had ever heretofore been made and entered into between them.

SEC. 2. And be it further enacted by the authority aforesaid, That the said William Harding, and Mary Harding, late Mary Test, shall in future be held as separate and distinct persons, altogether unconnected by any mystical union or civil contract whatsoever, at any time heretofore made or entered into between them.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, 27th November, 1807.

JARED IRWIN, Governor.

AN ACT

(No. 312.)

To revise, amend and consolidate the several Militia Laws of this State, and to adapt the same to the act of the Congress of the United States.*

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

* See act of 1808, No. 318, amendatory of this act. See also act of 1810, No. 522, amendatory of that act.
SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That when it shall be found necessary to create any new division or brigade district, or make alteration in any of those already laid off and defined, such new definitions or alterations shall be made by the Legislature, and a record made of the same in the Adjutant General's Office, as well as the organization, of the divisions and brigades heretofore created and defined.

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

SEC. 3. And be it further enacted, That a regiment shall not contain less than two, or more than three battalions; and that in a regiment composed of two or more counties, battalion musters and battalion courts of enquiry only shall be had; and that regimental and battalion districts shall be so arranged, as not to embrace parts of two or more counties; and that the Brigadier General and field officers shall determine which several counties shall form a regiment.

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

SEC. 5. And be it further enacted, That all vacancies which may happen by death, resignation or otherwise, of any major general, brigadier general or quarter-master
Sec. 6. *And be it further enacted*, That when vacancies shall happen by death, resignation, or otherwise, in any company district, or where a new created district shall require officers, such officers shall be elected by the citizens liable to bear arms, within such company district, under the following rules and restrictions; the commanding officer of the regiment, or in counties containing but one battalion, the major commandant of such battalion, shall give at least ten days public notice of the time and place of holding such election; and the election shall be held under the presidency of two or more justices of the county such company may be in, together with two freeholders belonging to said district, or a majority of them, who shall receive the ballots of all such citizens of the district as aforesaid, and make report thereof, under their hands and seals, within thirty days to the commander in chief for the time being of the persons having the highest number of votes, together with a state of the poll for captain, lieutenant and ensign, as the case may be, and the commander in chief shall, within five days after the receipt thereof, commission the persons so elected; and in the interim between the time of such election and receiving their commissions, such officers, shall be fully authorized to act, in all their functions by brevet from the lieutenant colonel, or in counties containing but one battalion, from the major commandant, upon the officer or officers elected, procuring a certificate from the persons superintending said election, that he or they had the highest number of votes at said election: *Provided*, That such election is not protested against by any person having been a candidate: and when it shall happen that in any company district the privates neglect or refuse to elect any such officer or officers to the command, it shall be the duty of the lieutenant colonel, commanding the regiment to which they belong, or in counties containing but one battalion of the major commandant, to nominate a fit and proper person or persons, as the case may require, to take the command of said company district, until such election shall be had, and the person or persons elected are commissioned by the commander in chief, or brevetted as aforesaid.*

Sec. 7. *And be it further enacted*, That it shall be the duty of the brigadier-generals, within thirty days after receiving information of a vacancy having occurred in any regiment within their respective brigades, by death, resignation or otherwise of the lieutenant colonel commandant, to order a new election, and give the then commanding officer of the regiment, at least thirty days notice of the time and place when said election shall be held, who shall give each and every commissioned and brevetted officer,
within such regimental district, at least twenty days notice of the same; and it shall be the duty of the lieutenant colonel commandant, within thirty days after receiving information of a vacancy having occurred in any battalion district within their regiments, by the death, resignation or otherwise of the major, to order a new election, and to give the then commanding officer of the battalion at least thirty days notice of the time and place when and where said election shall be held, who shall give each and every commissioned and brevetted officer within such battalion district, at least twenty days notice of the same:—and any two or more captains or lieutenants, within such regimental or battalion districts, as the case may be, with two or more justices of the county, not being themselves candidates, shall preside at and superintend said elections; and the said presiding officers, civil and military, shall, within thirty days thereafter, certify, under their hands and seals, the person or persons having the highest number of votes, which, together with the state of the poll, shall be transmitted to the commander in chief, who shall within ten days after such transmission, commission the person or persons so elected.*

Sec. 8. *And be it further enacted, That each major general, brigadier general, and lieutenant colonel, shall have the appointments of their own respective aids de camp, brigade inspectors, brigade quarter masters, and the regimental staff, as pointed out by the militia law of the United States.*

Sec. 9. *And be it further enacted, That each and every officer appointed, or who may hereafter be appointed, and commissioned or brevetted (not having heretofore done the same) shall previous to entering on the duties of his office, take the following oath (to be administered by a justice of the peace, or the court of the county in which such officer resides) to wit:—"I,——, do swear that I will support the constitution of this State and of the United States; and faithfully discharge the duties of in the militia of the State of Georgia, to the best of my skill and judgement—So help me God."—If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his county, there to be entered on record by the clerk of the inferior court.

Sec. 10. *And be it further enacted, That the commanding officers of companies, shall enroll every able bodied white male citizen, as well as aliens, between the age of eighteen and forty five years, except such as are exempt by the laws of the United States, and this present act, residing within his district; and that in all cases of doubt, respecting the age of any person enrolled, intended to be enrolled, or pleading incapacity, to serve in any company, the party questioned shall prove his age or inability to the regimental (or battalion

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* This section repealed by act of 1808, No. 331, Sec. 16.—And the 2d section of the same act is a substitute for this.

† Ordained ministers of the gospel exempt by act of 1809, No. 431.
(No. 312.)

Persons enrolled must be notified without delay.

Captains to divide their companies into four squads.

How to appoint their non-commissioned officers

Responsible for their duties.

Exempted from further service until the whole company have served in that capacity.

Militia bound to appear at muster with a gun, cartouch box or shot pouch.

But volunteers must appear in the militia law of the United States directs.

The clothing of volunteer companies to be established by the brigadier general.

Persons enlisting in volunteer corps to equip themselves, before they can be excused from doing duty in the infantry of the line, and must produce a certificate to that effect.

courts of enquiry, in counties containing but one battalion) within whose bounds he may reside; and it shall at all times hereafter be the duty of every such captain or commanding officer of a company, to enroll every such white male as aforesaid, as shall from time to time arrive at the age of eighteen years, and under forty-five, except as before excepted shall come to reside within his bounds, and shall without delay notify such person of the said enrollment by a proper non-commissioned officer, by whom such notice may be proven.

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

SEC. 12. And be it further enacted, That until arms and equipments, of the description required by the militia law of the United States, can be procured in this State, by any mode which the legislature may hereafter point out, every non-commissioned officer or private in the militia in the line, shall stand bound to appear at all musters, or on all other necessary occasions, armed, equipped and provided with a firelock in good order, and a cartouch box or shot pouch; but all volunteer companies of light infantry, grenadiers or riflemen, shall at all times be and appear at musters, or on other necessary occasions, armed, equipped and provided, as the militia law of the United States prescribes, as well as any volunteer corps of cavalry or artillery.

SEC. 13. And be it further enacted, That the clothing and apparel of all infantry volunteer corps, already raised, or which may hereafter be raised, in conformity to the law of Congress, shall conform to such uniform as may be established by the brigadier general commanding the brigade to which they belong, in conformity to the aforesaid act of the congress of the United States;—and no person belonging to the militia of the line, shall under colour of enlisting into any company to be made up by volunteer enrollment be excused from doing his duty in the infantry of the line, until he shall have equipped himself for service in such volunteer company according to law, and shall have produced a certificate thereof from the commanding officer of the volunteer company to the commanding officer of the district company to which he did properly belong; and should any volunteer officer presume to give any such certificate when the person or persons are not uniformed,
he or they shall be liable to arrest, and may be cashiered on due proof thereof before a
court-martial: and no person having enlisted in any volunteer company, shall be per-
mitted to withdraw himself from the same, under the penalty of ten dollars, unless in
case of removal from his regimental or battalion district, to be recovered as other fines
imposed by this act, upon the evidence of the commanding officer of the company from
which he shall so withdraw, without having given said commanding officer ten days
previous notice of his intention so to withdraw, which commanding officer shall return
all such cases to the first battalion court of enquiry that shall sit thereafter: and the
commissions of such volunteer corps shall designate the number of the regiment or bat-
talion to which they are attached; and the commanding officer of the regiment or battalion
shall direct how they are to be posted on regimental or battalion parades, unless differently
ordered by a superior officer; and the said companies shall perform the same rotine of
duty (under their respective officers) and be subject to the same rules, regulations, pen-
alties and orders, as the rest of the militia: and the commander in chief may order them
or any of them, out on duty as occasion may require, by entire companies; and
when a district company shall not contain any greater number of effective men than
what is required by the law of Congress, no volunteer corps shall enlist more than one
eleventh man out of said district, and no greater number of volunteer corps shall be
commissioned henceforward (unless it is in cases of emergency) than what the militia
law of the United States prescribes, to be attached to regiments and battalions.

SEC. 14. And be it further enacted, That the commanding officers of companies
of every description, shall muster their respective companies four times in every year,
at such places within their company districts, as may be most convenient to a majority
of each company, and at such times as shall be ordered by the commanding officer of
the regiment (or battalion in counties containing but one battalion;) and such company
musters shall be so arranged, that the commanding officer of the regiment (or battalion,
in counties containing but one battalion) may when to him convenient, with the adjutant
of the regiment, attend all or any of them; and it shall be the duty of all commanding
officers of companies at any and every of their respective company musters, to take an
exact account of arms, accoutrements and ammunition, in possession of each member
of his company, and shall add to such account, the arms, accoutrements and ammunition in
possession of any other person, who may fall into his company from time to time; and
shall make an exact return of his company to the commanding officer of the regiment or
battalion review, in the form which he shall receive from such commanding officer or
the adjutant, which returns shall be filed, ready to be delivered to the inspector, as he
shall commence the inspection of each company.*

* This section repealed by act of 1808, No. 331, Sec. 10—and the third section of the same act is a sub-
stitute for this.
Sec. 15. And be it further enacted, That there shall be held in each regiment or county, once in every year, or as the commander in chief may order, a convention of the field, staff, company and non-commissioned officers of regiments, for the purpose of being trained and instructed by the adjutant general, in the exercises and discipline prescribed by congress; at which said conventions all field officers shall appear in their uniform, armed with swords, and provided with their respective commissions; and all staff, company and non-commissioned officers, shall appear in their uniform, armed with firelocks and bayonets, accoutred with cartouch boxes, bayonet belts and scabbards, and provided with their commissions and six blank cartridges each; and all such officers so convened, shall form a company, and be subject to such orders, regulations and restrictions, as the adjutant general may deem necessary, to teach and enforce the discipline prescribed by congress, for a term not exceeding three days at any one meeting: that there shall be held in each county or regiment, once a year, or as often as the commander in chief may order, a regimental muster, (or battalion muster in counties holding one battalion only) for the purpose of being trained and instructed by the adjutant general in the exercises and evolutions prescribed by congress; and that a like convention of field and company officers, and musters by battalions shall be held once a year, by order of the brigadier general, for the purpose of being trained and instructed by the brigade inspector, in the exercises and evolutions prescribed by congress, and that the brigade inspector shall attend all conventions of field and company officers, regimental and battalion musters within their respective brigades, and shall make such returns as are prescribed by the militia law of the United States, and independent of the foregoing provisions, the commanding officers of regiments and battalions shall, and are hereby ordered to have regimental and battalion musters, not exceeding once in every year: and the majors of battalions, when there is but one battalion in any county, shall and are hereby required to have battalion musters not exceeding two in each year.

Sec. 16. And be it further enacted, That when sutlers shall attend regimental or other musters, they shall be considered under the direction of the commanding officer present, with regard to the time and place of selling liquors or other refreshments, and that it shall be lawful for said commanding officer, to grant exclusive privileges to such persons as may engage to furnish spacious and convenient places of parade; and the sutlers aforesaid shall not be liable for retailing spirituous liquors, at any of the musters aforesaid, under the law for retailing spirituous liquors without license.

Sec. 17. And be it further enacted, That if any bye-stander shall interrupt, molest or insult any officer or soldier, while on duty at any muster, or shall be guilty of like conduct before any court or board, the commanding officer at such muster or court or board, may confine him or them, where such offence shall or may happen, for a term not exceeding one day, nor less than six hours, during which time they shall not be allowed to drink any spirituous liquors: and if any non-commissioned officer or soldier,
shall behave himself disobediently or mutinously, when on duty, or before any court or board, directed by this act to be held, or shall leave the ranks without permission, or refuse to fall therein, when ordered, at any muster whatever, or shall appear on parade drunk, or shall quarrel himself, or promote any quarrel among his fellow soldiers, such non-commissioned officer or soldier so offending, shall be disarmed and confined for the day, by order of the commanding officer present, and shall moreover be fined, at the discretion of a court of enquiry, in a sum not exceeding ten dollars, or less than two dollars, to be appropriated as other fines imposed by this act.

Sec. 18. And be it further enacted, That the following forfeitures and penalties shall be incurred for delinquencies, (to wit:) by a lieutenant colonel or commanding officer of a regiment, for failing to appear at musters, or any other necessary occasion, armed and uniformed as the law of the United States directs; for failing to take an oath, to summon any court or board, or failing to order a regimental or battalion muster; to report delinquent officers; to make return of his regiment, shall for each and every such offence or neglect, forfeit and pay a sum not exceeding seventy dollars; for failing to call into service any militia legally detailed to his regiment, three hundred dollars: by a major for failing to appear at musters, or on any other necessary occasion, armed and uniformed as above; for failing to take an oath; to attend any court or board; to give notice of any regimental or battalion muster; to report delinquencies or make any return, he shall forfeit and pay, for each offence and neglect, a sum not exceeding thirty dollars; for failing to call forth his battalion with due dispatch, or any detachment of men or officers that may be required from time to time by the commanding officer of his regiment, or the commander in chief of the State, one hundred and fifty dollars,—by a captain, for failing to appear at muster, or on any other necessary occasion, armed and uniformed as the law directs; for failing to take an oath; to attend any court or board; to enroll his men, and take an account of their arms, accoutrements and ammunition; to appoint or draft non-commissioned officers, as directed by this act; to give notice of regimental, battalion and company musters; to cause his roll to be called, and his company to be exercised; to examine his company and report delinquencies and defaulters, or to make any return as required by this act, shall forfeit and pay for each and every such offence and neglect, a sum not exceeding twenty dollars; for failing to call forth such officers and men as may from time to time be legally called for from his company: or failing on such occasions to repair to the place of rendezvous, he shall forfeit and pay a sum not exceeding sixty dollars; by a subaltern officer, for failing to appear at musters or on any other necessary occasion, armed and uniformed as the law directs; for failing to take an oath, or attend any court; for each and every such offence, he shall forfeit and pay, at the discretion of the court of enquiry, a sum not exceeding ten dollars; for failing to repair to the place of rendezvous, when ordered upon any call from the commander in chief, he shall forfeit and pay a sum not exceeding fifty dollars;—by a non-commissioned officer or (musician for refusing or neglecting
(No. 312.)
Of non-commissioned officers and musicians.

Of a private soldier.
Musters to be held by eleven o'clock.  
Proviso.

No officer to be fined for not appearing in uniform, until 6 months after he is commissioned. Persons unable to equip themselves, fines to be remitted.

Who to pay the fines of apprentices and minors.
Arms ammunition and equipments, troopers horses and furniture exempted from execution and distress at all times.

And their persons from arrest.
Manner of distributing orders.
A col. shall have thirty days.  
A major 20.  
A captain 15.  
Sergents 10.  
Privates 3.
Notices of musters by officers at muster.
Ten days notice to be given to officers and privates.
What shall be proof before the court of such notice.

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

Sec. 19. And be it further enacted, That all arms, ammunition and equipments, the troopers horses and furniture of the militia shall be exempted from execution and distress at all times: and their persons from arrest and process in civil cases, while going to, continuing at, or returning from, musters, and while in actual service.

Sec. 20. And be it further enacted, That the distribution of orders, requiring any muster to be held, shall take in such manner, as that the lieutenant colonel or commanding officer of a regiment, shall have notice in writing from the brigadier general, at least thirty days before such intended muster; a major or commanding officer of a battalion, from the lieutenant colonel or commanding officer of the regiment, at least twenty days; a captain or commanding officer of a company, from the major or commanding officer of the battalion, at least fifteen days: who shall distribute all orders to their serjeants, at least ten days, and the serjeant to each person in his squad at least three days before such muster respectively; Nevertheless, all notices publicly given by the commanding officers of companies at their respective musters, of any subsequent muster, shall be held and deemed as legal notices, as to all persons present at such musters: and ten days previous notice shall be served in writing, to any delinquent officer, a non-commissioned officer or soldier, by the adjutant to said officers, and by serjeants to non-commissioned officers and privates, of
the time and place the court of enquiry shall sit; and a written or verbal declaration before the court of enquiry, by said adjutants and serjeants, or any other officer or soldier, shall be sufficient evidence to such courts of such notices and services, and the commanding officers of regiments and battalions shall, at their respective regimental and battalion musters, take notice of all delinquent officers, and shall lay the same together with the returns of delinquencies of the commanding officers of companies, at company, battalion and regimental musters, before the court of enquiry appointed under this act, to take cognizance of and determine on them; and to each of the said returns shall be annexed the following certificate, to wit: I do certify, that the return hereunto annexed, contains all the delinquencies which have occurred since my last return, having duly examined the same.

Sec. 21. And be it further enacted, That there shall be regimental, battalion and company courts of enquiry, to be appointed and ordered by the commanding officers of regiments, battalions and companies, for the assessment of fines incurred under this act, under the following regulations: regimental courts of enquiry shall be held within sixty days after each regimental muster, to consist of at least seven of the commissioned or brevetted officers of the regiment, and the senior* officer present shall preside; and that all defaults at regimental reviews and musters shall be tried at the regimental court of enquiry which may next happen; battalion courts of enquiry, shall be held within twenty days after each battalion muster, to consist of at least five of the commissioned or brevetted officers of the battalion, and the senior officer present shall preside; company courts of enquiry, shall be held on the next muster day, or within fifteen days after any company muster,† to consist of a majority of the commissioned or brevetted officers of the company, and the senior officer present shall preside; provided, that nothing herein contained shall prohibit any volunteer companies from ordering and holding their own courts martial and courts of enquiry at their own times and places, and such courts shall be held at the regimental, battalion or company muster field, as the case may be, and the following oath shall be administered by one of the officers of the court, to the presiding officer, and then by the presiding officer, to the officers of the court, to wit: I A. B. will truly and faithfully enquire into all delinquencies which appear on the returns to be laid before me, and will assess such fines thereon as may seem just, without favor, partiality or affection, so help me God; and such courts, when so constituted shall have power to assess fines on all delinquent officers and soldiers within the regimental, battalion or company district, as the case may be, and the commanding officers of regiments, battalions, and companies, shall have the power, upon affidavit being made, setting forth good cause to stay the levy of execution, assessed by any preceding regimental, battalion or company courts of enquiry, as the case may be, until the sitting of the succeeding regimental, battalion or company court of enquiry, as the case may be, who may upon the merits of the affidavit, remit the said fine.

* See 6th section of the act of 1808, No. 316, requiring that company courts of enquiry shall be held in ten days after the muster—and altered again by 6th section, No. 331.
† See 4th section of the act of 1808, No. 331, directing who shall preside at courts of enquiry.
or fines, if good cause appears to them to be shown, and fines inflicted by company courts of enquiry, shall be levied by warrant of distress, and sale of the offenders goods and chattels under the hand and seal of the presiding officer of the court, by any serjeant or constable of the district.

SEC. 22. And be it further enacted, That majors of battalion, in counties containing but one battalion, be allowed to nominate two fit and proper persons to act as adjutant and paymaster in his county, who shall be appointed by the lieutenant colonel commandant, and which shall be so construed as to supersede the necessity of having a regimental adjutant and paymaster in such cases.

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

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

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

Sec. 26. And be it further enacted, That the commander in chief of the state, upon complaint for misconduct or neglect of duty, lodged in writing in the executive office, by five or more commissioned officers, may at his discretion cause to be arrested any major general, brigadier general, the adjutant or quarter master generals, and order a court martial of all the other generals, field officers and captains or so many of them (having a regard to seniority) as shall amount to thirteen, which court martial shall proceed in the same way, and under the same restrictions, as is hereafter provided for the trial of field officers: provided, the charges and specifications contained in such application shall in the opinion of the commander in chief, be sufficient to authorize such arrest or enquiry; and any major general or brigadier general, for misconduct within their own knowledge, or upon complaint lodged in writing, by two commissioned officers, shall have power to arrest any lieutenant colonel, major of battalion, major of brigade or inspector: and the commanding officer of the division or brigade, shall order a court martial for the trial of such lieutenant colonel, major of battalion, major of brigade or inspector, to be composed of one brigadier general, and as many lieutenant colonels, majors and captains, as shall make up a number not less than thirteen; and such courts martial shall proceed to hear and determine on all offences against military order and decorum, and may censure, fine or cashier such officer, which sentence shall be final, when approved by the commander in chief of the state; and any major general or brigadier general for misconduct within their own knowledge, or upon complaint lodged in writing by any commissioned officer, shall have power to arrest any lieutenant colonel, major of battalion or brigade inspector; and the commanding officer of the division or brigade shall order a court martial for the trial of such lieutenant colonel, major of battalion or brigade inspector, to be composed of one brigadier general, and as many lieutenant colonels, majors, and captains as shall make

(No. 312.)

Penalty if he refuses to render an account as before.

Fines how to be appropriated.

As a compensation for the clerk and paymaster.

How a major general is to be arrested as also a brigadier, adjutant or quarter master general.

Court martial to be ordered to consist of not less than thirteen members.

Provided. Lieutenant colonel, major of battalion & brigade major.

How and by whom arrested.

Court martial to be ordered, of whom composed and how many.

Powers of the court martial.

What officers shall be subject to the arrest of the major and brigadier generals.

How to be tried.

The person causing such arrest to specify the charges in 5 days.
up a number not less than thirteen officers belonging to the brigade in which the officer
arrested resides, and the person wishing such arrest, shall declare the charges against
such officer to him within five days after such arrest, under the penalty of ten dollars for
every day thereafter before the delivery thereof; and that all battalion courts of enquir-
y shall be held within thirty days after each battalion muster, and such courts martial shall
proceed to hear and determine all offenses against military order and decorum, and may
censure, fine or cashier, any officer so tried, which sentence shall be final when approved
of by the major general, or commanding officer of the division; and before any court mar-
tial shall proceed to hear and determine on any case, they shall take the following oath, to
be administered by the presiding officer to every other member, and then by the officer
next in rank to him, (to wit): I — do swear that I will well and truly try the case now be-
fore me, according to the evidence and the opinion I entertain of the spirit and intention
of the militia law of this State and of the United States; and that I will not divulge the
vote or opinion of any member of this court, unless required to give evidence thereof in a
court of justice in a due course of law, until the sentence shall be approved by the proper
authority — so help me God — and for obtaining the necessary evidence for the trials afore-
said, the commander in chief of the State, or the presiding officer of the court martial
shall issue his summons, and every person so summoned, failing to attend and give evidence
shall be subject to be tried by a court martial; and if an officer, may at the discretion of
such court, be cashiered, or fined, not exceeding six months pay, as by the law of the Uni-
ted States allowed to such officer when in service; and if a non-commissioned officer, or sol-
dier, or person not enrolled, to be reported to the court of enquiry of the regimental district
in whose bounds he shall reside, and be then subject to such fines and penalties, as they may
think proper to inflict, not exceeding twenty dollars, and on all persons summoned, or called
to give evidence before any court martial shall take the following oath, to be adminis-
tered by the president or judge advocate, to wit: I — do swear that the evidence I will give in
the case now in hearing, shall be the truth the whole truth and nothing but the truth so help
me God; and that when any militia officer shall be cashiered, he shall not be eligible to
hold any commission for the term of three years thereafter.

**SEC. 27.** And be it further enacted, That his Excellency the Governor, be author-
ized and empowered, on an invasion or insurrection, or probable prospect thereof, to
call forth such a number of the militia, and from such county or counties, and in such
manner, either companies or by drafts, as he may deem proper: and for the accommo-
dation, equipment and support of the militia so called forth, the commander in chief of
the state may appoint such quarter masters, commissaries, and other staff officers, as
to him shall seem proper, and shall also take such measures for procuring, transporting
and issuing all orders which may be necessary; orders for the militia to be called forth
as aforesaid, shall be sent to the commanding officer of the regiment, brigade or division,
with a notification of the place or places of rendezvous, who shall immediately take

* See act of 1898, No. 318, 7th section, repealing this section—And the third section of the same act con-
tains a substitute for this.
measures for detaching the same, with the necessary number and rank of officers, by regular details, drafts, or volunteer enlistments, as he may be ordered: whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the articles of war which govern the troops and the militia, which are in the service of the United States: and courts-martial shall be held as therein directed, to be composed of militia officers only, for the trial of any person in the militia; but to the cashiering of any officer or capital punishment of any person, the approbation of the commander in chief shall be necessary: and when any militia shall be in actual service, they shall be allowed the same pay and rations, as are allowed by the law to the militia of the United States: If a sudden invasion should be made, or an insurrection should happen in any county in this state, the commanding officer of the militia in such county, is hereby authorized and required to order out the whole, or such part of the militia, as he may think necessary, and in such manner as he may think best for repelling or suppressing such invasion or insurrection, and shall call on the commanding officer of the adjacent county for such aid as he may think necessary, who shall forthwith, and in like manner furnish the same: and in the event of any militia ordered out by the commanding officer of a county as aforesaid, such officer shall immediately give notice of the same and the cause thereof, to the commanding officer of the brigade or division, who shall forthwith report the same to the commander in chief.

Sec. 28. And be it further enacted, That major generals, brigadier generals, and lieutenant colonels, be and they are hereby vested with power to employ such persons and contract with the same at any rate, not exceeding two dollars per day, to ride express, for transmitting such orders as in their judgment may be for the good of the public service; Provided, that a day's riding for any express be not less than thirty five miles during the necessary time they may be actually engaged in performing such duty, to be paid by the governor out of the contingent fund, upon their producing a certificate of the general officer so employing them; And provided also, that no express employed by the lieutenant colonel, shall be allowed pay unless in case of insurrection or invasion.

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

Sec. 30. And be it further enacted, That his excellency the governor is hereby authorized to cause a sufficient number of copies of this law, together with the act of congress more effectually to provide for the national defence, by establishing an uniform militia throughout the United States, and the act of congress for calling forth the militia
(No. 312.) to execute the laws of the Union, suppress insurrections and repel invasions; and the
rules of discipline prescribed by congress the
governor is
required to have publish-
ed and distrib-
uted among
the officers
down to the
captains.

Captains to
read such
parts of this
law, as relates
to discipline,
to his men,
one a year.

Officers of
volunteer
corps not to
vote for field
officers unless
they have 50
men in uni-
form.

Officers re-
signing with-
in three years
disqualified
from holding
any other mil-
itary ap-
pointment for
5 years.

Repealing
clause.

Sec. 51. And be it further enacted. That it shall be the duty of every captain or com-
manding officer of a company, to read or cause to be read, in the hearing of his com-
pany, whilst on parade, at least such parts of the militia law of this State and of the
United States, as relate to discipline and the preservation of good order, once in every
year.

Sec. 52. And be it further enacted, That officers commanding volunteer companies
shall not be permitted to vote at any election for a field officer, unless they should actually
have thirty men in uniform, at the time of such election.

Sec. 53. And be it further enacted, That when any person shall be elected, and
shall receive brevet or commission, and shall resign the same before the expiration of
three years from the date of his said brevet or commission, such person or persons so
resigning, shall not be capable of being elected to any post or office in the militia of the
State, higher in rank than fourth corporal, for the space of three years;—Provided,
that a removal out of the regimental, battalion or company district, shall vacate their
commission, and not subject the person so removing to the disabilities herein contained.

Sec. 54. And be it further enacted, That all militia laws heretofore passed in this
State, (except such as relate to patrolling) be and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

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

Assented to, 10th December, 1807.

JARED IRWIN, Governor.
AN ACT

To authorize the justices of the inferior court of the county of Elbert, to levy an extra tax, for the purpose of building a jail, and making such repairs to the court house of said county, as they may deem 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 enacted by the authority of the same, That the justices of the inferior court of the county of Elbert, are hereby authorized to levy a proportionate extra tax on the inhabitants of said county, annually, for the term of three years in succession, not exceeding one third part of the annual general tax, which said tax shall be collected in the same manner as the general tax, out of which sum the tax collector shall be entitled to receive two and a half per centum for his services, and the money so arising from the extra tax as aforesaid, shall be appropriated as a part of the county funds, for the special purpose of building a jail and repairing the court-house in said county.

SEC. 2. And be it further enacted, That the justices aforesaid, or a majority of them, shall within twelve months from the passing of this act,* let the said buildings by public outcry, to the lowest bidder, after first giving twenty days public notice of the same in three or more of the most public places in said county.

SEC. 3. And be it further enacted, That the justices aforesaid are hereby authorized to contract with any person, to make such repairs to the court house of said county, as they may deem necessary.

SEC. 4. And be it further enacted, That the justices aforesaid are hereby authorized to cause the said jail to be built on such plan, and of such dimensions as they may deem most convenient.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, December 5, 1807.

JARED IRWIN, Governor.

* See act of 1808, No. 381, allowing further time.
AN ACT

To alter and amend 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.

Preamble.

Whereas the intervention of accident and misfortune has rendered the Tax contemplated by the before recited act, inadequate to the purposes for which it was intended:

Sec. 1. Be it therefore enacted by the Senate and House of Representatives in General Assembly met, That the Justices of the Inferior Court of Hancock County, shall be, and they are hereby authorized to levy an extra tax, not exceeding one half the General Tax, on all persons and property subject to taxation in said county, for the purpose of building a Court House and Jail, provided the said levy shall not continue more than three years.

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

Benjamin Whitaker, Speaker of the House of Representatives.
Robert Walton, President of the Senate.

Assented to, 5th December, 1807.
Jared Irwin, Governor.

AN ACT

To alter the name of Jesse Daniel Austin.

Whereas Jesse Daniel Austin, a minor, by his next friend, James Barrow, hath petitioned this Legislature to alter the name of the said Jesse Daniel Austin, to that of Jesse Daniel:

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 from and immediately after the passing of this act, the said Jesse Daniel Austin, shall be known and called by the name of Jesse Daniel.

Benjamin Whitaker, Speaker of the House of Representatives.
Robert Walton, President of the Senate.

Assented to, November 27, 1807.
Jared Irwin, Governor.
AN ACT

To grant certain powers to the Commissioners of Pilotage, and for further preventing the obstruction of Savannah River.

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 commissioners of pilotage for the port of Savannah, shall have full power and authority to place in Savannah River certain anchors, buoys, and chains for the purpose of aiding and assisting vessels in their passage from Savannah to Five Fathom Hole.

Sec. 2. And be it further enacted by the authority aforesaid, That if any person or persons shall displace, cut, break, alter or destroy any of the said anchors, buoys or chains, they shall forfeit and pay the sum of three hundred dollars, to be recovered in any court of this state, having jurisdiction to that amount.

Sec. 3. And be it further enacted by the authority aforesaid, That from and after the passing of this act, that if any vessel shall intentionally be suffered or permitted to sink in the River Savannah, between Ray's Hall and Cockspur Island, that the owner or owners, consignor or consigners, or captain of such vessel, shall forfeit and pay a fine to be assessed by the commissioners of pilotage for the port of Savannah, which they are hereby authorized to assess, not exceeding two thousand dollars, to be recovered in any court of this state, having jurisdiction to that amount, and the same to be applied to the use of clearing the said River Savannah, and paid into the hands of the commissioners of pilotage for that purpose.

Sec. 4. And be it further enacted, That the said commissioners of pilotage be, and they are hereby authorized to take and receive for the use of the said anchors, buoys and chains from each vessel that use the same, the following sums, viz. on all ships under two hundred ton, five dollars: on all above two hundred and not exceeding three hundred ton, the sum of ten dollars: and all above three hundred ton, the sum of twelve dollars.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

DAVID BATES, President of the Senate, pro. tem.

Assented to, December 10, 1807.

JARED IRWIN, Governor.