(No. 317.)

AN ACT

To alleviate the condition of Debtors, and afford them temporary relief.

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 passing of this act, no clerk of the superior, inferior or mayors courts, within this State, shall issue any execution against the person or property of any defendant on any judgment that has heretofore been obtained in any of the aforesaid courts, provided, the defendant or defendants shall give security for the amount of the judgment and costs, to be approved of by said clerk; and in case the clerk as aforesaid shall object to such security as offered, then and in that case it shall be the duty of such clerk to receive such security, on his, her or their making oath that they are worth the amount of the judgment, over and above the payment of their just debts.

SEC. 2. And be it further enacted, That no justice or justices of the peace shall issue any execution against the person or property of any defendant or defendants, on any judgment that has heretofore been obtained in any of the courts aforesaid: Provided the defendant or defendants, his, her or their attorney shall give security for the amount of the judgment and cost, to be approved of by such justice or justices, and in case doubts shall arise as to the sufficiency of the security offered, then, and in that case the justice or justices as aforesaid, shall receive such security, on such security's making oath that they are worth the amount of the judgment over and above the payment of their just debts.

SEC. 3. And be it further enacted by the authority aforesaid, That no sheriff, deputy sheriff, marshal or deputy marshal, coroner, or constable, shall make sale of any property which has heretofore been, or may hereafter be levied on by virtue of any fieri facias, issuing out of any court within this State: Provided, that the defendant or defendants, his, her or their attorney, shall give security as aforesaid, to the clerk, justice or justices as aforesaid.

SEC. 4. And be it further enacted, That neither of the aforesaid courts, shall issue out any civil process, or try any civil case which has heretofore been issued out, except for the trial of the right of property real or personal, and in cases of attachment, and then and in that case where it shall satisfactorily be made appear on oath, to any judge of the superior court, justice of the inferior court, or justice of the peace, that his, her or their debtor is about to remove out of the limits of this State, that then, and in that case, it shall be the duty of the judge or justices as aforesaid, to issue an attachment against the property and body of the defendant or defendants, and cause him, her or them to be brought before him or either of them, and give security as aforesaid for the amount of the debt and cost, and on failure thereof, the attachment law now in force,
shall be pursued as heretofore practised, so far as respects the property of said defendant, and commit the body of the said defendant to jail, there to remain until the amount claimed be paid, or he be discharged under the insolvent laws of this State: Provided nevertheless, that nothing herein contained shall be so construed as to compel persons to give security where they have heretofore given security on appeals, but the same security shall be held and considered sufficient.

Sec. 5. And be it further enacted, That all open accounts where the party refuses to liquidate the same, shall bear interest during the continuation of this act.

Sec. 6. And be it further enacted, That this law shall not be considered to extend to cases for the recovery of taxes, to forfeitures to the State, for torts and wrongs committed against the State, or to any fines inflicted by proper authority for neglect of duty or otherwise.

Sec. 7. And be it further enacted, That the act of limitations now in force in this State, shall cease to run for and during the time this act shall continue in force.

Sec. 8. And be it further enacted, That this act shall continue and be in full force until the twenty fifth day of December next.*

BENJAMIN WHITAKER, Speaker of the House of Representatives

ROBERT WALTON, President of the Senate.

Assented to, May 23, 1808.

JARED IRWIN, Governor.

* See act of December, 1808, No. 334, repealing this act, section the eleventh.
(No. 318.)

AN ACT*

To amend an act entitled, "An Act to revise, amend and consolidate the several Militia Laws of this State, and to adapt the same to the act of the Congress of the United States."

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 field Officers shall be elected by the captains and subalterns, who will become subject to the command of such field officer when elected.

SEC. 2. And be it further enacted, That when any commissioned, non-commissioned officer or private has been regularly fined for misconduct or neglect of duty, and no goods and chattels can be found whereon to levy the said fine, that then it shall be lawful to imprison the said delinquent one day for each dollar to the amount of his fine; and that it shall be the duty of the keeper of such jail, to receive such offender or defaulter, and to keep him or them in close custody for the term in such warrant expressed, and until such offender or defaulter shall have satisfied such keeper for his fees on his confinement: Provided, no jailor shall detain such person or persons more than one day for his fees.

SEC. 3. And be it further enacted, That the commander in chief in the state, upon complaint for misconduct or neglect of duty, lodged in writing in the Executive Office, by five or more of the 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 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, 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 of not less than thirteen; and such court-martial shall proceed to hear and determine on offenses against military order and decorum; and may censure, fine or cashier such officer, which sentence shall be final.

* The first and second section of this act repealed by act of 1810, No. 522, section 9.
† This section repealed by act of 1810, No. 522, sec. 6, directing these elections by the men composing the regiment or battalion, as the case may be.
when approved of by the commander in chief of the state: and any Brigadier General, Lieutenant Colonel or Major, for misconduct in any captain, subaltern or regimental staff officer, within his own knowledge, or upon complaint lodged in writing by any commissioned officer, may arrest such captain, subaltern, or regimental staff officer: and the Brigadier, or commanding officer of the Brigade, shall order a brigade court-martial for the trial of any such offender, to be composed of one or more field officers, and as many captains and subalterns, as will make up a number of 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 and cashier, any officer so tried, which sentence shall be final when approved by the Major General or commanding officer of the division, and before any court-martial shall proceed to hear and determine on any case, they shall take the following oath, to be administered by the presiding officer to every other member, and then by the officer next in rank to him (to wit:) “I do solemnly swear, that I will well and truly try the case now before me, 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 for obtaining the necessary evidence for the trials aforesaid, the commander in chief of the state, or the presiding officer of the court-martial, shall issue his summons, and every person so summoned, failing to attend and give evidence, shall be subject to be tried by a court-martial: and if an officer, may at the discretion of such court, be cashiered or fined not exceeding six months pay, as by the law of the United States is allowed to such officer when in service; and if a non-commissioned officer or soldier, or person not enrolled, to be reported to the court of 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 all persons summoned or called to give evidence before any court-martial, shall take the following oath, to be administered by the president or judge advocate (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 when any militia officer shall be cashiered, he shall not be eligible to hold any commission for the term of three years thereafter.

Sec. 4. And be it further enacted, That all officers whilst on duty, and any militia called to musters or parades, or to courts martial or courts of enquiry, having to pass over toll bridges, ferries, or through turn pike gates, shall pass toll free, going to and returning from such muster, parade or court as aforesaid.

Sec. 5. And be it further enacted, That the brigade majors shall receive two dollars per day while in actual service, to be paid out of the contingent fund; Provided the services which are to be performed shall not exceed thirty days in any one year, and shall

(No. 318.)

The members of the court to take an oath.

The oath.

How evidence is to be obtained.

Witnesses to take an oath.

The oath.

Officers cashiered, how long disqualified.

Officers and men allowed to pass any bridge toll free.

Brigade inspectors to be paid two dollars per day.

Proviso.
be certified by the commanding officers of the regiments and battalions in the brigade where such services are performed.

SEC. 6. And be it further enacted, That company courts of enquiry shall be held at the most convenient place, near or at the usual muster ground in each captain's district within ten day's after each and every muster of such company; and the delinquents and defaulters shall in all cases be notified thereof, by a serjeant of such company at least five days previous to the meeting of such court.*

SEC. 7. And be it further enacted, That the twenty sixth section of the militia law be, and the same is hereby repealed, and all other parts of said law which militate against this act.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, 23d May, 1808.

JARED IRWIN, Governor.

AN ACT

To authorize the Wardens and Vestry of Christ Church in Savannah, to raise by Lottery a certain sum of money, towards rebuilding the said Church, and for other purposes relating thereto.

WHEREAS it appears by the petition and memorial of the wardens and vestry of the Episcopal church called Christ church in Savannah, that from a variety of casualties and unforeseen events, the members of the said church, are at present unable to finish rebuilding the said church, without resorting to the expedient of a lottery, sanctioned by legislative concurrence.

SEC. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, That William Stephens, James B. Read, wardens; John Irwin, Peter Deveaux, William B. Bulloch, Nichol Turnbull, James Hunter, Thomas Mendinghall, * This and the 5th section preceding it, repealed by act of December, 1808, No. 331.—See section 5th and 6th of that act, as substitutes for these.
PASSED IN THE YEAR 1808.

sen'r. and William H. Spencer, vestry men of said church, and their successors in office, (No. 319.) be, and they are hereby authorized and empowered to make such scheme, project, or plan as they may agree upon, to raise by lottery a sum not exceeding ten thousand dollars, with power to appoint commissioners to sell, dispose of, exchange or barter, any ticket or share in the said lottery, as may in their opinion answer the end proposed, to aid in rebuilding the said church, by raising the said sum of ten thousand dollars.

SEC. 2. And be it further enacted by the authority aforesaid, That if the said wardens and vestry, or their successors, may deem it expedient or adviseable to sell the trust lot, attached to their church, called the parsonage lot, situate east on Reynold's square, south on Duke street, west on Drayton street, and north on St. Julian street, and known by the letter T, they or a majority of them, or their successors in office, are hereby fully authorized and empowered to make such sale, and convey the same, in fee simple to the purchaser, any law to the contrary notwithstanding.

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

Assented to, 23d May, 1808.
JARED IRWIN, Governor.

AN ACT.

(No. 320.)

To admit Edwin L. Harris, John B. Posey, Francis D. Cummins, William H. Jackson, and Thomas W. Farrar, to plead and practice in the several courts of law and equity in this State.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, Edwin L. Harris, John B. Posey, Francis D. Cummins, William H. Jackson, and Thomas W. Farrar, be, and they are hereby admitted to plead and practice in the several courts of law and equity in this State, upon their taking the usual oath in such case made and provided.

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

Assented to. May 23, 1808.
JARED IRWIN, Governor.
AN ACT

To authorize Aaron Lipham and Thompson Coleman to erect a Bridge over Little River in the county of Wilkes.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is enacted by the authority of the same, That Aaron Lipham and Thompson Coleman, be authorized to erect a toll bridge over Little river, at the place usually called the Fish Dam Ford, in the county of Wilkes, and be also permitted to receive as toll, for every loaded waggon, twenty five cents; for every empty waggon, eighteen and three quarter cents; and all four wheel pleasure carriages, twenty five cents; for every two wheel carriage, eighteen and three quarter cents; for every rolling hogshead, twelve and a half cents; for every man and horse, six and one quarter cents; for every lead or drove horse, six and one quarter cents; for each head of nett cattle, one cent; for every drove of hogs, one cent each; and for every flock of sheep, one cent each.

Sec. 2. And be it further enacted, That the said Aaron Lipham and Thompson Coleman, their heirs and assigns, shall use, exercise and enjoy all the benefits and emoluments belonging or in any wise appertaining to the said bridge, for the term of twenty years, from the completion of the same: Provided, the said bridge shall be ready for use in one year from the passage of this act.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, 23d May, 1808.

JARED IRWIN, Governor.

AN ACT

To authorize an Extra Session of the Superior Court, in Oglethorpe County.

Preamble. WHEREAS, from indisposition of the Honorable Judge Tait, no Superior Court was holden in the county of Oglethorpe for March term last, and as great inconvenience and expence to the citizens of said county, have arisen, and will continue, on account of such failure: for remedy of which evil,
SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the Judge of the Superior Courts for the Western District, is hereby authorized and required, to hold an extra session of the superior court in said county, to commence on the third Monday in June next.

SEC. 2. And be it further enacted by the authority aforesaid, That all grand and petit jurors, who were drawn and summoned to attend at March term last, to serve as jurors, and all suitors and witnesses in any case, or cases, now depending in said court, are hereby required to attend the said extra session of the said superior court, as though the same were at the said superior court of March term last, without any further notice; and all cases returnable to the said last term, are hereby made returnable to the said extra session of said superior court, without any alteration or delay, in matters of form; any law, usage or custom to the contrary notwithstanding;—Provided, that ten days previous notice of the meeting of the said court, at its extra session, be given by advertisement, in three of the most public places in the said county of Oglethorpe.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, 23d May, 1808.

JARED IRWIN, Governor.

AN ACT

To give further time to the clerks of the superior and inferior courts, and the clerks of the courts of ordinary in this State, to remove their offices to the court house in their respective counties, or within one mile thereof.

WHEREAS by an act of the General Assembly, passed at Milledgeville, on the seventh day of December, one thousand eight hundred and seven, it was enacted, that from and after the first day of June, next thereafter, it should be the duty of the clerks of the superior and inferior courts, and clerks of the courts of ordinary, to keep their offices, books and other papers, at the court house of their respective counties, or within one mile thereof; and whereas the short space allotted them render it almost impossible for some of them to procure lots or purchase lands, and erect offices and remove their papers,

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Sec. 1. BE it therefore enacted by the Senate and House of Representatives, and it is hereby enacted by the authority of the same, That the time allowed said clerks for the removal of their said offices and fixing them at the court houses in their respective counties, or within one mile thereof, shall be extended until the twenty fifth day of October next; any section, clause, or part of the before recited act to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, 23d May, 1808.

JARED IRWIN, Governor.

AN ACT

To alter the time for the sitting of the Mayor’s court, of the city of Savannah.

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 from and after the passing of this act, the mayor’s court of the city of Savannah shall be held monthly, on the the third Tuesday in each and every month.

Sec. 2. And be it further enacted, That any former act or acts, so far as the same shall militate with 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, 23d May, 1808.

JARED IRWIN, Governor.
AN ACT

To alter the mode of electing the City Officers 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 mayor and aldermen of the city of Savannah shall, at their first regular meeting in the month of October next, and at their first regular meeting in the month of October in each succeeding year, proceed by ballot to elect a city sheriff, city marshal, clerk of the mayor's court and clerk of council.

SEC. 2. And be it further enacted by the authority aforesaid, That the said Mayor and Aldermen shall give public notice by advertisement, in two or more of the Gazettes published in the said City of Savannah, for the space of ten days, of the time at which the election for the officers aforesaid will take place.

SEC. 3. And be it further enacted by the authority aforesaid, That all acts, or parts of acts, heretofore passed on this subject which shall militate against the provisions of this act, shall be, and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, 23d May, 1808.

JARED IRWIN, Governor.

AN ACT

To establish and make permanent that part of the public road, leading from the Seat of Government to the town of Darien, beginning at or near the bridge on Cobb's Creek, running thence to the house of Richard Cooper, and thence to the Cow Ford on the Ohoopic.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That from and after the passing of this act, the public road leading from the seat of government, to the town of Darien,
(No. 326.) shall run from the bridge on Cobb's Creek to the house of Richard Cooper, and from thence to the Cow Ford on the Ohoopie River: and all persons liable to work on public roads, agreeably to the requisitions of an act, passed by the General Assembly, the 4th day of December, seventeen hundred and ninety-nine, are hereby made liable to perform their labour on that part of said road, any law or usage to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, May 23d, 1808.

JARED IRWIN, Governor.

AN ACT

(No. 327.)

To alter and amend an act, entitled "An Act to dispose of and distribute the late cessions 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, one thousand eight hundred and five."

WHEREAS many persons who have been fortunate drawers, may not have it in their power to take out their grants within the time prescribed by the said law; for remedy thereof,

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 time 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 twenty fifth day of December next, any law to the contrary notwithstanding.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, 23d May, 1808.

JARED IRWIN, Governor.

*See act of 1808, No. 364, extending the time still further.
AN ACT

To render valid certain proceedings had in the court of ordinary in Chatham county, since the order of said court for the removal of Edward White, as the clerk of said court.

WHEREAS many injuries and inconveniences will result to individuals concerned in the proceedings of the said court, without legislative interference; 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 all letters testamentary, letters of administration, marriage licenses, exemplifications, and all other documents bearing the attestation of Thomas Bourke, as clerk of said court, granted, given or issued since the order of said court for the removal of Edward White, on the fourth day of May, one thousand eight hundred and seven, until the first day of June next, unless the said Edward White shall, before that time be reinstated in his office of clerk of the court of ordinary, and in that case, until the time at which he shall be so reinstated as clerk of the said court, shall be received, taken and held in any court where the same shall be necessary to any party, plaintiff or defendant, in any suit pending, or which may hereafter pend, as valid and effectual, as though the same had been issued, given or granted by the said Edward White, or as though the said Thomas Bourke had been duly commissioned.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, 23d May, 1808.

JARED IRWIN, Governor.

AN ACT

To authorize the inferior courts of the several counties in the Ocmulgee circuit, to draw jurors to serve at the next superior courts to be held for the respective counties where no juries were drawn at the last superior courts.

BE it enacted by the Senate and House of Representatives, That the justices of the inferior courts of the several counties in the Ocmulgee circuit, in which there are not juries drawn to serve at the next superior courts, shall on the first Monday in July next,
(No. 329.)

make a selection from among the persons liable to serve as grand and petit jurors, and that on the said first Monday in July next, they shall severally draw a grand and petit jury for the said several counties as aforesaid, and then seal up the said selection agreeably to 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 courts in the said several counties; and the foregoing clause to continue in force until the next superior courts of said circuit and no longer.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, May 23d, 1808.

JARED IRWIN, Governor.

(No. 330.)

AN ACT

To cede to the United States jurisdiction over five acres of land, on the southern extremity of Sapelo island, for the purpose of erecting a light-house.

BE IT ENACTED by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and immediately after the passing of this act, the jurisdiction to and over five acres of land on the southern extremity of Sapelo island, in the county of McIntosh, for the purpose of erecting a light-house, in and for the port of Darien, be, and the same is hereby vested in the said United States of America;—Provided, that the said United States shall erect a light-house on the same.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

ROBERT WALTON, President of the Senate.

Assented to, 23d May, 1808.

JARED IRWIN, Governor.
AN ACT

To alter and amend the several Militia Laws of this State, and to organize the Cavalry.

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 when any vacancy shall occur by death, resignation or otherwise of any captain, or where any new created district shall require officers, such officers shall be elected by the citizens liable to bear arms within such company district, under the following rules and restrictions: the commanding officer of the regiment or battalion shall give at least ten days public notice of the time and place of holding such election; and the election shall be held under the presidency of two or more of the 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: and the commander in chief shall within five days after the receipt thereof commission the person so elected, and in the interim between the term 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 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 where any vacancy shall happen by death, resignation or otherwise of any subaltern officer, the captain or commanding officer of the district where such vacancy or vacancies shall happen, shall give at least ten days public notice of the time and place of holding such election, and shall be held and conducted in the same manner as pointed out by this act, for the election of captains; and such officers when elected, shall be fully authorized to act in all their functions by brevet, under the same rules and restrictions as pointed out by this act, for other officers; and where it shall happen in any company district that 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 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. 2. 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

*See act of 1810, No. 522, for other amendments.
(No. 331.) 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 and where such election shall be held, who shall advertise the same at least twenty days before such election, at the muster ground in each captain's district within such regimental district: and such vacancy shall be filled by the commissioned or brevetted officers within such regimental district, who will become subject to the command of such officer, when elected, under the following rules and restrictions, that is to say: any two or more captains or lieutenants, within such regimental district, with two or more justices of the county, not being (themselves candidates) shall preside at, and superintend such election; 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: 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, by death, resignation or otherwise, of the major, to order a new election, and give the then commanding officer of the battalion at least thirty days notice of the time and place, when and where such election shall be held, who shall give public notice of the same at least twenty days before such election, by advertising the same at the muster ground in each captain's district, within such battalion district; and such vacancies shall be filled by the commissioned or brevetted officers, within such battalion district, who will become subject to the command of such officer when elected: and any two or more captains or lieutenants, within such regimental or battalion district, as the case may be, with two or more of the 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. 3. And be it further enacted, That the commanding officers of companies of every description shall muster their respective companies four times, and not more than six times in time of peace, in every year, at such places within their company district, as may be most convenient to a majority of each company, and at such times as shall be ordered by the commanding officer of such company; and it shall be the duty of all commanding officers of companies, at any and every of their 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 return shall be filed ready to be delivered to the inspector, as he shall commence the inspection of each company.

SEC. 4. And be it further enacted, That all courts of enquiry and courts-martial, as pointed out by the militia law of this state, the officers present, who may be highest in grade, shall preside, but where there are two or more of the same grade, the senior officer shall preside, and that all commissioned or brevetted officers shall be entitled to set on regimental and battalion courts of enquiry.

SEC. 5. And be it further enacted, That on the brigade inspectors producing to the brigadier generals a certificate from under the hand of the lieutenant colonel, and majors of battalions, certifying his services, as having been well and faithfully performed, it shall be the duty of the brigadier generals to certify the same to the commander in chief, who is hereby authorized to pay the same out of the contingent fund, at the rates of two dollars per day; provided such service does not exceed thirty days in any one year.

SEC. 6. And be it further enacted, That company courts of enquiry, shall be held on the next muster day after any company muster, to consist of a majority of the commissioned or brevetted officers, of said company, and the delinquents or defaulters shall be notified thereof by a serjeant of such company, at least five days previous to the meeting of such court, and that all fines collected by virtue of company courts of enquiry, shall be paid into the hands of the paymaster of the regiment, or in counties holding but one battalion, into the hands of the paymaster of such battalion, and shall be appropriated in such manner as the regimental or battalion courts of enquiry shall direct; and that it shall be the duty of the captain or commanding officer of each company, annually to lay a fair and correct return or statement in writing of all proceedings had in such company courts of enquiry before the regimental court of enquiry, or in counties holding but one battalion, before the battalion court of enquiry, and in case of refusal or neglect of such captain or commanding officers of companies, they shall be fined at the discretion of such regimental or battalion court of enquiry.

SEC. 7. And be it further enacted, That all courts of enquiry shall be competent to take cognizance of such offences under this act, as shall relate to the fining or imprisonment of the person or persons so charged, whether officers or soldiers; and that the powers of a court martial shall extend solely and exclusively, to trials for disobedience of orders, contempt of any decision of a court of enquiry, mutiny, desertion, or the encouragement thereof; and to all such offences as by the militia of the United States,
(No. 331.) or articles of war, or the militia law of this State requires corporal punishment of soldiers or cashiering of officers.*

Sec. 8. And be it further enacted, That the troops of cavalry within the several brigades and divisions, shall be arranged into one brigade, regiments and squadrons, and that a regiment shall consist of two squadrons, and each squadron of not less than two, or more than five troops.

Sec. 9. And be it further enacted, That a brigadier general to command the whole, shall be appointed by the legislature, and commissioned by the governor, who shall direct such returns to be made to him as are directed to be made to other officers of the same rank, and that to each division there shall be one regiment of cavalry, and the lieutenant colonel to command the same, shall be appointed by the legislature and commissioned by the governor: and to each brigade there shall be one squadron of cavalry, and the major to command the same, shall be elected by all the commissioned or brevetted officers of cavalry within such squadron, as shall become subject to his command; and that forty days notice shall be given in one or more of the public gazettes within the militia division where such election is to be held by the lieutenant colonel or major, of the time and place of holding such elections, which shall be conducted in the same manner, and under the same restrictions as are provided for other militia officers of the same grade.

Sec. 10. And be it further enacted, That the commander in chief be authorized and empowered to call together by regiments or squadrons, the cavalry thus organized, once in every year, for the purpose of being inspected, trained and instructed, by their brigadier general or the adjutant general, for a term not exceeding three days at any one meeting.

Sec. 11. And be it further enacted, That the cavalry shall retain their accustomed privileges, subject nevertheless to the usual duties required of them by the militia law.

Sec. 12. And be it further enacted, That it shall be the duty of the several brigadier generals to accompany the adjutant general at the several reviews of inspection within their respective brigades.

Sec. 13. And be it further enacted, That the commander in chief in the annual promulgation of general orders, be empowered to order and direct such measures as he may deem best calculated to carry more fully into effect the requisitions and intention of the militia law of this State and of the United States.

Sec. 14. And be it further enacted, That all officers are permitted to wear lace; and that the uniform prescribed formerly by the major generals of this State, shall

* See act of 1809, No. 446, repealing so much of this section as relates to corporal punishment.
be the established uniform of all the general, field, staff, and company officers, of the militia as aforesaid, cavalry and artillery excepted; and that the militia as aforesaid be permitted to wear plain buttons.

Sec. 15. And be it further enacted, That in all returns of elections that may be held for any field or company officers, that the number of the regiment, battalion or company district shall be expressed.

Sec. 16. And be it further enacted, That the sixth, seventh and fourteenth sections of the militia laws, passed on the tenth day of December, one thousand eight hundred and seven; and the fifth and sixth sections of the militia law passed on the twenty third day of May, one thousand eight hundred and eight, and all parts of the said acts, that militate against this act, be and the same are hereby repealed.

Sec. 17. And be it further enacted, That the person who has contracted to print the laws of the present session, do print one thousand copies of this act, and deliver them into the executive department by the time specified for the delivery of the other laws; for which service he shall receive the same price per sheet as is allowed him for the laws aforesaid; and that his excellency be requested to pay the same out of the contingent fund: and it shall be the duty of his excellency the governor to distribute the same agreeably to the number of militia officers in each county within this State.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHEL, President of the Senate.

Executive Department, Georgia,
Assented to, 17th December, 1808.

JARED IRWIN, Governor.

AN ACT (No. 332.)

For the establishment and support of military schools in the several militia divisions of this state, to point out the mode of distributing the public arms, and to designate the several places within each major general's command where the same shall be deposited.

Whereas, from full and sufficient experience it is evident, that our present militia system is inadequate to bring about that state of organization, order and discipline, which the exigencies of the present crisis of our national affairs require, and which at all times ought to be one of the first wishes of an independant nation.
(No. 332.)

Military schools established.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That there shall be established within the state, military institutions for the instruction and information of all officers, who may think proper to attend them, at the most convenient places near the centre of the first and second brigades, and the second, third and fourth divisions.

Sec. 2. And be it further enacted, That the exercises at these institutions shall be conducted under the superintendence and direction of the adjutant general, and when circumstances will permit, shall embrace every principle and duty connected with the complete instruction of an officer and soldier, and shall continue at each place for a period not less than one, nor more than two weeks, once in every year.

Sec. 3. And be it further enacted, That the sum of one dollar and fifty cents be allowed daily to one drummer and fifer each, whilst in actual service, their accounts to be certified by the adjutant general; their duty shall be to attend the schools for the purpose of instructing all boys who may be sent thither, in correct principles of military music, and that they shall likewise attend the adjutant general in his annual tour throughout the State.

Sec. 4. And be it further enacted, That all officers and other persons who may attend these institutions, shall be governed by such rules, regulations and restrictions as the general officers present, and the adjutant general may adopt and direct.

Sec. 5. And be it further enacted, That the commander in chief be empowered to have delivered from the public arsenal to the respective major generals, all the arms and accoutrements therein contained, in proportion to the number of men in each division, and shall make such arrangements and disposition as he may think best calculated to keep them safe, and at all times in good order, at or near the centre of each brigade or division, for the use, as occasion may require, of the officers at the military schools, the volunteers that may be raised in obedience to the requisition of the President of the United States: Provided, that such arms shall not be delivered out of the respective places of deposit, on any other occasion than for immediate use, as contemplated by this act; and that the officer or officers having the command while such arms are in use, shall be compelled to see them safely returned to the place of deposit.

Sec. 6. And be it further enacted, That the commander in chief, for the same use and purpose as expressed in the foregoing section, be empowered to contract, in any way he may deem most advisable, for a number of tents for two regiments (officers included) complete with pins, hammers, poles, and of the size, description and style of those which are now used by the army of the United States.
Sec. 7. And be it further enacted, That the respective major generals shall appoint some fit and proper person or persons to take charge of the arms deposited in their respective divisions; who shall give bond and security to his excellency the governor for the faithful discharge of their duties, in a sum equal to double the amount of the value of the arms and accoutrements so to be deposited.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To appropriate the Funds heretofore set apart, for the redemption of the Public Debt.*

WHEREAS by an act of the General Assembly, passed the twenty sixth of June, eighteen hundred and six, 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, eighteen hundred and five;" it is among other things enacted, "that the fractional parts of surveys which may be created by the natural or artificial boundaries of said territory, shall be set apart for the redemption of the public debt, under the direction of a future legislature."

And whereas the aforesaid fund is now becoming productive, and a considerable part of the monies due and owing to the State for such fractional surveys, have and will speedily become due; and the legislature having failed to make such arrangement of the said fund, as to enable the proper officers to carry the intentions of the aforesaid act into effect.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the treasurer, under the immediate direction of his excellency the governor, for the time being, shall

* See act of 1809, No. 465, supplemental to this act, and embracing the fractions in the first land lottery.
and he is hereby authorized and directed to receive at the treasury office, in payment for such moneys as are or hereafter may become due on bonds taken and deposited in the treasury office, for the aforesaid fractional surveys, certificates or outstanding evidences of the debt of this State, at and after the following rates, to wit:—audited certificates and governor's warrants, commonly called warrants of anticipation, at one eigth of their nominal value; president's and speaker's warrants issued since the year seventeen hundred and eighty nine; gratuitous certificates, funded certificates, with seven years interest added thereto, after the rate of seven per cent. per annum, and governor's warrants, issued since the year seventeen hundred and eighty nine, at their nominal value, and bounty land warrants issued to the late State troops, amounting in the whole to three hundred and eighty five thousand five hundred and ten acres, at and after the rate of thirty one and a quarter cents per acre.

SEC. 2. And be it further enacted by the authority aforesaid, That the sum of fifty five thousand dollars of the money arising from payments on the aforesaid bonds, shall be, and the same is set apart and appropriated annually and every year for the redemption of the aforesaid outstanding evidences of the debt of this State; Provided, such sum shall be annually received at the treasury, and his excellency the governor for the time being, is hereby authorized and empowered to issue to the holder or holders of certificates of any of the aforesaid denominations, reduced as before directed by warrant on the treasury for the amount of his, her or their claim, reduced as aforesaid, payable out of any money arising from payments made to the treasury for the aforesaid fractional surveys.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.
AN ACT

To alleviate the condition of debtors, and to repeal an act entitled, "An Act to alleviate the condition of debtors, and afford them temporary relief," passed the 23d day of May, 1808.*

Sec. 1. Be it enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That on all judgments that have been heretofore recovered, or that may hereafter be recovered in the superior or inferior courts of the several counties, or in the justices' courts, or other courts of inferior jurisdiction, the defendant or defendants, may stay execution for and during the period of the continuation of this law, by entering good and sufficient freehold security, of the county, in the clerk's office of such court, or with the justice, as the case may be, for the ultimate payment of the debt, cost and interest, and upon paying one third part of the judgment, and one third part of the costs.

Sec. 2. And be it further enacted, That where execution has issued on judgments already had and obtained, or that may be had and obtained after the passing of this law, the defendant or defendants, may stop the sale of property, under such execution levied, upon paying one third of the amount of such execution, and by entering good and sufficient freehold security within the county to the sheriff, coroner, or justice, as the case may be, for the ultimate payment of the balance of the judgment, interest and cost, at the expiration of the time for which this law was passed; and all the property of the security shall be bound for the balance of the execution and redelivery of the property at the expiration of the time for which this law was passed; and in case the said property shall not be delivered, all the property of the security shall be bound and be subject to the said execution.

Sec. 3. And be it further enacted, That this law shall not extend, to prevent the recovery of taxes, to torts or wrongs, or to fines inflicted by the proper authority.

Sec. 4. And be it further enacted, That no conveyance or sale of any property after security entered, belonging to defendant, or his securities, shall defeat the lien in favor of the plaintiff.

Sec. 5. And be it further enacted, That all judgments shall bear interest.

Sec. 6. And be it further enacted, That this law shall continue and be in full force and effect until the twenty fifth day of December, eighteen hundred and nine.

Judgments to be thirded and stay of execution for the balance upon giving security.

Securities of property bound.

This law not to extend to taxes, torts or fines.

Sale of defendant's or security's property, not to defeat the plaintiff's lien.

Judgment to bear interest.

Continuation of this act.

* See act of 1809, No. 435, repealing this law, section 12th.
(No. 334.)

Laws of Georgia,

Sec. 7. And be it further enacted, That no court, officer or officers, shall be permitted to enter into any rule, so as to authorize them to receive any other cost than the one third, as pointed out by the above recited act, until its final collection.

Sec. 8. And be it further enacted, That in all cases where the debtor will pay one third of the debt due to his, her or their creditor or creditors, and give good security for the payment of the balance, it shall exonerate them from being sued during the continuation of this act.

Sec. 9. And be it further enacted, That the treasurer shall not be authorized to issue his execution against any purchaser of fractional surveys for more than one third of his, her or their bonds, when such aforesaid debt shall become due; any law to the contrary notwithstanding.

Sec. 10. And be it further enacted, That no case to be acted upon, if the defendant will comply with this act.

First all enacting law repealed.

Sec. 11. And be it further enacted, That the act passed the twenty third of May last, entitled, "an act to alleviate the condition of debtors, and afford them temporary relief," be, and the same is hereby repealed.

Sec. 12. And be it further enacted, That if any security taken in virtue of this act, hath good grounds to believe that the defendant for whom he is or may be bound, hath removed or absconded, or is about to remove or abscond from the county, and makes oath thereof before any justice of the peace, may proceed against his, her or their principal, as in cases of attachment.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 20th December, 1808.

JARED IRWIN, Governor.
AN ACT

To incorporate the Savannah Poor House and Hospital Society.

WHEREAS it appears from the joint memorial of the justices of the inferior court of Chatham county, and of the mayor and aldermen of the city of Savannah, that the county of Chatham, containing within its limits a commercial city, much resorted to by the citizens of this State, and adventurers from the different parts of the world, is exposed to the burden of those afflicted with poverty, disease and infirmity, in a much greater degree than the other counties of this State; that no adequate provision has yet been made for their succour and support in times of accident, sickness, and distress; that the said justices and mayor and aldermen aforesaid, have united their efforts in commencing an establishment for alleviating the condition of the poor, sick and infirm, of all descriptions, whom Providence may cast upon their protection, and have accepted the offer of the faculty, who have proffered their medical services promptly and gratuitously; and that a number of respectable citizens of the city and county aforesaid, have, with benevolent and disinterested views, subscribed liberally for the support of a poor house and hospital, and there is a prospect of further considerable donations from many other humane and benevolent persons;

WHEREFORE, for the purpose of promoting and encouraging the above mentioned humane, laudable and necessary institution,


* See act of 1809, No. 482, amending and repealing this act.

1-3
(No. 335.) — Phelps, William Gaston, Joseph Davis, David Leion, Zachariah Miller, Benjamin Story, John H. Deubell, C. H. Fisher, George Dantsman, James Bilbo, James T. Colt, John Macferson Berrian, Joseph Bryan, Thomas Telfair, and Francis Curvoisei, senior, and such other persons as shall become members of the corporation hereby erected, by subscribing and paying annually into the treasury thereof the sum of ten dollars, shall be, and they are hereby declared to be a body corporate in name, and in deed, by the style and denomination of the "Savannah Poor House and Hospital Society," and by the said name and style, shall have perpetual succession of officers and members, and a common seal to use, and shall have full power to make, alter, amend, and change such bye laws as may be agreed upon by the members of the same; Provided, such bye laws be not repugnant to the laws or constitution of this State, nor of the United States.

SEC. 2. And be it further enacted by the authority aforesaid, That they shall have full power and authority, under the style and name of the "Savannah Poor House and Hospital Society," by which name they shall sue, and be sued, in any courts of law or equity in this State, and to take, and to hold and enjoy real and personal property, to sue for, and recover all such sum or sums of money as now are, or hereafter may become due to the said society, at any court of law or equity, or at any tribunal having jurisdiction thereof; and the rights and privileges of the said society in any court, or at any tribunal whatever, to defend, and also to receive, take, and apply, such bequests or donations, as may be made to, and for the uses and purposes intended by the said institution, and shall be, and are hereby declared to be vested with all the powers and advantages, privileges and emoluments of a society of people, incorporated for the purposes and intentions of their laudable institution.

SEC. 3. And be it further enacted by the authority aforesaid, That for the purpose of carrying fully into effect the benevolent designs of the aforesaid institution, there shall be twelve managers of the said poor house and hospital, from whom there shall be taken a president, a treasurer, and a secretary; and of which officers, viz: president, managers, treasurer and secretary, shall be chosen by the members of the corporation, or their successors, or as many of them as shall assemble at the hospital; or at any other convenient place, according to notification on the first Monday in January in each year, when a majority of those present shall have power to elect by ballot or otherwise, as may be directed by the bye laws of said corporation; the board of managers, thus elected, shall have power to choose six or more physicians and surgeons to attend the institution, after such manner as they may direct.

SEC. 4. And be it further enacted by the authority aforesaid, That in order to aid in promoting a scheme so benevolent and humane, the said poor house and hospital society, be, and they are hereby invested with the use and appropriation of the poor tax of the county of Chatham, and of the escheated property that may accrue in said coun-
ty, under the same rules, regulations and restrictions, and with the same reservations (No. 335.) as to the right of heirs of the deceased, as property escheated is held by the State; any thing in the escheat laws of force in this State to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 10th December, 1808.

JARED IRWIN, Governor.

AN ACT

(No. 336.)

Amendatory of the seventh section of the Judiciary Act, passed the 16th day of February, 1799.

WHEREAS instances are frequent of notorious felons and others escaping from justice, from a defect of legal precision, and a want of technical form in the mittimus, to the great injury of the community; 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 when a felon or other person, charged with the commission of a crime, shall have been committed to jail, and shall be brought up before a judge of the superior court, or justice or justices of the inferior court, by writ of habeas corpus, he, she, or they, shall not be admitted to bail, or discharged from prison, merely by reason of such defect of legal precision, or want of technical form in the mittimus as aforesaid; but the court shall, in all such cases, proceed and determine as if the said mittimus had all the legal and technical form; any law or usage to the contrary notwithstanding: Provided, the felony or other crime of which he, she, or they are accused, together with the time and place, when and where such felony or other crime have been committed, shall be plainly and clearly set forth in the said mittimus.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.
AN ACT

To point out the mode of rendering void all grants, or other proceedings, founded on false or fraudulent returns, made by persons not entitled to draws in the late land lotteries, and to repeal an act passed at the last General Assembly, on that subject.

SEC. 1. Be it enacted by the Senate and House of Representatives in General Assembly met, That from and after the passing of this act, it shall be the duty of the clerks of the superior courts, whenever application is made for that purpose, to issue a seire facias, in the name of the governor, for the time being, and his successors in office, against any person or persons who may be charged with having made false or fraudulent returns, for the purpose of obtaining draws in the late land lotteries of this State, which sei. fac. shall fully, distinctly and clearly set forth the grounds of the charge or charges, and shall be served on the defendant if within the county, wherein such fraudulent return was made, twenty days before the meeting of the court to which the writ may be returnable; if not within the county, a notice shall be published in one of the gazettes in the judicial circuit, at least six months, requiring all persons having any interest in the land in question, to come forward and make themselves parties in the cause, and to answer the allegations, and shew cause, if any they have, why the proceedings which may have been had under the false or fraudulent return or returns, or the grant itself, if the grant is issued, shall not be set aside and made void.

SEC. 2. And be it further enacted, That where a jury shall, in any such case return a verdict for the state, it shall be the duty of the presiding judge of the court to grant a judgment or order thereupon, declaring that all proceedings that may have taken place in consequence of the false or fraudulent return or the grant, if the same has been issued, are set aside, as fully as if such proceedings or grants had never been had or obtained; and it shall be the duty of the clerk of the court to give out a certified copy of the whole record to the prosecutor, or his or her attorney, whose duty it shall be to lodge the same with the secretary of state, within sixty days thereafter.

SEC. 3. And be it further enacted, That all suits or actions, to be commenced under the provisions contained in this act, shall be commenced within one year from the passing of this act, and not after.

SEC. 4. And be it further enacted, That in all such cases the burden of the proof shall rest with the state, or the person prosecuting in behalf of the state.

SEC. 5. And be it further enacted, That any person or persons who may prosecute in behalf of the state, as aforesaid, and obtain an order for setting aside any proceedings or grants as aforesaid, shall be entitled to one half of the lands, which shall be laid off.
to him by the surveyor of the county according to quantity and quality; and the part to be reserved for the state, shall be decided by lot, in a fair and equal manner—provided, that all costs attendant on the cause, shall be paid by the prosecutor.

SEC. 6. And be it further enacted, That the act passed on the tenth day of December last, entitled "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, be and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.

AN ACT

To alter so much of an act, entitled "an act to regulate the pilotage of vessels to and from the several ports of this State, so far as relates to the number of commissioners therein named, for the port of Savannah:

WHEREAS the aforerecited act limits the number of commissioners for the port of Savannah to five, and from experience they have been found too few; 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 several persons herein after named, be, and are hereby appointed commissioners of pilotage for the port of Savannah, viz:—John P. Williamson, John Cummins, John H. Morel, John Bolton, James Johnson, George Anderson, Andrew Knox, Francis Doyle, and John Y. White: three of each respectively are hereby declared to be a quorum; provided, such three constitute a majority of such commissioners as may be at the time within the limits of Savannah; which said commissioners are hereby declared to be fully vested with all the powers and authority as recited in the act, entitled, "an act to regulate the pilotage of vessels, to and from the several ports of this State," passed on the 6th day of December, 1799, and so much of said act as relates to the number of commissioners be, and is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 30th November, 1808.
JARED IRWIN, Governor.
AN ACT

Pointing out the duty of Sheriffs, in selling lands under execution.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That it shall hereafter be the duty of the sheriffs of the several counties in this State, when they levy any execution on land, to leave a written notice of the said levy with the owner, if in the county, or tenant in possession of any, or transmit the same to him, her, or them, in five days after such levy.

SEC. 2. And be it further enacted, That it shall not hereafter be lawful for any sheriff within this State, to levy upon, or sell any land which lies out of the county of which he is sheriff; any thing in any law to the contrary notwithstanding.

SEC. 3. And be it further enacted, That it shall be the duty of the sheriff aforesaid, to advertise their sales in some public gazette, within the judicial circuit where such sales are intended to be made; Provided there is such a gazette within the same.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

Supplemental to the several tax laws of this State.

SEC. 1. BE it enacted by the General Assembly of the State of Georgia, That in all cases where the owners of taxable property shall be in default for one or more years, and such property hath not been seized or sold, that it shall be lawful for the owner or owners thereof, his, her, or their agent or attorney, to make a return thereof to the

* This section amended by act of 1810, No. 521, which directs the sales in Franklin and Lincoln to be published in Augusta; Hancock and Washington in Milledgeville, and Montgomery and Tatnall in Milledgeville or Savannah.
clerk of the inferior court, where such defaulter or defaulters, his, her, or their agent or attorney may reside; and it shall be the duty of such clerk to enter the same in the book or digest of the taxes of the year when such return shall be made, and to furnish the collector of such year with a copy thereof, whose duty it shall be to receive the amount of such taxes, and pay the same over to the treasurer of this State, on or before the day of closing his accounts of that year.

Sec. 2. And be it further enacted, That there shall be levied and collected, five per centum on the amount of sales of all lottery tickets in lottery schemes of other States, sold or disposed of in this State, for which the person or persons making sale of tickets shall be answerable.

Sec. 3. And be it further enacted, That it shall be the duty of clerks of the several courts where property shall have been or may hereafter be returned by defaulters, to transmit a copy thereof to the comptroller general, on or before the first day of October in each and every year; and also to furnish the tax collector for the time being, with a copy of all such returns as have been made and not heretofore transmitted, as well as those which may hereafter be made; and it shall be the duty of the collector for the time being, to receive and pay over as aforesaid, all such monies as may appear to be due on such returns; any law to the contrary notwithstanding.

Provided, such property has not been assessed with double tax, or noted by the proper officers as being in default.

And provided also, That such returns and payment of taxes shall not be construed to effect any seizure or sale that has been, or hereafter may be made.

Sec. 4. And be it further enacted, That the said Clerks, shall be entitled to receive the sum of fifty cents for each year on every return so to be made as aforesaid, to be paid by such defaulter.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.
AN ACT

To repeal a part of the ninth section of 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, That so much of the above recited act, as authorizes the holding the courts for the county of Baldwin, at the state house in Milledgeville, be and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1805.

JARED IRWIN, Governor.

AN ACT

To alter and amend an act, entitled, "An Act to repeal an ordinance passed at Augusta, the twenty sixth day of January, one thousand seven hundred and eighty-six, so far as respects fixing the seat of the University of this state; and an act for the more full and complete establishment of a public seat of learning in this state, so far as respects the appointment of Trustees, passed at Savannah the twenty-seventh day of January, one thousand seven hundred and eighty-five, and to appoint a board of trustees, and to define the board of visitors, and to fix a permanent seat for the said university.

Whereas, it hath been found inexpedient for the Senatus Academicus to convene in the state-house, during the sitting of the General Assembly, as their meetings at such time tend to interrupt Legislative deliberations: And whereas, it will be inconvenient for the senators from the several counties in this state to convene at the University, to perform the duties assigned for the board of visitors; for remedy thereof,

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and immediately after the passing of this act, That his Excellency the Governor, the Judges of the Superior Courts, the Presi-
dent of Senate, and Speaker of the House of Representatives, shall form and compose the board of visitors.

SEC. 2. And be it further enacted, That the Senatus Academicus shall meet annually on the first Monday in August, at Franklin College, at which time and place the board of trustees shall lay before the Senatus Academicus, a full and correct statement of all their funds, accounts and expenditures, up to the first day of August in each year, and shall also lay before the General Assembly at their annual meeting, yearly and every year, a full and correct statement of all their actings and doings, touching the affairs of the said University.

AND WHEREAS, the board of trustees hath heretofore consisted of the number of thirteen, which number is deemed to be too unwieldy and expensive; for remedy whereof,

SEC. 3. Be it further enacted, and it is hereby provided, That in case any vacancy shall hereafter happen in the said board, it shall not be lawful for the trustees to fill such vacancy until their number shall be reduced to seven, which number shall compose the board of trustees, and be vested with all the powers as is pointed out in the above recited acts as heretofore in force; which board, or a majority of them, in such case shall be competent to do and perform all the duties assigned to the board of trustees of the University of Georgia.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT*

For the better regulation of inn-keepers and shop-keepers; and more effectually to prevent their trading with slaves.

WHEREAS it hath been the custom with tavern-keepers and retailers of merchandise, under the denomination of shop-keepers, to encourage the slaves of the citizens of this state, to sell unto them a quantity of provisions and other commodities, and in return, to pay unto them spirituous liquors, &c. without the consent or license of the

* This act repealed by act of 1810, No. 550, which see.
(No. 313.) owner, or owners of such slave or slaves, by which the owners of such slave or slaves, are and may be great sufferers, should such pernicious practices continue.

Sec. 1. Be it therefore enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That from and after the first day of April next, any person or persons wishing to keep a store, shop or tavern, and are retailers of spirituous liquors and other commodities, by which a former act obliges them to take out license—shall be obliged on receiving such license, to take and subscribe the following oath or affirmation, before the clerk of the inferior court: I, A. B do solemnly swear or affirm, (as the case may be) that I will not either directly or indirectly, nor shall any person in my employ, with my desire, knowledge or approbation, deal, barter or trade with any negro slave for the article of provisions or otherwise; neither will I sell unto him, her or them, any spirituous liquors or mixture thereof, without the permission, or consent of the owners, agents, attorneys, or overseers of such slaves, as long as I continue in this State, and in the capacity of a retailer of merchandise, &c.—So help me God.

Sec. 2. And be it further enacted, That if any retailer of spirituous liquors, or any other persons, shall sell to any slave any spirituous liquors or mixture thereof, or shall purchase from him, her or them, any commodities without the license or consent of the owner, or such other persons who may have the care or government of such slaves, every person so offending, shall forfeit the sum of thirty dollars, and shall be bound in a recognizance in the sum of two hundred dollars, with one or more sufficient securities, before any one of the justices of the inferior court, not to offend in the like manner, and to be of good behaviour one year; and for want of such security, to be committed to the nearest common jail for a term not exceeding six months—at the same time not exempt from a prosecution for perjury before any court having cognizance thereof: Provided always, that it shall and may be lawful for any slave who lives in or near, or is actually employed in or near any town or borough in this State, to buy and sell fruit, fish, meats and garden stuff, and to purchase any thing for the use of their owner, manager or employer, in open market, under such regulations as are or may by law be made and appointed concerning the market in such town or borough.

Sec. 3. And be it further enacted, That all fines and forfeitures recovered under and by virtue of this act, shall be paid to the inferior court of the county where such offence may be committed, to be by them applied to county purposes; any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.
AN ACT

To amend an act, entitled "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 of the State of Georgia, in General Assembly met, and by the authority of the same, That the superior courts shall be held twice in every year in the following counties, at the times and in the manner following, to wit:—on the second Monday in April and October in Jones; the Monday thereafter in Wilkinson; the Monday thereafter in Pulaski; the Monday thereafter in Laurens; the Monday thereafter in Baldwin; and the second Monday thereafter in Telfair; and where writs of venire or any other writs or summonses have been returnable at a day sooner, or otherwise, the same shall stand over to the times above mentioned.

SEC. 2. And be it further enacted, That the inferior courts of the counties of Pulaski and Laurens, shall be held twice in every year, at the times and in the manner following, to wit: on the first Monday in August and February in the county of Laurens, and on the third Monday of August and February in the county of Pulaski.

SEC. 3. And be it further, enacted. That the superior court for Morgan county, shall be held on the second Monday in February and August, and all writs of venire or summonses, made returnable sooner or otherwise, and all other proceedings shall stand as returned to the above mentioned periods.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.

AN ACT†

To keep open Great Ogeechee river and Briar creek.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, That it shall not be lawful to throw any obstruc-

* Time of holding the superior courts in the Ocmulgee circuit altered—See act of 1809, No. 479.
† See act of 1810, No. 545, incorporating a company to improve the navigation of Ogeechee.
(No. 345.) tions into the aforesaid streams or water courses, for the purpose of narrowing the same, or to place or build any trap made of wood or other materials, so that boats may be impeded, or fish prevented from a free passage.

SEC. 2. And be it further enacted, That no obstruction whatever shall be made in any of the channels or cuts of the river Great Ogeechee, from Penn's bridge, above Louisville, to the mouth of the same; and in Briar creek, it shall not be lawful to place any trap or other obstruction from the mill of Seaborn Jones, Esquire, to the mouth thereof.

SEC. 3. And be it further enacted, That any person or persons offending against this act, by placing obstructions aforesaid, or continuing those obstructions which already exist, shall be subject to a fine not exceeding three hundred dollars, to be recovered in any court of law, having competent jurisdiction; one half to be for the benefit of the informer, the other half for the benefit of the state; and it shall be the duty of the proper officers, residing on the said river or creek, where the same may happen, to prosecute the offender or offenders.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.

(No. 346.)

AN ACT

To regulate Toll Bridges, Ferries and Turn Pike Roads.

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 January, eighteen hundred and nine, it shall be the duty of every and all proprietors of toll bridges, ferries and turnpike roads, to fix a board in a conspicuous situation on each bridge, turnpike gate or landing place, held by him or them; the board to be painted black, with legible characters written white on the same, noting the different rates of toll or ferriage (as the case may be) allowed by law; in case of any proprietor or proprietors, neglecting so to do, he or they shall not be entitled to the toll or ferriage accruing from such bridge, ferry or turnpike road.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.
AN ACT

To keep open the main channel of Broad river, from the confluence of the same with the Savannah river, to the mouth of Blue Stone Creek.*

WHEREAS many of the citizens of the counties of Wilkes, Oglethorpe, Elbert, Jackson and Franklin, are improperly and unjustly restrained from partaking of the advantages and benefits which nature has ordained and granted them, by a number of persons whose interest it has become to obstruct and hinder the passage of fish up Broad river, by stopping the current and stream, in divers places, by fish dams and traps, so as really to become a monopoly to individuals, and detrimental to the inhabitants bordering on said river: AND WHEREAS divers persons, inhabitants of the counties aforesaid, have already subscribed a considerable sum for the purpose of opening Broad river, and others it is expected, will willingly subscribe to so valuable an object, whereby they may convey their produce to market with more ease and convenience.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives, of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person or persons to stop or keep stopped the main sluices of Broad river, from the confluence of the same with the Savannah river, up to Coleman and Anthony's mills; but the same is declared to be at least one fourth part thereof, including the main channel, a free passage for boats, rafts or fish.

SEC. 2. And be it further enacted by the authority aforesaid, That all that part of Broad river commonly called the Middle river, running between Coleman and Anthony's mills, shall, before and after its junction with either of the rivers on which the said mills are erected, be, and is hereby declared to be a free passage for fish, boats or rafts, and to be clear of all and every obstruction whatever, to the final junction of all its parts with the main river aforesaid.

SEC. 3. And be it further enacted, That it shall not be lawful for any person or persons to stop or keep stopped the main sluices of Broad river, from Coleman and Anthony's mills up to the fork of the said river, and up to the north fork of the same, to the mouth of Blue Stone Creek; but the same is hereby declared to be at least one fourth part thereof, including the main channel, a free passage for fish, boats or rafts; any person or persons who shall stop, cause to be stopped, or keep stopped any part of the said Broad river, which is declared by this act, to be a free passage for fish, boats or rafts, shall forfeit the sum of fifty dollars for every day such artificial obstruction, now in meaning of this act, shall remain unremoved, to be recovered in any court of record having

* See act of 1809, No. 448, to open Broad river from its confluence with Savannah river, up to the mouth of Hudson's river in Franklin county.—See also act of 1810, No. 547, incorporating a company for this purpose.
(No. 347.) cognizance thereof; one moiety thereof to any person or persons who shall inform, prosecute and convict the offender; the other moiety to the use of the fund for opening and improving the navigation of said river; Provided, that no penalty imposed by this act shall take place prior to the twenty-fifth day of February next; any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 23d December, 1808.

JARED IRWIN, Governor.

AN ACT

(No. 348.)

Empowering justices of the peace with three freeholders, in their several districts, to bind out to service male free negroes, and persons of color, minors above the age of eight years, to artizans and farmers.

WHEREAS the permitting of free negroes and persons of color to rove about the country in idleness and dissipation, has a dangerous tendency.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the justices of the peace with any three freeholders of the district, be, and they are hereby vested with power to bind out to service, any male free negroes or persons of color, over the age of eight years, until he arrives to the age of twenty one years, to artizans or farmers; Provided, such free person or persons of color have no guardian.

SEC. 2. And be it further enacted, That the respective masters to whom such servants may be indented, shall find them sufficient clothing to protect him or them from the inclemency of the weather, and sufficient boarding and lodging.

SEC. 3. And be it further enacted, That where a complaint is made to the justices of the district, where such indented servant may reside, of any ill usage by the said
master, that then and in that case, an investigation shall be had before the said justices; and on sufficient evidence being adduced, the said bounden servant shall be released from such master, and placed again to service to another person of the same trade or farming.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To authorize the president of the trustees of the Bethesda college, the president of the Union society, the president of the board of managers of the Savannah poor house and hospital society, the chairman of commissioners of the Chatham academy, and the mayor of the city of Savannah, to dispose of the property of the Bethesda college or orphan house estate, for the uses herein mentioned.

WHEREAS it has been suggested that from the loss by fire of one of the wings of the college, the injury of the other, as well as the destruction of the buildings on the plantation by the hurricane, and which inundated the rice lands with salt water so as to render them unproductive, with other casualties, have rendered this property by no means advantageous, or the original intention of the institution in its present situation capable of being carried into effect. To the end thereof, that the said property may be useful, and applied as nearly as possible to the original intention of the said institution.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That it shall and may be lawful for the president of the trustees of Bethesda college for the time being; the president of the Union society in Savannah, for the time being; the president of the board of managers of the Savannah poor house and hospital society, for the time being; the chairman of commissioners of the Chatham academy, and the mayor of the city of Savannah, for the time being, or a majority of them, to sell and dispose of all the real and personal property of the said Bethesda college or orphan house estate of Bethesda college to be sold.
estate, on the most advantageous terms that may be obtained for the same, and to make titles to the purchasers thereof; and after the trustees of the orphan house estate shall have retained a sufficiency to pay any just debts that may be due and owing from the said orphan house estate; and also retained a sufficient sum to pay any debts that may be in litigation until decision at law on such claims, when such sum retained shall be applied agreeably to such legal decisions, to apply the nett proceeds as follows, that is to say: one fifth of such nett proceeds to the uses of the Savannah poor house and hospital society; and the remainder of such nett sum, one half thereof to the Union society in Savannah; and the other half to the Chatham academy, to aid their funds for the instruction of youth generally.

Sec. 2. And be it further enacted, That the aforesaid herein authorized persons shall, after carrying this act into execution, file their proceedings in the executive-office of this State for public information.

Sec. 3. And be it further enacted, That the commissioners of the Chatham academy shall, in consequence of this donation, support and educate at least five orphan children from its funds, as soon as it shall receive the property herein vested in said institution.

Sec. 4. And be it further enacted, That nothing in this act shall be construed to defeat the responsibility of the present trustees of the Bethesda college, under an act passed in December, 1791.

Sec. 5. And be it further enacted, That this act shall be held a public act.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.

AN ACT

Authorizing and requiring the conveyance of a lot on the common of Augusta, to certain trustees, and their successors, for the purpose of building a new Church, and to incorporate the trustees of said church.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the trustees of the Richmond county academy be, and they are hereby authorized and required to convey by proper deeds to John Tay-
lors, James Pearre, John Wilson, the elder; Thomas Cumming, John Campbell, John (No. 350.) B. Barnes, and William White, who have been named Trustees of the said church, by the persons associated for the purpose of defraying the expense of building the same, all that parcel of ground heretofore designated and set apart by the trustees of the said Richmond county academy, being situated and bounded as follows:—On the north by Telfair street; on the east, by the road leading from Washington street, to Savannah; on the west by McIntosh street, and on the south, by a line to be drawn parallel to, and distant from Telfair street aforesaid, three hundred feet, being a part of the said town common.

Sec. 2. And be it further enacted, That the said John Taylor, James Pearre, John Wilson, the elder, Thomas Cumming, John Campbell, John B. Barnes, and William White, and their successors, shall be, and they are hereby declared to be a body corporate, by the name and style of the “Trustees of Christ Church in the City of Augusta,” to have and use a common seal; with power to sue and be sued, plead and be impleaded, and to acquire, have, hold, and enjoy real and personal property, for the sole use and benefit of the said church.

Sec. 3. And be it further enacted, That the trustees of said church, shall continue in office until the first day of January eighteen hundred and ten: on which day, and on the first day of January in every year thereafter, the subscribers to the said church, shall meet at St. Paul’s church, (until the new church is prepared) in the city of Augusta, and proceed to elect by ballot or otherwise, seven trustees of the said church, who shall be vested with all the powers of their predecessors: Provided, nothing herein shall prevent the re-election of any trustee.

Sec. 4. And be it further enacted, That the said trustees, and their successors, shall have power to fill all vacancies which may happen in that body from time to time, by resignation, removal from the county, death or otherwise.

Sec. 5. And be it further enacted, That no person who resides out of the county of Richmond, or who is not a subscriber to said church, shall be a trustee.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 16th December, 1808.

JARED IRWIN, Governor,
AN ACT

To cede jurisdiction over lands acquired by the United States for the purpose of erecting Fortifications in this State.

SEC. 1. BE it enacted by the General Assembly of the State of Georgia, That from and immediately after the passing of this act, the Congress of the United States shall have and maintain jurisdiction in and over all the lands they have purchased, or which has been ceded or otherwise acquired by them, or hereafter may be acquired, for the purpose of erecting forts or fortifications in this State: Provided, the said United States do, or shall cause forts or fortifications to be erected thereon.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

(No. 352.)

To amend an act, to authorise Ebenezer Jeneks, to erect a turnpike gate, on the road leading from Joshua Lopers, in the county of Effingham, to Savannah, and for other purposes therein contained.

WHEREAS great impositions have taken place on the said road, for want of sufficient gates to secure the tolls, by said act allowed, to be collected, whereby the good intentions of said act, are in a great measure defeated; and the said Jeneks, deprived of an adequate compensation, for the great expense which has arisen in procuring the said road to be made, and in keeping the same in repair;

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, it is hereby enacted, That from and after the passing of this act, the said E. Jeneks, his heirs, executors, administrators or assigns, shall be authorised and empowered, to erect and maintain on the road aforesaid, a turnpike gate, in addition to that already erected:
and that he or they, may cause the same to be placed on any part of the said road, as in his
or their judgment, may best secure the collection of the toll, provided for by the act
aforesaid; Provided, said gates shall not be so placed as to obstruct passengers in
passing the public road, leading from Savannah to Augusta; and provided such gate
shall not stop the road, leading from Joshua Lopers, to the Big ferry on Ogeechee; And
provided also, that nothing in this act shall be construed, to enable said Jencks, or other
persons to collect any other, or greater tolls in the whole distance of said road, than
such, and at such rates as are allowed and established by the act aforesaid; any thing in
this act contained, to the contrary notwithstanding.

SEC. 2. And be it further enacted, That any person who shall travel the distance
of five or more miles on said road, and afterwards leaves it for the purpose of evading
payment of the toll, by said act allowed, shall forfeit to, and for the use of the State, for
every such offence, the sum of ten dollars.

SEC. 3. And be it further enacted, That any person who shall open, or aid or assist
in opening a public road, that shall be evidently calculated for the purpose of evading
payment of the tolls, granted by the act aforesaid, shall forfeit and pay to for the
use of the State, the sum of one hundred dollars.

SEC. 4. And be it further enacted by the authority aforesaid, That all fines and forfei-
tures, incurred by this act, shall and may be recovered in any court having cognizance
thereof.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 17th December, 1808.

JARED IRWIN, Governor.

AN ACT

For incorporating the Thespian Society and Library Company of Augusta.

WHEREAS an association exists in the city of Augusta, known by the name of
the Thespian Society, and organized for the purpose of establishing a public library.

Preamble.
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 Robert M. Rae, Richard Wilde, Daniel M. Murphey, Samuel Hale, Abraham A. Leggett, Henry L. M. Rae, John U. Shinholser, Joseph W. Jarvis, James Wilde, Zachariah Rossel, junior, Daniel Savage, Willoughby Barton, Albert Brux, Thomas I. Wray, and John B. Barnes, whosever they may afterwards admit, and their successors, shall be, and are hereby declared to be a body corporate, by the name and style of the “Thespian Society and Library Company of Augusta.”

Sec. 2. And be it further enacted, That the said Robert M. Rae, Richard Wilde, Daniel M. Murphey, Samuel Hale, Abraham A. Leggett, Henry L. M. Rae, John U. Shinholser, Joseph W. Jarvis, James Wilde, Zachariah Rossel, junior, Daniel Savage, Willoughby Barton, Albert Brux, Thomas I. Wray, John B. Barnes, and their successors shall be, and they are hereby invested with all manner of property, both real and personal, all donations, gifts, grants, heredaments, privileges, and immunities whatsoever, which may belong to the said Thespian society at the passing of this act, or which may hereafter be made, conveyed or transferred to them or their successors, to have and to hold, for the proper use, benefit and behalf of said society.

Sec. 3. And also, That the persons above mentioned, and their successors, shall be, and are hereby declared capable of suing and being sued, pleading and being impaled, granting and receiving by their corporate name, and doing all other things as natural persons may, and also of framing bye laws for their own government, which shall be binding in all cases where the same are not contrary to the laws of this State, or the ordinances of the city council of Augusta.

Sec. 4. And be it further enacted, That the members of the Thespian society shall meet once in every three months, at such place and hour as they may appoint, then and there to elect proper officers, whose duties and titles shall be pointed out by the bye laws of the society, which bye laws shall be framed, altered and amended by the majority.

Sec. 5. And be it further enacted, That this act shall be deemed and taken as a public act in all the courts of law and equity throughout this State.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 17th December, 1808.

JARED IRWIN, Governor.
AN ACT

For establishing a ferry over the river Alatamaha, at Fort Barrington.

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 passage of this act, the heirs and representatives of William McIntosh, on the one part, and William O'Neal, on the other, are hereby authorized to keep a ferry across the river Alatamaha, at the place commonly known by the name of Fort Barrington, and to hold and occupy the profits and advantages for and during the term of ten years, at the following rates, to wit: For a loaded waggon and four horses, one dollar; for an empty waggon and four horses, seventy-five cents; for all other four wheel carriages, one dollar; for a cart, thirty-seven and a half cents; for other two wheel carriages, seventy-five cents; for man and horse, twelve and a half cents; for all red horses, twelve and a half cents; for each foot passenger, six and a quarter cents; for each head of cattle, six and one quarter cents; for each head of hogs, sheep or goats, two cents.

Sec. 2. And be it further enacted, That whenever the fresh shall be so high as to compel either of the parties to have to go long ferriage, they shall receive the following rates of ferriage, to wit: for a loaded waggon and four horses, four dollars; for an empty waggon and four horses, three dollars; for all other four wheel carriages, three dollars; for a cart and one horse, one dollar fifty cents; for all other two wheel carriages, two dollars; for a man and horse, one dollar; for all red or drove horses, fifty cents each; for every foot passenger, twenty-five cents.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia.
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To divide the county of Laurens, and to form one other new county.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That a new county shall be laid off out of part of the county of Laurens, in the following manner, that is to
say, beginning on the Ocmulgee River, at the upper line of Laurens county, thence along said line to the centre between Ocmulgee and Oconee rivers, thence a direct course to the centre line dividing Laurens and Telfair counties, thence on said line to the Ocmulgee river, thence up the meanders of the same, to the beginning corner on said river; and all that part of Laurens county comprehended within the lines aforesaid, shall form a new county known by the name of Pulaski; and that the justices of the inferior court hereafter appointed for said county, shall be vested with full power and authority to fix on the most convenient place within said county for the site of public buildings, at which place the courts and elections shall be held as soon as suitable buildings are erected thereat; and said commissioners or a majority of them, are authorized and empowered to contract with fit and proper persons for the purpose of building a court-house and jail in the county aforesaid, which after at least thirty days notice, shall be let to the lowest bidder: provided, that until the court-house shall be erected, the elections and courts of enquiry shall be held at the house of Isham Jordon.

SEC. 2. And be it further enacted, That all officers civil and military shall hold their respective appointments within the aforesaid new county.

SEC. 3. And be it further enacted, That the expense attending the laying off the said county of Pulaski, shall be paid jointly by the counties of Laurens and Pulaski.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 13th December, 1808.

JARED IRWIN, Governor.

AN ACT

To appropriate money for the political year eighteen hundred and nine.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, it is hereby enacted, That for the support of Government for the political year eighteen hundred and nine, * The town of Hartford established as the scite for public buildings in Pulaski—See act of 1810, No. 409.
the following sums of money be, and the same are hereby appropriated, that is to say; the salary of the governor shall be two thousand dollars per annum, and the further sum of five hundred dollars for house rent, &c. the secretaries of the executive department, (not exceeding two) five hundred dollars each, the secretary of state two hundred dollars, the treasurer twelve hundred dollars, the surveyor-general two hundred dollars, the comptroller general six hundred dollars, the clerk of the house of representatives, three hundred dollars, the secretary of the senate, three hundred dollars; the judges of the superior courts, each fourteen hundred dollars, the attorney general and three solicitors general, one hundred and fifty dollars each; which said several sums shall be and they are hereby appropriated for their use, to be paid quarter yearly by warrant from the governor on the treasurer, out of any monies not otherwise specially appropriated.

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

SEC. 3. And be it further enacted, That for the compensation to the members of the House of Representatives and Senate, three dollars each per day during their attendance, and the sum of three dollars for every twenty miles in coming to, and returning from the seat of government; and the sum of four dollars each to the president of the Senate and speaker of the House of Representatives during their attendance, and the sum of three dollars each for every twenty miles in coming to and returning from the seat of government; to the clerk of the House of Representatives and secretary of the Senate, during the sitting of the Legislature, four dollars each per day, and the sum of ninety-two dollars each for contingent expenses, &c. to the two engrossing and one assistant clerk to the House of Representatives, and two engrossing clerks to the Senate, four dollars per day each; to John Forsyth and Elijah Clarke, the sum of one hundred dollars each; to William Harris, clerk to the committee on finance, sixty dollars to Anthony Porter, clerk to the committee on the state of the republic, the sum of sixty dollars; to the messenger and door keepers to both branches of the legislature, the sum of three dollars each per day; to the adjutant-general twelve hundred dollars per annum, to be paid quarter yearly; to Peter Deveaux, tax collector of Chatham county, the sum twenty-three dollars, sixty-two and an half cents; the sum of ten thousand dollars, subject to the draughts of the governor, for the purpose of furnishing the quota of the militia of this State, with blankets and knapsacks, whenever they may be called into actual service; to Everett and Evans for printing, nine dollars and fifty cents; to Dennis L. Ryan, the sum of one hundred and forty-four dollars, for printing the testimony and other proceedings of the high court of impeachment, on the trial of Obadiiah Echols, Reddick Simms, and Francis Flournoy; two thousand and sixty dollars, for defraying the expenses of the witnesses on the trial of Echols, Simms and Flournoy, for sum- monsing the guard, summoning witnesses, and other expenses; to David McCord, the

(No. 356.) Salary of the governor.
Secretaries and Secretary of State.
Treasurer, Surveyor and Comptroller General, clerk of the House of Representatives, Secretary of Senate. Judges of the superior courts &c.

Contingent fund.

Pay of the members of the legislature and their officers.

Adjutant General.
sum of four hundred dollars; to Daniel Sturges, the sum of four hundred and fifty dollars; to William Robertson the sum of one hundred and five dollars; to Augustin Smith Clayton, sixteen dollars for his services as clerk in the high court of impeachment; to John Himill, for like services, eighty-four dollars; to Dennis L. Ryan, three dollars and fifty cents; to Thomas and Scott, the sum of twenty-nine thousand nine hundred and ninety-nine dollars, ninety-nine cents, on account of what hath heretofore and may hereafter be done in building the State House, they to be accountable on final settlement; to Peter Pharr, ninety dollars for winding up the clock, keeping clean the steps and stair case and the entries between the Senate and Representative chambers and galleries; to Thomas H. Kenan, fifty dollars for recording in a separate book the whole proceedings of the high court of impeachment in the trial of Echols, Simms, and Flournoy; the sum of three thousand dollars for the State’s quota of militia called for by the general government, to furnish rations, when called out to be mustered and reviewed; to John H. Mann fifty dollars as assistant clerk in the late impeachment; to William Robertson eighty dollars for extra services performed in the late high court of impeachment; to the messenger and door keeper of Senate, ten dollars each, for extra services; to Josiah Durden, one hundred and thirty-six dollars; to Alexander M. Millan forty dollars and seventy-five cents, and to Sarah Hillhouse, nine dollars eighty-seven and an half cents, which said several sums are hereby appropriated for their use, to be paid out of any monies which now are, or hereafter may be in the treasury not otherwise specially appropriated.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

(No. 357.)

AN ACT

To establish a toll bridge on the Appalachee river.

Sec. 1. It enacted by the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That a bridge already built on a public road leading from Greensborough to the county of Morgan, across the Appalachee river, be, and the same is hereby established a toll bridge, in the right of Col. Joseph Philips, his heirs or assigns.
PASSED IN THE YEAR 1808.

SEC. 2. And be it further enacted by the authority aforesaid, That the said Joseph Philips, his heirs or assigns, shall hold the said bridge, and all the profits arising therefrom, and be entitled to receive, and may lawfully demand from all travellers passing over said bridge, the following rate of toll:—For every four wheel carriage, twenty five cents; for each two wheel carriage, twelve and an half cents; for each man and horse (or rider) six and a quarter cents; for each rolling hogshead, twelve and an half cents; for each and every other horse, cattle, sheep, goat, or hog, one cent per head.

SEC. 3. And be it further enacted, That the said Joseph Philips, shall give his bond with sufficient security, to the inferior court of Morgan county, under the penalty of five hundred dollars, to keep the said bridge in good, safe, passable repair (casualties excepted) until the inferior court of Green and Morgan do co-operate and purchase the said bridge for public use, in terms of the law in such case made and provided.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To add part of Camden county to the county of Wayne.

WHEREAS the Legislature in passing an act, to add a part of the county of Glynn, to the county of Wayne, and to add a part of the county of Wayne to the county of Camden, and to organize the county of Wayne, did add fully two thirds of the county of Wayne, to the said county of Camden, which has a tendency very much to retard the population of the county of Wayne, and the citizens thereof have petitioned this Legislature, praying that a part of Camden county, be added to the county of Wayne; for remedy whereof,

SEC. 4. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That all that part of Camden county, lying west of

Part of Camden county added to Wayne.
(No. 358.) a line to be drawn from the ford on the Little Satilla, where the post road crosses the same, to the south end of the plantation of James Fort, so as to include said Fort in Wayne county; thence a direct line to the Buffaloe, where the lower line of that part of Camden, which was formerly known as the lower line of the second district of Wayne county crosses the same; thence up the main channel of the Buffaloe swamp to the Indian boundary line; thence along said line to the line at present dividing the counties of Wayne and Camden; thence along said line to the place of beginning, which shall be added to, and form a part of the county of Wayne; any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 20th December, 1808.

JARED IRWIN, Governor.

(No. 359.)

AN ACT*

To incorporate a company for the purpose of opening the Oconee river, and to grant a lottery for that purpose.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Peter Randolph, Peter Early, Zachariah Simms, James Turner, Thomas Terrell, Joseph Phillips, James Park, Thomas B. Scott, Benjamin Sanford, Robert Pope, Nathaniel M'Clurg, Ezekiel E. Park, Robert Royston, Thomas W. Grimes, Peter Robinson, Jeremiah Early, Arthur Simms, Oliver Porter, Samuel Harper, and James H. Nicholson, and their associates, be, and they are hereby appointed a body corporate by the name or style of the Oconee Navigation Company, by which name they shall sue and be sued, and do all other acts that properly belong to corporate bodies, as far as it respects the opening of the Oconee river, from the town of Milledgeville to Barnett's shoals on the same river, upon such plan, and at such time or times as the said company, or a majority of them may think fit and proper, to effectually put it in the power of said company to carry the above object into effect.

* See act of 1810, No. 327, for the same purpose.
Sec. 2. And be it further enacted, That they may establish a lottery upon such plan or scheme as a majority may think fit and proper for the purpose of raising fifty thousand dollars, to be appropriated to the purposes aforesaid.

Sec. 3. And be it further enacted, That as soon as the said river is opened, so as to admit boats of a moderate size, they may establish such rates of toll, not exceeding one half of the full toll allowed by this act, until such time as the work shall be completely finished.

Sec. 4. And be it further enacted, That the full rates of toll shall be the same as are allowed by an act, passed the fourteenth of February, one thousand seven hundred and ninety-nine, entitled "an act to incorporate a company for the improvement of the navigation of that part of Savannah river, between the town of Petersburgh and the city of Augusta.

Sec. 5. And be it further enacted, That all laws, militating against this act, be and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.

AN ACT.

To authorize the Trustees of the Columbia County Academy to establish a lottery, for the purpose of raising the sum of two thousand dollars for the support of that institution.

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

Sec. 2. And be it further enacted, That Nathan Crawford, Benjamin Leigh, James Hamilton, Gazaway Davis, and John Briscoe, be, and they are hereby appointed commissioners to carry into effect the aforesaid lottery.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 13th December, 1808.
JARED IRWIN, Governor.
AN ACT

To repeal an act, entitled 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 Wafford's settlement,* and to organize the same," passed the fifth of December, eighteen hundred and seven.

Be it enacted by the Senate and House of Representatives of the State of Georgia, by the authority of the same, That the said suspending act be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To establish a toll-bridge at the plantation of John Whitehead, on Little River, in Putnam County.

Whereas the said John Whitehead hath represented to this Legislature, that he hath, at a great expense erected a bridge across Little River, which is attended with considerable convenience to citizens of said county, and others; and it being but just and equitable that the said John Whitehead, should be remunerated for the same; therefore,

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, it shall and may be lawful for the said John Whitehead, and his heirs and successors, to receive at the said bridge the following rates of toll, viz. for every loaded four wheel carriage or waggon, the sum of twenty-

* See act of 1810, No. 490, by which this settlement is added to Jackson county.
five cents; for every empty waggon, the sum of eighteen and three fourth cents; for every loaded cart, eighteen and three fourth cents; for every pleasure carriage at the rate of six and one fourth cents per wheel; for every man and horse, six and one fourth cents; for every led horse, six and one fourth cents; for every head of nett cattle two cents; for every head of sheep, goats, hogs, &c. one cent.

Sec. 2. And be it further enacted, That the said John Whitehead, shall be and is hereby made liable for any damages to passengers, which may accrue to them from any defect or insufficiency in the said bridge.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT (No. 363.)

To incorporate the Episcopal Church in the town of Frederica, called Christ Church.

WHEREAS, it is necessary for the promotion of religion and virtue, that churches, or religious societies, be made capable of holding, enjoying and defending any property which they may have or may acquire by gifts, grants, or otherwise.

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 William Page and Robert Grant be, and they are hereby appointed church wardens, and that Joseph Turner, John Couper, James Hamilton, Raymond Demerie, junior, and George Abbott, be, and they are hereby appointed vestrymen of said Episcopal church in said town of Frederica, called Christ church aforesaid; and that the said William Page, and Robert Grant, together with the said Joseph Turner, John Couper, James Hamilton, Raymond Demerie, junior, and George Abbott, and their successors in office, shall be, and they are hereby declared to be, a body corporate, by the name and style of "the church wardens, and vestrymen of the Episcopal church in the town of Frederica, called Christ church," and the said William Page, and Robert Grant,
church wardens, and the said Joseph Turner, John Couper, James Hamilton, Raymond Demerie, junior, and George Abbott, vestrymen aforesaid, and their successors in office, shall be invested with all manner of property, both real and personal, all monies due, or to grow due, donations, gifts, grants, hereditaments, privileges and immunities whatsoever, which may belong to the said church, and all monies that have been granted for building the said church, or which may hereafter be given, granted, conveyed or transferred for building the said church in Frederica, aforesaid, or which may be made, or transferred to them, or to their successors in office: to have and to hold the same for the proper use, benefit or behoof of the said church: and the said church wardens and vestrymen, and their successors in office, shall be, and they are hereby declared to be capable of suing, and being sued, and of using all necessary legal steps for recovering and defending any property whatever, which the said church may hold, claim or demand, and is hereby secured or otherwise; and also, with all power to make all necessary regulations and rules; and to recover in their own name or otherwise, as well the said monies as other property, with all rents, issues and profits of the same, or of any lands, monies or other estate belonging thereto, or of any part thereof.

SEC. 2. And be it further enacted, That eleven lots of land, out of the commons belonging to the town of Frederica, designated in the plan thereof by the letters, A, B, C, D, E, K, L, M, N, O, P, and Q, and comprehending the site whereon the said church is now erecting, together with certain lots in the said town distinguished in the plan thereof, by the numbers 17 and 18, be, and the same are hereby given, granted and secured to and for the use and benefit of the said Episcopal church, called Christ church, aforesaid.

SEC. 3. And be it further enacted, That the said church wardens and vestrymen, shall hold their offices until the first Monday in December, 1809, and on that day and every other first Monday in December annually thereafter, the members and supporters of the gospel in said church shall convene at the church aforesaid, and there between the hours of ten and two o'clock, elect from among the members and supporters of the gospel in said church, two discreet persons as church wardens, and five other discreet persons as vestrymen for the said church, who shall be, and are hereby declared to be vested with all necessary powers to carry the purposes intended by this act, fully into effect.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.
AN ACT

To revise and amend an act, entitled, "an act to alter and amend 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, and an act passed the 23d day of May, one thousand eight hundred and eight, entitled an act, to alter and amend an 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 November, one thousand eight hundred and five."

WHEREAS, many persons who have been fortunate drawers in the aforesaid lotteries, have failed and omitted to take out their grants within the time prescribed by said acts; for remedy whereof,

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 taking out grants, and receiving monies on grants, in lieu of office fees, in pursuance of the aforesaid acts, shall be, and the same is hereby continued and extended to the 25th day of December, one thousand eight hundred and nine.*

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To authorize the trustees of the German Lutheran Congregation at Ebenezer, or their successors in office, to sell the Glebe land, belonging to said congregation, and for other purposes therein mentioned.

WHEREAS, it appears that the value of said land is lessening by trespasses being made on the same;

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

* See act of 1809, No. 438, extending the time still further.—See also act of 1810, No. 488, extending the time.
said trustees, or their successors in office, or a majority of them, are hereby fully authorized and empowered to sell the said Glebe land to the best advantage, and appropriate the monies arising from such sales to the use of the said congregational schools or churches.

SEC. 2. And be it further enacted by the authority aforesaid, That the said trustees, or their successors in office, or a majority of them, are hereby fully authorized and empowered to enforce the following fines on persons not being residents or lot holders in the town of Ebenezer, for trespassing on the commons of said town, to wit: any person or persons hereafter cutting and carrying off any live tree, or any part thereof, shall be for the first offence fined in the sum of two dollars, for the second offence of the same kind, in the sum of four dollars; and for the third offence in the sum of eight dollars; which said fines shall be recovered before the district justice's court wherein the defendant resides.

SEC. 3. And be it further enacted, That the fines aforesaid, when recovered, shall be appropriated to and for the use of said congregation; any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.

(No. 366.)

AN ACT

To amend an act to protect religious societies in their religious duties, passed the thirteenth day of December, one thousand seven hundred and ninety-two.

SEC. 1. BE it enacted by the Senate and House of Representatives, of the State of Georgia, in General Assembly met, and by the authority of the same, That it shall not be lawful for any person to sell, or cause to be sold any wine, cider, beer, whiskey, gin, rum or brandy, or any other intoxicating liquors, within one mile of any meeting-house, or other place set apart, or publicly resorted to for divine worship, during the time appropriated to such worship.
SEC. 2. And be it further enacted, That for every offence committed in violation of this act, the offender or offenders shall be subject to the penalty of thirty dollars, which shall be recoverable after the manner pointed out in the first clause of the above recited act, which fine shall be put into the hands of the justices of the inferior court, and become a part of the county funds, where such offence shall have been committed.

Provided nevertheless, That the penalties of this act, shall not extend to licensed retailers of liquors actually residing within the limits herein pointed out.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT (No. 367.)

To make permanent the site of the public buildings for the county of Randolph at Monticello.*

WHEREAS the commissioners for the county of Randolph, appointed by a resolution of the legislature passed on the tenth day of December last, did procure and purchase more land for county purposes than was contemplated by said resolution, or in the event of the sale thereof, which was made for the sole advantage of the public funds, and placed therein the sum of eight thousand dollars.

SEC. 1. BE it therefore enacted, That the proceedings of the commissioners as far as it respects the purchase of said territory, more than was contemplated by the resolution before recited, is hereby made firm and valid in law.

SEC. 2. And be it further enacted, That the site of the public buildings of the said county of Randolph shall be, and they are hereby made permanent at Monticello.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 16th December, 1808.
JARED IRWIN, Governor.

* See act of 1810, No. 510, for regulating this town.
AN ACT

To make permanent the seat of the public buildings in the county of 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 the seat of the public buildings in the county of Wilkinson, so far as relates to the court house and jail, shall be in the centre of said county, or such other place as may be adjudged most convenient for the citizens thereof; Provided, the same be within two miles of such centre, by Arthur Fort, John Hays, William Bivin, Elkanah Loftin, and Jesse Brown.

SEC. 2. And be it further enacted, That the said Arthur Fort, John Hays, William Bivin, Elkanah Loftin, and Jesse Brown, or a majority of them, shall be, and they are hereby fully authorized to purchase or otherwise procure a title in fee simple, for such lot of land as they or a majority of them shall judge most convenient for the seat of the aforesaid public buildings, containing not less than one hundred acres, nor more than two hundred two acres in trust, to and for the use of the said county of Wilkinson, and to let the building of a court house and jail thereto, to the lowest bidder, first giving thirty days public notice of such intentions.

SEC. 3. And be it further enacted, That the house of Willis Anderson, shall be considered as the court house of said county, until the aforesaid building shall be completed, and no longer, and that all monies which shall be necessary to carry this act into execution, shall be provided for by the inferior court of the aforesaid county, by exposing to sale such part of the aforesaid lot of land as they may think proper, or otherwise, for the benefit of the county.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1898.

JARED IRWIN, Governor.

AN ACT

(No. 369.)

To establish the site of the public buildings in the county of Morgan.

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 site of public buildings in the county of Morgan be, and the same is hereby established and mad
permanent on one hundred acres of land, being a part of the three following lots of land, (No. 369.) viz: Lot No. 36, lot No. 35, and lot No. 23, in the fifth district, formerly Baldwin, now Morgan county.

Sec. 2. And be it further enacted, That the justices of the inferior court of the county aforesaid, be, and they are hereby appointed commissioners to fix on a site for the court house and jail on the above mentioned land, and they, or a majority of them, are hereby authorized to receive titles in fee simple to the aforesaid tract of land, and lay off the same, or any part thereof, into lots of such size as they, or a majority of them may deem most proper, and expose the aforesaid lots to sale to the highest bidder, on a credit of twelve months, after giving thirty days notice in the Georgia Argus, and two or more public places in said county, the purchaser giving bond and approved security, payable to the said justices of the inferior court of the county aforesaid, and their successors in office, for the use of said county; and also the said inferior court or a majority of them, are hereby authorized to execute titles in fee simple to the purchasers, and the money arising from the sale of said lots shall be, by them appropriated to the building a court house and jail for said county, which shall be immediately under their direction and superintendence.

Sec. 3. And be it further enacted, That the superior and inferior courts of said county, shall be holden at the house at present occupied by Abraham M'Albee, until the court house at the permanent seat aforesaid, is in such a state of readiness as to admit the said court to be held thereat; any thing to the contrary notwithstanding.

Sec. 4. And be it further enacted, That the name of the aforesaid town, shall be known by the name of Madison.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.
AN ACT

To establish the site of public buildings in the county of Jones, and to appropriate the money arising from the sale of lots.

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 site of public buildings in and for the county of Jones, shall be in the town called and known by the name of Clinton in said county.

SEC. 2. And be it further enacted, That the justices of the inferior court for the time being, or a majority of them, shall be directors of the court house and jail of said county, with power to superintend the building of the same; and all notes, bonds, or other liquidated demands that may have been had, or may hereafter grow out of any purchase of land or donation to said county, shall be, and the same is hereby appropriated to the building of the court house and jail, and such other purposes as the commissioners aforesaid may find conducive to the interest of said county: anything to the contrary notwithstanding.

SEC. 3. And be it further enacted, That the commissioners aforesaid, shall reserve at least four acres for the seat of public buildings, and other county purposes, and they are hereby authorized to sell and convey titles in fee simple to the purchaser of all other lands they may find legally vested in the county aforesaid, after giving at least thirty days notice of such intended sale, in one or more of the public gazettes, and at three or more public places in the county.

BENJAMIN WHITAKER, Speaker of the House of Representatives. HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.

AN ACT

To prevent any person or persons from placing obstructions in or over the rivers, creeks or water courses of Chatham and Bryan counties.

WHEREAS, great inconvenience has arisen to the people of Chatham and Bryan counties from the practice of placing bridges over, and erecting dams across the rivers, creeks and water courses of said counties, which might otherwise be navigated by boats; for remedy thereof,
SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, That no person in future shall be authorized to build any bridge across any river, creek or water course, which will at any time admit the passage of boats, unless the said bridge is at least six feet higher than spring tides ordinarily rise; and in no case shall any person be authorized to dam across a river, creek or water course, which is convenient to, and frequented by the inhabitants of Bryan or Chatham counties in the counties aforesaid.

SEC. 2. And be it further enacted, That if at this time any bridge exists, or is in future erected, over any water course frequented by, or convenient to the inhabitants of the counties above named, which does not answer the description given in the above recited enacting clause, the Inferior Court of Chatham county is hereby authorized and required to cause the same to be removed on the application of five or more of the inhabitants of the said counties of Chatham and Bryan, by the person or persons who have built the same; and in case of their refusal, to employ persons to do it, at the cost of the builder or builders, to be levied on his, her or their property by distress and sale; and in every case where a dam has been erected, as above described, to cause the same to be removed and the water course cleared out in like manner.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 13th December, 1808.

JARED IRWIN, Governor.

AN ACT

To make permanent the site of the public buildings for the county of Putnam, in the town of Eatonton, to establish and confirm the lines of said county as they now are; and to make valid the proceedings of the commissioners for said county.

WHEREAS, the commissioners for the county of Putnam, appointed by a resolution of the Legislature, passed on the tenth day of December, 1807, did proceed and purchase more land than was contemplated by the said resolution, and which has been secured to and for said county, to constitute a part of the funds thereof, and for the sole use of, and benefit of the said county, the proceeds of the sales of a part of said land has produced a sum of upwards of eight thousand dollars in notes.
SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That the site of the public buildings for the said county of Putnam, be, and they are hereby made permanent in the town of Eaton.

SEC. 2. And be it further enacted by the authority aforesaid, That the proceedings of the commissioners for said county, so far as respects the purchase of the said land, more than was contemplated by the before recited resolution, and of the sale of a part thereof, and appropriating the same to county purposes, is hereby confirmed and made valid in law.

SEC. 3. And be it further enacted by the authority aforesaid, That the original lines of said county as established by law, are hereby ratified and confirmed.

SEC. 4. And be it further enacted, That the commissioners for said county are hereby authorized and empowered to rent, lease, sell, or make such disposition of the lands so purchased by them now remaining unsold, as in their judgment shall be most conducive to the advantage and benefit of the inhabitants of said county.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 23d December, 1808.

JARED IRWIN, Governor.

AN ACT

(No. 373.)

To authorize the justices of the inferior court of the county of Baldwin, to levy an extra tax, which shall not exceed the one half the general tax, for the purpose of building a court-house and jail in said county, and to appoint commissioners to carry the same into effect.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That the justices of the inferior court of the county of Baldwin, are hereby authorized to levy an extra tax, for the purpose of
building a court-house and jail in said county, which tax shall not exceed one half of the general tax; and the tax collectors of said county are hereby authorized to collect the same, at the same time, and in the same manner, that the general tax is collected, and pay the same into the hands of the justices of the inferior court for the purposes aforesaid.

SEC. 2. And be it further enacted, That the court-house and jail shall be built in the town of Milledgeville, on the penitentiary square, the court-house on the south-east corner, and the jail to be built on the north-east corner of said square, and the justices of the inferior court of the county of Baldwin, are hereby authorized to contract for the building of the said court-house and jail, in manner and form as they may think proper.

SEC. 3. And be it further enacted by the authority aforesaid, That in order to carry the said buildings into effect, the justices of the inferior court as aforesaid, are hereby authorized and empowered to sell and dispose of six town lots, that is most convenient where the said court-house is to be built, in such manner as they may think most advantageous to said county; and the money arising from the sales thereof shall be applied for the purpose of building the said court-house and jail.

SEC. 4. And be it further enacted, That the justices of the inferior court as aforesaid, are hereby authorized to rent some house in the town of Milledgeville, for the purpose of holding courts, until the said court-house is in a situation for courts to be held therein.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To revise and amend an act, entitled "An Act to regulate and keep in repair the public roads, causeways and bridges in the counties of Burke, Jefferson, Richmond, Greene and Morgan," so far as respects the counties of Greene and Morgan.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That it shall be the duty of the commissioners that are appointed under the aforesaid law, or may here-
(No. 374.)

ed, & the manner of warning them.

When a road divides a district what to be done.

Duty of overseers in returning defaults.

Of commissioners.
Of justices of the inferior court.
Of the grand jury.

Fines of defaults how inflicted.

Repealing clause.

after be appointed, to apportion the hands liable to work on the several roads in their respective districts, which apportionment or list of hands shall contain the names of the hands subject to work as aforesaid, and the special distance on each road that they are located to work upon, which list shall be given into the hands of an overseer, who shall be appointed by said commissioners, whose duty it shall be, to give at least three days notice to all persons liable to work on the road assigned to his trust, immediately preceding the day appointed by said overseer to work as aforesaid, and such overseer shall not be at liberty to call out the hands under his direction more than two days in any one month in the year.

Sec. 2. And be it further enacted, That when a road may be the line between districts, the commissioners of such district shall co-operate in pointing out the overseers and hands that are to work on such road, and the part of such road each overseer and hands shall work.

Sec. 3. And be it further enacted, That it shall be the duty of the overseers to return a list of all defaulters to the respective commissioners of the road immediately under their direction, who shall give ten days notice of the time and place within their district, for hearing and determining all excuses and defaults that may come before them: and it shall be the duty of the said commissioners to make a return of all such persons they may find in default, to either of the justices of the inferior court of the county they respectively belong; and it shall be the duty of the justices aforesaid, to return such list of defaulters, together with all overseers and commissioners that may come to their knowledge, as having committed a default, to the grand jury of their respective counties, whose duty it shall be to pass upon such defaulters by presentment to the court.

Sec. 4. And be it further enacted, That each commissioner of a road that may be found by the court in default of duty, as required by law, shall at the discretion of the court be fined in a sum not exceeding thirty dollars; each overseer as aforesaid, not exceeding ten dollars; and each and every person liable to work upon roads agreeably to the before recited act, that may be found in default of duty, the sum of one dollar, for every day they may refuse, or neglect to work as aforesaid.

Sec. 5. And be it further enacted, That so much of the before recited act, as militates with this act, be, and the same is hereby repealed; Provided, this act shall not be construed to effect the jurisdiction of any corporation within the said counties.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.
AN ACT

To extend the Limits of the City of Savannah.

WHEREAS, doubts have arisen as to the western limits of the 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 by the authority of the same, That immediately from and after the passing of this act, the limits of the city of Savannah shall be, and they are hereby extended as far westward as the east side of Musgrove creek, running thence a southern course as far as the north side of Spring Hill road, and thence along said road until intersected by the known boundary of said city, leaving all the improvements on the south side of the said road, without the limits of said city.

Sec. 2. And be it further enacted, That said boundaries be, and hereby are declared to be within the limits of the said city of Savannah, and under all the ordinances and regulations of the corporation of said city; any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To authorize the justices of the inferior court of the county of M'Intosh, to appropriate a certain portion of the county tax, to the support of the poor.

Sec. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing this act, the justices of the inferior court of the aforesaid county, may appropriate one half of the amount of the county tax of the county of M'Intosh, to the discharge of the debts that have been, or may be, contracted for the support of the poor of the said county; any law to the contrary notwithstanding.

O 3
AN ACT

(No. 377.)

To authorize the justices of the inferior court of Elbert county, to appropriate a certain part of the county tax, for the support of the poor of said county.

WHEREAS it appears to this Legislature, that the tax authorized by law for the support of the poor is not sufficient to answer the purposes aforesaid; 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 the justices of the inferior court of the county of Elbert, are hereby authorized to appropriate such part of the county tax, as they may from time to time deem sufficient for the support of the poor of said county; and that they be authorized to pay out of the county tax as aforesaid, such sum of money to John Thomason of said county as may appear to them reasonable, for his having taken into his care a certain young woman, by the name of Delilah Wooten, who appeared to be an object of charity; and that the said inferior court do also pay out of the taxes as aforesaid the doctors bills, for such medical and surgical aid as she has had: Provided, the same shall appear to them reasonable and just.

AND PROVIDED ALSO, That there shall not be more than one third of the county tax, in any one year, appropriated for the purposes aforesaid.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1898.

JARED IRWIN, Governor.
AN ACT

To amend an act, entitled "an act to amend the several acts regulating roads in this State, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne," so far as it respects the county of Wayne.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That Matthew Jones, Charles Smith and Richard Leveritt, be, and they are hereby appointed commissioners of the road to be laid off in the county of Wayne, commencing on the post road at or near William O'Neal's; thence running to Phinn Holloway creek, cross the same at some convenient place for the erection of a bridge, running thence to the mouth of Goose creek, or near it.

SEC. 2. And be it further enacted, That the said commissioners shall be, and they are hereby empowered to command the personal assistance of all persons, who by law are compelled to perform duty on roads, within five miles of said road, except those below the plantation of John Grantham, for the purpose of cutting the same out as aforesaid.

SEC. 3. And be it further enacted, That major John Fort, William Clements, and William O'Neal, be, and they are hereby appointed commissioners on the post road in said county, who shall have power to require the assistance of all persons not embraced within five miles of the new road to be cut out by this act.

SEC. 4. And be it further enacted, That the commissioners appointed by this act, shall form a board of commissioners, and shall have power to fill all vacancies that may happen therein; and if they shall find the persons liable to work on the roads aforesaid, not equally proportioned, they may proportion them accordingly.

SEC. 5. And be it further enacted, That if any person or persons shall wish any other new road, they shall petition the board of commissioners, and if they think proper, they may grant the same, and proportion the inhabitants to work thereon.

SEC. 6. And be it further enacted, That no white male person in the county of Wayne, shall be liable to pay more than one dollar for each and every day they shall fail to appear and work on said roads; and that all male negroes from sixteen to fifty years of age, shall be liable to work on the said roads.

SEC. 7. And be it further enacted, That so much of the before recited act, as is not repugnant to this act, shall be, and remain in full force and virtue.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 10th December, 1808.

JARED IRWIN, Governor.
AN ACT*

To remove the courts, elections and other county business of the county of Telfair.

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, the courts, elections, and other county business, shall be held and transacted at the house of John Patterson; any law or usage to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

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AN ACT

(No. 380.)

To continue in force for one year the sixteenth section of an act, entitled an act to amend the several acts, regulating roads in this State, so far as respects the operation of said acts, in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne.

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 sixteenth section of the above recited act, be, and the same is hereby continued in force for the term of one year; any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 13th December, 1808.

JARED IRWIN, Governor.

* Repealed by act of 1810, No. 505.
AN ACT (No. 381.)

To allow further time to the justices of the inferior court of Elbert county, to let the building of the jail of said county.*

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is enacted by the authority of the same, That the time allowed by law for the justices of the inferior court of Elbert county to let the building of the jail of said county, as pointed out by an act passed on the fifth day of December, one thousand eight hundred and seven, be, and the same is hereby extended until the fifth day of December, one thousand eight hundred and nine.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT (No. 382.)

To alter and amend an act, entitled an act to appoint commissioners for the purpose of carrying into effect the building the court house and jail for the county of Wayne.

Whereas, it is just and reasonable that the place of holding courts in the several counties should be as nearly in a central situation as possible; and whereas, in Wayne county the place pointed out by said act, is on one side, and near the upper corner of said county; 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 passing of this act, the courts and elections in said county, shall be held at the house of captain William Clements, which is near the centre of said county, until such time as the commissioners, hereafter named, shall fix on the place, and build a court house.

Sec. 2. And be it further enacted, That major John Fort, John Kemp, Matthew Jones, Jones Bevin, and George Linder, esquires, be, and they are hereby appointed commissioners for the purpose of fixing on a proper place for the erection of a court

*See act of 1809, No. 419, still further extending the time.
(No. 382.) House and jail, which place so fixed on by any three or more of them, shall become the permanent seat of the public buildings in said county, as soon as the court house can be got in a state of readiness for that purpose.

Repealing clause.

SEC. 3. And be it further enacted, That so much of the above recited act as contradicts this act, be, and the same is hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 10th December, 1808.
JARED IRWIN, Governor.

AN ACT

(No. 383.)

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 from and after the passing of this act, all white persons, persons of color, and slaves residing within the town of St. Mary's, shall be subject to the control of the intendant and council for the time being, for the purpose of clearing and keeping clean the streets and public squares of and appertaining to the town aforesaid, under the same rules, regulations, fines and forfeitures, as are in like cases incurred by law, as respects roads in Camden county; and shall not be subject to the direction of the commissioners of county roads, or any other persons requiring the performance of road duty, without the consent of the council first had and obtained for so doing.

SEC. 2. Be it enacted by the authority aforesaid, That the intendant or any member of the council of the town of St. Mary's, is hereby authorized and empowered to administer oaths, which oaths shall be, and are hereby declared equally valid as if the same had been administered by a justice of the peace.

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

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.
AN ACT

To extend the town of Greensborough, and the corporate jurisdiction thereof.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That the board of commissioners for the town of Greensborough and county academy, be, and they, or a majority of them for the time being, are hereby authorized to lay off lots in the said town of Greensborough out of the tract of one hundred acres, set apart by the board of trustees of the university of Georgia, under an act passed in 1786, empowering them so to do, for a common of such size and direction, as they may in their discretion think fit and proper for the welfare and prosperity of said town, and the same or any part thereof to sell and dispose of to the best advantage, and execute good and sufficient titles in fee simple to the purchasers, provided, that the funds arising from the sales shall be applied to the support and maintenance of the academy in said town.

SEC. 2. And be it further enacted, That the corporate limits of the said town of Greensborough shall be extended over all such lots as may be sold by the said commissioners, under this act in the same manner and with the same powers as the old lots are, or have heretofore been subject.

SEC. 3. And be it further enacted, That the said commissioners or a majority of them, are hereby authorized, one day in each month, to call upon all persons in said town, that by law are bound to perform duty upon the public roads of this State, for the purpose of cleaning out, improving and keeping in a state of good repair, the streets of the said town, and all persons who shall faithfully perform their duty in this respect, shall be exempt from doing duty upon any other road or roads in the county.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.
AN ACT

To authorize the commissioners of Louisville to lay out in lots, and sell such part of the common of said town as they may think proper, and to appropriate the proceeds of such sales to the use of the academy of Louisville.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority aforesaid it is hereby enacted, That from and immediately after the passing of this act, the commissioners of the town of Louisville are authorized and required to lay out in lots of such size as they may judge will be most productive, such part of the common as may to them appear proper or necessary, and to sell or dispose of such lots by public sale, or otherwise, that may be most productive, and on receipt of the monies arising from such sales, after paying the expenses incurred by laying out and selling the same, the proceeds shall by them be placed in the hands of the commissioners of the Louisville academy, by them to be applied to the use and benefit of that institution.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 10th December, 1808.

JARED IRWIN, Governor.

AN ACT

(No. 386.)

To give further time to the purchasers of lots, in the town of Milledgeville, so far as it respects the improvements of said lots, agreeably to an act passed the 12th day of December, 1808.

WHEREAS, the third section of the above recited act is in the words following: that every purchaser shall within two years after such purchase, build upon, and improve such lot or lots, to the value of one hundred dollars each, or the lot or lots, together with the instalments which he may have paid, shall be forfeited to the State; for remedy whereof,

SEC. 1. BE it enacted by the Senate and House of Representatives in General Assembly met, and by the authority aforesaid, That the time for improving said lot or lots agreeably to the above recited it, is hereby extended until the first day of January,
eighteen hundred and ten; provided, the holders or purchasers of such lot or lots do within the above time prescribed for the improvement of said lot or lots, pay into the treasury of this State, the amount of the several instalments, and interest due thereon.

Sec. 2. And be it further enacted by the authority aforesaid, That the commissioners appointed to sell and dispose of the lots in the town of Milledgeville, and their successors in office, after the first day of January, eighteen hundred and ten, or a majority of them, shall proceed to sell all such lot or lots as have reverted to and become the property of this State, agreeably to the above recited act, of eighteen hundred and four, in the same manner and upon the same terms, and subject and liable to the same provisions and conditions, as sales heretofore made.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To regulate the town of Darien, in the county of McIntosh.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and after the passage of this act, the inhabitants of the town of Darien, qualified to vote for members of the General Assembly, shall assemble on the second Monday in January, annually, and then and there proceed to elect by ballot, five commissioners, who shall be freeholders in said town, and have resided six months within the same, immediately preceding the election.

Sec. 2. And be it further enacted, That the commissioners so appointed, shall have full power and authority over all streets, alleys, lanes, and wharves, and to make such bye laws and regulations, and inflict or impose such fines and forfeitures as shall be conducive to the good order and government of said town; Provided, such bye laws and regulations be not repugnant to the laws and constitution of the State.

Sec. 3. And be it further enacted, That it shall and may be lawful for the said commissioners, or a majority of them, yearly and every year, to make, lay and assess a
(No. 387.) rate of assessment upon all and every person or persons who do and shall inhabit, held, use or occupy, possess or enjoy, any house, building or tenement within the limits of the aforesaid town of Darien, for raising such sum or sums of money as a majority of the aforesaid commissioners shall judge necessary for and towards carrying this act into execution; and in case of refusal to pay such rate or assessment, the same shall be levied and recovered by warrant of distress and sale of the offenders lands, tenements, goods and chattels, under the hands and seals of the said commissioners, or a majority of them, directed to any lawful constable of the aforesaid town of Darien.

May erect a work house.

Sec. 4. And be it further enacted, That the commissioners of the aforesaid town of Darien, shall, and they are hereby authorized to build and erect a work-house for the purpose of confining all disorderly persons in the aforesaid town.

Their jurisdictional limits defined.

Sec. 5. And be it further enacted, That the jurisdiction of the commissioners of the aforesaid town of Darien, shall extend in and over the town and commons of Darien, and from Union-street continued to the river.

The permanent inhabitants of said town, exempt from road duty.

Sec. 6. And be it further enacted, That the permanent inhabitants of the town of Darien, shall not be under the control of the commissioners of the roads of the county of McIntosh, the male slaves shall be liable to be employed by the commissioners of the aforesaid town in cleaning the streets and public squares of the aforesaid town, and all laws, or parts of laws, militating against this act, hitherto passed for regulating the aforesaid town of Darien, be and the same are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

(No. 388.) To repeal an act, entitled an act to compel clerks to keep their offices at or within one mile of the court-houses of their respective counties in this state, passed at Milledgeville, the 7th December, 1807, so far as respects the county of Washington.

WHEREAS, the clerk's office of the superior court of Washington county is and has been for one or two years, before the passing of the before recited act, within one mile and a quarter of the court-house of said county.
SEC. 1. BE it therefore enacted by the Senate and House of Representatives, of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the said clerk's office of the superior court of Washington county to remain and be kept at the house of Thomas Rutherford, any law to the contrary notwithstanding.

SEC. 2. And be it further enacted, That the said clerk be and he is hereby exonerated from all fines and forfeitures incurred by the before recited act.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.

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AN ACT

To regulate the town of Jefferson in the county of Camden.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That Isaac Lang, Isaac Crews, Daniel Miller, Timothy Hopkins, and Sylvanus Church, be, and they are hereby appointed commissioners of the said town; 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 think necessary, for the improvement and keeping in repair and good order the streets of the said town, and for other purposes; Provided, nothing herein contained, be repugnant to the laws and constitution of this State, and of the United States.

SEC. 2. And be it further enacted, That the aforesaid commissioners, or a majority of them, and their successors in office, shall have full power to tolerate the lot-holders of said town, to fence in and cultivate such streets as in their opinion are at this time not necessary for the use of said town.
AN ACT

To enlarge the limits of the town of Elberton, and to extend the jurisdiction of the corporation thereof.

WHEREAS, the present limits of the town of Elberton, from its contracted situation, renders it necessary that the same should be enlarged, so as to promote the convenience of the inhabitants.

Sec. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, the commissioners of the said town, or a majority of them, are hereby fully authorized and empowered to take and receive from
any person or persons who may be lawfully possessed of the same, by clear and indisputable titles, a deed or deeds for the quantity of twenty acres of land, immediately adjoining the town on the north side thereof, and that they the said commissioners, or a majority of them, or their successors in office, shall and may, and they are hereby required, to lay off the aforesaid twenty acres in lots of such size, as they may deem most convenient, so soon as they shall receive a deed or deeds, with general warrantee titles, to the aforesaid twenty acres of land.

SEC. 2. And be it further enacted, That the powers of the corporation of said town of Elberton, shall and is hereby declared to extend and to have full force and effect, as well over the twenty acres hereby intended to be received by them in manner aforesaid, as over the lots now adjoining the said town, and at this time in the occupancy of William Holt, Joseph Griffin, and Jesse Edwards.

SEC. 3. And be it further enacted, That it shall be the duty of the said commissioners, or a majority of them, to have an accurate plan of the said town made out within three months after receiving titles to the aforesaid twenty acres of land, on the north side of the said town, as herein before expressed, including therein the lots in the occupancy of the said William Holt, Joseph Griffin, and Jesse Edwards, wherein shall be designated the streets, alleys and lots; and after the plan shall be so made out, to have the same recorded in the clerk's office of the superior court of Elbert county, that the same may be subject to the inspection of all persons concerned.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To amend an act to regulate the town of Carnesville.

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 Carnesville, shall have full power and authority to make, ordain and pass all such bye-laws, rules and regula-
(No. 391.)

Sections, from time to time, as they or a majority of them may deem necessary and conducive to the health, peace, tranquility and good order of the good citizens of the said town of Carnesville, to secure the buildings from fire, and other accidents, for removing wood and other lumber and obstructions on the public square and streets, and for keeping the same clean and in good order: Provided, that such bye-laws, rules and regulations be not repugnant to the constitution and laws of the state; and that no pain or penalty therein inflicted upon any free white person, free person of color, or any slave, shall extend to life, limb, or corporal punishment.

SEC. 2. And be it further enacted by the authority of the same, That it shall be lawful for the said commissioners, or a majority of them, to impose a tax upon all persons retailing liquors in the public square or streets of said town: Provided, such tax shall not exceed six dollars for each day such person shall retail liquors in a less quantity than five gallons.

SEC. 3. And be it further enacted by the authority aforesaid, That the commissioners of the said village of Carnesville, shall be elected on the first Monday in January in every year, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon of that day; and that all persons who are entitled to vote for members of the General Assembly, and who reside in the captain’s district in which said village is situate, is hereby declared entitled to vote for commissioners of the village aforesaid, and shall be eligible to the appointment of commissioner in the said village.

SEC. 4. And be it further enacted, That all laws, heretofore passed on this subject, contrary to the intent and meaning of this law, are hereby repealed.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 17th December, 1808.
JARED IRWIN, Governor.

AN ACT

(No. 392.) To repeal an act, entitled an act, to compel clerks to keep their offices at or within one mile of the court-houses of the respective counties in this State, passed at Milledgeville the 7th of December, 1807, so far as respects the county of Warren.

WHEREAS it appears from actual admeasurement, that the clerk’s offices of the county of Warren, are at present, and have been for a number of years, kept at the house of Turner Persons, within one mile and a quarter of the court house in said county.
AN ACT

To repeal an act, entitled an act to compel clerks to keep their offices at the court-house of the respective counties or within one mile thereof, passed 7th December, 1807, so far as respects the counties of Wayne, Tatnall, Wilkinson and Laurens.

WHEREAS, it appears that the emoluments of the clerks of the counties of Wayne, Tatnall, Wilkinson and Laurens, are not yet sufficient to induce or enable them to reside (as the aforesaid law requires) at or within one mile of the court houses of the said counties; for remedy whereof,

SEC. 1. BE it enacted, and it is hereby 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, so much of the aforesaid act as respects the counties of Wayne, Tatnall, Wilkinson and Laurens, be, and the same is hereby repealed, and the clerks of the said counties are hereby fully and completely exonerated from any fines or penalties they may have incurred for non-compliance with the requisitions of said act.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 10th December, 1808.

JARED IRWIN, Governor.
AN ACT
For the relief of John M'Connell and James Elmore.

WHEREAS, John M'Connell and James Elmore have acted the part of good citizens, in taking into their care and safety, and conducting from the Mississippi territory to this State, Clement K. Harrison, who was charged with, and has since been found guilty, and executed for the murder of Thomas Critcher, and have expended considerable sums of money in their exertions to bring the said Clement to condign punishment.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the sum of three hundred and fifty dollars be, and the same is hereby appropriated to the said John M'Connell and James Elmore, to be paid out of any monies which are now, or may hereafter come into the treasury which are not otherwise appropriated.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 13th December, 1808.

JARED IRWIN, Governor.
PASSED IN THE YEAR 1808.

SEC. 2. And be it further enacted, That the said John Smith, (P. H.) be, and is hereby (No. 395.) exempted and wholly exonerated from all fines, penalties and forfeitures, which he hath incurred, or become subject to, or shall or may incur, or become subject to, previously to the said first day of March, one thousand eight hundred and nine, by reason of his non-compliance with the requisitions of the said above mentioned act.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

For the relief of David Terrell and John Holliday.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That David Terrell, clerk of the superior court, and clerk of the court of ordinary, and John Holliday, clerk of the inferior court in and for the county of Wilkes, be permitted and authorized to keep their respective offices at the house of David Terrell, where they now are; any act heretofore passed to the contrary notwithstanding.

SEC. 2. And be it further enacted, That the said David Terrell and John Holliday, be, and they are hereby exonerated and exempted from all fines, forfeitures or penalties, incurred under an act passed 7th December, 1807, entitled an act to compel the clerks to keep their offices at the court houses of their respective counties, or within one mile thereof.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 30th November, 1808.

JARED IRWIN, Governor.
AN ACT

For a temporary relief of Cornelius Murphey.

WHEREAS Cornelius Murphey, was appointed collector of taxes for the county of Baldwin, for the year 1807, and before the collection of the said taxes was completed, the county of Baldwin was divided into several other counties: the balance of taxes remaining due in that part of Baldwin county, now Putnam, amounting to about two hundred dollars, the said Cornelius Murphey placed in the hands of Samuel Reed, then sheriff of Putnam county, executions against the defaulters for the above sum, and before the said executions were returned, or the money paid to the said Cornelius Murphey, collector as aforesaid, the said Samuel Reed departed this life; for remedy whereof,

BE IT ENACTED by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the Treasurer shall not issue any execution against the said Cornelius Murphey, for, or on account of the taxes aforesaid, for the year aforesaid, until the expiration of twelve months from the date hereof.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To vest the real estate of James Alger, late of Chatham county, deceased, in Sarah Alger, his widow, and Preserved Alger, his adopted son.

WHEREAS, by the last will and testament of James Alger, late of Chatham county, deceased, it is evident and manifest, that it was the earnest desire, wish and intention of the testator, to devise and give certain real estate to Preserved Alger, his nephew and adopted son, which last will and testament, it appears by the joint petition of Sarah Alger, widow of the said James Alger, and the said Preserved Alger, is informal and inoperative, as to the said real estate; and whereas the said Sarah Alger, as widow as aforesaid, is by the statute of distributions invested with one undivided half of the said real estate, and has petitioned the Legislature, together with the said Preserved Alger,
that the other half of the said real estate may be vested in the said Preserved Alger, thereby obtaining, as far as possible, under present circumstances, a provision for the said Preserved Alger, out of the said real estate.

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That all the real estate whereof the said James Alger died, seized or possessed of in his own right or claim to, be, and the same is hereby absolutely vested in the said Sarah Alger, her heirs and assigns, and in the said Preserved Alger, his heirs and assigns forever, as tenants in common.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

(No. 399.)

Granting leave to John Landrum to bring three negroes, purchased by him in the state of Virginia to 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 John Landrum, of the county of Wilkes, be, and he is hereby permitted to bring into this state three negro slaves, already purchased by him in the state of Virginia, and to hold, possess, and enjoy said negroes, free from all suits, prosecutions or fines imposed by an act entitled an act to prohibit the further importation of slaves into this state.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 30th November, 1808.

JARED IRWIN, Governor.
AN ACT

To alter the name of John Clifton, to that of John Anderson Lea.

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 John Clifton, shall from and after the passing of this act, be known and called by the name and style of John Anderson Lea.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.

JARED IRWIN, Governor.

AN ACT

To divorce and separate Robert Rudolph and Mary his wife.

Sect. 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 connexion, or civil contract of marriage, made between Robert Rudolph, and Mary his wife, late Mary Mickler, 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.

To be held and taken as separate persons.

Sect. 2. And be it further enacted by the authority aforesaid, That the said Robert Rudolph, and Mary Rudolph, late Mary Mickler, 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.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 16th December, 1808.

JARED IRWIN, Governor.
AN ACT

To change the name of Edney Robertson.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That from and after the passing of this act, the aforesaid Edney Robertson, shall be called and known by the name and style of Edney Bond.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 16th December, 1808.
JARED IRWIN, Governor.

AN ACT

To divorce Jesse Corum, and Patsey his wife, and for protecting each of them in their respective estates.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the matrimonial connexion and civil contract of matrimony made between the aforesaid Jesse Corum and Patsey Corum his wife, late Patsey Taylor, shall be completely annulled and set aside and dissolved, as fully and effectually as if no such contract had been made and entered into between them.

Sec. 2. And be it further enacted, That the said Patsey Corum, late Patsey Taylor, is hereby declared to be a feme sole; and shall not in future be bound on any pretence whatever, for the payment of any debts, dues, or demands of the said Jesse Corum, on or for his contracting, or with any actions of or for damages for, or by reason of any tort, trespass or damages whatever, heretofore or hereafter to be committed by the aforesaid Jesse Corum.

Sec. 3. And be it further enacted, That the said Jesse Corum, and Patsey Corum, late Patsey Taylor, shall in future be held and considered as distinct and separate persons, altogether unconnected by any mystical union or civil contract whatever.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d December, 1808.
JARED IRWIN, Governor.
AN ACT

To alter the name of Thomas Ryan, to that of Thomas Coram.

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 Thomas Ryan, shall, from and after the passing of this act, be known and called by the name and style of Thomas Coram.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 16th December, 1808.

JARED IRWIN, Governor.

AN ACT

To alter and change the name of Eliza Moriah Dixon, to that of Eliza Moriah Hughes.

WHEREAS, it is the wish and desire of Owen Hughes, who married the mother of the said Eliza Moriah, that she should bear his name; and whereas, the grand father of the said Eliza Moriah, hath left her by will, a certain portion of property in the name of Eliza Moriah Hughes.

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 Eliza Moriah Dixon, shall bear and be known by the name of Eliza Moriah Hughes, any law to the contrary notwithstanding.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 13th December, 1808.

JARED IRWIN, Governor.
AN ACT

To secure to Jane Cone, formerly Jane Cason, any property which she may hereafter acquire by deed, will or otherwise.

WHEREAS William Cone, husband of the said Jane Cone, has separated himself from the said Jane, for the term of three or more years, and has married another woman; and whereas the said Jane Cone's father, Hillery Cason, wishes that his daughter should enjoy a part of his estate, which cannot be put out of the reach of said Cone, without legislative interference.

SEC. 1. BE it therefore enacted by the Senate and House of Representatives, of the State of Georgia, in General Assembly met, and by the authority of the same, That from and after the passing of this act, the aforesaid Jane Cone may receive any property that the aforesaid Hillery Cason may by deed or will bestow upon her, in as full and complete a manner as if the said Jane Cone had never been married, and was now a feme sole, and that she shall have the entire control and direction of such property, without the interference of the aforesaid William Cone in any manner whatever.

SEC. 2. And be it further enacted, That any property that the said Hillery Cason may bestow upon the aforesaid Jane Cone, formerly Jane Cason, shall after her decease, descend to such children as may have been born to the said Jane Cone, by the aforesaid William Cone, in lawful wedlock, or to any children that may be born to the said Jane Cone in lawful wedlock by any other person, in the event of legal separation from the aforesaid William Cone; any law to the contrary notwithstanding.

SEC. 3. And be it further enacted, That all and every other description of property whatsoever, that may have been acquired by the said Jane Cone, formerly Jane Cason, since the separation of her husband from her, or that she may hereafter acquire by her industry or otherwise, shall be and remain to her, beyond the reach or control of her said husband.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 10th December, 1808.

JARED IRWIN, Governor.
AN ACT

To divorce John Fitzpatrick and Elizabeth Fitzpatrick, 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 after the passing of this act, the matrimonial connexion and civil contract of marriage made between the above named John Fitzpatrick and Elizabeth his wife, shall be completely annulled, set aside and dissolved, as fully and effectually as if no such contract had been made between them.

SEC. 2. And be it further enacted, That the real and personal property which has not by him the said John Fitzpatrick and Elizabeth Fitzpatrick, been sold or disposed of, which the said John Fitzpatrick received with or acquired by, or in virtue of his union with the said Elizabeth, shall from henceforth be considered as returned to her the said Elizabeth, as well as all the property she may in future inherit or otherwise acquire; and the said property is hereby declared to be fully and absolutely vested in the said Elizabeth Fitzpatrick, her heirs, executors and assigns for ever.

SEC. 3. And be it further enacted, That the said Elizabeth Fitzpatrick is hereby declared to be a feme sole, and she shall not be allowed in future, on any pretence whatever, to charge the said John Fitzpatrick, his heirs, executors or assigns, with any debts of her contracting, or with any actions of or for damages whatsoever, which shall hereafter be committed or done by the said Elizabeth Fitzpatrick, and she shall not be entitled to dower of, or in the estate of the said John Fitzpatrick, but shall be considered and held as being barred, and as having forfeited the same.

SEC. 4. And be it further enacted, That the said John Fitzpatrick and Elizabeth Fitzpatrick, shall in future be held as distinct and separate persons, altogether unconnected by any civil union or contract whatsoever.

BENJAMIN WHITAKER, Speaker of the House of Representatives.

HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,

Assented to, 22d December, 1808.

JARED IRWIN, Governor.
PASSED IN THE YEAR 1808.

AN ACT

To pardon Osborne Randle.

WHEREAS, at a superior court, held in and for the county of Hancock, on the eighteenth day of August, in the year of our Lord, one thousand eight hundred and eight, a certain Osborne Randle, was convicted of the crime of murder, and received sentence of death, to be executed on the sixteenth day of September, after the said conviction; and whereas, the execution of the said Osborne Randle was respited by his excellency the governor, until the ninth day of December next.

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, the said Osborne Randle, he, and he is hereby declared to be fully, freely, clearly and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction, as fully, freely, clearly and entirely as if such offence had never been committed or done by him; Provided nevertheless, that the said Osborne Randle, shall before his discharge, pay all legal costs of his imprisonment, and the costs of prosecution.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 22d November, 1808.

JARED IRWIN, Governor.

AN ACT

To pardon Russel Bailey.

WHEREAS, at a superior court held in and for the county of Wilkes, on the eleventh day of November, in the year of our Lord, one thousand eight hundred and eight, a certain Russel Bailey, was convicted of the crime of murder, and received sentence of death, to be executed on the second day of December, after the said conviction; and whereas, the jury who found a verdict against the said Russel Bailey, have recommended him to the mercy of the General Assembly.

BE it therefore enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and by the authority of the same, That from and
immediately after the passing of this act, the said Russel Bailey be, and he is hereby declared to be, fully, freely, clearly and entirely pardoned, exonerated and discharged from the pains and penalties of his said conviction, as fully, freely, clearly and entirely as if such offence had never been committed or done by him; Provided nevertheless, that the said Russel Bailey shall, before his discharge, pay all legal costs of his imprisonment, and the costs of prosecution.

BENJAMIN WHITAKER, Speaker of the House of Representatives.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 26th November, 1808.
JARED IRWIN, Governor.

AMENDMENT TO THE CONSTITUTION.

EXECUTIVE DEPARTMENT, GEORGIA.
MILLEDGEVILLE, 4th FEBRUARY, 1809.

ORDERED....That the Secretary of the State, prepare and affix to the act, entitled "An Act to alter and amend the tenth section of the third article of the constitution," his certificate that the same has undergone the formalities, in and by the fifteenth section of the fourth article of the constitution required.

Attest,

JAMES BOZEMAN, Secretary.

SECRETARY OF STATE'S OFFICE, GEORGIA,
MILLEDGEVILLE, 4th FEBRUARY, 1809.

IN OBEDIENCE to the above order from his excellency the governor, to me directed, public notice is hereby given, that the act, entitled "An Act to alter and amend the tenth section of the third article of the constitution," has undergone the requisites, in and by the fifteenth section of the fourth article of the constitution required, and that the same has become a part of the constitution of this State.

HOR: MARBURY, Secretary.
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;

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 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.
HENRY MITCHELL, President of the Senate.

Executive Department, Georgia,
Assented to, 16th December, 1808.

JARED IRWIN, Governor.

AN ACT

To amend the third section of an act, entitled an act to establish the town Wrightsborough, in the county of Columbia, and to secure the inhabitants thereof, in their rights to certain lands appropriated to their benefit, and to incorporate the same, passed on the 16th of February, 1799.

SEC. 1. BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be the duty of the commissioners of the town of Wrightsborough, to sell three fifty acre lots which were laid out in the common of said town, in pursuance of the above recited act, in order to be leased for the term of five years; and it appearing that no advantage can arise to the inhabitants by such order, it is hereby