A DIGEST
OF THE
STATUTE LAWS
OF THE
STATE OF GEORGIA,
IN FORCE PRIOR TO THE
SESSION OF THE GENERAL ASSEMBLY OF 1851,
WITH EXPLANATORY NOTES AND REFERENCES;
AND ALSO,
WITH NOTES, GIVING THE EXPOSITION OF THE STATUTES, BY THE SUPREME COURT OF THE STATE;
TOGETHER WITH
AN APPENDIX,
CONTAINING
THE CONSTITUTION OF THE UNITED STATES;
THE CONSTITUTION OF THE STATE OF GEORGIA;
THE STATUTE OF FRAUDS AND PERJURIES;
THE HABEAS CORPUS ACT;
THE JUDICIARY ACT OF 1799; AND
THE LOCAL LAWS APPLICABLE TO EACH COUNTY.

COMPILED AND PUBLISHED UNDER THE AUTHORITY OF THE GENERAL ASSEMBLY,
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ATHENS, GA.
PUBLISHED BY CHRISTY, KELSEA & BURKE.
1851.
LAND.

ART. I. ANCIENT GRANTS.

"I. ERRORS IN GRANTS.
"II. HEAD RIGHTS, LAND COURTS, &c.
"III. LOTTERIES—SALE OF RESERVES, &c. REVERTED LOTS, &c.
"V. PROCESIONING.

ART. I. ANCIENT GRANTS.

An Act for establishing and confirming the titles of the several inhabitants of this Province to their respective lands and tenements.—Approved Nov. 24, 1759. Vol. I. 309.

[Grants since 9th June 1732, made good against all previous to that time.—Prince, 512.]

An Act for the better strengthening and settling this Province, by compelling the several persons who claim to hold lands within the same, under any Grant or Grants from his Majesty, witnessed by the Governor of South Carolina, to bring or send into this Province a number of white persons, or negroes, in proportion to the lands they claim to hold, agreeably to his Majesty's royal instructions for granting lands and to cultivate and improve the same; and for better ascertaining the said several tracts of Land, by regulating the surveys and marking the lines thereof, and recording the several plats in the Surveyor General's office; Also, for registering and docketing such grants in the other proper offices in this Province.—Approved March 25, 1765. Vol. I. 310. Prince, 513.

SECS. I. and II. [Requires South Carolina grantees in six months

*The vast number of Acts under this prolific head has rendered it necessary to omit the body of such as appeared of no practical value. If it becomes necessary, it will be easy to find them.
†This may refer to grants issued by Governor Boon in 1733. It is known to most of the citizens of this State, though perhaps not to all, that Georgia was taken out of the larger colony of Carolina. This was done by royal letters patent of the 9th of June, 1732, to Gen. Oglethorpe and the other trustees appointed to establish a settlement. Granting to them, for the purpose of the trust, the lands between the Savannah and the Altamaha rivers; and westward from the heads of these rivers (as was afterwards settled by the peace of Paris, in 1763) to the Mississippi. In the same year (of 1763) a royal proclamation annexed to Georgia "all the lands lying between the rivers Al- mataha and St. Mary's." This gave rise to one of the territorial disputes (as to the lands westward of the sources of these rivers) which was settled by the convention at Beaufort [Vol. I. 602.] It is South Carolina grants, previous to this proclamation, for lands between those rivers, and below a line from the head of St. Mary's to the confluence of the Oconee and Ocmulgee, to which this statute must relate.—Prince.
LAND—Errors in Grants.—1827.

Frauds—Governor and Secretary may correct—Errors in spelling.

to make known their grants to the Governor, and make proof of the same.

Sec. III. [Provides for record of these grants, and declares all failing to comply with this Act, void.]

Sec. IV. [Lands improperly surveyed to be re-surveyed, or else, Sec. V. Grants are void.]

An Act to prevent frauds and abuses in the Admeasuring and laying out his Majesty's Lands in this Province.—Approved March 5, 1765. Vol. I. 313. [Obsolete.]

ART. II. ERRORS IN GRANTS.

Sec. 2. Errors prior to 1827.
  "  3. Errors in spelling, &c.
  "  4. Errors in Lottery, 1821.
  "  5. Correction where grant is lost.
  "  6. Advertisement.
  "  7. Record.

Sec. 8. Grants to two persons.
  "  9. Refunding fees.
  "  10. Gold and land lots—errors.
  "  11. Omission by Secretary.
  "  12. Grants not recorded.

An Act to authorize the Governor and Secretary of State to correct any errors that may have taken place, or may hereafter take place, in issuing any grant or grants in any of the Land Lotteries of this State.—Approved Dec. 22, 1827. Vol. IV. 264.

2. From and after the passing of this Act, the Governor and Secretary of State shall be authorized and required to have any error or errors that may have taken place, or may hereafter take place, in issuing any grant or grants for any lot or lots of land in any of the aforesaid land lotteries of this State, when the same may be presented at the proper offices for correction; any law to the contrary notwithstanding.*


Whereas, many mistakes from bad spelling and transcribing the names of persons entitled to a draw or draws in the said lottery does exist, to wit, in the Counties of Lee, Muscogee, Coweta, Troup and Carroll; for remedy whereof,

3. Be it enacted, That whenever it shall satisfactorily appear that a mistake has been committed, either by the commissioners, their clerks, or the person originally registering their names in the different Counties, it shall be the duty of his Excellency the Governor, and he is hereby required to order such alteration made as will secure to the bona fide drawer his right, his heirs or devisees, accord-

* Amended in 1837, sec. 5.
ing to the justice of the case and the truth of the matter; and all grants which may issue in consequence of such mistake thereby shall be null and void: Provided however, the holder of such grant or grants issued through mistake do return the same to the Executive, his Excellency the Governor is authorized and required to refund to such grant holder the sum of money paid as office fees, and he shall then cause the true name to be inserted therein, in the records of the different offices, which grants when so altered shall be good and valid in law; any thing to the contrary notwithstanding: And provided also, that nothing herein contained shall deprive the State of its proper fees on the grant or grants that may be so corrected and issued, from the proper grantee.


4. Whereas, many mistakes from bad spelling, and transcribing the names of persons entitled to draw or draws in the land lottery of 1821 do exist, to wit: in the Counties of Dooly, Houston, Monroe, Henry and Fayette; for remedy whereof,

Be it enacted, That whenever it shall satisfactorily appear, that a mistake has been committed either by the commissioners, their clerks, or the person originally registering their name in the different Counties, it shall be the duty of His Excellency the Governor, and he is hereby required to order such alteration made, as will secure to the bona fide drawer his or her right, his or their heirs or devisees, according to the justice of the case and the truth of the matter, and all grants which may issue in consequence of such mistakes to be null and void; Provided, however, the holder of such grant or grants issued through mistake, do return the same to the Executive, and His Excellency the Governor is authorized and required to refund to such grant holder, the sum of money paid as office fees, and he shall then cause the true name to be inserted therein in the records of the different offices, which grants when so altered, shall be good and valid in law; any thing to the contrary notwithstanding: Provided also, that nothing herein contained shall deprive the State of its proper fees on the grant or grants that may be so corrected and issued, from the proper grantee.

An Act to amend an Act entitled an Act to authorize the Governor and Secretary of State, Surveyor General and Comptroller General, to correct any errors that may have taken place in issuing any grant or grants, in any of the Land Lotteries of this State, passed Dec. 22, 1827.—Assented to 25th, Dec. 1837. Pam. 121.

Whereas, under the above recited Act, the practice has been to correct errors in such grants only, as when the original grant was produced, and cases have arisen, wherein the original grant was lost or destroyed, or not in the possession of the fortunate drawer, or his,
her, or their representative, so that the same could not be produced for correction under the above recited Act. For remedy whereof,

5. Sec. I. Be it enacted, That from and after the passing of this Act, the Governor, Secretary of State, Surveyor General and Comptroller General, shall be, and they are hereby required to correct any error or errors in their respective offices, that may have taken place in the transcribing the name or names of the fortunate drawer or drawers, or in any other matter or thing connected with the issuing of any grant or grants, and also to correct any error or errors which may hereafter take place in the issuing of any grant or grants, for any lot or lots of land, in any of the aforesaid Land Lotteries of this State, where application shall be made by the fortunate drawer or drawers at their respective offices, for the purpose aforesaid; and that upon the correction of any such error or errors being made, in cases where the original grant is not produced, his Excellency the Governor, shall cause an alias grant to issue, conforming to the corrections hereby authorized and required to be made, and such alias grant, shall inure and take effect from the date of the issuing of the original grant, and shall be held, deemed and taken in the several Courts of Law and Equity in this State, in lieu of, and as a substitute for, such original grant.

6. Sec. II. Where there is an application for an alias grant, under the provisions of this Act, his Excellency the Governor, shall cause the same to be advertised in one of the public gazettes of this State, for six months previous to the issuing of the same, and that the expense of said notice shall be paid by the applicant when taking out said alias grant.

7. Sec. III. The officers herein named, shall keep on file in their respective offices, a record of their several proceedings under the provisions of this Act.

Sec. IV. [Repeals all conflicting laws.]

An Act to authorize his Excellency the Governor to correct any error which may accrue by the issuing two grants for the same lot or number of land to two different persons, and for other purposes.—
Assented to Dec. 28, 1843. Pam. 73.

8. Sec. I. Be it enacted, That his Excellency the Governor be, and he is hereby authorized, when it is manifestly shown that through the oversight of any of the officers of the Executive Department, where two grants shall have been issued, or may hereafter be issued to two persons for the same number or lot of land, to have the error corrected, and set aside the grant thus improperly issued, and to correct such other errors as he may deem expedient, when grants have been improperly issued.

9. Sec. II. It shall be the duty of his Excellency, and he is hereby authorized to draw his warrant on the contingent fund, in fa-

(1.) This Act is unconstitutional, as far as third persons are concerned. 7 Ga. 172.
An Act for the correction of errors in plats and grants, and to authorize the Governor to issue copy plats and grants in certain cases.
—Approved Dec. 26, 1845. Pam. 32.

Whereas, it appears that errors have been made in the issuing of plats and grants from the Executive officers of the State, and for remedy whereof,

10. Sec. I. Be it enacted, That in all cases of error in which a plat or grant has been or may hereafter be issued for a gold lot instead of a land lot, or for a land lot when it should have been a gold lot, or where a mistake has occurred in the name of the drawer, the number of the lot, the district, the section or the County, it shall and may be lawful for the Governor to alter and correct the same, by ordering a proper plat or grant to be annexed; to sign or cause to be signed, the names of the public officers who were in office when the same issued, and to order such alteration in the public records in relation thereto as that they may conform to such corrected plat or grant. Provided, That upon the face of each corrected plat or grant, a note shall be made of such correction, and the date of the Executive order, authorizing the same. And provided further, That in any case the original plat and grant shall be produced before such alteration shall be ordered.

11. Sec. II. In all cases when the name of the Governor has not been signed to the records of the Secretary of State’s office in the transcription thereof, and the like omission in the registry of some of the lottery grants of more recent date, it is and shall be lawful for his Excellency the Governor to cause to be issued copy grants to and in the names of the several fortunate drawers, when it does satisfactorily appear from the proper entries in the other offices, that the original grants have been previously issued.

An Act to authorize and require the Secretary of State to record certain grants which have heretofore issued.—Approved Dec. 29, 1847. Pam. 108.

Whereas, it is represented that certain grants have been issued by the State of Georgia, which are marked as registered in the Secretary of State’s office, and of which no record can be found.

12. Sec. I. Be it therefore enacted, That the Secretary of State be and he is hereby authorized and required to record in his office any grant or grants for lands which have been issued and which have been certified to be recorded by the Secretary of State, but the record of which cannot be found: any law to the contrary notwithstanding.

By Resolution, 1340, Pam. 193, the Governor was authorized to appoint two persons to examine and correct the Record of Grants from 1783 to 1792, who were ordered to keep a journal of all corrections made; they were also required to make the Indexes of the Records of Grants from 1783 to the year 1840, and if incomplete, make them complete.

*See “State Officers,” sec. 69.
Analysis—Land office opened—Head Rights.

ART. III. HEAD RIGHTS, LAND COURTS, COUNTY SURVEYORS, &c.

Sec. 13. Land office—head-rights.
  " 15. Residence before sale.
  " 16. Survey—transfer of warrant.
  " 17. Grist or saw mill.
  " 18. Iron works.
  " 19. Forge, &c.
  " 20. Former grantees.
  " 22. Record of Grants.
  " 23. Head-rights.
  " 24. Preference to settlers.
  " 25. Forge, bloomery, &c.
  " 26. Grants, when plat lost.
  " 27. Void surveys.
  " 28. Claims of Indian traders.
  " 30. Land office—head-rights.
  " 31. Bounty warrants.
  " 32. Settlement and cultivation.
  " 33. Surveyors, General and County.
  " 34. Caveat, trial.
  " 35. Land Courts.
  " 36. Applicant's oath—warrant.
  " 37. Clerk of Land Court.
  " 38. Duty of Surveyors.
  " 40. Only one in a County.
  " 41. Head-rights in Franklin and Wash-
  " 42. Citizens of other States.
  " 43. County Surveyors.
  " 44. Grants without settlement.

[Sec. 46. In Franklin and Washington.
  " 45. All other vacant lands.
  " 47. Perjury—effect of.
  " 48. Void surveys.
  " 49. Running across lines.
  " 50. Two grants—penalty.
  " 51. Warrants—renewal.
  " 52. County lines.
  " 53. Record of grants.
  " 54. Warrants—limitation.
  " 55. Names of Surveyors, and C. C.
  " 56. Form of grants.
  " 57. Signature of Governor
  " 58. Land Courts.
  " 59. Beginning corner.
  " 60. Stay of proceedings.
  " 61. Transferred warrants.
  " 62. Grantee dead or married.
  " 63. Re-survey.
  " 64. Surveyor's duty.
  " 65. Notice of re-survey.
  " 66. Bounty warrants.
  " 67. Fees, on head-rights.
  " 68. Repealing Act.
  " 69. Fees of Secretaries of Governor.
  " 70. Caveat Courts.
  " 71. Executive jurisdiction.
  " 72. Trials of caveat—appeal.
  " 73. Clerk of Inferior Court.
  " 74. Time extended.
  " 75. To Dec. 23, 1851.
  " 76. Surveys under Act of '47.
  " 77. Record of plats.

An Act for opening a Land Office, and for the better settling and strengthening this State.—Approved June 7, 1777. Vol. I. 316.

Whereas, there remains much vacant and uncultivated land in this State, the settlement of which is of the highest importance, wherefore it becomes necessary that all due encouragement should be given to persons to come and settle in this State, and by that means promote the increase of its inhabitants:

13. Sec. I. Be it therefore enacted, &c. That from and immediately after the passing of this Act, an office shall be opened for the purpose of applying for and obtaining vacant lands, by persons entitled to the same in this State, under the regulations and rules hereinafter set forth; that is to say: Every free white person, or head of a family, shall be entitled to, allotted, and granted him, two hundred acres of land, and for every other white person of the said family, fifty acres of land, and fifty acres for every negro, the property of such white person or family: Provided, the said white person or family shall not have rights for more than ten negroes, and that

*See further, Act of 1780, sec. 23; and Act of 1783, sec. 30.

(1) None but vacant lands subject to head-rights, and a tenant holding under a void grant bona fide, the land is not vacant. 4 Ga. 116.
they have not had land heretofore granted them in virtue of, and in
inght of the said ten negroes; and the Governor or Commander in
Chief for the time being, with the advice and consent of the Execut-
tive Council, shall have full power, and are hereby authorized to grant
such tracts or lots of land to such person or persons so obtaining
lands as aforesaid, under and by virtue of this Act, and he or they
shall, within six months, settle, plant, cultivate, and live on the
same;* or in case such person or persons shall be disturbed in time
of alarm or annoyance by any enemy, and obliged to remove from
the lands so granted, such person or persons shall return to their re-
spective settlements or plantations as soon as the enemy shall be re-
pelled or removed, or the situation of affairs will permit.

14. Sec. II. All and every person or persons, who heretofore
have had allotments of land in the province, now State of Georgia,
and have continued and resided in said State, and all and every per-
sion or persons, who have settled on lands not allotted or granted
heretofore, shall be continued on said lands, and confirmed in a title
thereo, in preference to any other person or persons: Provided, such
person or persons so settled on, and possessing such lands, have rights,
and are entitled to have the same granted him or them, according to
the true intent and meaning of this Act.†

Sec. III. [Directing absent claimants of lands to be notified by
proclamation to return within six months, and settle, and cultivate
them, or they should be deemed vacant—repealed by the first sec-
tion of the next Act.]

15. Sec. IV. If any person or persons obtaining a confirm-
ation of former allotments of land, or shall obtain a grant for lands
now vacant, they, or their heirs or assigns, and shall not continue on
the same under the regulations of this Act, for and during the term
of five years, he or they shall not be allowed to assign the said grants
or allotments, and such assignments are hereby declared to be inval-
'id and of no effect; and such lands so assigned shall be deemed
vacant, and may be re-granted to any person or persons who
shall prove to the satisfaction of the Governor and Council, that the
former possessors or occupiers of such lands have actually left the
same, and this State.

16. Sec. V. No other charge or expense, except the rent of two
shillings for each hundred acres of land as heretofore, shall be paid
on the said lands, but the expense of surveying and granting the
same,‡ for and during the space of one year. And the lands so to
be granted shall be surveyed and laid out in the following manner,
viz: In either a square, or oblong figure, the length not to be more
than double the breadth, as the nature of the lands may be, unless
such as may lie between lands already granted, or that may hereaf-
ter be granted, and be bounded by such lines as may be necessary;
or where such lands lie between the forks of rivers or creeks, then

* Nine months, by Act of 1780, sec. 23. See also, sec. 30 and 32. Dispensed with in
1784, sec. 44, and again required by Act of 1785, sec. 47.
† See further, as to pre-emption, secs. 21 and 37.
‡ Purchase money required in 1783 and 1784, secs. 30, 33, 42. Grants fee in 1785,
sec. 45.
LAND—HEAD RIGHTS, &c.—1777.


Transferred warrants.

Persons building a grist mill on vacant land entitled to one hundred acres.

For a saw-mill, five hundred acres.

Iron works, two thousand acres.

Forge for making bar iron, two thousand acres.

Former grantees not entitled.

Continuation.

An Act to amend and repeal part of the foregoing.—Approved Sept. 16, 1777. Vol. I. 318.

Sec. I. [Repeals the third section of the foregoing.]

21. Sec. II. If any person or persons have heretofore had allotments of lands within this State, on any special contract heretofore made, and have paid the deposit money required, such person or persons shall have a grant or grants for the same.

And whereas, the Constitution of this State directs, that each County shall keep the public records belonging to the same; and as

*As to marks and stations, see sec. 43. See also, secs. 55, 59.
†But see sec. 51.
§See also, sec. 25.
a change of Government may have rendered it unnecessary that the
grants of land should be audited as formerly:

22. Sec. III. Be it enacted, &c. That all surveys which are le-
gally made and returned into the Surveyor General’s office, shall be
recorded, and a certified copy thereof delivered to the Attorney for
the State, so that lots may be by him prepared and delivered with-
out delay to the Secretary’s office, that grants may be made out and
signed for the said lands agreeable to the Constitution, which said
grants shall be registered in the County where such land lieth;* which
record shall be, and is hereby declared to be good and valid
in law, any thing hereinbefore to the contrary in any wise notwith-
standing.

Sec. IV. This Act shall be and continue in force until the first
day of January next, and from thence to the end of the next ses-

An Act for the more speedy and effectual settling and strengthening
this State.—Approved Jan. 23, 1780.† Vol. I. 319.

Sec. I. to XI. [Local.]
And whereas, the rich and healthy lands in Wilkes County and
elsewhere, in this State, remain unsettled to the great detriment of
the commerce and strength of the same, while many of the citi-
zens of this State are suffering by their lands being in the hands of
the enemy; and others being willing to settle and defend the same,
as heretofore mentioned.

23. Sec. XII. Be it therefore enacted, &c. That every citizen
of this State, as well as any citizens of any other State, shall be
entitled to a grant of land, in the following manner, viz: two hun-
dred acres of land for the head of a family, and fifty acres for each
member of the same, whether white or black; to be laid out any
where in this State, not in the possession of the Indians. Provided,
that every such person, before he shall obtain such grant, shall bring
the whole of his family into this State, and himself take and subscribe
the oaths of government. And provided also, that he shall give sec-

24. Sec. XIII. Where it shall appear that the commissioners
under the former government sold and made allotments to any per-
sons, who have settled, and still possess the same, such persons shall
have grants in preference to any other persons whatever.

Sec. XIV. [Exempts Wilkes settlers from militia service for two
years—obsolete. Sec. XV. Directs 100 acres of land to be laid off
for the town of Washington, to be sold and granted as directed in
this Act respecting the lots in Augusta. See Vol. I. 319–20. Lo-
cal. Sec. XVI. Directs all holders of surveys, who are out of the
State, to come in and settle their lands, within three months from

*Dispensed with sec. 53.
†Probably 1783. See note of Mr. Prince, page 519, of his work.
the proclamation which the Governor is empowered to issue, or their lands shall be deemed vacant. Time extended, see sec. 46.]

Sec. XVII. [Form of grants superseded. See sec. 56, and note.]

And whereas, it will tend greatly to the interest and strength of the State to establish manufactories of iron: to the end therefore of encouraging able and proper persons to undertake the same,

25. Sec. XVIII. Be it enacted, &c. That any person or persons who will give approved security to his honor, the Governor and Council, for erecting proper and effectual works for that purpose, shall be entitled to a grant of two thousand acres for a forge, and two thousand acres for a bloomery, and two thousand acres for a furnace.

And whereas, it may so be that a number of warrants and returns of plats may be lost in our late confused state: for remedy whereof,

26. Sec. XIX. Be it enacted, &c. That where it shall appear upon oath that any such paper or description of land may have been lost, that grants shall pass for the same notwithstanding, free of new expense.†

27. Sec. XX. No warrant, survey, or plat, made or laid out in the lands yet within the lines of the Indians, shall be held valid, and the same is hereby declared null and void, to all intents and purposes whatever, nor shall any grant which may hereafter be surreptitiously obtained, be deemed legal, or of any effect.

Sec. XXI. [Temporary.]

Sec. XXII. [Empowers the Governor to issue a proclamation and send agents to invite settlers—obsolete.]

Whereas, certain persons, citizens of this and the State of South Carolina, and friends to the independency of the same, claim, that the lands in the County of Wilkes were originally given upon and ceded to the government of Great Britain by the Creek and Cherokee Indians, in satisfaction and discharge of certain debts and arrears due by the said Indians to the said certain persons commonly called Indian traders,

28. Sec. XXIII. Be it therefore enacted, That any person having or pretending to have any such claim, do lay their claims and accounts before this or some future house of Assembly, to be examined; and whatever claims shall be found just and proper, and due to the Friends of America, shall be paid by treasury certificates for the amount, payable within two, three and four years, and carrying six per cent. interest.

Sec. XXIV. [Appoints commissioners for Augusta and Washington—Local and temporary.]

29. Sec. XXV. This shall be deemed a public Act, and shall be given at any time specially in evidence.

An Act to amend the several Acts for the better regulation of the Militia of this State.—Approved Aug. 20, 1781. Watk, 238.

[Bounty of two hundred and fifty acres of land, exempt from taxation ten years.]†See sec. 62.
An Act for opening the Land Office, and for other purposes therein mentioned.—Approved Feb. 17, 1783. Vol. I. 323.

Whereas, it will tend much to the benefit and advantage of this State, that the unlocated lands within the same be granted out, and that all due encouragement be given to the immediate settlement thereof,

30. Sec. I. Be it therefore enacted, &c. That from and immediately after the passing of this Act, the land office shall and the same is hereby declared to be opened, and all and every person and persons applying for land agreeable to the terms hereinafter mentioned, shall be entitled to a grant of the same, that is to say, each master or head of a family shall be allowed as his own head right, and without any other or further charges than the office and surveying fees, two hundred acres; and such person shall also be permitted to purchase* at the rate of fifty acres for each and every head right in his family, on the following terms, that is to say, one shilling per acre for the first hundred acres, and one shilling and sixpence per acre for the second hundred acres, two shillings per acre for the third hundred acres, and two shillings and sixpence for the fourth hundred acres, and so on in the same progression, according to the number of head rights in such family: Provided the quantity of land granted and sold to any one person shall not exceed one thousand acres,† and that such person do live on and cultivate a part of the said land, twelve months before he or she shall be entitled to a grant for the same; And also further provided, that such person hath not heretofore received the head right for which he or she then applies, either under the present or former government of this State.

And whereas, this State hath made engagements to the soldiery and other troops, which they ought to fulfill;

31. Sec. II. Be it therefore enacted, That in case any officer or soldier, or other person, claiming under such engagements as aforesaid, shall produce a certificate from his honor the Governor, for the time being, that a tract or tracts of land is or are due to him, that then such officer, soldier, or other person, shall be entitled to a warrant and grant for any unlocated lands (agreeable to the quantity contained in his certificate) within this State.

32. Sec. III. Every person applying by head rights, as aforesaid, shall previous to his obtaining a grant for his land, or having it in his power to dispose of the same, (otherwise than by will,) settle and improve a part of such tract or tracts, as he may obtain a warrant and survey of, for the space of twelve months as aforesaid, and actually cultivate and clear at three acres at least for every hundred acres of the said land.

33. Sec. IV. There shall be a Surveyor General for the State, and also a Surveyor for each County, annually chosen by the Legislature;‡ and such County Surveyors, so elected, shall have power to

*See secs. 45 and 46.
†See secs. 45, 46 and 47.
‡County Surveyors now elected by the people; see "County Officers," sec. 3.
appoint one or more assistants if necessary, and the aforesaid County Surveyor or his assistant or assistants are hereby authorized to lay out and survey, to any person or persons who shall apply, all such lands as he, she, or they may have obtained a warrant for, and the said County Surveyor is hereby required to keep an office in that part of the County where the Superior Court is holden, in which said office shall be recorded all such plats or surveys belonging to such County, as shall be made within two months from the date of the warrant; and the said County Surveyor shall also transmit to the Surveyor General a fair copy of the same, together with the warrant, within three months from the date of the latter; and the Surveyor General shall record such plat in his office, and when and as soon as the full consideration money for the said land, (if granted on purchase as aforesaid,) together with office fees shall be paid, the said Surveyor General shall record such plat in his office, and pass the original into the Secretary’s office for a grant thereof, to be made out and signed by the Governor, or in his absence by the President for the time being, when the party shall be entitled thereto, under the terms aforesaid; and the said grant, when signed as aforesaid, shall be returned into the Secretary’s office, to be there sealed with the great seal, and registered; and thereafter the same shall be transmitted to its proper County, and lodged in the office of the County Surveyor, to be there recorded,* and there delivered out to the grantee. ** Provided always, that in case the consideration money for any lands granted on purchase shall not be paid into the treasury, and a certificate thereof lodged with the Surveyor General, (which shall be the proper mode of paying all purchase moneys for lands granted under this Act,) and also all office fees paid within twelve months from the date of the warrant, then and in such case the land mentioned and contained therein shall be deemed lapsed, and liable to be granted out to any other person who shall apply for and prove rights agreeable to this law for the same. And also provided, in case any caveat shall be entered against the passing of any grant, that then the signing and sealing of the same shall be stayed until the determination of such caveat.

34. Sec. V. All caveats against the passing of grants, shall be entered in the office of the County Surveyor where the land lies, who shall give notice thereof by advertisement in the most public place in the said County, at least thirty days before a final determination is had on such caveat. And the manner of trying such caveat shall be as follows: The Justices of the County, or any three or more of them, shall on the day succeeding the day on which they meet for the purpose of granting warrants for lands, cause to be drawn and summoned out of the bystanders (being freeholders within this State) a jury of twelve men, who being duly sworn to try the matter according to Law and Equity, shall immediately proceed to try and give their verdict thereon, which shall be final and conclusive.† And the said County Surveyors shall once in every month,

*Dispensed with; see sec. 53.
†Appeals allowed; see secs. 57, 72.
when they respectively transmit to the Surveyor General fair copies of plats, together with warrants as before directed, also transmit and send to the said Surveyor General a regular account of all caveats depending or determined in their respective Counties, in order that the same may from time to time be laid before his honor the Governor and Executive Council, as a guide in respect to the signing of grants.

35. Sec. VI. A majority of the Justices belonging to each County* shall be empowered, and they are hereby required, on the first Monday in each month,† and for as many days immediately following as they shall find it necessary, to hold a Court (at the place where the Superior Courts of such County are usually held) for the purpose of receiving applications for lands, according to justice and the true intent and meaning of this Act; they the said Justices, or a majority of them, shall order warrants to issue, and the same shall be signed by the senior Justice then present, and attested by the Clerk, commanding and requiring the County Surveyor to lay out and admeasure such tract or tracts of land, within their respective Counties, as they shall think fit to grant under the terms and directions contained in this law.

36. Sec. VII. All and every person and persons, before he, she or they, shall obtain a warrant or warrants for any land within this State, shall on oath declare, before the said Justices holding a Court as aforesaid, that he, she, or they, hath or have not taken up or obtained land in this State for the head rights, or any of them, at that time applied for; and also that he, she or they, doth or do not hold, nor have had granted, under the present or former government, to him, her, or them, on head rights as aforesaid, any quantity of land exceeding one thousand acres, nor more land than, together with what is at that time applied for, will make a quantity exceeding one thousand acres; and such person or persons shall also at the same time produce a certificate, signed by two or more Justices of the County, he, she, or they last resided in, or such other credentials as will satisfy the Court of the honesty and integrity of the person or persons so applying; and thereafter the said warrant shall issue, signed and attested as aforesaid, and run in the following form: "By the Court of Justices for the County of——. To A B, County Surveyor of said County: You are hereby authorized and required to admeasure and lay out, or cause to be admeasured and laid out, unto C D, a tract of land, which shall contain —— acres, in the said County of—— (here describe the buttings and boundings of the land as particularly as may be) taking special care that the same has not heretofore been laid out to any other person or persons: And you are also hereby directed and required, to record the plat of the same in your office, and transmit a copy thereof, together with this warrant, to the Surveyor General, within the term of three months; from this date. Given under my hand, as senior Justice of the said Court, this ——— day of ——— 178.

*Three or more, sec. 58. See also sec. 39.
†Second Monday in January; see "Executors and Administrators," Art. I, "Court of Ordinary," sec. 20. See also sec. 70 of this title.
‡Two years, sec. 54. Time extended by almost every Legislature, down to 1850.
37. Sec. VIII. The Clerk* of the said Court of Justices shall keep a regular book of entries, of all applications made and warrants issued, specifying the buttungs and bondings of the lands contained in the same; and the several County Surveyors shall, previous to their entering on the execution of their office, take and subscribe the following oath, before two or more of the Justices of the County to which they respectively belong: "I, A B, do solemnly swear that I will, to the best of my skill and knowledge, discharge the duty of Surveyor for the County of ———, and that I will not admeasure survey, or lay out, or knowingly admit of or cause to be admeasured, surveyed, or laid out, any land without a warrant first obtained for that purpose." And such County Surveyors respectively shall give bond, with approved security, in the penal sum of five hundred pounds↑ specie, to his honor the Governor for the time being, conditioned for the good behavior in office, and true performance of the trust reposed in such Surveyor; which said bond shall be taken in and by the first Court of Justices which shall convene and sit after the appointment of such County Surveyors respectively, and the same shall be immediately transmitted to his Honor the Governor, liable to be put in suit, in case of any misbehavior in the said County Surveyor; and it shall be a part of the duty of such County Surveyors, punctually to observe and carry into execution all such orders and instructions, as they shall from time to time receive from the Surveyor General, and to swear or cause to be sworn, all chain carriers within their respective Counties.

Sec. IX. [Temporary, as to warrants issued since the Revolution. Sec. X. gives preference to persons settling under proclamation of 1778. Sec. XI. makes all surveys beyond the Indian line, void. Sec. XII. Form of grant, superseded. Sec. XIII. defines boundary of the State—obsolete.]

38. Sec. XIV. The Surveyor General and all the County Surveyors shall, as nearly as may be, be governed and directed in the execution of all warrants, and in making their surveys, by the known rules, laws, and customs of this State in regard to such business, in so far as the same may be made to consist with this law, the revolution in government, and the true interests of the republic, as shall from time to time be expressed by its Legislature or Executive body.

An Act to repeal and amend some parts of an Act entitled "an Act for opening the land office."—Approved August 1, 1783. Vol. I. 328.

Sec. I. [Repeals that clause in the foregoing Act, [sec. 35.] which requires a majority of the Justices in the County to act in granting land warrants.]

39. Sec. II. The Justices of the several Counties, or any five*

*Clerk of Inferior Court; see sec. 73.
†$1000, see "County Officers," sec. 72.
‡Three or more, sec. 58.
of them as hereafter mentioned, shall meet in their respective Counties on the first Monday in each month,* and for as many days following as they shall find it necessary, to hold a Court at the place where the Superior Courts of such Counties respectively are held. 

And the said Justices so met, or any number of them not under five, (and of which five or greater number, one or more of the assistant Justices of the County shall be a part,) shall constitute a board, and be competent to do and transact all and singular the business pointed out and required by the said Act to be done by a board of Justices.

Sec. III. [Directs that audited certificates (if brought in within one year,) shall be received as specie in the purchase of lands—temporary.]

Sec. IV. [Proclamation for non-resident holders of warrants, to come in and locate in 12 months, or else the surveys void.]

Sec. V. [Grants to issue to widows and minors gratis, when fees have been paid by husband or father.]

40. Sec. VI. Nothing in this Act contained shall extend, or be construed to extend to authorize and empower the Justices, (in number before mentioned,) who shall be met and convened for the purpose of granting lands, to hold more than one Court, at one and the same place and time: And the assistant Justice then present, who shall be the senior, either by an older commission or by being first named in the same commission with others, shall preside in the said Court, and shall be invested with all and singular the powers given to, and be under the directions pointed out for the president of the board of Justices in and by the "Act for opening the Land Office," before mentioned.

An Act for laying out two or more Counties to the westward, and pointing out the mode of granting the same.—Approved Feb. 25, 1784. Vol. I. 330.

Sec. I. [Temporary—Indian line.]

Sec. II. [Boundaries of Franklin and Washington Counties.]

41. Sec. III. Any person or persons desirous of making application for lands in the aforesaid Counties, shall prove his, her, or their rights, either before the Governor and Council for the time being, or one assistant Judge and two Justices of the County where such person or persons reside, and a certificate thereof under the hands of such Justices, or proof before the Governor and Council as aforesaid, shall entitle the person or persons so applying, to a warrant for his, her or their rights, proved as aforesaid, so as the same shall not exceed one thousand acres to any one person whatsoever. And the Governor and Council are hereby requested and empowered to proceed in the manner hereinafter directed for granting the same, and to keep a book of entry, and enter therein the names of such persons as may apply for warrants, and also the date and number of each warrant by them granted, which shall be located in some particular

*2d Monday in January, see "Executors, &c." sec. 20.
County. And when it shall so happen that two or more persons apply to a Surveyor, to survey one and the same tract of land; then and in that case the said Surveyor shall decide and give the preference to the person whose warrant is first numbered.

42. Sec. IV. Every citizen of this State, or of any other of the United States, that shall come with an intent to settle, and form an actual residence in this State, shall be entitled to a warrant of survey for any quantity of unlocated lands within the aforesaid Counties in manner aforementioned, so as the same shall not exceed one thousand acres to any one person whatsoever. Provided, that such person or persons have not already taken up his, her, or their head rights, agreeable to an Act for opening the land office, passed the seventeenth day of February, 1783; and shall pay the fees of office at the time of applying for such warrant or warrants.

Sec. V. [Grant fees, 3 shillings per acre.]

Sec. VI. [Cultivation of three acres in the hundred, in the first year, exempts the lands from taxes for three years thereafter.—Obsolete.]

43. Sec. VII. A County Surveyor shall be appointed for each County,* who shall have the power of appointing assistant Surveyors, not exceeding six in number, in each County. And the said County Surveyors are hereby required to lay out and appoint a district for each and every such assistant Surveyor, who shall be authorized to survey within such district only, and shall make his returns to the County Surveyor, who shall keep a record thereof and transmit the same to the Surveyor General, as the law directs. And the said Surveyors are required distinctly to mark the lines round each and every tract which shall be by them surveyed, and make at least two stations on each line, except such lines as are marked by natural boundaries.

Sec. VIII. [Warrants to Virginia petitioners.]

Sec. IX. [Appeals in caveat, superseded.]

Sec. X. [Reserves land between North and South Forks of Occo- nee for twelve months, for seamen and soldiers.]

Secs. XI. and XII. [Land reserved for University. See title "University and Colleges."]

Sec. XIII. [Reserve warrants for non-residents, for twelve months.]

Sec. XIV. [Fifteen acres per hundred added to soldiers' bounty, in lieu of exemption from taxation.]

Sec. XV. [Temporary.]

44. Sec. XVI. That his honor the Governor be requested to sign grants for all surveys of lands that are or may be legally made within the late temporary line, any requisition to cultivate the same, or law or custom to the contrary notwithstanding: Provided only, that such person or persons, as may apply for the same, actually reside within this State.

Sec. XVII. [Bounty warrants may be located in these Counties.]

Sec. XVIII. [Repealing clause.]

*Elected by the people; see "County Officers," sec. 3.
An Act to amend and alter some parts, and repeal other parts of the several Land Acts in this State.—Approved February 22, 1785. Vol. I. 334.

Whereas, it hath become necessary to make some alterations in the several land Acts of this State:

45. Sec. I. Be it therefore enacted, &c. That from and after the passing of this Act, all such lands as remain unsurveyed, or not taken up by some person or persons, under a lawful warrant for that purpose, in the Counties of Washington and Franklin, shall be, and the same, are hereby declared to be put upon the following footing, that is to say: the said lands shall be granted out to any person or persons applying for the same, in the like manner, by the like rights, and under the like restrictions, as are pointed out for disposing of lands, under the Land Act, passed the 17th day of February, 1783, and the supplemental Act thereto, passed on the 1st day of August, in the year of our Lord 1783, except only, that the person or persons applying for and obtaining such lands, as far as the quantity of one thousand acres, shall not be liable or obliged to pay any purchase money or consideration for the same, office fees only excepted: Provided notwithstanding, That for all lands heretofore surveyed by virtue of an Act, entitled, "An Act for opening the land office, and for other purposes therein mentioned," the owner thereof shall pay the valuation of said lands, agreeable to said Acts.

46. Sec. II. All other vacant lands, in the Counties of Chatham, Effingham, Burke, Richmond, Wilkes, Liberty, Glynn, and Camden, shall be, and the same are hereby directed to be granted out, in the same manner as before mentioned, in respect to the said Counties of Washington and Franklin, that is to say: on head rights gratuitously, as far as the quantity fixed by law, and without any purchase money or consideration for the same: Provided also, that such persons, so applying, shall take the following oath or affirmation: "I, A, B, do solemnly and sincerely swear, (or affirm, as the case may be,) that the head rights delivered in by me are just and true, and that I have not, nor hath any person for me, or in my name, taken up or located the head right, or head rights of my family, now applied for, either in this, or any other County within this State; nor have I, or any other person for me, disposed of, or sold the same, so as the head rights of my family may be illegally obtained."

47. Sec. III. Any time hereafter, if any person or persons, convicted of having acted contrary to the above oath, after having taken the same, exclusive of the pains and penalties annexed to perjury, shall forfeit the land so fraudulently obtained, and the same shall be from thence considered as revested in the State; and that no person or persons applying, shall obtain any warrant, survey, or grant, unless for himself, or themselves, or for his, her, or their own family, or families; and that any person or persons, who shall obtain lands under and by virtue of this Act, shall, in eighteen months thereafter, settle on and cultivate three acres for every hundred acres of the same; and in case of non-compliance, he, she, or they shall be subject to treble tax for said lands.
SEC. IV. [Land Courts in Franklin and Washington, as other Counties.]

All surveys and grants of land, not in the limits of some County void.

48. Sec. V. In case any surveys have been made, or grants obtained for any lands, lying or being without or beyond the lines of some one of the Counties of this State, already laid out; all and every such survey or grant shall be considered as fraudulent, and the same is hereby declared null and void; and the person or persons making such surveys, or obtaining such grants, shall be prosecuted and punished agreeable to the eleventh section of the Land Act, passed on the 17th day of February, A. D. 1783. No grants shall be signed till the survey has been advertised by the Surveyor of the County, at least three months after it has been recorded by the said County Surveyor;* and that the Surveyor be allowed one shilling and two pence for every such advertisement, to be paid by the grantee.

49. Sec. VI. Where it shall appear that any surveyor has knowingly run across another’s line, or surveyed land before surveyed, the last mentioned survey shall be deemed null and void, and such Surveyor liable to a fine of fifty pounds for every offence, to be recovered by action of debt in the Superior Court of the County where the said lands shall lie, one half whereof shall go to the party who shall inform and sue for the same, and the other half to be paid into the public treasury. [Balance, as to registry of grants, superseded.]

50. Sec. VII. In case two grants shall be given for one and the same tract of land, each of them obtained within the time allowed by law, that in such case the eldest survey shall be deemed valid in law, in so far as to entitle the party who made the first survey to an action of damages against the other, and the said land shall be subject to an execution founded on any judgment in such suit, in preference to any other incumbrance or claim whatsoever. Provided, the said suit be brought within five years after the date of the said survey; and when it shall appear by sufficient evidence to a Court and Jury, that any person hath obtained a grant, the right of preference to which lands was at the time of obtaining the said grant, by law vested in any other person, then and in that case, such person so offending shall forfeit and pay the injured party a sum equal to twice the value of the said lands, or relinquish the same.

51. Sec. VIII. All warrants already granted shall be, and the same are hereby renewed for the term of six months;* instead of three as had heretofore used, bounty warrants excepted; which shall not be out of date at any time before they are located.†

52. Sec. XII. The County Surveyors of each County are hereby authorized and required to ascertain and run their respective

*Unnecessary. See sec. 53.
†Two years, sec. 54.
‡But see sec. 65.
County lines, according to the Constitution and Laws of this State, except such as are already ascertained, the expense whereof shall be equally borne and discharged by the two Counties whose division line it is.

An Act to prevent persons from settling or surveying any part of the late cession of Lands, between the Rivers Allamaha and St. Mary's.—Approved Feb. 13, 1786. Vol. I. 337. Prince, 534.

SEC. I. [Prohibits surveys and settlement.]

53. SEC. II. So much of the late land law as requires all persons to register their grants in the office of the County Surveyor, within twelve months from the date thereof, shall be, and the same is hereby repealed.

54. SEC. III. No warrant shall ever be out of date, if surveyed within two years from the date of said warrant.

An Act for the appointment of Commissioners to run the Line designating the Indian Hunting Ground.—Approved Feb. 10, 1787. Vol. I. 258.

55. [Surveys within the Indian line void, and offenders punished.] In all surveys that may or shall hereafter be made within the temporary line of this State, the name or names of the Surveyor and chain carriers shall be annexed to each plat.

A Supplement to the several Land Laws of this State.—Approved Dec. 23, 1789. Vol. I. 338.

56. SEC. I. That the Governor be, and he is hereby empowered to direct the form* and manner of granting grants for land through the Secretary of the State's office, any law, custom or usage, to the contrary, notwithstanding.

57. SEC. II. That the Governor be, and he is hereby vested with all the powers of Governor and Executive Council, under the late Constitution, so far as the said powers extend to the hearing or determining on caveats and signing of grants.†

58. SEC. III. Any three or more Justices of the Peace in their respective Counties shall use and exercise the powers given to four Justices, and an assistant Justice, by an Act, entitled "an Act to repeal and amend some part of an Act, entitled an Act for opening the Land Office; passed the first day of August, 1783." Provided, that the said three or more Justices shall each of them sign all warrants for land by them granted.

†Appeal to Superior Court, sec. 72. Power as to hearing caveats repealed, sec. 71.
*On the 14th of January, 1799, the Governor in pursuance of the authority here given, settled the form of grants thereafter by an Executive order. This is nearly the
59. Sec. IV. No plat of any survey shall hereafter be allowed to pass the office of the Surveyor General, or any County Surveyor, which does not clearly set forth the beginning corner of such survey, and no County Surveyor shall be allowed to proceed in the duties of his office without first giving bond, and approved security, in the sum of two thousand pounds, payable to the Governor for the time being, and his successors in office, for the faithful discharge of the duties required of such County Surveyor.

An Act to vest certain Powers in his Excellency the Governor to prevent Abuses in Persons Surveying Lands already Granted, and Lands Surveyed not within the Limits of any County described by law, and for other purposes.—Approved Dec. 25, 1794. Vol. I. 339.

60. Sec. I. That his Excellency the Governor be, and he is hereby required on the information of any person or persons on oath, setting forth that any survey or surveys of land within this State have been illegally made, and contrary to the laws thereof, that then, and in that case, he stay all proceedings on such survey or surveys, and that he notify in the public gazette, for sixty days, requiring the party or parties to appear before him at the Executive Cham-

same as that of 1783, merely adapted to the change that had recently taken place in the composition and style of the Executive Department.

The following embraces both forms; the words in italics are those in the form of 1783, which are omitted in that of 1790. Those in small capitals, vice versa.

State of Georgia.

the honorable A. B. Capt.

By———, Captain of General, Governor, and Commander in Chief in and over the said State, and of the militia thereof,

To all to whom these presents shall come, greeting:

Know ye, that in pursuance of the Act for opening the land office, and by virtue of the powers in me vested, I have by and with the advice and consent of the honorable the Executive Council given and granted, and by these presents, in the name and behalf of the said State, do give and grant unto———, heirs and assigns for ever, all that tract or parcel of land containing——— acres, situate, lying, and being in the County of——— in the said State, and butting and bounding———having such shape, form, and marks, as appear by a plat of the same hereunto annexed; together with all and singular the rights, members, and appurtenances thereof whatsoever, to the said tract or parcel of land belonging or in any wise appertaining; and also all the estate, right, title, interest, claim, and demand of the said State aforesaid, of, in, to, or out of the same; to have and to hold the said tract or parcel of land, and all and singular the premises, as aforesaid, with their every of their rights, members, and appurtenances, unto the said———, his heirs and assigns, and their own proper use and behoof for ever, in fee simple.

Given under my hand in Council and the great seal of the said State, at——— this——— day of——— in the year of our Lord——— and in the——— year of American independence.

$1000, see "County Officers."
ber, there to be examined in the premises on oath, and to judge and determine according to law, and the opinion he may entertain of the evidence; and on such determination, either to annul and render void the said proceedings had on such survey or surveys, or fully to carry into effect by granting the same, any law to the contrary notwithstanding.

61. Sec. II. No County Surveyor or his deputy shall, after the passing of this Act, admeasure or survey to any person or persons possessed of, or holding a warrant issued prior to the tenth day of December instant, except such warrant shall appear to be the head rights or bounties of the possessor, founded on the laws of this State; and the Justices within the several Counties, holding Land Courts, are hereby expressly forbid to make any renewal of transferred warrants whatsoever, any law to the contrary notwithstanding.

An Act to add a number of Plats, collected by the Secretary of State, to the Surveyor General’s Office.—Approved Feb. 2, 1798. Vol. I. 341.

[Orders 664 plats recorded.]

An Act to legalize a certain description of Grants which have heretofore or may be after be issued by the proper authority in this State.—Approved Dec. 6, 1813, Vol. III. 408.

Whereas, it has so happened in the course of Divine Providence, that a number of persons after having performed valuable services to the State, and were entitled to bounties of lands for their services, have departed this life before grants were issued for the same; and whereas several persons since drawing lands in the late land lottery, have died before the issuing of grants for the land; and whereas a number of grants have been issued by the Governor of this State, to persons after death, and as doubts exist as to the validity of such grants;

62. Sec. I. Be it enacted, &c. That all grants which have or may be issued by the Governor of this State to persons who have been or may be dead before the issuing or signing of the same, shall be deemed, held, and considered as valid and legal in law, as if the said grantee or grantees had been alive at the time of the issuing and signing of said grant or grants, and as such submitted to the Jury; any law, usage or custom to the contrary notwithstanding.

Sec. II. All grants which have been or may be issued by the Governor of this State to females who have intermarried, or may hereafter intermarry previous to the issuing and signing of the same, shall be deemed, held, and considered as valid and legal in law, as if the said grantee or grantees had remained unmarried at the time of issuing and signing said grant or grants, and as such submitted to the Jury, any law to the contrary notwithstanding; Provided, nothing in this Act contained, shall be so construed as to authorize the admis-
sion of any grant or grants in Courts issued for lands on the south side of the Oconee river prior to the late land lotteries.

An Act to authorize persons having Grants to Lands without Plats thereof, to have those Lands re-surveyed, and the Plats thereof recorded in the County and Surveyor General's Office.—Approved Dec. 8, 1815. Vol. III. 414. [Prince, 537.]

Secs. I. and II. [Where plats are not recorded, holders may have them recorded in Surveyor General's office; and where no plats, the County Surveyor may re-survey and send plat to Surveyor General's office.]*

An Act to limit the time for persons to take out their Grants in this State, so far as relates to land surveyed on Head Rights and Bounty Warrants.—Approved Dec. 19, 1818. Vol. III. 426.

Sec. I. [Gives two years to take out grants on former surveys.]
Sec. II. [Three years on future surveys.]

An Act to revive, amend and continue in force an Act, entitled an Act to extend the Time of taking out Grants on Surveys made on Head Rights and Bounty Warrants.—Approved Dec. 2, 1823. Vol. IV. 252.

Sec. I. [Extends time for taking out grants to 24th October, 1824.]
63. Sec. II. Where any surveys have heretofore been made on head rights or bounty warrants, and grants thereon have not been obtained, such land shall not be subject to a re-survey until the expiration of the time herein limited, and until three months from and after the person or persons claiming under the original survey shall have been notified that such re-survey is intended to be made and that in all cases the person or persons claiming under the original survey shall be entitled to the preference of making such re-survey, until the expiration of three months from the time of such notification; and in the event of there being no claimant residing on or near the land to be thus re-surveyed, such notice shall be perfected by giving three months' notice by public advertisement at the Court house of the County where such land may lie, and in one of the public gazettes of this State.

64. Sec. III. It shall be the duty of all Surveyors who shall make any such re-survey, to certify on his return to the Surveyor General, that due notice according to the provisions of this Act had been given; and no grant obtained on such re-survey shall be valid, unless accompanied with such certificate; provided, that nothing in this Act shall affect the rights of orphans or persons under the age of twenty-

*See sec. 25. But see next Act, sec. 65.
one years, and that all such persons shall be allowed one year after they arrive at the age of twenty-one years to take out their grants.
Sec. IV. [Requiring publication—Temporary.]
Sec. V. [Repealing clause.]

An Act authorizing all grants under the signature of Simon Whitaker, as Secretary of State, to be held, read, and received as evidence in any Court of Justice in this State; and also the Acts of Thomas H. Crawford, deputy Secretary, or for Abner Hammond, Secretary of State.—Approved 19th Dec. 1823. Vol. IV. 251.

From and immediately after the passage of this Act, that all grants held by any person or persons, which grant was registered and signed under the signature of Simon Whitaker, as Secretary of State, and also all grants signed by Thomas H. Crawford, as deputy Secretary, or Thomas H. Crawford for Abner Hammond, Secretary of State, shall be received as evidence in any Court of Justice in this State; any law to the contrary notwithstanding.


65. So much of the above-recited Act as requires notice to be given three months before a re-survey can be made, shall not be so construed as to extend to any tract of land on which no claimant resides, or which is unoccupied or unimproved; any law to the contrary notwithstanding.

Time extended in favor of any previous surveys on head rights or bounty warrants till the 1st Dec. 1825. [Act of Dec. 1824. Vol. IV. 253.]

An Act to revise and amend the several Land Acts now in force in this State in relation to vacant Lands, and Land surveyed on Head Rights and Bounty Warrants.—Approved Dec. 17, 1825. Vol. IV. 257.

65. Any lands heretofore surveyed under the laws regulating surveys made on head rights and bounty warrants, may be granted to the person or persons for whom the same was surveyed, upon the payment of the usual fees by the first day of December, 1826, or within four years from the date of such surveys as may be hereafter made.
Sec. II. [Repealing clause.]
[This Act made perpetual by Act of the ensuing year. Vol. IV. 260.]
An Act to reduce the fees on head right grants, and to repeal all laws militating against the same.—Approved Dec. 26, 1831. Pam. 144.

67. Sec. I. The fees hereafter to be paid into the Treasury of this State on head right grants, shall be as follows: On every tract of fifty acres and under, shall be two dollars and fifty cents; on all tracts over fifty acres and under three hundred, shall be three dollars, and all other grants under one thousand acres and over three hundred, shall be four dollars.

Sec. II. [Repeals all conflicting Acts.]

An Act to amend that part of the first section of the Appropriation Act of 1795, which require a fee of twenty-five cents, on head right grants, of and under five hundred acres, and seventy-five cents, on all grants over five hundred acres, to the Secretaries of the Executive office.—Approved Dec. 26, 1832. Pam. 119.

68. That part of the appropriation Act, which requires fees to be paid at the Executive office, to the Secretaries of his Excellency the Governor, be and the same is hereby repealed.

69. Sec. II. After the passage of this Act, that the fees on head right grants, to be paid to the Secretaries of the Executive Department, shall be the same that they now receive on lottery grants, and to be paid from the same source—any law, usage or custom to the contrary notwithstanding.

Act of 1828 [Vol. IV. 241,] directs that "Land Courts may be held" in each County on the first Tuesday in each month.

An Act to fix the time of holding the Courts for the trial of Caveats against the passing of grants of Land in the several Counties of this State.—Approved Dec. 23, 1830. Pam. 60.

70. From and after the passing of this Act, the Courts for the trial of Caveats against the passing of grants for lands, shall be holden in the several Counties in this State, on the first Tuesday in each month, any law, usage or custom to the contrary notwithstanding.*

An Act to be entitled an Act to authorize and empower the Surveyor General to record all plats of surveys made on head rights before granting the same.—Approved Dec. 23, 1835. Pam. 109.

[Repealed by Act of 1850.]

An Act to repeal the ninth section, and all other parts of laws now in force in this State, by which Caveats are directed to be tried where land is sought to be granted, before the Governor, and directing such Caveats to be tried in the Superior Court of the County in which the land lies.—Approved Dec. 24, 1836. Pam. 78.

71. Sec. I. The ninth section of the Act of 25th February, 1785, and all other laws, or parts of laws, allowing caveats entered by parties claiming grants for lands, to be tried by the Governor of this State, be, and the same is, and are hereby repealed.

72. Sec. II. All caveats or appeals entered against the granting of any tract of land which has heretofore been directed to be tried by the Governor and Council, or the Governor, be, and the same shall be hereafter returned to the Superior Court of the County where the land may lie; and the said Court shall submit the same to a Jury, with the evidence, in the same manner, and under the same rules of law, as are usual in all cases for the trial of the titles to land, and the verdict of the Jury shall be final and conclusive, and the record of said trial and verdict being transmitted to the Governor, he shall issue a grant to the party in whose favor the same may be.

[By Act of Dec. 10, 1841, grants were allowed to any one where the time was passed. That Act was repealed by Act of 1842, Pam. 119.]

An Act to define the office of Clerk of the Land Courts.—Assented to Dec. 27, 1842. Pam. 119.

73. Sec. I. Be it enacted, That from and after the passage of this Act, that the Clerk of the Inferior Court of each County, is hereby declared to be the Clerk of the Land Court, in the County in which he is Clerk, except the Counties of Bryan and Bulloch.

Act of 28th Dec. 1842, "to provide for taking out grants on head rights."* Pam. 119.

74. Sec. IX. When any person may have had lands surveyed on head rights, and the time may have elapsed for taking out the grants, such persons shall be entitled to receive their grants upon the payment of the usual fees: Provided, the same has not been granted to some other person.

An Act to amend the several Acts in relation to issuing of Grants on Head Rights in this State, so far as to extend the time for granting the same until the 25th day of December, 1846.—Approved Dec. 8, 1845. Pam. 34.

*This Act repealed in 1843. See subdivision "Lotteries," &c. sec. 131, of this title.
An Act to amend the several Acts in relation to issuing of Grants on Head Rights in this State, so far as to extend the time for granting the same until the 25th day of December, 1849.—Approved Dec. 28, 1847. Pam. 106.

An Act to amend the several Acts in relation to issuing of Grants on Head Rights in this State, so far as to extend the time for granting the same until the 24th of December, 1849.—Approved Dec. 7, 1847. Pam. 107.

An Act to amend the several Acts in relation to issuing of Grants on Head Rights in this State, so far as to extend the time for granting the same until the 25th of December, 1851.—Approved Dec. 14, 1849. Pam. 190.

An Act to amend the several Acts in relation to issuing Grants on Head Rights in this State, so far as to extend the time for granting the same until the 25th of December, 1851.—Approved Feb. 8, 1850. Pam. 192.

75. Sec. I. Be it enacted, That any land heretofore surveyed under the laws regulating surveys on head rights in this State, may be granted to the person or persons for whom the same may have been surveyed, upon the payment of the usual fees by the twenty-fifth day of December, eighteen hundred and fifty-one.

76. Sec. II. Nothing in this Act shall be so construed as to affect any surveys that have been made under the provisions of the Act of eighteen hundred and forty-seven.

Sec. III. All laws and parts of laws militating against this Act, be, and the same are hereby repealed.

An Act to repeal an Act approved on the 23d December, 1835, entitled an Act to authorize and empower the Surveyor General to record all plats of Surveys made on Head Rights before granting the same.—Approved Feb. 11, 1850. Pam. 376.

77. Sec. I. Be it enacted, That the above recited Act, be, and the same is hereby repealed, and that the Surveyor General shall not be required to record any plats of surveys on head rights until the granting of the same.

Sec. II. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

[Statutes omitted as obsolete, repealed or superseded. Provincial Act of 1758. Watk. 54; of 1759, Ib. 57.]
ART. IV. LOTTERIES, SALE OF RESERVES, REVERTED LOTS, &c.

An Act to make distribution of the late cession of lands, obtained from the Creek Nation by the United States' Commissioners, in a treaty entered into at or near Fort Wilkinson, on the 16th day of June, 1802.*—Approved May 11, 1803. Vol. II. 100.

78. Sec. I. [Designates the lines of two tracts of Territory—the one including about half the lands from the Oconee to the Ocmulgee, as far down as to Palmetto Creek, in Laurens County: the other portion lying south of the Altamaha, a part of which now forms the County of Wayne.]

*For the treaty, see Vol. II. 701, United States' Statutes at Large, Vol. VII. page 68.
79. Sec. II. The lands contained in the several districts shall be divided by lines running parallel with the dividing lines of districts, and by others crossing them at right angles, so as to form tracts of forty-five chains square, containing 202½ acres each, plainly and distinctly marked, in a manner different from the ordinary mode heretofore pursued, for marking lines in this State, to be pointed out by the Surveyor General; except the County of Wayne, which shall be laid off into tracts of seventy chains square, and to contain 490 acres each, unless where the line which is to form a temporary boundary between the said territory and Creek Indians, or the course of navigable rivers, may render it impracticable, and then this rule shall be departed from no further than such particular circumstances may require; and all fractional parts of surveys, which may be created by the courses of navigable rivers, by the temporary boundary line, or other unavoidable circumstances, and all islands within the limits of the said territory, and lying southwest of the middle or main source of the Oconee or Altamaha rivers, shall be reserved and sold, and the funds arising therefrom, be appropriated in such manner as a future Legislature may direct.

[The residue of this section, giving to fortunate drawers a twelve months' pre-emption in the purchase of the fractions adjoining them, repealed. Vol. II. 255.]

Sec. IV. [Respects the appointment and qualification of the Surveyors.]

Sec. V. [Provides how the lines shall be marked and the field books, and then enacts,]—transcripts of which field books after being examined with the originals, by the Surveyor General, and certified and signed on every page by the district Surveyors returning the same, shall be deposited in the Surveyor General's office, there to be preserved as a record; to make a return to the Surveyor General, within ninety days after the running of the boundary line as aforesaid, of a map of the district to which they may respectively be appointed, in which shall be correctly delineated, represented and numbered, in such order as the Surveyor General shall prescribe, all the surveys within such district, and also to return at the same time, a detached plat of every such survey of land certified and signed by them, which plats shall be filed among the other records in the Surveyor General's office, and from which copies shall be made, to be annexed to grants; and to conform to such instructions as they may receive from the Surveyor General, from time to time, during their continuance in office, and progress in the duties there-of, not militating with this Act.

[The rest of the Act prescribes the oaths and pay of Surveyors; who shall be entitled to draws, and how ascertained and returned; how drawn and granted; locates and names Milledgeville; and includes several miscellaneous particulars, all of which were either temporary, or have been re-enacted or repealed by subsequent Acts.]

An Act to alter and amend the foregoing.—Approved Dec. 6, 1803. Vol. II. 120. [Obsolete.]
An Act supplementary to the two foregoing.—Approved Dec. 10, 1803. [Obsolete.]

An Act to authorize certain Commissioners to sell and dispose of the fractional parts of surveys of Land in the Counties of Wilkinson, Baldwin and Wayne.—Approved Dec. 7, 1805. Vol. II. 283. [Obsolete.]

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 14th day of November, in the year 1805.—Approved June 26, 1806. Vol. II. 299.

Secs. I. and II. [Describe the territory, being the residue of the lands between the Oconee and Ocmulgee rivers, and how it shall be divided into districts by lines running south 45 deg. west. Sec. III. is copied from the second section of the Act of 1803. Sec. IV. appropriates the proceeds of the fractions to the discharge of the public debt. The residue of the Act relates to the surveyors, the right to draws, drawing the lottery, granting, &c.]

An Act [Vol. II. 337.] to establish the fees on grants under the second lottery (that of 1803.) An Act to allow names subsequently to be given in for that lottery [ib. 337.] An Act [ib. 393] allowing, in cases of mistake, grants to issue to the party really entitled. An Act to sell the fractions in Old Wilkinson and Baldwin [ib. 341.] and an Act to amend it [ib. 651.] An Act prescribing the proceedings on fraudulent draws [ib. 452.] and its supplement [ib. 405.] And the various Acts enlarging the time for taking out grants under these lotteries [ib. 131, 339, 411, 479, 537, 584; Vol. III. 406, 407, 409, 413.] were all either temporary in their nature, or have since become obsolete.

The grant fee of tracts in Old Wilkinson and Baldwin, (embracing the lands between the Oconee and Ocmulgee,) and of lands in Wayne County, has been $5 since 1825. See Act of that year, Vol. IV. 201, sec. 3.

An Act to dispose of and distribute the late cession of Land obtained from the Creek and Cherokee Nations of Indians by the United States in the several Treaties, one concluded at Fort Jackson† on the 9th day of August, in the year 1814, and one concluded at the Cherokee Agency‡ on the 8th day of July, in the year of our Lord 1817, and one concluded at the Creek Agency on Flint River,§ on the 22d day of January, in the year of our Lord 1818.—Approved Dec. 15, 1818. Vol. III. 416.

80. Sec. I. The territory lying south of and southwest of the Ocmulgee and Altamaha rivers, and bounding on the Counties of Wayne, Camden, and the East Florida line, the Chattahoochee river, and the Creek temporary boundary line, do form three Counties, viz: [Boundaries of Early, Irwin and Appling.] The County of Early shall be laid off into districts of twelve miles and forty chains.

*For the Treaty, see Vol. II. 705; United States Statutes at Large, Vol. VII. page 96.
†For the Treaty, see United States Statutes at Large, Vol. VII. page 120. See also note to this Act in Prince's Digest, page 547.
‡For the Treaty, see United States Statutes at Large, Vol. VII. page 156.
§For the Treaty, see United States Statutes at Large, Vol. VII. page 171.
LAND.—Lotteries, Reverted Lots, &c.—1819.

How surveyed and divided.

Early Co. how to be surveyed into districts and squares.

square, as near as convenience will admit, by running lines parallel with the dividing line between said County and the County of Irvin, and others crossing them at right angles, and numbered from one to twenty-three. The districts shall be divided into squares of fifty chains, containing 250 acres, by lines parallel with the district lines, and others crossing them at right angles, and the parts of tracts bounding on Flint river, and on all other water-courses within the territory to be disposed of by this Act, containing 160 acres and under, shall be considered as fractions, and disposed of accordingly; that fractions not lying on water-courses, containing less than a full section or square, shall be considered fractions and be disposed of by the State as other fractions not drawn for. The Counties of Irwin and Appling shall be laid off into districts of twenty miles and ten chains square, as near as can conveniently be, by lines running parallel with the line dividing said Counties, and others crossing them at right angles; and those of Irwin County, numbered from one to sixteen inclusive, and those in the County of Appling, from thirty-six to fifty inclusive, and divided into lots of seventy chains each way, containing 490 acres each. And the Surveyor General shall give to each district Surveyor, the necessary instructions for surveying, marking and numbering, in a clear and perspicuous manner, the squares and fractions in his district, in conformity with the spirit and meaning of this Act.

Sec. II. [The Lower Territory to be divided into four Counties, Walton, Gwinnett, Hall and Habersham. To be surveyed in same manner as Early County.]

[The balance of this Act refers to the business of drawing, &c. Lots numbered 10 and 100, reserved for education of the Poor.]

An Act amendatory and revisory of an Act, passed the 15th day of Dec. 1818, (the last Lottery Act) and to dispose of the Territory lately acquired of the Cherokee Indians, by a Treaty held by the Honorable John C. Calhoun, at the City of Washington, on the 27th day of Feb. in the year of our Lord 1819*.—Approved Dec. 16, 1819. Vol. III. 429.

Sec. I. [Adds part of the territory to Hall and Habersham and forms Rabun out of the balance.]

81. Sec. II. The districts, numbers five and six, in the County of Habersham, and districts numbers one, three, four and five, in the County of Rabun, be laid off into tracts of seventy chains each way, containing 490 acres each, by lines running north and south, intersected by others at right angles. The districts numbers ten, eleven and twelve, in the County of Hall, and the districts numbers one, two, three and four in the County of Habersham, and district number two in the County of Rabun, be laid off into tracts of fifty chains each way, containing 250 acres, by lines running due

*For the Treaty, see United States Statutes at Large, Vol. VII. page 195.
north and south, intersecting others at right angles; and that all tracts or lots which shall contain less than one hundred and sixty acres, and lying on the Chattahoochee, the Chestatee, the Chatauga, and Telfair rivers, shall be considered fractional tracts, and disposed of accordingly; and that all other tracts or fractions lying on the dry lines, containing less than full squares, shall be considered as fractions and shall be disposed of accordingly; and all other fractions containing above one hundred and sixty acres, except on the dry lines, shall be drawn for as squares, and all the squares and such fractions shall be put into the wheel and drawn at the same time as the squares and fractions in the Act to which this is a supplement.

Whereas, it may so happen that persons have surveyed lands, in the territory now contemplated to be disposed of, contrary to law, and on which grants may have been issued:

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

Sec. XVI. The territory before laid out and defined agreeably to the provisions of this Act, shall be disposed of in the same manner, and under the same restrictions as contemplated by the before recited Act.

[The rest of the Act obsolete.]

An Act to authorize certain Commissioners to sell and dispose of the fractional parts of surveys not drawn or authorized to be drawn for in the present Land Lottery, lying in the Counties of Appling, Irwin, Early, Telfair, Walton, Gwinnett, Hall, Habersham, and Rabun; and to rent out the lots number ten and one hundred, heretofore set apart as a fund for Free Schools.—Approved Dec. 22, 1829. Vol. IV. 244.—Prince, 559.

[Executed.]

An Act supplementary to the foregoing.—Vol. IV. 259. [Temporary.]

An Act to dispose of and distribute the Lands lately acquired by the United States for the use of Georgia, of the Creek Nation of Indians, by a Treaty made and concluded at the Indian Springs, on the 8th day of January, 1821; and to add the reserve at Fort Hawkins to the County of Jones.9—Approved May 15, 1821. Vol. IV. 246.

Sec. I. [Lays off the cession into five Counties, Dooly, Houston, Monroe, Fayette and Henry.]

83. Sec. II. Each of the Counties hereinbefore laid out and described shall be divided into districts of nine miles square, as near as practicable, the district lines running parallel to the lines dividing

*For the Treaty, see United States Statutes at Large, Vol VII. page 215.
 Counties and crossed by other lines at right angles; and said districts so laid out shall be again subdivided, by lines to be run in like directions, into square tracts, containing each two hundred two and a half acres, marked and numbered according to the plan heretofore pursued under the instructions of the Surveyor General.

84. Sec. III. The fractional parts of surveys which may be created by the divisions and subdivisions aforesaid, shall be reserved for public uses, to be disposed of as a future Legislature may direct.

85. Sec. VIII. [Duty of Surveyors, marking of lines, and keeping field-books,]—transcript of which field-books, after being compared with the originals by the Surveyor General, and certified and signed on every page by the Surveyor returning the same, shall be deposited in the Surveyor General's office, and become a record; and the district Surveyors shall make a return of their surveys and works within ninety days from the time they are notified to enter upon the discharge of their duties, containing a map of their district, in which shall be correctly represented and numbered all lots and fractions of said district, and waters therein delineated, as the Surveyor General may direct; and also return at the same time a detached plat of each lot and fraction which each district may contain, certified and signed by such Surveyor, which plat shall be filed among the records of the Surveyor General's office, and from which copies shall be taken to be annexed to grants.

86. Sec. XX. All persons who may draw lands under this Act shall be entitled to receive grants for the same, conveying fee-simple titles.

The reserve at Fort Hawkins, and a reserve of like extent on the opposite side of the Ocmulgee river, commencing on the Upper Federal road, crossing at Fort Hawkins, and lying below the same, be set apart for the State, to be disposed of as a future Legislature may direct.

An Act to indemnify the creditors of fortunate drawers in the several land lotteries of this State, in taking out the grants for the land which shall have been, or may be drawn by such fortunate drawers. Approved May 16, 1821. Vol. IV. 301.

87. Sec. I. From and immediately after the passing of this Act, in all cases where there shall be a subsisting judgment against any person or persons who has drawn, or may draw, a lot or lots of land, and no other property can be found, it shall be lawful for the judgment creditor to take out the grant or grants for such tract or tracts of land, so that the same may be subject to such judgment; and the cost of taking out such grant or grants shall be, by the officer levying on such land, charged on the bill of costs, which shall be paid next in order after the costs which may have already accrued.*

88. Sec. II. When any fortunate drawer in any of the land

*See further, sec. IV. Act of 1811, sec. 127. Also Act of 1826, sec. 93.
lotteries of this State shall place himself in such situation that his property would be subject to attachment, and no other property can be found, it shall and may be lawful for any creditor of such fortunate drawer to take out the grant or grants of such fortunate drawer, so as to subject the land so drawn to the process of attachment; and the cost of taking out such grant shall, after judgment, be by the proper officer taxed in the bill of costs, and shall be charged and payable in the manner pointed out in the first section of this Act: Provided, that the creditor shall in all cases produce to the proper officer a receipt or certificate from the Treasurer of this State, specifying that such creditor has paid the grant fees.

An Act to point out a more expeditious method of partitioning such Lots of Land as have or may be declared fraudulent draws by judgment of Court, pursuant to an Act passed the 15th of December, 1818; and to vest the titles to the same in the several County Academies in this State.—Approved Dec. 7, 1821. Vol. IV. 250.

[Presumed to be executed and obsolete.]


[Authorizing the Governor on discovering that the name of any drawer has not been properly entered, to order the mistake to be corrected. This Act applies only to the Counties of Dooly, Houston, Monroe, Henry and Fayette. See 1st Ed. 290.]

An Act to authorize any person or persons, citizens of this State, who shall apply at the necessary offices, to take out and receive in his, her, or their own name or names, a Grant or Grants for any fractional Lot or Lots of Land in the County of Wayne, and fraction No. 333, in the 20th District of Baldwin County, that remain unsold, on the payment of the sum of ten dollars on each Grant.—Approved Dec. 19, 1822. Vol. IV. 124.

An Act to establish the Fees of Public Officers of this State, on all Grants that may be issued for Lands lately obtained from the Creek and Cherokee Notions of Indians.—Approved Dec. 24, 1821. Vol. IV. 296.

[Secretary of State, 60 cents. Surveyor General, 50. Executive Secy's, 8. Treasurer, 8, and Comp. Gen. 8 cents; but see subsequent Acts.]

An Act to appoint certain persons to rent out such Fractions and Islands as may be in a state fit for cultivation, lying in the Coun-

An Act to legalize certain Draws of Fractions in the late Land Lottery of this State, and to vest the titles thereof in the persons drawing the same.—Approved Dec. 2, 1823. Vol. IV. 274.

[Persons who by mistake had drawn fractions instead of full lots.]

An Act to authorize any person or persons, citizens of this State, who shall apply at the necessary Offices, to take out and receive in his, her, or their own name or names, a Grant or Grants for any Fraction, Lot or Lots of Land in the County of Wilkinson that remain unsold, on the payment of ten dollars on each Grant.—Approved Dec. 18, 1823. Vol. IV. 252.

An Act to sell and dispose of the Fractional Parts of surveys of Land which remain unsold in the Counties of Walton, Gwinnett, Hall, Habersham, and Rabun, and also of such parts of Lots of Land as have been forfeited to the State as having been fraudulently drawn. Approved Dec. 20, 1823. Vol. IV. 274. [Obsolete.]

An Act to sell and dispose of Lots numbers Ten and One Hundred, reserved by the Land Lottery Act, passed the 15th day of December, 1818, for the Education of Poor Children.—Approved Dec 22, 1823. Vol. IV. 274.

An Act to make valid certain Grants to Lands lying within certain reservations taken and held under and by virtue of the late Treaties between the United States and Cherokee Nation of Indians.—Approved Nov. 25, 1824. Vol. IV. 252.

[Legalizing grants within reservations that had been purchased by the United States.]

An Act prescribing the mode of partitioning such Lots of Land, drawn in the Land Lottery authorized by an Act passed the 15th day of May, 1821, as have been or may have been declared by judgment of Court to be fraudulently drawn.—Approved Dec. 7, 1824. Vol. IV. 275.

[Presumed to have been executed.]


[Rendered obsolete by the sale of the State's interest in those lands.]
An Act to dispose of and distribute the Lands lately acquired by the United States for the use of Georgia, of the Creek Nation of Indians, by a Treaty made and concluded at the Indian Springs, on the 12th day of February, 1825.—Approved June 9, 1825. Vol. IV. 253.

89. The territory acquired of the Creek Nation of Indians by the United States for the use of Georgia, as described in the articles of a treaty entered into and concluded between the Commissioners on the part of the United States, and the Chiefs, headmen, and warriors of the Creek Nation of Indians, at the Indian Springs, on the 12th day of February, 1825, shall form and be divided into five sections, as follows, to-wit: All that part of said territory which lies south of a line commencing on Flint river, opposite where the line dividing the Counties of Houston and Dooly strikes said river, and running due west to the Chattahoochee, shall form what shall be called section the first; and the criminal jurisdiction thereof shall be attached to the County of Dooly. All that part of said territory which lies north of the line aforesaid, and south of the line commencing on Flint river, opposite where the original line dividing the Counties of Monroe and Houston, and running due west to the Chattahoochee river, shall form the second section; and the criminal jurisdiction thereof be, and the same is hereby attached to the County of Houston. And all that part of said territory which lies north of the line last aforesaid, and south of a line commencing on Flint river, where the original line dividing the Counties of Henry and Monroe strikes said river, and running due west until it strikes the Chattahoochee river, shall be, and the same is hereby called the third section; and the criminal jurisdiction thereof attached to the County of Pike. And all that part of said territory which lies north of said line, and east of the Chattahoochee river, shall form the fourth section; and the criminal jurisdiction thereof shall be attached to the County of Fayette. And all that part of said territory lying west of the Chattahoochee river, and east of the dividing line between this State and the State of Alabama, shall form the fifth section; and the criminal jurisdiction thereof shall be attached to the County of Pike.

90. Sec. II. Each of the sections herein laid out and described shall be divided into districts nine miles square, as near as practicable; the district lines running parallel to the lines dividing sections, and crossed by other lines at right angles: and said districts so laid out shall be again subdivided by lines, to be run in like directions into square tracts, containing each two hundred two and one-half acres, marked and numbered according to the plan heretofore pursued under the instructions of the Surveyor General.

The fractional parts of surveys, which may be created by the divisions and subdivisions aforesaid, shall be reserved for public uses, and be disposed of as a future Legislature may direct.

*For the treaty, see United States Statutes at Large, Vol. VII. 230. This cession embraces all the Counties west of the Flint river, from Early and Baker, up to Paulding and Cobb Counties.
91. Sec. VII. [Duties of Surveyors as to lines, field books, &c.] transcripts of which field books, after being compared with the originals by the Surveyor General, and certified and signed on every page by the Surveyor returning the same, shall be deposited in the Surveyor General’s office, and become a record; and the district Surveyors shall make a return of their surveys and works, within ninety days from the time they are notified to enter upon the discharge of their duties, containing a map of their district, in which shall be correctly represented and numbered all lots and fractions of said district, and waters therein delineated, as the Surveyor General may direct; and also return at the same time a detached plat of each lot and fraction which said district may contain, certified and signed by such Surveyor; which plat shall be filed among the records of the Surveyor General’s office, and from which copies shall be taken to be annexed to grants.

Sec. XXI. [Grant fees $18. Forfeit, if not granted in two years. Taxed whether granted or not.]

92. Sec. XXIV. A quantity of land on Flint river, opposite the old Agency, and equal in size to the reserve on the east side of the same, one mile square at Marshall’s Ferry, on Flint river, including the ferry, one mile square at McIntosh’s on the Chattahoochee, including the ferry, and a reserve of five miles square on the Chattahoochee river at the Coweta Falls, and including the same; the northern boundary to cross the river at a point one mile above the lower shoal, be, and the same is hereby set apart for public purposes.

An Act passed 14th December, 1826, amendatory of the foregoing. Vol. IV. 259.

93. Sec. X. In every instance where the land shall be drawn by a defendant in execution, and the grant shall be taken out by the plaintiff in execution, his agent, or attorney, the amount of the grant fees shall be refunded and paid to such plaintiff, his agent, or attorney, out of the money raised by the sale of such land, in preference to any other lien whatever; and in all such cases, the certificate or receipt of the treasurer shall be taken and considered as sufficient evidence of the fact of said fees having been paid by such plaintiff, agent, or attorney.

An Act to sell and dispose of the States' interest in Lots of Land which have been, or may hereafter be condemned as fraudulently drawn in the Counties of Bibb, Houston, Crawford, Monroe, Upson, Pike, Henry, Fayette, DeKalb, and Newton.—Approved December 24, 1825. Vol. IV. 258.

[On full payment, grant to issue.]

An Act passed December 26, 1826, amendatory of the foregoing.—Vol. IV. 261. [Executed.]
An Act to extend the time for fortunate drawers in the Land Lotteries of 1818, 1819, and 1821, to take out their Grants, and to reduce the present price on Lottery Grants.—Approved Nov. 30, 1826. Vol. IV. 261.

An Act to sell and dispose of the Land lying in the Twelfth and Thirteenth Districts in the County of Ware, formerly Appling County.—Approved Dec. 26, 1826. Vol. IV. 262.

An Act to sell and dispose of the unsold Lots in the Town of Macon, and the Public Lands on the east and west side of the Ocmulgee River, near and adjoining the said Town, and also the Bridge across the Ocmulgee River at Macon.—Approved Dec. 22, 1827. Vol. IV. 282. [Executed.]

An Act to dispose of the McIntosh Reserves in the County of Butts.—Approved Dec. 22, 1827.* Vol. IV. 263. [Executed.]

An Act to dispose of the residue of Lands heretofore reserved for the use of the State.—Approved Dec. 22, 1827. Vol. IV. 266.

94. Sec. XI. The certificates granted under this Act shall be transferable, and any legal holder of any certificate for any fraction or fractions, lot or lots, island or islands, shall be authorized, on paying into the treasury of this State the full amount of the purchase money, to have the interest of the amount unpaid deducted from the original amount, and on producing the Treasurer's receipt, he or she shall be entitled to receive a grant or grants for the same, on the payment of the office fees provided for by this Act.

Sec. XII. [Excepts the Millidgeville, the Macon, the Coweta and McIntosh reserves. The rest of the Act temporary. An Act amendatory of this, Vol. IV. 271. See also as to such lands in Marion and Crawford. Vol. IV. 270.]

An Act to sell and dispose of the State's interest in Lots of Land in the late Purchase, which have been or may hereafter be relinquished to the State, and such as have been or hereafter may be condemned as fraudulently drawn in the aforesaid Purchase.—Approved Dec. 24, 1827. Vol. IV. 265.

95. The Sheriffs in the several Counties of the late acquired territory be, and they are hereby authorized and required to advertise and expose for sale to the highest bidder, agreeable to the provisions of this Act, all the State's interest in the lots of land which have been or hereafter may be relinquished to the State, and also all the State's interest in the lots of land which have been or may hereafter be condemned as fraudulently drawn in the said purchase, at such times as his Excellency the Governor may prescribe.

96. Sec. II. Whenever the said Sheriffs shall receive instructions from the Surveyor to sell any lands or lots of land as aforesaid, it shall be their duty to advertise in two of the public gazettes of this State, and also at the Court house in the County where the land lies, *Printed 1829; but this is the true date. See Senate Journal, 1827, 138, 9; House Journal, 323.
at least thirty days before the day on which said lots are to be sold, setting forth the number and parts of such number, together with the district and County in which each lot may lie, together with the number of acres; also, the hours on which the sale will open and close.

97. Sec. III. The highest bidder for any of the aforesaid lots to which the State of Georgia has a right, shall pay to the Sheriff aforesaid one-fourth of the purchase-money in cash or current bank bills of this State; on the payment of which the said Sheriff shall give to such purchaser a certificate stating the amount paid and the amount of such purchase-money then due and to be paid in three equal annual instalments, to be paid to the Treasurer of this State, and to be attached to and form a part of the academy fund of this State.

98. Sec. IV. If any purchaser shall fail to pay the Treasurer of this State any instalment at the time the same may become due, or within sixty days thereafter, he shall forfeit the sum so paid, and the land shall revert to and become the property of this State, and be subject to be again sold, as hereinbefore directed.

99. Sec. V. When the last instalment shall have been paid, agreeable to the said certificate given by the Sheriff aforesaid, it shall be the duty of the Governor to cause a grant to be filled up in the name of the holder of said certificate, on his or their paying the sum of six dollars.

100. Sec. VI. Within sixty days after the sales of said lots the Sheriffs aforesaid shall make a report of their proceedings to the Treasurer of this State, and pay over to him the money received, and deposit a schedule of the lots sold, the amount of sales, cash received, balance due for each lot, and from whom due; and the Sheriff shall receive as compensation for his services five per cent. on the amount received, to be drawn for by warrant from the Governor on the Treasurer of this State.

An Act to make valid the Title to all Lots of Land in the first District of Muscogee County, for which Grants issued previous to the re-survey of said District; and to make valid all Grants which have issued for Fractions, and all draws of Fractions which were put into the wheel and drawn as whole Lots; and to provide for the re-survey of such parts of said District as have not been surveyed, and to compel the Fraction-selling Commissioners to compare their advertisements for the sale of Fractions in said District with the List of fortunate Drawers in the Executive Office, and strike from the advertisement all such numbers of Fractions or Lots as may have been drawn by any individual, and proceed to sell the balance of the Fractions in the order of their advertisement. Approved Nov. 21, 1828. Vol. IV. 268.

[The title is a summary of the Act.]

An Act for the relief of certain fortunate drawers in the Land Lottery authorized by the Acts of June 9th, 1825, and December 24th,
1825; and to point out the manner in which land drawn by illegitimate children shall descend.—Approved Dec. 22, 1829. Vol. IV. 346.

101. Where any person or persons shall have been fortunate drawers in the land lottery authorized by the Acts of June 9th, 1825, and December 24th, 1825, and who may have been returned as an orphan or orphans by the person who may have given in their names for a draw or draws, when in fact said person or persons may have been an illegitimate child or children, shall not be held, deemed, or considered as a fraudulent draw, under any of the provisions of said Acts; but the same shall be as fully and entirely vested in him, her, or them as if no such misrepresentation as aforesaid had been made by the person who gave in the name or names of said person or persons for a draw or draws; any law to the contrary notwithstanding.

Whenever any illegitimate child having drawn a lot of land in the said lottery, and who has or may die intestate, without child or children or the representatives of children, and without brothers or sisters on the maternal side, then and in that case the said land shall descend to and vest in the mother.*

An Act to sell and dispose of the State's interest in Lots of Land which have been or may hereafter be condemned as fraudulently drawn in the Counties of Lee, Muscogee, Marion, Harris, Talbot, Troup, Meriwether, Coweta, and Carroll.—Approved Dec. 20, 1828. Vol. IV. 267.

[To be sold by the Sheriffs of the respective Counties. See Act of 1831, amending and extending this to the Cherokee Counties.]

An Act to sell and dispose of the fractional parts of surveys of Land which remain unsold in the Counties of Walton, Gwinnett, Hall, Habersham, and Rabun; and also such parts of Lots of Land as have been forfeited to the State, as having been fraudulently drawn. —Approved Dec. 20, 1828. Vol. IV. 271.

[To be sold by the Sheriffs.]

An Act to be entitled an Act to survey and dispose of all the unsold Islands in the Ocmulgee river, adjoining the Counties of Monroe and Jones.—Approved Dec. 22, 1828. Vol. IV. 268.

[To be sold by the Sheriff of Jones County.]

An Act for the relief of James D. Lester, and to authorize the Gover-

*See as to inheritance among illegitimates generally, "Executors and Administrators," Art. II. "Distribution," secs. 27, 46.
nor to issue grants to purchasers of Public Lands, where the certificates have been lost and the full amount of the purchase money paid.—Approved Dec. 22, 1829. Vol. IV. 347.

[Grants to be issued where certificates are lost.]

An Act to extend the time to fortunate drawers in the Land Lottery of 1827 to take out their grants, and reduce the fees on grants.—Approved Nov. 10, 1830. Pam. 148.

[Time extended to 25th December, 1837.]

An Act to authorize the Governor to take possession of the Gold, Silver and other Mines, lying and being in that section of the chartered limits of Georgia, commonly called the Cherokee country, and those upon all other unappropriated lands of the State, and for punishing any person or persons, who may hereafter be found trespassing upon said Mines.—Approved Dec. 2, 1830. Pam. 154.

[Superseded by the Gold Lottery.]

An Act to authorize the survey and disposition of lands within the limits of Georgia, in the occupancy of the Cherokee tribe of Indians, and all other unlocated lands within the limits of said State, claimed as Creek land, and to authorize the Governor to call out a military force, to protect Surveyors, in the discharge of their duties, and to provide for the punishment of persons who may prevent, or attempt to prevent any Surveyor from performing his duties, as pointed out by this Act, or who shall wilfully cut down and deface any marked trees, or remove any land mark, which may be made in pursuance of this Act; and to protect the Indians, in the peaceable possession of their improvements, and of the lots on which the same may be situate.—Approved Dec. 21, 1830. Pam. 127.

Territory divided.

First section.

Second section.

102. All the territory within the limits of Georgia, and now in the occupancy of the Cherokee tribe of Indians; and all other unlocated lands within the limits of this State, claimed as Creek land, shall form and be divided into four sections as follows, to wit: all that part of said territory, which lies east of a line, commencing on the line which divides North Carolina and Georgia, 36 miles due west, from the north-west corner of the first district in Rabun County, running thence south to the Chattahoochie, shall form what shall be called section first. All that part which lies west of the line aforesaid, and east of a line commencing 27 miles due west, from the first named corner, running thence south to the Carroll line, or to the boundary line dividing the organized and unorganized parts of the State, shall form the second section. All that part of said territory,
which lies west of the line last aforesaid, and east of a line commencing 27 miles due west, from the last mentioned corner, and running thence south until it strikes the Carroll line or Alabama line, shall be called the third section. All the remaining part of said territory shall form what shall be called section fourth.

103. Sec. II. Each of the sections, hereinbefore laid out and described, shall be divided into districts of nine miles square, as near as practicable, the district lines running parallel to the lines dividing sections, and crossed by other lines at right angles, and said districts so laid out, shall be again subdivided by lines to be run in like directions into square tracts, containing 160 acres, marked and numbered according to the plan heretofore pursued under the instructions of the Surveyor General.

104. Sec. III. All fractional parts of surveys which may be created, containing 100 acres or upwards, shall be held and deemed prizes; and all fractions under 100 acres, shall be reserved for public use, and be disposed of as a future Legislature may direct.

105. Sec. VII. It shall be the duty of the Surveyors appointed in pursuance of this Act, to make the surveys of the sections and districts to which they may be appointed, in their own proper persons, to mark or cause to be marked, plainly and distinctly, upon trees, if practicable, otherwise on posts, all stations and all lines which may be required to be run, for the purpose of making the surveys of their respective sections and districts immediately, upon being required so to do by the Governor; to cause all such lines to be measured with all possible exactness, with a half chain containing 33 feet, divided into fifty equal links, which shall be adjusted by the Surveyor General, according to the standard in his office; to take as accurately as possible the meanders of all water courses, which shall form natural boundaries to any of the surveys; to note in field books to be kept by them respectively, the name of the corner and station trees, which shall be also marked and numbered under the direction of the Surveyor General, also all rivers, creeks and other water courses, which may be touched upon or crossed in running any of the lines aforesaid, transcripts of which said field books, after being compared with the originals, by the Surveyor General, and certified and signed on every page, by the Surveyor returning the same, shall be deposited in the Surveyor General’s office, and become a record, and the district Surveyors shall, unless prevented by unavoidable cause, make a return of their surveys and works, within 120 days from the time they are notified to enter upon the discharge of their duties, containing a map of their district, in which shall be correctly represented and numbered, all lots and fractions of said district, and all waters therein delineated, as the Surveyor General may direct, and also representing the extent of improvements on each lot or fraction, as nearly as they can estimate the same, and also return at the same time a detached plat of each lot and fraction, which said district may contain, certified and signed by such Surveyor, which plat shall be filed among the records of the Surveyor General’s office, and from which copies shall be taken to annex to grants.

106. Sec. XII. The land to be surveyed under the provisions of land class'd.
this Act, shall be classed under the following heads, viz: First quality river land, second quality river land, first quality oak and hickory upland, second quality oak and hickory upland, third quality oak and hickory upland, first quality pine land, and pine land; and it shall be the duty of Surveyors, charged with the business of dividing the districts into lots, to note upon the separate plat of each lot which he is required to file in the Surveyor General's office, the quality of each lot according to the foregoing classes, the number of the same; the enumeration to commence in all square districts in the north-west corner and to run east.

107. Sec. XVII. The right of navigating the streams in said territory be, and the same is hereby reserved to the State.

108. Sec. XXII. which prizes shall consist of all square lots, and tracts of 100 acres, and upwards, in said territory, not here- in reserved.

109. Sec. XXIII. All persons who may draw lands under this Act, shall be entitled to receive grants for the same, conveying fee-simple titles, on paying into the Treasury of this State, the sum of $18; and any person drawing, and failing to take out his grant within five years from the date of said draw,* shall forfeit his or her right to receive a grant to the land so drawn, and the same shall revert to the State; orphans, and deaf and dumb, and blind persons, idiots, and lunatics excepted; and all persons who shall draw lands in this lottery, except orphans, idiots, and lunatics, shall, whether the same be granted or not, pay taxes thereon at the same rates, as for other lands of similar qualities, until they shall sell or relinquish the same to the use of the State by writing to be filed in the office of the Secretary of State.

110. Sec. XXVII. [Prescribes the proceedings by scire facias to the final trial]—And the land when condemned, shall belong one half to the State, and the other half to the informer, and subject to be laid off, between the informer and the State, by writ of partition to be issued under the direction of the Superior Court of the County in which the land lies, and to the proceedings of said writ of partition, on behalf of the State, it shall be the duty of the Solicitors General, in the respective Circuits to attend, and when the said lands are so laid off, the informer shall be entitled to a plat and grant for his share, upon the payment of the legal office fees.

An Act to provide for Surveying and disposing of the unappropriated Islands in the Flint and Chattahoochee rivers, and for granting the same.—Approved Dec. 22, 1830. Pam. 150.

[Islands in the Flint to be sold by the several Sheriffs.]

111. Sec. VI. The several Islands lying in the rivers Flint and Chattahoochee, and not included in any of the Counties of this State, shall be annexed to, and form part of the County nearest to which the larger portion of any of such islands may be.

*Time extended by various Acts, to 1843.
An Act to sell and dispose of certain fractions in the fifth district of Early County.—Approved Dec. 22, 1830. Pam. 143.

[By the Sheriff of that County.]

An Act to extend the time for fortunate drawers in the Land Lotteries of 1818, 1819 and 1821, to take out their grants.—Approved Nov. 19, 1831. Pam. 149.

[Extended till 25th December, 1837. Grant fees in lottery of 1821, $5.]

An Act to lay out the Gold region in the lands at present in the occupancy of the Cherokee Indians, into small lots, and dispose of the same by separate Lottery.—Approved Dec. 24, 1831. Pam. 164.

112. Sec. I. Districts number one, two, three, four, five, eleven, twelve, thirteen, fourteen, and fifteen, in the first section; districts number one, two, three, fifteen, sixteen, seventeen, eighteen, nineteen, and twenty-one, in the second section; districts number one, two, three, four, seventeen, eighteen, nineteen, twenty, and twenty-one, in the third section; and districts number one, two, three, sixteen, and seventeen, in the fourth section; shall, by the Surveyors heretofore pointed out by law, be subdivided into lots of forty acres each, by lines running parallel with the district lines, at the distance of twenty chains apart, and crossed by other lines, at right angles, and of the like distance from each other, marked and numbered according to the plan prescribed by the Surveyor General.

Sec. V. [Directs that this lottery be drawn with, and under the same regulations as the other, and that]—all persons who may draw land by authority of this Act, shall in like manner receive a grant for the same, on payment of the ten dollars.

An Act to alter and amend the sixth section of an Act entitled "an Act to sell and dispose of the State's interest in Lots of Land which have been or may hereafter be condemned as fraudulently drawn, in the Counties of Lee, Muscogee, Marion, Harris, Talbot, Troup, Meriwether, Coweta, and Carroll," passed the 20th day of Dec. 1828.—Approved Dec. 27, 1831. Pam. 147.

[Extending the former Act (as respects the Sheriff's pay, and duty of making returns) to all the other Counties west of the Flint.]

An Act to sell Lots No. ten and one hundred, in the several districts
in the County of Lowndes, reserved, for Academical purposes.—Approved Dec. 22, 1832. Pam. 118.

[By the Sheriff.]

An Act to dispose of and distribute by Lotteries, all the fractional parts of Surveys in the Counties of Union, Lumpkin, Forsyth, Cobb, Paulding, Cherokee, Floyd, Cass, Gilmer, and Murray.—Approved Nov. 29, 1833. Pam. 126.—[Prince, 564.]

[To be drawn for and granted in the same manner as the lots.]

An Act to reduce the Fees on Grants to fortunate drawers in the late Land and Gold Lotteries of the Lands of this State in the Cherokee country.—Approved Dec. 13, 1833. Pam. 99.

[$10 on land lots and $5 on gold lots.]

An Act to prescribe the mode of selling Land at Sheriff's sale in the Counties of Lumpkin, Paulding, Cobb, Gilmer, Union, Cass, Murray, Cherokee, Floyd, Forsyth and other Counties that may hereafter be made of a part or parts of said Counties, and to make valid certain sales of Land in said Counties.—Approved Dec. 23, 1833.—Pam. 121.

Lots not to be levied on until granted, nor sold, or the money to be refunded.

113. From and after the passage of this Act, the Sheriffs, deputy Sheriffs, Constables and other levying officers, in and for the Counties aforesaid, shall not be required, nor shall it be their duty, to levy on any lot or lots, parcel or parcels of land in said Counties, until the grant from the State for the same, or a certificate from the Executive office that the same has been duly granted, shall be exhibited to him or them.*

114. Sec. II. No lot or lots, parcel or parcels of land situate or being in said Counties, which have been heretofore levied on, shall by the officers aforesaid be sold or exposed to sale, until the grant for the same, or an Executive certificate that the same has been granted, shall be exhibited to the officers whose duty it shall be to sell, or expose to sale the said lot or lots, parcel or parcels of land.*

115. Sec. III. Any Sheriff, deputy Sheriff, or other ministerial officer, who shall hereafter sell any lot or lots, parcel or parcels of land situated in said Counties, until the evidences aforesaid, that the same has been granted, shall be exhibited to him, shall be compelled by rule, (of or from the Superior Court of his County) to refund to the purchaser at said sale, the money that he may have paid by reason of, or in consequence of said sale.

*See Act of 1841, secs. 123, 129.
116. Sec. IV. From and after the passage of this Act, sales or mortgages of land, situated in said Counties, that may be hereafter made, either by Sheriffs, or other person or persons, before the grant for the same shall have issued, shall be void and of no effect, either in Law or Equity.*

Sec. V. [Temporary.]

Sec. VI. [Repeals all repugnant laws.]

An Act to place purchasers of the States' interest in Lots of Land, condemned and sold as fraudulent, on the same footing with purchasers of fractions, in certain cases.—Approved Dec. 23, 1833. Pam. 123.—[Prince, 565.]

[Where instalments are not paid, allowed on same terms.]

An Act to sell, with the consent of the informer, all Lots of Land drawn in the Gold Lottery in the Cherokee Territory, returned and condemned as fraudulently drawn.†—Passed Dec. 19, 1834. Pam. 160.

[To be sold by order of Superior Court, and proceeds divided. Sheriff's deed, full title. For Act in full, see Prince, 566.]

An Act to regulate the Fees on Grants for Lots 10 and 100, heretofore set apart for Academic purposes.—Passed Dec. 20, 1834. Pam. 120.

From and after the passage of this Act, the fees for grants on lots 10 and 100, heretofore reserved by the State for academic purposes, shall be two dollars, any law to the contrary notwithstanding.

An Act to authorize and permit such persons as may have drawn lots in the late Land and Gold Lotteries in this State, which may be in the occupancy of Cherokee Indians, or other persons claiming in right of Indian families, to test the same for gold and operate thereon, under certain restrictions, either by themselves or persons legally authorized thereto by said drawers.—Approved Dec. 22, 1834. Pam. 159.

[This Act may be considered as abrogated by the Act of 1835. See Indians.]

*See Act of 1841, secs. 128, 129.
†Same provisions as to Gold Lottery, Dec. 21, 1835. Pam. 144.
An Act for the relief of purchasers of Lots of Land numbers ten and one hundred, heretofore reserved by the State for the education of poor children.—Approved Dec. 24, 1835. Pam. 244.

[Defaulters re-invested with right, on paying instalments, with interest.]

An Act to vest in persons who paid for the same, the title to Lots of Land and Fractions, which were advertised in May and June, in the year 1834, as forfeited.—Approved Dec. 24, 1836. Pam. 226.

[Certain purchasers to receive grants.]

An Act to rent for the year 1828, the reserves and improvements in Lee, Troup and Muscogee. Vol. IV. 265.

Act giving to the plaintiff who may take out the grant, a preference before other plaintiffs in scire facias. Ib. 266.

Giving indulgence to purchasers of fractions on certain terms. Ib. 272.

To put purchasers of public lands into peaceable possession. Ib. 270.

Prescribing the mode of perfecting service on defendants in scire facias. Ib. 271.

Limiting the time for return of fraudulent draws. Ib. 273.

To appoint an agent to rent out all public reserves, improvements, &c. Pam. of 1830, 145.

Act amendatory of the foregoing. Pam. of 1831, 144.

An Act for the relief of purchasers of fractions, town lots and islands at the late land sales, made at Milledgeville, in the years 1828 and 1829, and at the sales of town lots in the Towns of Macon and Columbus.—Approved Dec. 22, 1830. Pam. 175. [Restores all forfeited lands to the purchaser.]—Provided, he shall pay all or any instalment due and unpaid, with the interest due thereon, on or before the first day of July next.

Further time given to all purchasers of the State's half of fraudulent draws, on depositing their notes in the Central Bank. Act of 1836, Pam. 138.

An Act to extend the time for fortunate drawers in the several Land Lotteries, from the year 1818, to the present time; and in the Lot-
tery for the Gold Districts, in the Cherokee country, to take out their Grants.—Assented to Dec. 11, 1837. Pam. 122.

[Extends the time to 25th Dec. 1840, except in Early, Irwin and Appling, to 1st Nov. 1840.]

An Act to authorize Grants to issue, in the name of informants and purchasers, for parts of certain Lots of Land in the County of Cherokee, which have been condemned as fraudulently drawn, and which have been partitioned and sold under an order of the Superior Court of said County.—Assented to Dec. 25, 1837. Pam. 119.

[The title gives the substance of this Act.]

An Act to sell certain Lands therein mentioned, and dispose of the proceeds arising from the sale thereof.—Assented to Dec. 31, 1838. Pam. 149.

[Provides for the sale of No. 122, 14th district, 2d section, Cherokee, and 114, same district, by the Sheriff, and he to make titles thereto.]

An Act to authorize the Governor to appoint a Commissioner to survey and sell the Islands in the Chattahoochee river, in any wise belonging to the State, and to sell lot number three hundred and eighty-three, in the 20th District of Early.—Assented to Dec. 29, 1838. Pam. 143.

117. Sec. I. Be it enacted, That from and after the passage of this Act, it shall be the duty of his Excellency the Governor to appoint some fit and proper person to act as a Commissioner, to survey and sell the Islands in the Chattahoochee river, such as have not been sold heretofore, reverted or in any manner belonging to the State of Georgia.

118. Sec. II. The said Commissioner shall proceed forthwith to make an accurate survey of the Islands, and after ninety days' publication in the gazettes of Milledgeville and Columbus, giving the number and quantity of acres in each, shall proceed to sell at public sale, outcry, in the City of Columbus, said Islands.

119. Sec. III. The terms of sale shall be one-fourth cash, and the balance in three equal annual instalments.

120. Sec. IV. The said Commissioner is hereby authorized to issue to purchasers of said Islands, certificates, with the conditions of the third section, stating the number of the Island purchased, the quantity of acres, and the price agreed to be paid: Provided, said purchaser shall have paid to said Commissioner, one-fourth part of the purchase money in cash.
121. Sec. V. Upon the payment in full of the purchase money, agreeable to the provisions of this Act, the purchaser, or his assigns, shall be entitled to receive a grant from the State, in the usual form, for each [of] said Islands; Provided, the purchaser or his assigns, shall pay into the Treasury of this State, the sum of five dollars.

122. Sec. VI. Upon the failure to pay the instalments, the payments which have been made shall be forfeited, and the Island shall be sold again: Provided, that any purchaser may at any time before said sale, put his note, with good and sufficient indorsers, into the Central Bank, for the balance due, and be entitled to take out the grant for the same; and if any person shall pay up any of said instalments before the same shall become due, or make his note as aforesaid, he shall be entitled to a deduction of six per centum from the amount of said instalment.

123. Sec. VII. The Commissioner shall, previous to the entering upon the discharge of his duty, take and subscribe the following oath: “I do solemnly swear, that I will faithfully and honestly discharge my duty, as Commissioner under this Act, and will immediately after the sale, make a true return of my actings and doings to his Excellency the Governor, and pay into the Treasury the cash payments received from said sales.” And said Commissioner shall be entitled to receive for his services five dollars per day, and his expenses in surveying, to be paid by the Governor out of any money in the Treasury.

124. Sec. VIII. Said instalments and notes shall bear interest from the day of sale.

Sec. IX. [Local.]

Sec. X. “All laws and parts of laws militating against the provisions of this Act, be, and the same are hereby repealed.

An Act to authorize the Commissioners of the Indian Springs Reserve to sell and dispose of such of the streets and public passways of the Indian Springs Reserve, in the County of Butts, as are not necessary for the public use, and to appropriate the money arising from such sale. — Assented to 29th Dec. 1838. Pam. 142.

[Streets to be sold at public outcry, and commissioners to make titles. The proceeds to be applied to the improvement of the reserve.]

An Act to extend the time to fortunate drawers, the time of taking out their grants in the Counties of originally Appling, Early, Irwin, Hall, Heber- shen, Walton, Gwinnett and Rabun, and for other purposes. — Assented to Dec. 21, 1839. Pam. 7.

[Extended to 15th December, 1840.]

An Act to authorize the Sheriffs of the Counties of Decatur, Thomas, Lumpen, Ware and Wayne, to sell the fractions in said Counties, and for other purposes. — Assented to 23d Dec. 1839. Pam 40.
An Act to authorize Henry Dillon to erect or build a Circular Railroad on the Indian Spring Reserve, in the County of Butts.—Assented to Dec. 23, 1839. Pam. 190.

An Act to extend the time for taking out Grants for Lands in the Counties of originally Early, Irwin, Appling, Hall, Habersham and Rabun, and to provide for the disposition of the same if not granted within the time extended.—Assented to 19th Dec. 1840. Pam. 121.

Sec. I. [Extends the time to 1st Sept. 1841.]

125. Sec. II. From and after the said first day of September, eighteen hundred and forty-one, all the said lands in said Counties of originally Early, Irwin, Appling, Hall, Habersham and Rabun, which shall then remain ungranted, shall be considered as reverted to the State; and any person, a citizen of this State, by paying into the Treasury the sum of one thousand dollars, shall be entitled to and receive from the Surveyor General a grant to any ungranted lot of land in the Counties aforesaid; from and after the first day of October next, by paying into the Treasury the sum of four hundred dollars; from and after the first day of November next, by paying into the Treasury the sum of three hundred dollars; from and after the first day of December next, by paying into the Treasury the sum of two hundred dollars; from and after the first day of January, eighteen hundred and forty-two, by paying into the Treasury the sum of one hundred dollars; from and after the first day of February, eighteen hundred and forty-two, by paying into the Treasury the sum of fifty dollars; from and after the first day of March, eighteen hundred and forty-two, by paying into the Treasury the sum of twenty-five dollars; and from and after the first day of April, eighteen hundred and forty-two, any person, a citizen of the aforesaid State, by paying into the Treasury the sum of five dollars, shall be entitled to, and receive from the Surveyor General a grant to any ungranted lot of land lying in the Counties aforesaid.

126. Sec. III. Should two or more of such persons apply for a grant to the same lot of land at the same time, the Surveyor General shall put the names of all the persons so applying into a hat, and draw one out, which shall be entitled to the grant, upon the payment of the above prices required, unless one of the applicants shall be the original drawer—then and in that case the said drawer shall be entitled to the grant for said land: Provided, that no one individual, who shall have received a grant under this Act, shall be privileged to draw with others for any other lot, nor any individual who may have been fortunate in having his or her name drawn from the hat as above stated.

127. Sec. IV. From and immediately after the passage of this
Act, any person applying under the first section of this Act, to take out any grant in the above described Counties, shall take an oath that he is the proper owner of said lot, or the lawful agent of the owner thereof, and shall produce a power of attorney from the owner of said lot, properly attested: Provided, that any judgment creditor may take out such grant, upon making and filing his or her affidavit, that he or she is a judgment creditor of the drawer, and applies for the grant for the purpose of selling said lot under his or her execution.

Sec. V. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act to extend the time for fortunate drawers in all the Land Lotteries, and in the Gold Lottery, to take out their Grants, except the Counties herein excepted.—Assented to 23d Dec. 1840. Pam. 122.

[Time extended to 1st Oct. 1842.]

An Act to authorize the Sheriff of Meriwether County to sell the State's interest in all lots or fractions of Land lying in said County.—Assented to Dec. 10, 1841. Pam. 91.

[By Act passed 10th Dec. 1841, Pam. 96, time was extended to fortunate drawers in all the land and gold lotteries, until the 1st Dec. 1843. This Act was repealed by Act passed 28th Dec. 1842, Pam. 119, and the time limited to 1st of July, 1843, and both Acts were repealed by Act of 21st Dec. 1843. See sec. 131.]

An Act to amend the fourth section of an Act entitled an Act to prescribe the mode of selling Land at Sheriff's sale, in the Counties of Lumpkin, Paulding, Cobb, Gilmer, Union, Murray, Cherokee, Floyd, Forsyth, Walker, and other Counties, that may be made of a part or parts of said Counties, and to make valid certain sales of land in said Counties, approved December 23d, 1833, and to make valid certain deeds, mortgages and other conveyances of land made since the passage of the above recited Act, within the Counties above recited.—Assented to Dec. 13, 1841. Pam. 101.

128. Sec. I. Be it enacted, That the fourth section of the above recited Act, shall be in the words following: from and after the passage of this Act, sales of land situated in said Counties that may be hereafter made by Sheriffs or Coroners, before the grant for the same shall have issued, shall be void and of no effect, either in Law or Equity.

129. Sec. II. All deeds, mortgages and other conveyances of lands situate in any of the Counties mentioned in the above recited Act, and which have been made since the passage of the same, or which shall hereafter be made, and before the grant was or is taken out
Refunding grant fees.

for the same, other than those made by Sheriffs or Coroners, shall be held and considered valid and binding in Law and Equity when the grant is taken out for the same; any law, usage or custom to the contrary notwithstanding.

Sec. III. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act for the relief of the Drawers or Owners of certain Lands, in the first District of Muscogee County.—Assented to Dec 10, 1841. Pam. 182.

[The preamble recites that a re-survey having taken place, the numbers of fortunate drawers fell on lots already granted. Enacted that they should have the lots corresponding in number in the new survey.]

An Act to alter and amend an Act entitled an Act to authorize the Sheriffs of the Counties of Decatur, Thomas, Lowndes, Ware and Wayne, to sell the Fractions in said Counties, and for other purposes; to provide for carrying the same into effect, so far as relates to the Countv of Decatur; and to declare certain notes void.—Assented to 11th Dec. 1841. Pam. 97.

[Relieves purchasers in Decatur County, who had given their notes to the Sheriff, who had resigned and left the State, carrying the notes; and provides for grants to issue to them. ‘The notes declared void.’]

An Act to refund to persons who have paid the fees on grants of reverted lots, the amount paid by them, in all cases in which a grant has been previously issued to the drawer or other person, for the same number or numbers.—Assented to 19th Dec. 1842. Pam. 90.

Whereas, in several instances, grants have been issued to applicants under the Act of eighteen hundred and forty, reverting and disposing of the lands in the Counties of originally Early, Irwin, Appling, Hall, Habersham and Rabun, for lots of land previously granted to the drawers of the same; said lots appearing to have been ungranted on the books of the Executive office, but which, on examination of the records in the Secretary of State’s office, were already granted; in consequence of which, two or more grants have been issued for the same lots.

130. Sec. I. Be it enacted, That in all cases in which a grant has been issued to an applicant under said Act of eighteen hundred and forty, and the fees paid by such applicant, where the number so granted has been previously granted by the State to the drawer there...
of, or other person, and the same being shown to his Excellency the Governor, to have been twice granted, that his Excellency the Governor shall upon the presentation of such last grant, order the same to be cancelled on the books of the several offices, and to draw his warrant on the Treasury payable out of any money not otherwise appropriated, for the amount so paid by such applicant or person to whom said lot or lots have been granted, to refund the fees so paid by him or her for said last mentioned grant or grants.

An Act to authorize the Sheriff of Harris County, to sell the State's interest in all lots or fractions of land, lying in said County.—Assented to 28th Dec. 1842. Pam. 88.

[All fraudulent draws.]

An Act to repeal an Act entitled an Act to extend the time for fortunate drawers in all the land and Gold Lotteries, to take out their Grants, assented to in December, 1841, and to limit the time for fortunate drawers in said lotteries to take out their grants; and to provide for the disposition of the same, if not granted within the limitation; and to provide for taking out the grants on head rights, assented the 28th December, 1842, and to extend the time for granting the same.—Assented to 21st Dec. 1843. Pam. 67.

131. Sec. I. Be it enacted, That an Act entitled an Act to extend the time for the fortunate drawers in all the land and gold lotteries, to take out their grants, excepting the Counties hereinafter excepted, assented to the tenth December, 1841, and the Act above recited and assented to the twenty-eighth day of December, eighteen hundred and forty-two, be and the same is hereby repealed.

132. Sec. II. The fortunate drawers in the land lottery of eighteen hundred and twenty-one, embracing the Counties of originally Dooly, Houston, Monroe, Henry and Fayette; and the fortunate drawers in the land lottery of eighteen hundred and twenty-seven, embracing the Counties of Lee, Muscogee, Troup, Coweta and Carroll; and the fortunate drawers in the land and gold lottery of eighteen hundred and thirty-two, embracing the County of originally Cherokee, but now Cherokee, Forsyth, Cobb, Cass, Lumpkin, Gilmer, Murray, Walker, Paulding, Dale, Chattooga, Union and Floyd, shall take out their grants on or before the first day of October, eighteen hundred and forty-four, or the same shall be forfeited and considered as reverted to the State: Provided, always, that the operation of this Act shall not apply to orphan or orphans, until twenty-one years shall have expired after the drawing of such orphan or orphans, nor to illegitimate person or persons, lunatic, deaf and dumb, or blind persons.

133. Sec. III. From and after the said first day of October, eighteen hundred and forty-four, any person, a citizen of this State, by paying into the Treasury the sum of two thousand dollars, shall be
entitled to receive from this State, [a grant.]* in his, her or their name, to any ungranted lot of land, in the Counties aforesaid; from and after the first day of November thereafter, by paying into the Treasury the sum of fifteen hundred dollars; from and after the first day of December thereafter, by paying into the Treasury the sum of one thousand dollars; and from and after the first day of January, eighteen hundred and forty-five, the sum of five hundred dollars; from and after the first day of May thereafter, by paying into the Treasury the sum of two hundred and fifty dollars; from and after the first day of July thereafter, by paying into the Treasury one hundred dollars; from and after the first day of September, by paying into the Treasury the sum of twenty-five dollars; from and after the first day of January thereafter, by paying the sum of five dollars.*

134. Sec. IV. Should two or more persons apply for the same lot at the same time, the Surveyor General shall place each name of all the applicants, in a hat, and the first name drawn out shall be entitled to the grant on paying into the Treasury the sum before recited, unless one of them should be the drawer or tenant in possession; then, in that case, the original drawer should have the preference, the tenant in possession next: Provided, that no one individual who shall have received a grant under this Act, shall be privileged to draw with others, for any other lot; nor any individual who shall have been fortunate in having his or her name drawn as before stated.

135. Sec. V. After the passage of this Act, any person making application for grants, shall make affidavit that the application is made as the friend of the drawer, in good faith, and for the benefit of such drawer, as creditor or friend of a creditor of the drawer, and for the purpose of selling the same under its fa. against the drawer; or that he is bona fide the owner of the land for which the grant is sought.

Sec. VI. All laws and parts of laws militating against this law, be and the same are hereby repealed.

An Act to grant to Henry Dillon the right of building a Bath House upon the Reserve at the Indian Springs, in the County of Butts. Assented to 27th Dec. 1843. Pam. 71.

An Act to authorize the issuing of grants to such lots of land and fractions, as are embraced in the several Counties of this State, in the Land Lotteries of eighteen hundred and twenty-one and eighteen hundred and twenty-seven, and the Land and Gold Lotteries of eighteen hundred and thirty-two, and no provisions heretofore made for granting—and to such other lots (embraced in the aforesaid Land and Gold Lotteries) as the granting of which has been ar-

*Altered by Act of 1843, sec. 140.

(1.) This word supplied. 2 Kel'y, 143.
(2.) This Act held to be constitutional, 2 Kel'y, 143.
rested by an Executive order on account of forgeries, alterations and erasures upon the Books of the Executive Department.—Approved Dec. 27, 1845. Pam 31.

Whereas, there are yet remaining, under the various surveys heretofore had, public lands, consisting of whole numbers and fractions, that were never deposited in the wheel at the drawing of the land lotteries of eighteen hundred and twenty-one and eighteen hundred and twenty-seven, and the land and gold lotteries of eighteen hundred and thirty-two: And whereas, by fraudulent entries, alterations and erasures upon the Books of the Executive Department, grants have been refused to issue in pursuance of an Act of eighteen hundred and forty-three;

136. Sec. I. Be it therefore enacted, That from and immediately after the passage of this Act, any person, a citizen of this State, by paying into the Treasury the sum of two thousand dollars, shall be entitled to receive from this State, in his or her name, a grant or grants to any lot or lots, fraction or fractions of land, for the granting of which no provisions have heretofore been made, and to such lots for which the grants have been prevented to issue in pursuance of an Act of eighteen hundred and forty-three, by an Executive order, embraced in any County of this State, in the several land and gold lotteries aforesaid; and from and after the first day of March, eighteen hundred and forty-six, by paying into the Treasury the sum of fifteen hundred dollars; from and after the first day of April thereafter, by paying into the Treasury one thousand dollars; from and after the first day of May thereafter, by paying into the Treasury seven hundred and fifty dollars; from and after the first day of June thereafter, by paying into the Treasury five hundred dollars; from and after the first day of July thereafter, by paying into the Treasury three hundred dollars; from and after the first day of August thereafter, by paying into the Treasury two hundred dollars; from and after the first day of September thereafter, by paying into the Treasury one hundred and fifty dollars; from and after the first day of October thereafter, one hundred dollars; from and after the first day of November thereafter, by paying into the Treasury seventy-five dollars; from and after the first day of December thereafter, fifty dollars; from and after the first day of January thereafter, twenty-five dollars; from and after the first day of February thereafter, five dollars.

137. Sec. II. Should two or more persons apply for the same lot or fraction, the Surveyor General shall place the names of all the applicants in a hat, and the first name drawn out shall be entitled to receive the grant, on paying into the Treasury the sum before recited. Provided, that nothing in this Act contained, shall be so construed as to authorize the grant to issue to any fractional lots in any of the lotteries embraced in the Act of eighteen hundred and forty-three.

An Act to allow any person or persons applying for a grant or grants to any reverted lot or lots under the Act of eighteen hundred and forty-three, to file an affidavit of their intention to settle the lot applied for, and to give preference to such applicant, and to alter the price of grants as herein provided, and to extend the time for granting at the present price.—Approved Dec. 27, 1845. Pam. 33.

138. Sec. I. Be it enacted, That from and after the first day of January next, any person or persons, citizens of this State, applying for a grant or grants to any of the reverted lands, under the various lotteries of this State, shall, upon his or her filing in the office of the Surveyor General, his or her affidavit of his or her intention to settle said lot so applied for, have a preference to the grant over all other applicants who have not, or do not file such affidavit. Provided, the original drawer shall have the preference in all cases.

139. Sec. II. When two or more persons apply for a grant to the same lot, and make affidavit of intention to settle the same, the Surveyor General shall settle by lot, which of the applicants shall have the lot, any law to the contrary notwithstanding.

140. Sec. III. So much of the Act assented to the twenty-first December, eighteen hundred and forty-three, entitled an Act to repeal an Act to extend the time for fortunate drawers in all the land and gold lotteries, to take out their grants, assented to in December, eighteen hundred and forty-one, and to limit the time for fortunate drawers in said lotteries to take out their grants, and to provide for the disposition of the same, if not granted within the limitation, and to provide for taking out the grants on head rights, assented to the twenty-eighth December, eighteen hundred and forty-two, and to extend the time for granting the same, so far as relates to the granting of lands from and after the first day of January, eighteen hundred and forty-six, at and for the sum of five dollars, be and the same is hereby repealed—and that the time of granting reverted lands at twenty-five dollars, be extended to the first of February, eighteen hundred and forty-six, and that from and after the first of February, eighteen hundred and forty-six, any person, a citizen of this State, by paying into the Treasury the sum of ten dollars, shall be entitled to receive from the State in his own name, a grant to any ungranted lot of land, as contemplated in the above recited Act, and that from and after the first of May next, thereafter, the sum of five dollars.

An Act to authorize the Governor to appoint fit and proper persons to sell and dispose of the undrawn lots in the Land Lotteries heretofore had in this State, and to limit the time for fraction purchasers to pay for and to take out grants for fractions.—Approved Dec. 30, 1847. Pam. 109.

141. Sec. I. Be it enacted, That all persons who have purchased

*Act amended 1850, sec. 167.
fractional lots in this State, under the law requiring them to take out the grants for said fractions, shall have until the first day of November next to take out his, her or their grants.

142. Sec. II. All grants for said fractions which shall not be taken out as required by the first section of this Act, the said fractional lots of land shall revert to and become the property of the State.

143. Sec. III. It shall be the duty of the Governor to furnish the several Sheriffs in the Counties where such fractional lots of land may be, with a list of all such ungranted fractional lots, and the said Sheriffs shall be authorized and required to proceed to advertise and sell the said ungranted fractions by giving the notice as now required by law for the regulation of Sheriff sales, who shall receive the same compensation as allowed by law in other cases of Sheriff sales.

144. Sec. IV. His Excellency the Governor be authorized and required to prescribe the conditions and terms of sale to be complied with before a grant shall issue to any purchaser of such fractional lots.

145. Sec. 5. All undrawn lots of land shall be disposed of under the same regulations as prescribed in this Act for the sale of fractions.

146. Sec. 6. The said Sheriff shall be required to pay over to the Treasurer of this State all moneys they may receive under the provisions of this Act, and on failure to do so they shall be liable on their bonds and to be ruled as in other cases of default.

147. Sec. 7. The owner of any fraction, lot, or island, originally sold by the State, may obtain a grant therefor, in the name of the original purchaser, upon producing satisfactory evidence of ownership to the Governor, although such person may not be able to produce the State's certificate for such fraction, lot, or island, provided the purchase money for the same be paid, with all interest due thereon. And the fees for grants to all such fractions, lots, or islands, shall be graded according to the quantity of land contained in the same as follows: For a grant to any island, lot or fraction, containing less than fifty acres, one dollar—for a grant for any island, lot or fraction, containing over fifty and under one hundred acres, one dollar and fifty cents—over one hundred and less than one hundred and fifty acres, two dollars—over one hundred and fifty acres, three dollars.

An Act to authorize improvements to be made on the Reserve at the Indian Spring, in the County of Butts, and to protect the same from trespass, and for other purposes therein mentioned.—Approved Dec. 30, 1847. Pam. 193.

[Authorizes John G. Park to make various improvements, and grants him the privilege of using the grounds for 30 years.]
the State, and to provide for disposing of the same.—Approved Dec. 30, 1847. Pam. 103.

Whereas, certain lands situated in the twelfth and thirteenth districts of the County of Ware were sold in the year eighteen hundred and thirty-four, by virtue of an Act of the General Assembly of this State, passed on the twenty-third day of December, eighteen hundred and thirty-three; and whereas the terms and conditions of sale by said Act prescribed have not been complied with by a great number of the purchasers of said lands, and the said lands are therefore of right the property of this State—

148. Sec. I. Be it enacted, That from and after the passage of this Act, all the lands in the said County of Ware, sold by virtue and authority of the above recited Act, which have not been paid for and duly granted according to the said Act, shall be held, deemed and considered as forfeited to the State, and all the right, title and interest of the purchaser or purchasers thereof in and to the same, are hereby extinguished and forever destroyed.

[Remainder of this Act repealed by next Act. See also sec. 157.]

An Act to declare certain lands in the County of Ware forfeited to the State, and to provide for disposing of the same; also, to repeal the second, third, fourth, fifth, sixth, seventh and eighth sections of an Act approved December 30th, 1847, to declare certain lands in the County of Ware forfeited to the State, and to provide for disposing of the same, and to fix the price of certain grants.*—Approved Feb. 23, 1850. Pam. 298.

149. Be it enacted, That from and after the passage of this Act, all the lands in the 12th and 13th districts of originally Appling, now Ware County that was sold under and by virtue of an Act approved 22d December, 1827, that are not granted by the first day of October next, be and the same are hereby forfeited to the State.

150. Sec. II. It shall be the duty of his Excellency the Governor to appoint a suitable person to act as agent or commissioner, to sell at public sale, before the Court house door in the County of Ware, all the lands forfeited to the State by virtue and authority of this Act, first giving notice thereof thirty days in one of the public gazettes of this State, and at the Court house in said County, said sales to continue from day to day until all are sold or offered for sale.

151. Sec. III. Said Commissioner, before entering upon the duties of said commission or agency, shall give bond and security to his Excellency the Governor, in the sum of twenty thousand dollars, for the faithful performance of his duties as Commissioner aforesaid.

152. Sec. IV. The terms of sale shall be one-fourth cash, and one-fourth annually, until the three remaining instalments are paid, for which the said Commissioner shall take notes, with approved security, payable to his Excellency the Governor, or his successors in

*But see Act, sec. 157, passed and approved on the same day. Also sec. 165.
office; and it shall be the duty of the Commissioner to give to each purchaser a certificate of purchase for each lot by him so purchased, and upon the presentation of said certificate, on the payment of the last instalment, and first paying into the Treasury two dollars and fifty cents, shall be entitled to receive a grant in his or their own name.

153. Sec. V. Said Commissioner shall be allowed to retain five per cent. out of all moneys by him collected, and two and a half per cent. on all notes by him taken, as a compensation for his services as Commissioner aforesaid; and it shall be the duty of said Commissioner to pay into the Treasury of the State, within two months from the date of sale, all monies by him collected, first deducting the cost of advertising, and his own fees.

154. Sec. VI. The second, third, fourth, fifth, sixth, seventh and eighth sections of an Act approved December 30th, 1847, declaring certain lands in the County of Ware forfeited to the State, and to provide for the disposing of the same, are hereby repealed, and the second, third, fourth and fifth sections of this Act are hereby adopted in lieu of the said second, third, fourth, fifth, sixth, seventh and eighth sections of the above recited Act of 1847.

155. Sec. VII. Original purchasers shall have grants at the same price that is to be paid under this Act; and that all other purchasers of public lands, whether fractions, lots or islands, be allowed grants on the same terms, where the entire purchase money, with interest, has been paid, or is on deposit with the proper officer, or may be paid in the time limited by this Act.

Sec. VIII. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act to authorize the sale of all lands that cannot be granted under existing laws.—Approved Feb. 23, 1850. Pam. 299.

156. Sec. I. Be it enacted, That all lots of land in this State, which cannot be granted under the existing laws, shall be sold under the direction of the Governor, at public outcry, at the Court house of the County in which the same lies, after being publicly advertised three months in said County and in one of the public gazettes of this State.

An Act to provide for the disposing of certain lands in the twelfth and thirteenth districts of the County of Ware, which were sold under an Act passed the 23d day of December, 1833, and which* have not been paid for and granted by the purchasers under said Act.—Approved Feb. 23, 1850. Pam. 300.

Whereas, an Act was passed on the 13th day of December, 1847, declaring certain lands in the 12th and 13th districts of Ware County, therein described, forfeited to the State, and providing for the sale of the same, and said lands not having been sold according to the provisions of said Act:

*But see ante, sec. 149.
157. Sec. I. Be it therefore enacted, That the Sheriff of the County of Ware be and he is hereby authorized and required to offer for sale, at public auction, all of the above described lands, which may remain unpaid for and ungranted on the first day of October next, first giving notice in two of the public gazettes in Milledgeville, and at the Court house in the County of Ware, at least one month prior to the day of sale, of the number of lots in each district, and the terms of sale, which shall be on the first Tuesday in the month, and be sold between the usual hours of sale; and the said Sheriff shall give to each purchaser a certificate of purchase, free of charge, on the payment of (by) said purchaser, of one-third the purchase money, the balance to be paid in equal installments of one and two years.

158. Sec. II. Said Sheriff shall be required to pay into the Treasury of the State, within three months from the day of sale, all moneys by him collected as aforesaid, after deducting five per cent. for his commissions and the actual cost of advertising.

159. Sec. III. On the payment of the last installment, and on the purchaser presenting a certificate to the Surveyor General, attesting that the same has been paid, he shall be entitled to receive a grant for the land purchased by him, first paying into the Treasury the sum of two dollars and fifty cents.

160. Sec. IV. If the purchaser shall fail to pay all and every part of the purchase money, within six months after the last installment becomes due, then his Excellency the Governor shall forthwith declare the lot or lots for which the same is due or owing, to be forfeited to the State, and shall cause the same to be sold in the manner prescribed in the first section of this Act.

161. Sec. V. The Surveyor General be and he is hereby required to furnish the Sheriff of the said County of Ware, with a list of the lots of land in the said 12th and 13th districts of Ware, which was sold under the Act of the 23d December, 1833, which may remain ungranted on the first day of October next, and that the Sheriff be allowed to continue his sales from day to day until all of said lots are sold or offered for sale.

162. Sec. VI. The collection of any moneys coming into the hands of the Sheriff by virtue of this Act, shall and may be enforced by rule and attachment as in other cases.

163. Sec. VII. Nothing in this Act shall be so construed as to prevent persons whose lands were declared forfeited by the above recited Act of the 13th December, 1847, from paying up all sums due, including interest, and getting grants for the same, and for sums required by the third section of this Act.

164. Sec. VIII. The purchasers of lots in the County of Ware, under the Act of 1833, shall take out and pay for grants as well as the purchase money and interest for the whole number of lots purchased, and unless the said purchasers shall comply with this section, then all such shall be excluded from the benefit of this Act.

165. Sec. IX. In all cases where any person shall be living on a lot of the above recited lands, said persons after the purchaser has failed to take out a grant, shall be entitled to receive a grant to the same, by paying into the Treasury the grant fee.
SEC. X. All laws or parts of laws repugnant to this Act, be and the same are hereby repealed.

An Act to authorize his Excellency the Governor to have surveyed all the unsurveyed lands in the County of Ware, and have the said lands sold at the Court house in the County of Ware, to the highest bidder, on such terms as he shall direct.—Approved Feb. 11, 1850. Pam. 297.

166. Be it enacted, That it shall be the duty of his Excellency the Governor to have all the unsurveyed lands in the County of Ware run out in lots of 490 acres each, and cause said lands to be sold before the Court house door in the County of Ware, to the highest bidder, on such terms as he may direct.

Sec. II. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act to provide for the granting of those lots and fractions of land which were suspended from the sales contemplated by the Act assented to 30th December, 1847, providing for the sale of undrawn lots and ungranted fractions in the lotteries heretofore had in this State.—Approved Jan. 26, 1850. Pam. 188.

167. Be it enacted, That the Governor be and he is hereby authorized to direct that grants be issued to the bona fide owner of any square lot or fraction which was suspended from the operation of the said Act of the 30th December, 1847, by depositing with the Treasurer the grant fee therefor: Provided, The original certificate of purchase be exhibited to him, or other satisfactory proof of ownership, with evidence in each case of the full payment of the consideration money: Provided further, That the time for making the application herein provided shall not extend beyond the first day of October, 1850: Provided further, Nothing in this Act shall be so construed as to authorize a grant to issue for any fraction, island or square lot for which all the purchase money was not fully paid previous to the passage of the Act approved 30th December, 1847.

Sec. II. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act to provide for the survey and sale of all unsurveyed and unsold islands in the Chattahoochee, Ocmulgee and Flint rivers, within this State.—Approved Feb. 22, 1850. Pam. 269.

168. Be it enacted, That his Excellency the Governor be and he is hereby required to have run off into lots and fractions of such size as he may deem best, all islands belonging to the State in the rivers Chattahoochee, Ocmulgee and Flint, that in his opinion will justify the expense, and have the same sold at public auction at the usual place of holding Sheriff’s sales in each County where said islands may be located, and shall be advertised in three or more of the pub-
lic gazettes in different parts of this State thirty days before such sale.

Sec. II. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act to authorize the Treasurer to refund the purchase money, with interest, to purchasers of fractions that had been previously drawn for and afterwards sold by mistake, and also the grant fee where paid.—Approved Feb. 13, 1850. Pam. 190.

Whereas, at the sale of fractions in the year eighteen hundred and twenty-eight, and eighteen hundred and twenty-nine, and eighteen hundred and thirty-four, certain fractions were sold that had been previously drawn for:

169. Sec. I. Be it therefore enacted, that in all cases where it shall appear from the records and fraction books, that fractions had been sold that had been previously drawn for, it shall be the duty of the Treasurer of the State to refund the purchase money, with interest, and also the grant fees where grants had been issued to the drawer.

Sec. II. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act to authorize Grants to issue to the owners of certain Fractional lots of Land in the County of Talbot.—Approved Feb. 23, 1850. Pam. 191.

170. Sec. I. Be it enacted, That from and after the passage of this Act, it shall and may be lawful for his Excellency the Governor to cause grants to issue to the owners of such fractional lots of land situated in the County of Talbot, as were suspended from sale under an Executive order issued 23d day of December, 1848.

Sec. II. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act for the relief of certain persons holding an interest in or title to fractional and whole Lots of Land sold under the authority of an Act to authorize the Governor to appoint fit and proper persons to sell and dispose of the undrawn Lots in the Land Lotteries heretofore had in this State, and to limit the time for fraction purchasers to pay for and take out grants for fractions, approved 30th December, 1847, and for other purposes.—Approved Feb. 23, 1850. Pam. 191.

Whereas, it is believed that several lots and fractional lots of land were disposed of during the year 1849, under the authority of said Act, which had been sold under previous Acts of the Legislature, but no evidence of that fact was to be found in the Executive office or in the offices of the Surveyor General, Treasurer, or Secretary of State, for remedy whereof:
171. Sec. I. Be it enacted, That from and after the passage of this Act, it shall and may be lawful for his Excellency the Governor, upon satisfactory proof being submitted to him, that any undrawn or fractional lot of land previously sold by authority of law, and the condition of sale fully complied with by the payment of the purchase money, was resold under the provisions of the Act approved 30th Dec. 1847, and plats and grants issued to the second purchaser, to draw his warrant upon the Treasury in favor of the first purchaser, or those holding under him, of such undrawn or fractional lot at the time of said last sale, for the amount of the original purchase money paid into the Treasury: Provided, said amount shall not exceed the amount of the sale authorized by the Act of 30th December, 1847, upon said bona fide owner relinquishing his right and title to the State for the use of the purchaser under the said [Act] of 30th December, 1847.

172. Sec. II. Whenever it may appear that any intermediate bona fide purchaser is sued upon his warranty deed, and a recovery obtained against him, that then the said party shall be entitled to the provisions of this Act.

173. Sec. III. All persons desiring to avail themselves of the benefit of this Act, shall file a written notice of such intention, in the Executive office, by the first of October.

174. Sec. IV. It shall be the duty of the Sheriffs in the respective Counties in which lands sold under the Act of 30th December, 1847, lie, to put the purchaser thereof in possession of the same.

Sec. VI. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

[Statutes omitted as obsolete, repealed or superseded, not referred to in their order. Act of 1825, (mines) Vol. IV. 286. 1829, Ib. 286. 1830, Pam. 145. 1831, Pam. 141 to 147, 149, 150. 1832, Pam. 122, 126, 127, 128.]

ART. V. PROCESSIONING.

" 178. To Non-residents. " 183. Proceedings; Fee.

An Act for preventing controversies concerning the bounds of Land, and for Processioning the same.—Approved Feb. 2, 1798. Vol. I. 339.

175. Sec. I. Once in every ten years the bounds of every person's land shall be processioned or gone round, and the landmarks renewed in manner following, that is to say: [election of processioners repealed, sec. 184,] and all and every person in this

* This Act revived, 1850, sec. 184. Processioners appointed by Inferior Court.
State are hereby required to procession and go round their respective tracts of land, in manner and form as is hereafter pointed out by this Act, that is to say, whenever two persons' lines join, they are directed and required to meet and chop or plainly mark the same, with one or more persons disinterested, to see that they do not disagree respecting the land-marks, and make new line trees; but whenever a dispute shall arise about such line, the commissioners or processioners appointed as aforesaid, shall come forward with the County Surveyor, to assist in ascertaining and determining the true line between the parties, and mark out the same, each commissioner receiving for such service one dollar per day, and the Surveyor two dollars per day, which shall be paid equally by the parties disagreeing as aforesaid; and where one of the parties concerned, or his agent or representative, after being duly summoned sixty* days before the day for processioning the same, shall fail or refuse to attend, it shall and may be lawful for the other party to call on the processioners, who shall then proceed to mark out the line, at the expense of the party refusing or failing to attend as aforesaid.

176. Sec. II. All lands throughout this State shall be processioned or gone round, in manner and form as pointed out by this Act, in twelve months from and after the first day of June next, under the penalty of one hundred dollars for the omission or refusal of every person or persons so refusing, one-half to go to the informer, and the other to County uses, to be recovered by bill, plaint, or information, in any Court having cognizance thereof.†

Sec. III. [Repeals all former laws on this subject.]

An Act to revise and amend the foregoing.—Approved Feb. 18, 1799. Vol. I. 349.

Sec. I. [Temporary.]

177. Sec. II. Whenever any person intends to procession his lands, which adjoin lands belonging to any other person or persons, who may reside in the County in which the lands lie, then, and in that case, written notice shall be given to such person or persons at least ten days before, that he will, on a day specified in the notice, proceed to procession the lands adjoining such person; and if the person so notified shall fail to attend at the time appointed, then the opposite party may, in presence of any two or more of the neighbors, or inhabitants contiguous to the land, go round and mark his tree lines, which shall be considered on his part as fully complying with the before-recited Act.

178. Sec. III. Whenever any persons own lands in this State adjoining lands of another who resides out of the County in which the lands may be intended to be processioned, then, and in such case notice shall be given by advertisement in one of the public gazettes of this State, that he will, on a day therein mentioned, proceed to procession his own lands as hereinbefore directed, which shall be

†See sec. 177, 10 days.

This whole Act revived by Act of 1850, sec. 184.
published at least six months previous to the time appointed for processioning the lands, and the expenses of advertising shall be paid by the owner or owners of land intended to be notified.

179. Sec. IV. Any person or persons may, as agent or attorney for the owner of any lands to be processioned, on producing a plat or plats, and grant or grants thereof, proceed to procession the same for and in behalf of the proprietors and owners, in like manner as if they were themselves present, and had done the same.

180. Sec. V. Whenever the lines of lands are disputed, and are re-surveyed as directed by the before-recited Act, that then, and in every such case, a plat of such lands be made out by the County Surveyor, or his legal deputy, and certified by him and the processioners of the district, and shall be by said Surveyor recorded in his office: Provided, that nothing in this Act contained shall extend, or be construed to extend, to affect the tracts of land sold under the confiscation Act, where the plats shall not appear of record in the Surveyor General’s office, so as to give a preference of title for want of processioning: And provided also, that where plats for lands, granted or surveyed for any person or persons, prior to the fourth day of July, 1776, shall not appear of record in the Surveyor General’s office, and the loss of the original plat shall be satisfactorily proven to the processioners by the person holding or claiming any tract or tracts of land as aforesaid, the said processioners shall proceed to procession from the best evidence in their power to obtain.

181. Sec. VI. The returns of the electors of all processioners heretofore or hereafter to be made, shall be deposited on record in the Clerk’s office of the Superior Court, in the County wherein they shall or may be appointed; and where any vacancy shall happen in the appointment of processioners, either by death, resignation, removal out of the districts, or otherwise, such vacancy shall be filled in manner pointed out by the said recited Act, and return made thereof as hereinbefore directed.*

An Act more effectually to secure the good citizens of this State in their titles to their Lands, on the several streams and water-courses in the same.—Approved Nov. 26, 1818. Vol. III. 415.

182. Sec. I. Where any stream or water-course is the boundary line of any tract or parcel of land, and shall or may have changed its route, or formed its bed or channel through any tract or tracts of land, or be changed or altered by nature or art, so as to leave a part or the whole of any tract or tracts of land on the opposite side from that on which it was at the time of survey, then and in that case it shall be lawful for the proper owner of said land, either by himself or agent, to call upon the County Surveyor or his deputy, of the County in which the land lay prior to such change, who is hereby authorized and required to make an accurate survey of each part of a tract so cut off, separately, including the bed that such water-course formerly occupied, and make out a plat of the same, plainly designat-

*But see Act of 1816, sec. 191.
An Act to revive, alter and amend an Act for preventing controversies concerning the boundaries of land, and for processioning the same, approved Feb. 2d, 1798.—Approved Feb. 21, 1850. Pam. 301.

183. Sec. II. The Surveyor, when called on to perform any such survey, shall be entitled to receive from the person for whom the land was so surveyed, the same fees as are allowed in the fee bill now in force.

An Act to continue the several laws of this State, near expiring, and for other purposes therein mentioned.* Approved July 30, 1783. Vol. I. 402.

*The several revival Acts were for the most part passed in a season of alarm and confusion; and when, in the absence of the public records it could not be known with certainty what laws needed revival, or what was the extent and operation of former Acts passed for that purpose. It was a natural consequence, that some of those Acts were wholly or partly superfluous at the time of their enactment; and that others were rendered so by later laws on the same subject.

To publish the whole would, it is conceived, tend to distract the attention and to embarrass rather than assist the inquirer. Convenience, therefore, as well as the plan of this work, suggests the propriety of including no more than such as are now practically in force: omitting such as have been superseded and rendered nugatory. It will on examination be found,

1st. That the Acts here recited, were reinstated in their operation, by virtue either of

The several Acts are as follows:

An Act to revive, alter and amend an Act for preventing controversies concerning the boundaries of land, and for processioning the same, approved Feb. 2d, 1798.—Approved Feb. 21, 1850. Pam. 301.

183. Sec. II. The Surveyor, when called on to perform any such survey, shall be entitled to receive from the person for whom the land was so surveyed, the same fees as are allowed in the fee bill now in force.
Whereas, several necessary laws of this State, passed before the revolution, are near expiring, and it is expedient for the welfare thereof that they should be further continued:

1. Sec. I. Be it enacted, &c. That an Act passed the 7th day of April, 1763,* to prevent persons throwing ballast or rubbish, or falling trees into the rivers and navigable creeks within this State, then province, and for keeping clear the channels of the same; and also an Act to amend the said Act, passed the 25th day of March, 1765.*

And also an Act passed the sixth day of March, 1766, for punishing seamen and mariners, neglecting or deserting their duty on board their respective ships or vessels, and for preventing seamen or mariners from being harbored or running in debt.†

And also an Act to prevent frauds and deceits in selling beef, pork, pitch, tar, turpentine and firewood, passed the 6th day of March, 1769; also an Act for amending [the foregoing] passed the 24th day of December, 1768.‡

And also an Act passed the 18th day of November, 1765, for the establishing and regulating patrols, and for preventing any persons from purchasing provisions or any other commodities from or selling such to any slave, unless such slave shall produce a ticket from his or her owner, manager, or employer.§

And also an Act to prevent stealing of horses and neat cattle, and unlawfully branding, marking, killing, or driving the same, passed the 29th day of September, 1773,|| shall severally and respectively be, and the same are hereby continued in full force until repealed by this or some future General Assembly.

And whereas, at the time of the invasion of this State by the British troops in the year 1778, the public records were sent away to prevent their falling into the hands of the enemy, and have not yet been returned into this State, from which cause the several laws heretofore passed and which may be now expiring, cannot with precision be known, and if no remedy be applied, there is reason to believe great injury may accrue to the citizens of this State, for the prevention thereof:

2. Sec. II. Be it enacted, &c. That all laws passed before the 29th day of December, 1778,¶ which are or may be near expiring, and that are not repugnant to the Constitution of this State, or in their nature temporary, be and they are hereby declared to be in full force, and that they shall continue in force until repealed by this or some future Legislature.

Sec. III. [Respecting embargoes by the Governor—abrogated by the Constitution of the United States.]

the first or second section of the present; and that all other temporary laws, prior to the 29th December, 1778, stand revived by the second section.

2d. That there were no laws passed after the 29th December, 1778, and before the date of this, that needed revival, for the amnesty of 1781, (if that should be considered as an exception,) is recited in a subsequent permanent Act; and

3d. That the operation of the English laws is deducible from the Act of 1784, [Sec. 3d of this title.] Prors.

* * * Rivers, &c." "Agriculture and Commerce," Art. "Seamen and Mariners.
† "Beef, Pork, &c." § "Slaves and Patrols." || "Cattle."

¶ The day the British took Savannah. Evacuated July 11, 1783. Augusta taken towards the last of January, 1779.—re-taken June 5, 1781. [I McCul'd Hist.]

Whereas, during the late convulsions in this State, several salutary laws were lost and destroyed, that had from time to time been enacted by the General Assembly of the same; and among others an Act reviving and putting in force such and so much of the laws of the province of Georgia, as were adjudged necessary to be in force in this State; And whereas, the said laws are for the most part suited to the circumstances of the people: And whereas, it is absolutely necessary for the well governing every State, that laws properly adapted to the circumstances of the inhabitants be at all times in force;

3. Sec. I. Be it enacted, &c. That all and singular the several Acts, clauses, and parts of Acts, that were in force and binding on the inhabitants of the said province, on the 14th day of May, A. D. 1776, so far as they are not contrary to the Constitution, Laws, and form of Government now established in this State, shall be, and are hereby declared to be in full force, virtue, and effect, and binding on the inhabitants of this State, immediately from and after the passing of this Act, as fully and effectually, to all intents and purposes, as if the said Acts, and each of them, had been made and enacted by this General Assembly, until the same shall be repealed, amended or otherwise altered by the Legislature: And also the Common Laws of England, and such of the Statute Laws as were usually in force in the said province, except as before excepted.¹

4. Sec. II. All fines, penalties and forfeitures, inflicted or made payable by any of the aforementioned Acts to the King of Great Britain, are hereby directed to be paid into the public treasury of this State, for the use of the same: And that all authorities given and enjoined by any of the said Acts to any public officer, are hereby given and enjoined to such public officers, appointed under the Constitution or form of government established in this State, and agreeable to the same.

An Act to carry into effect the eighth section of the third Article of the Constitution.—Approved Dec. 6, 1799. Vol. I. 190.

5. Sec. I. For the more general promulgation of the laws of this State, the Secretary of State, with two Commissioners, who shall be appointed by the Legislature for that purpose, shall examine into, digest, and arrange the several laws thereof now in force, and report the same to his Excellency the Governor, who shall approve or disapprove of the same.

6. Sec. II. If his Excellency the Governor shall approve of such digest of the laws of the State as may be reported to him in pursuance thereof, all laws in force on the 1st May, 1776, not repugnant, &c. are such Common and Statute Laws of England as are not repugnant, &c.

Also such Common and Statute Laws of England as are not repugnant, &c.

All laws in force on the 1st May, 1776, not repugnant, &c.

¹Compiled under direction of the General Assembly, by William Schley; see Vol. IV. 29 of Resolutions; Ib. 37, 47.

ance of this Act, that then the Secretary of State shall, under the direction of the Executive thereof cause to be printed, in a quarto bound volume or volumes, 1,000 copies of such digest of the laws of this State, as may be reported by the aforesaid Commissioners and Secretary of State in terms of this Act.

7. Sec. III. Eight hundred copies of the aforesaid volumes of the digest of the laws of this State, so reported and approved of as aforesaid, shall be distributed by the Executive among the respective Counties of this State, agreeably to the rule laid down by the Constitution for apportioning the Representatives among the several Counties: And the proportion which shall be so assigned to the respective Counties, shall be transmitted by the Executive to the Justices of the Inferior Court of such County, by whom the same shall be distributed, in such manner as the said Justices may deem most proper for the general information of the citizens.

8. Sec. IV. The remaining 200 volumes of the aforesaid digest of the laws of this State, so reported and approved of as aforesaid, shall be reserved by the Executive for the future disposition of this State.

9. Sec. V. The laws of this State which shall in future be passed shall, at the end of each succeeding session, be printed and distributed in manner and form aforesaid. *

It was resolved, on the 6th December, 1799, that a former appropriation of $2,000, in favor of Robert and George Watkins, was intended as an advance towards carrying on their digest, but not to sanction the same as a code of the laws of this State. On the 27th November, 1800, that two Commissioners should be appointed, who, with the Secretary of State, should arrange the laws of this State, pursuant to the foregoing Act. On the 2d December, 1800, it was further resolved, that the Commissioners before proceeding in their duties, should be sworn to the faithful and constitutional discharge of their duty; and that they would not insert the Yazoo Act. [Vol. I. 190, 1, 2.]

The Executive declaration of March 3, 1801, reciting, among other things, the foregoing matters; and that a digest had been reported by H. Marbury, Secretary of State, and William H. Crawford, one of the Commissioners, “confirms and establishes” the same “as the digest of the State.” Vol. I. 599.

An Act to compile and arrange the Laws and Resolutions of this State, passed since the political year 1800.—Approved December 12, 1809. Vol. II. 528.

10. Sec. I. During the year 1810, the laws of this State, passed since the political year 1800, and the concurred and approved resolutions, except such as relate to elections by the General Assembly, and every tenth year thereafter,† shall be compiled, arranged, and printed.

*This and the next Act are superseded mostly by Act of 1847, sec. 19.
†See sec. 19.
11. Sec. II. The Legislature shall, by joint ballot of both branches, appoint some fit and proper person to compile and arrange the laws of this State, in pursuance of this Act, and report the same to his Excellency the Governor, who shall approve or disapprove of the same: And when the work shall be thus performed, and approved of by his Excellency the Governor, he shall pay out of the contingent fund, to the person thus performing the work, a sum of money, which he shall deem an adequate compensation for the work. 

12. Sec. III. If his Excellency the Governor shall approve of such compilation of the laws of the State, as may be reported in conformity to this Act, that then he shall cause to be printed, in quarto or octavo bound volumes, 2,000 copies of the laws, as shall be reported to and approved of by his Excellency, in terms of this Act. 

13. Sec. IV. After the said laws are compiled, arranged, and printed, his Excellency the Governor shall cause the same to be distributed in the respective Counties of this State, agreeably to the rules laid down by the Constitution for the apportioning the Representatives in the respective Counties; and the proportion which shall be assigned to the different Counties, shall be transmitted by the Governor to the Justices of the Inferior Courts, who shall distribute the same in proportion to the number of civil officers in such County. 

14. Sec. V. As often as the laws of this State shall be compiled, arranged and printed, in pursuance of this Act, his Excellency the Governor shall reserve 500 volumes for such further distribution as the Legislature may think proper.


15. Sec. I. During the year 1820† a digest of the laws of this State shall be formed and arranged, which shall include all Acts and resolutions of the Legislature heretofore passed, and which may be passed during the present session, which are public and general, and excluding such as are private or local, and also such as have been repealed. 

16. Sec. II. To said digest shall be added an appendix, which shall contain the Constitution of the United States and the State of Georgia as amended; the Statute of frauds and perjuries, passed in the 29th year of the reign of Charles the 2d; also all Acts relating to writs of habeas corpus. 

17. Sec. III. The Legislature shall by joint ballot appoint some fit and proper person to form and arrange a digest in pursuance of this Act, who shall report the same to his Excellency the Governor, who, after the same has been examined by a committee appointed

* Under this Act were compiled Clayton's, Lamar's and Dawson's compilations, which with Marbury and Crawford's, are referred to in this work chronologically, as Vols. 1, II, III, and IV. But see sec. 19.

† The present work seeks to comply with the requisitions of the main of this Act.

‡ Mr. Prince was appointed under this Act.
for that purpose, shall approve or disapprove the same: and when the work shall be so performed and approved by the Governor, he shall pay out of the contingent fund, to the person appointed as aforesaid, a sum which he may deem an adequate compensation for the work.

18. Sec. IV. Three fit and proper persons shall be appointed by the Governor to examine said work, and on their favorable report he shall be authorized to contract for the printing of 3,000 copies in convenient bound volumes, a part to be distributed pursuant to the Act of the Legislature, passed 12th December, 1809, and the remainder reserved for future disposition of the Legislature.

An Act* to alter and amend an Act to compile and arrange the Laws and Resolutions of this State passed since the political year 1800—passed the 12th Dec. 1809.—Assented to 27th Dec. 1838. Pam. 69.

[Extends the time of compiling to 1846. But see next Act.]

An Act to prescribe how the Laws and Resolutions of this State shall be compiled and arranged, and to repeal all laws militating against this Act.—Approved Dec. 29, 1847. Pam. 61.

19. Sec. I. Be it enacted, That whenever the Legislature of this State shall deem it expedient and proper that the laws and resolutions of this State, or any part of them, should be compiled and arranged, that then it shall be the duty of the said Legislature to prescribe by law what shall be the character of the laws and resolutions intended to be compiled and arranged, and how and when the same shall be performed: and that all laws and parts of laws, militating against this Act, are hereby repealed.

[By resolution of 1842, Pam. 191, it was declared "that some standard should be established whereby fines and forfeitures now by law in pounds, shillings and pence, may be reduced to dollars; and that Justices of the Peace have no right to try any criminal offence, except such as granted in the Constitution of this State."*]

*The Compiler has conformed to this Legislative declaration, and omitted all provisions giving such jurisdiction to Justices of the Peace.
LOTTERIES AND GAMING.*

Sec. 1. Lotteries and Raffles.
" 2. Gaming contracts.
" 3. Discovery from Winner.

Sec. 5. Money lost at play.
" 7. Sale of tickets, Penalty.
" 8. Imprisonment.


Whereas, many good and wholesome Statutes of Great Britain have, from time to time, been enacted and established to prevent lotteries and gaming, and great mischiefs are daily found to arise from such practices, both to trade and the community in general, as many idle, loose, and disorderly persons find means thereby to support themselves in a dishonest, dissolute course of life, and the younger sort of people, and others, are frequently drawn in and deceived, to the loss of their time and ruin of their fortunes:

1. Sec. 1. Be it enacted, &c. That from and after the passing of this Act, if any person or persons shall erect, set up, or expose to be played, drawn, or thrown at, or shall cause or procure to be erected, set up, exposed to be played, drawn, or thrown at, any lottery, under the denomination of a sale, or sales of houses, lands, plate, jewels, ships, goods, or other things, or for money, or any undertaking whatsoever in the nature of a lottery, by way of chances, either by dice, lots, cards, numbers, figures, or tickets, or shall make, print, advertise, or publish, or cause to be made, printed, advertised, or published, proposals or schemes for advancing small sums of money, by several persons, amounting in the whole to large sums, to be divided among them by chances of prizes, or shall deliver out, or cause, or procure to be delivered out, tickets to the persons advancing such sums, to entitle them to a share of the money so advanced, according to such proposals or schemes, or shall expose to sale any houses, lands, plate, jewels, ships, or other goods, or chattels, by any game, method, or device whatsoever, depending upon, or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards, or dice, or by any machine, engine, or device of chance of any kind whatsoever, or shall be adventurers in, or pay any moneys or other consideration, or any ways contribute unto any of the said games, lottery or lotteries, sale or sales, such person or persons, and every, or either of them, on being convicted thereof, on the oath or oaths of one or more credible witness or witnesses, or on the confession of the party or parties accused, shall forfeit and lose the sum of five hundred pounds lawful money of this province, to be recovered by action of debt, or information in the General Court of Pleas, the one moiety of such forfeiture to be to his Majesty, for the support of the government of

*For penal enactments against gaming, see "Penal Laws," secs. 224, to 228, 243.—As to cheating at play, "Penal Laws," sec. 246.
this province, and the other moiety to the informer: And all and every such sale or sales of houses, lands, plate, jewels, ships, goods, and other things, by any game, lottery or lotteries, machine, engine or other device whatsoever, depending upon, or to be determined by chance, or lot, shall, and are hereby declared to be void, to all intents and purposes; and whatever shall be so set up, and exposed to sale, shall be forfeited to such person or persons who shall sue for the same, by action, bill, plaint, or information, in his Majesty’s General Court of Pleas of this province, wherein no essoign, protection, wager of law, or more than one imparlance shall be allowed: And in case of any offender against this Act, nothaving sufficient goods and chattels, wherein to levy the penalty hereby inflicted, or not immediately paying the said penalty, or giving security for payment thereof, it shall and may be lawful for the Justices, before whom such person or persons shall be convicted, to commit him or them to prison, there to continue and remain for any time not exceeding twelve months.

2. Sec. II. From and after the passing of this Act, all bills, bonds, judgments, mortgages, notes of hand, or other securities or conveyances whatsoever, given, granted, drawn, or entered into, or executed by any person or persons whatsoever, where the consideration of such conveyance or securities shall be for any moneys or other valuable things whatsoever, won by gaming, or playing at cards, dice, tables, tennis bowls, or other game or games, bet or bets, chance or chances, of any kind whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such play to any person or persons so gambling, or betting as aforesaid, or who shall during such game so play or bet, shall be utterly void and of none effect to all intents and purposes whatsoever; any Statute or usage to the contrary thereof notwithstanding; and where such mortgages, securities, or other conveyances, shall be of lands, tenements, or hereditaments, or shall be such as encumber or affect the same, such mortgages, securities, or other conveyances, shall inure, and be to and for the sole use and benefit of, and shall devolve upon such person or persons as should or might have, or be entitled to such lands, tenements, or hereditaments, in case the said grantor or grantors thereof, or the person or persons so encumbering the same, had been naturally dead, and as if such mortgages, securities or other conveyances, had been made to such person or persons so to be entitled after the decease of the person or persons so encumbering the same; and all grants and conveyances to be made for the preventing such lands, tenements, or hereditaments, from coming to, or devolving upon such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect.

Sec. III. [Directing how money lost at play shall be recovered back—re-enacted with amendments, by Act of 1765. See sec. 5.]

3. Sec. IV. And for the better discovery of the moneys or things so won and received, and to be sued for and recovered as aforesaid, It is further enacted, that all and every the person or persons who, by virtue of this present Act, shall or may be liable to be sued for the
same, shall also be obliged, and compellable to answer upon oath, for discovering the sum or sums of money, or other things, so won and received at play as aforesaid: Provided nevertheless, that upon the discovery and re-payment of the money or other thing, so to be discovered and repaid as aforesaid, together with the costs that may have accrued, such person or persons shall be acquitted, indemnified, and discharged from any further or other punishment, forfeiture, or penalty, inflicted by this Act.

4. Sec. VI. And for preventing such quarrels as shall or may happen upon the account of gaming, Be it further enacted, that in case any person or persons, upon account of any money won by gaming, playing, or betting, at any of the games aforesaid, shall assault and beat, or challenge, or provoke to fight, any other person or persons, such person or persons so assaulting, beating, challenging, or provoking to fight, on being thereof convicted, upon an indictment or information to be exhibited against him or them for that purpose, shall forfeit to his Majesty* his heirs, and successors, the sum of twenty pounds lawful money of this province, for the use of the said province, and shall also suffer imprisonment, not exceeding six months, without bail or mainprize.

[The rest of this Act, making fraudulent gaming, and gaming in public-houses, punishable as crimes—embraced by the Penal Code. For the revival of this, and the following Act of 1765, see Laws, sec. 2.]


Whereas, it hath been found by experience, that the above-mentioned Act hath not altogether answered the several good ends and purposes thereby intended:

5. Sec. I. Be it enacted, &c. That from and after the passing of this Act, if any person or persons whosoever, who at any time or times, sitting or sittings, within the space of twenty-four hours, by playing at cards, dice, tables, or any other game or games, or by betting on the sides or hands of such as do play at any of the games aforesaid, or any game whatever, shall lose to any one or more person or persons so playing, or betting, in the whole the sum or value of five shillings lawful money of this province, and shall pay or deliver the same, or any part thereof; the person or persons so losing, and paying or delivering the same, shall be at liberty at any time within six months then next following, and not after, to sue for, and recover the moneys or goods so lost and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs, by a warrant from a Justice of the Peace, in nature of a warrant for debt, founded on this Act, in case the moneys or effects so lost, and paid or delivered, shall not exceed the value of eight pounds† lawful money of this province; and in case the moneys or goods, so lost and paid

*To the State; see "Laws," sec. 4.
†Justices' jurisdiction restrained to thirty dollars.
or delivered, shall exceed that sum, the loser shall and may recover the same from the winner or winners, with costs, by action of debt founded on this Act, to be prosecuted in his Majesty's General Court of Pleas in this province; to which action or suit it shall be sufficient* for the plaintiff to allege, that the defendant or defendants are indebted to him or received to the plaintiff's use, the moneys or effects so lost and paid, or converted the moneys or effects so won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him, according to the form of this Act, without setting forth any special matter; and in case the person or persons, who shall lose such money or effects as aforesaid, shall not, within the time prescribed, really and bona fide sue, and with effect prosecute for the moneys or effects so by him or them lost and paid or delivered as aforesaid, it shall and may be lawful to and for any person or persons, by any such action or suit as aforesaid, to sue for and recover the same, with full costs of suit, against such winner or winners as aforesaid, unless such winner or winners within ten days after the winning such money or effects, shall repay or re-deliver to the loser such money or effects, so won and received as aforesaid, together with such costs of suit as may have accrued before the re-payment or re-delivery of such money or effects; the one moiety of the money or effects so recovered shall be to the use of the person or persons, (other than the person losing,) who shall sue for them, and the other moiety to the use of the poor of the parish where the offence shall be committed, any thing in the hereinafter mentioned law to the contrary thereof in any wise notwithstanding.

[The residue of this, and the whole of the Act of 7th June, 1777, (Vol. I. 255,) to prevent gaming and horse-racing, are embraced by the provisions of the Penal Code. So also is the Act of 14th Aug., 1786, (lb. 255,) to regulate taverns, and to suppress vice and immorality, except part of the 5th section, which is expressly repealed by the Code of 1833, secs. 224, 243.]

An Act to prevent the establishment of Lottery Offices, and the sale of Lottery tickets in the State of Georgia.—Approved May 16, 1821. Vol. IV. 276. [Superseded by the following.]

An Act to prevent the drawing of Lotteries, or the sale of Lottery Tickets in this State.—Approved Dec. 23, 1833. Pam. 128.

6. From and immediately after the first day of May next, all and every lottery and lotteries, and device and devices in the nature of lotteries, shall be utterly and entirely abolished, and are hereby declared to be thenceforth unauthorized and unlawful.

7. Sec. II. From and after the day aforesaid, any person or persons, who shall sell or expose to sale, or cause to be sold or exposed

*Qu. How far this is affected by the Judicial Act of 1799, see Judiciary, sec. 68.
to sale, or shall keep on hand, for the purpose of sale, or shall advertise, or cause to be advertised for sale, or shall aid, or assist, or be in any wise concerned in the sale or exposure to sale of any lottery ticket or tickets, or any share or part of any lottery ticket in any lottery or device in the nature of a lottery, within this State or elsewhere, and any person or persons who shall advertise or cause to be advertised, the drawing of any scheme in any lottery, or be in any way concerned in the managing, conducting, carrying on, or drawing of any lottery, or device in the nature of a lottery, or be an agent in procuring or supplying lottery tickets, and shall be convicted thereof, in any Court of competent jurisdiction, shall for each and every such offence, forfeit and pay a sum not less than five hundred dollars, and not exceeding one thousand dollars, at the discretion of the Court, one-half to be paid to the prosecutor, and the other to be paid over to the County Treasurer, for the use of the County where the offence may have been committed.

8. Sec. III. In all cases where the party shall be convicted as aforesaid, and shall fail or refuse to comply with the provisions in the second section of this Act, he, she, or they, shall be sentenced to undergo an imprisonment in the common gaol of the County, not exceeding six months, at the discretion of the Court.

Sec. IV. All laws and parts of laws militating against this Act, are hereby repealed: Provided, that this Act shall not apply to any lottery heretofore authorized by the General Assembly.

**LUNATIC ASYLUM.**

Sec. 1. Erection authorized.

Sec. 11. Bond of Committee.

Sec. 12. Collection of information.

Sec. 12. Certificate as to residence.

Sec. 5. Temporary provision.

Sec. 6. Lunatic convict.

Sec. 7. Treatment of recovery.

Sec. 8. Expense paid by State.

Sec. 9. Pauper Lunatics.

Sec. 10. Trustees; appointment.

Sec. 11. Power and salary.

Sec. 12. Superintendent, duties, &c.

Sec. 13. Other officers; salaries.

Sec. 14. Officers’ exemption.

Sec. 15. Treatment of inmates.

Sec. 16. Devises and Donations.

Sec. 17. Visitations.

Sec. 18. Annual Report.

Sec. 19. Duty of Inferior Court.

Sec. 20. Application; notice.

Sec. 21. Warrant; proceedings.

Sec. 22. New Commitment.

Sec. 23. Non-residents.

Sec. 24. Discharge.

Sec. 25. Appropriations.

An Act to authorize the erection in this State of a Lunatic Asylum.—Assented to Dec. 26, 1837. Pam. 34.

1. Sec. I. Be it enacted, That from and after the passage of this Act, his Excellency, the Governor, shall appoint two fit and proper persons who shall construct, and be denominated a building

For all Acts in reference to the guardianship property, &c. of “Idiots, Lunatics, and Insane Persons,” see that subdivision under title “Executors, Administrators,” &c. Also for Act of 1838, authorizing their arrest and confinement in certain cases.
committee, to superintend, under their direction, the erection, to be located in some central point in this State, that may be deemed most desirable by the Governor, under the advice of Medical gentlemen, a Lunatic Asylum, the particular locality of said edifice.* And moreover, having obtained the best information on the subject within their reach; and for that purpose, one of their number may go to Columbia, South Carolina, or elsewhere in the United States, where there is an Institution of the kind, who shall be entitled to a reasonable extra compensation, to be fixed by the next General Assembly; the committee shall, under the direction as aforesaid, be authorized to exercise a sound discretion in regard to the material, size, order of architecture, proper form and construction of an edifice best adapted to such an Institution, and that said discretion, as to the probable cost of any building which may be commenced, be exercised with reference to the sum which may be voted by this Act,† and the said committee shall proceed as early as may be convenient, to contract for rearing the edifice with some competent individual or individuals, and have the work commenced so soon as practicable; and it shall be the duty of the committee; and this is an obligation which the Legislature expressly and emphatically imposes on them by this most solemn enactment, to visit the work once a week, according to such discretion as they would exercise in defence of their own interests if acting for themselves as individuals, and they shall report their proceedings in the premises to the General Assembly at its next session.

2. Sec. II. The said committee shall give bond and security to the Governor for the time being, and his successors in office, in the sum of ten thousand dollars, for the faithful discharge of their duty.

3. Sec. III. His Excellency the Governor, shall appoint some intelligent Medical gentlemen, and suitable individual, whose duty it shall be to collect information in regard to the proper and usual internal regulations and police of such institutions, and report the same to the Legislature at its next session.

An Act to organize the Lunatic Asylum of the State of Georgia, and to provide for the government of the same, and to appropriate a sum of money for the same.—Assented to Dec. 10, 1841. Pam. 153.

4. Sec. VIII. In all cases the Clerks shall certify in what County the lunatic or epileptic resided at the time of his commitment; and such certificate shall be conclusive evidence of his residence.

5. Sec. XVI. Whenever there shall be an application for admission to said Asylum, without the necessary certificate from the Inferior Court,‡ of the County where such lunatic or epileptic may have resided, the Superintendent shall receive and provide for him

* A badly constructed sentence. In fact this whole section is a bungling affair.
† $20,000 appropriated by that Legislature—$5,000, 1839, Pam. 21—$9,000, 1840, Pam. 18—$10,000, 1841, Pam. 157—$2,000, 1842, Pam. 17—$4,000, 1843, Pam. 4—$15,000, 1845, Pam. 5—$9,125, 1847, Pam. 4—$22,500, 1849, Pam. 4, 17.
‡ See further as to the proceedings before Inferior Court. Act of 1850, sec. 19.
or her, until a reasonable time shall have elapsed for the procurement of such certificate: Provided, that a sufficient sum shall have been advanced for the maintenance of him or her in the interim.

Sec. XVII. [Appropriated $10,000 for completing and furnishing the building.]

[The remainder of this Act superseded by Act of 1850.]

An Act to amend an Act entitled an Act to organize the Lunatic Asylum of the State of Georgia, and to provide for the government of the same, and to appropriate a sum of money for the same, assented to 10th December, 1841, and to provide for the disposition of such of the convicts in the Penitentiary, as now are, or may hereafter become lunatics, while undergoing the sentence in said Penitentiary.—Assented to, Dec. 28, 1842. Pam. 22.

Sects. I, II, and III. [Superseded by Act of 1850.]

Sec. IV. [Temporary.]

6. Sec. V. It shall be the duty of the Physician to the Penitentiary of this State, when he discovers that any one of the convicts in said Penitentiary have become lunatic or insane, to certify the same to the Principal Keeper of said Penitentiary, and it shall be the duty of such Principal Keeper, upon the receipt of such certificate, to transfer said convict to the Lunatic Asylum of this State, and shall send, together with such convict, a copy of said certificate, together with the day on which the term of service of such convict will expire in said Penitentiary, and the County from which he was sentenced.

7. Sec. VI. It shall be the duty of the proper officer in charge of said Asylum, to receive said convict, and to file such certificate and memorandum of the time of the expiration of his sentence, and shall keep said convict, so sent, as other inmates of said Institution, for and during the time for which he was sentenced to said Penitentiary: Provided, That if such convict shall recover from his lunacy or insanity before his term of sentence has expired, the fact shall be certified by the physician to the Asylum, to the Principal Keeper of the Penitentiary, whose duty it shall be, forthwith to send a suitable guard for such convict so recovered, and take him back into said Penitentiary, to serve out his sentence.

8. Sec. VII. Lunatics from the Penitentiary shall be kept at said Asylum, at the charge of the State, for and during the time of the sentence in said Penitentiary.

An Act to amend an Act to organize the Lunatic Asylum of the State of Georgia, and to provide for the government of the same, and to appropriate a sum of money for the same, passed December 10th, 1841.—Assented to Dec. 28, 1843. Pam. 9.

9. Sec. I. Be it enacted, That pauper lunatics, epileptics, or idiots, having a residence in this State, shall be supported in the said
Asylum at the public expense, on certificate of lunacy and poverty from the Justices of the Inferior Court of the County where such lunatic, idiot, or epileptic may have resided; and the Governor is hereby authorized, on the application of the Trustee of said Asylum, to draw from the Treasury, a sum not exceeding fifty dollars per annum for the support of each and every such lunatic.*

Sec. II. All laws and parts of laws militating against this Act, be, and the same are hereby repealed.

An Act [to amend an Act] to organize the Lunatic Asylum of the State of Georgia, and to provide for the government of the same, and to appropriate a sum of money for the same, assented to December the 18th, 1841.—Approved Feb. 21, 1850. Pam. 47.

10. Sec. I. Be it enacted, That the government of the State Lunatic Asylum at Midway shall be vested in a board of three Trustees, to be biennially appointed and commissioned by the Governor, on the first Monday in December of every second year, commencing on the first Monday of December, 1850, and in such manner that one of the Trustees shall continue in office, so that there will always be a member of the board of Trustees who is well acquainted with the business of the Institution, the situation of its inmates, and the character and conduct of its officers.

11. Sec. II. The board of Trustees shall have authority to appoint all the officers of the Institution, prescribe the duties of their several stations, and to establish such rules and regulations for the internal management of the affairs of the Institution, and for the admission of all lunatics, idiots and epileptics, as in their judgment may be necessary, and the said Trustees shall receive seventy-five dollars each, per annum, payable quarterly, for their services.

12. Sec. III. The principal officer of the Institution shall be the Superintendent, who shall be a regular Physician, reside constantly upon the premises and devote his professional services exclusively to the use of the Asylum, and who shall receive for his services a salary of fifteen hundred dollars per annum, payable quarterly out of the State Treasury, and the use of a suitable residence, and who as Superintendent of the Asylum, shall, under the Trustees, take charge of and exercise control over every department of the establishment, and have positive control over all resident officers, attendants and servants employed in the Institution, and employ all attendants and servants necessary, and as Physician he shall discharge all duties any way connected with the restoration to health or sanity of the inmates.

13. Sec. IV. The other officers of the Institution shall consist of an Assistant Physician, a Treasurer, a Steward, Assistant Steward, Matron and Assistant Matron, whose salaries shall be fixed by the board of Trustees, and paid quarterly out of such appropriation as may be made

*By Act of 1841, to be supported by the County. See sec. 10 of next Act; sec. 19 of this title.
by the Legislature. And the trustees may by the regulations prescribed by themselves, constitute such other offices and select the incumbents of them as in their judgment may be necessary to an efficient administration of the affairs of the Institution, and in their by-laws determine the salaries and tenure of the office of their officers.

14. Sec. V. All officers and attendants of the Asylum, resident upon the premises be, and they are hereby exempted from the performance of all Jury, Patrol, Road and Militia duty, and from all pains and penalties from the neglect thereof; and no servant employed in the Asylum shall be held liable to work upon the public roads.

15. Sec. VI. It shall be the duty of the board of Trustees to remove from office and cause to be prosecuted, any person employed in the Asylum who shall assault any inmate of said Institution, or use towards such inmate any other or greater violence than may be necessary for his or her government, restraint or care.

16. Sec. VII. The Trustees may receive and hold in trust for the Asylum, any grant or devise of land, or any bequest or donation of money, or other personal property to be applied to the maintenance of insane persons, and the general use of the Institution.

17. Sec. VIII. There shall be thorough monthly visitations by one of the board of Trustees, semi-annually by a majority of them, and annually by the whole board.

18. Sec. IX. The fiscal year of the Institution shall regularly terminate on the first day of October of each and every year, up to which time a full and detailed report shall be made by the Trustees, Superintendent and Treasurer, to be laid before the Governor and Legislature during the first week of the ensuing month, exhibiting a particular statement of the condition of the Asylum, and of all its concerns, with such other matter as in their judgment may be conducive of the interest of the Institution.

19. Sec. X. The Justices of the Inferior Courts in the several Counties in this State, or a majority of them, agreeably to the provisions hereinafter specified, may, upon the application of any citizen, commit to the Asylum any individual whose lunacy, idiocy or epilepsy is satisfactorily established, (except in the case of idiots who are not known to be in any way dangerous and whose friends have the means to provide for them;) and in all cases when a certificate of pauperism is furnished by the Court, such individual shall be supported in the Asylum at the charge of the State, but no individual shall be certified a pauper who is not in whole or in part, supported by the County in which he or she resides; and in the cases of persons of very limited means, and who cannot be certified paupers, but in relation to whom the certificate of the Court is obtained, that their friends are unable to pay the usual charge of board, &c. of pay patients in the Institution, the Trustees shall be authorized to receive and retain him or her upon the regular and punctual payment of such proportion as it is satisfactorily attested they can pay; any necessary balance being drawn from the fund appropriated for the support of pauper patients to the amount of the allowance made for the support of each pauper; and on all occasions when the case of Day of

any lunatic, idiot, or epileptic is under consideration before the said
LUNATIC ASYLUM.—1850.

Proceedings for commitment—Non-residents—Discharge.

Justices, it shall be the duty of the Clerk of the Inferior Court to attend such investigation and keep a book in which all matter relating to the enquiry or trial shall be recorded.

20. Sec. XI. Any person who may desire the commitment of any lunatic, idiot or epileptic, shall make application in writing to the Justices of the Inferior Court of the County where such lunatic, idiot or epileptic resides, for such commitment, whereupon the said Justices, or a majority of them, shall appoint a day for the hearing and determining upon such application, and the applicant shall notify the relations or nearest of kin to such lunatic, idiot or epileptic, resident in the County, of the day set apart, at least ten days before the period thus designated.

21. Sec. XII. Whenever any application shall be made to the Justices of the Inferior Court or a majority of them in any County of the State, for the commitment of any lunatic, idiot or epileptic to the Asylum, they shall issue a warrant to the Sheriff or the deputy of the Sheriff in said County, directing him to summon a Jury of seven men, one of whom shall be a regular physician, to be and appear at the Court house in said County, on a day specified in said warrant, to hear and determine the question of lunacy, idiocy or epilepsy, and the Justices, or a majority of them, shall preside at such trial, and administer an oath to such Jurors, faithfully and impartially to try said issue of lunacy, idiocy or epilepsy, and the verdict of the Jury shall be final on such complaint; and the Clerk of the Court shall make out a full and fair exemplification from the records, of all proceedings had in the case, to be sent with such lunatic, idiot or epileptic, if committed to the Asylum, and the Justices of the Inferior Court shall have the same authority as the Inferior Court has by law to enforce the attendance of Jurors and witnesses, and to inflict fines for non-attendance, and to fine or send to jail any person who may be disposed to create disorder or disturb the Court during its session for the trial of such cases.

22. Sec. XIII. In the cases of all citizens of this State, who have been regularly received as patients in the Asylum, but have been absent from it for the period of three months, either through discharge, elopement, or removal by friends, such person cannot be returned to the Institution unless regularly recommitted according to the form prescribed in this Act.

23. Sec. XIV. No lunatic, idiot or epileptic not having a residence in this State, shall be received into the Asylum, unless satisfactory arrangements shall have been made with the Trustees to provide for and secure the prompt payment of his or her board, and all other expenses liable to be incurred.

24. Sec. XV. The Trustees, or a majority of them, upon an application to them in writing, shall discharge from confinement any lunatic or epileptic, upon being satisfied that the cause of such confinement has ceased to exist, and no pauper lunatic or epileptic, who shall have recovered, shall be discharged from the Institution without suitable clothing, and the Trustees may furnish the same at their discretion together with a sum of money not exceeding ten dollars.
Sec. XVI. All laws and parts of laws militating against this Act, be, and the same are hereby repealed.

An Act to appropriate money for the purchase of Land and making useful and necessary improvements in connexion with the Lunatic Asylum.—Approved Feb. 22, 1850. Pam. 17.

25. Sec. I. Be it enacted, That the sum of three thousand dollars is hereby appropriated to purchase such tract or tracts of land in the vicinity of the Lunatic Asylum as may be deemed important and necessary to the interests of the Institution by the Board of Trustees and his Excellency the Governor.

Sec. II. For the building of a male and female infirmary, the sum of two thousand five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated.

Sec. III. For the purpose of re-covering the present buildings with the most approved fire-proof material, and likewise such other buildings as may be erected, the sum of three thousand dollars, or as much thereof as may be necessary, is hereby appropriated.

Sec. IV. For erecting and furnishing a separate building for epileptics, the sum of two thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated.

Sec. V. All laws and parts of laws militating against this Act, are hereby repealed.

[Able report and resolutions in reference to a Lunatic Asylum, 1841. Pam. 254.]

[Appropriations in 1837, $20,000. In 1839, $5,000. In 1841, $10,000. In 1845, $10,000. In 1847, $997 36, to pay old debts, and $700, for lightning rod and force pump. In 1850, $10,500.]

MAGNETIC TELEGRAPH.

Sec. 1. Authorizing erection. | Sec. 2. Protecting from disturbance.

An Act to authorize the construction of the Magnetic Telegraph, and providing for the protection of the same.—Approved Dec. 29, 1847. Pam. 218.

Whereas, many of the citizens of the State of Georgia are interested in the construction of lines of the Magnetic Telegraph, and desire the protection of their property, and the privilege of using the public roads and highways for their posts and wires:

1. Sec. I. Be it enacted, That any company or individual may erect posts and wires, and other fixtures for Telegraphic purposes, on or by the side of any public road or highway in this State: Provided, that such posts, wires or fixtures shall in no case be so set or placed
as to obstruct, hinder, or in any way interfere with the common uses or business of said roads or highways.

2. Sec. II. If any person shall willfully destroy, damage, or in any way injure said Telegraph, posts, wires, or fixtures, he or they shall be deemed guilty of misdemeanor, and may be indicted in the Superior Court of the County where such damage may be done; and upon conviction, shall be fined or imprisoned in the common jail of the County, or both, at the discretion of the presiding Judge.

MILITIA.*

Sec. 1. Inspection by Adjutant General. Sec. 47. Elections; Lieut. Colonel.
" 6. Composition of Regiment. " 52. Two Majors in Regiment.
" 12. Who subject to duty. " 58. One to a County.
" 27. Non-appearance; guilt. " 73. Annual account of arms.
" 34. Officers resigning. " 80. Four Company masters.
" 36. Toll-free through the State. " 82. Clerk and Provost Marshal.
" 38. Division and Brigade Inspectors. " 84. May be formed in each County.
" 40. Cavalry; Artillery; Riflemen. " 86. Arms furnished.
" 42. Apportionment for service, " 88. Inspection.
" 43. How officered. " 89. Exemption from duty.
" 45. Repealing clause. " 91. First Division excepted.

*For Act authorizing the Inferior Court to lay out new Militia Districts, and alter old ones, see title "Counties," sec. 9.
For Act in relation to Military storekeepers, see "State Officers," secs. 40, 41.
For Act amending the Militia Laws, as to first Regiment, see Act of 1811, Pam. 152.
An Act to provide for the arming the militia of this State.—Approved Dec. 10, 1807. Vol. II. 363.

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

2. Sec. VI. It shall be the duty of the Adjutant General to report the state and condition of the arms so inspected by him, to each and every successive Legislature. [The residue of this section, and the 7th, directing the Governor to pay for these arms, if Congress should not do it, out of what is due by the United States to this State—omitted as temporary.]

An Act to revise and consolidate the Militia Laws of this State, and to repeal the Cavalry Laws now in force.—Approved Dec. 19, 1818. Vol. III. 469.

3. Sec. I. The militia of this State shall be laid off and apportioned into divisions, brigades, regiments, battalions, and companies, each division shall be commanded by a Major General, whose staff shall consist of one division Inspector, with the rank of Lieutenant

*As to Brigade and Division inspections, see sec. 61, 62.
Colonel, one Quartermaster and two Aids, with the rank of Major each; each brigade shall be commanded by a Brigadier General, whose staff shall consist of a Brigade Inspector, with the rank of Major, a Brigade Quartermaster, and an Aid-de-camp, with the rank of Captain; each regiment shall be commanded by a Colonel, whose staff shall consist of a Quartermaster, a Paymaster, and Adjutant, with the rank of Lieutenant, and one Surgeon and Mate; and shall also have attached to it a Lieutenant Colonel, and Major, a Sergeant Major, a Quartermaster Sergeant, and a Drum and Fife Major; each company shall consist of one Captain, a first and second Lieutenant and Ensign, four Sergeants, and four Corporals, a drummer and fifer, and sixty-four privates.

4. Sec. II. When it shall be found necessary to create any new division or brigade district, or make alterations in any of those already laid off and defined, such new definitions or alterations shall be made by the Legislature, and a record made of the same in the Adjutant General's office, as well as of the organization of the divisions and brigades heretofore created and defined.

5. Sec. III. When it shall be necessary to create any new regimental, battalion, or company district, or make alterations in any such as have heretofore been laid off, the commanding officers of regiments shall assemble the commanding officers of battalions and companies, at some fit and convenient place, and shall proceed to lay off, or alter any such regimental, battalion, or company district or districts, which districts shall, in all cases, be designated by lines and bounds, and recorded by the Clerk of the respective regimental Courts of Inquiry; that in all creation or divisions of the aforesaid districts, a due regard shall be had to the number of effective men organized for each corps by the militia laws of the United States, and that in the case of the creation of any new company district, any subaltern officer or officers, falling within the bounds thereof, shall hold his or their rank and grade, his or their respective commissions being made to bear the number of the said new district, and that in case of the organization of any additional acquisition of territory, the regimental, battalion, and company districts therein, shall in the first instance, be defined in such manner and by such officers of the militia as the Commander-in-Chief may order and direct.

6. Sec. IV. A regiment shall not contain less than two, nor more than three battalions; and in a regiment composed of two or more Counties, battalion musters and battalion courts of inquiry only, shall be had; and regimental and battalion districts shall be so arranged as not to embrace parts of two or more Counties; and the Brigadier General and field officers shall determine the several Counties which shall form a regiment. [But see sec. 46.]

7. Sec. V. Every division, brigade, regimental, battalion, and company district, shall be numbered throughout the State by order of the Commander-in-Chief, in such manner, that every corps of the same denomination, shall bear a different number; by which number every district shall be designated in the commissions of officers.

commanding them; and when in the field, for the purpose of exercise, officers of the same grade shall take rank agreeably to the date of their respective commissions, their respective commands following the same; regiments being told into regular battalions—battalions into divisions, companies, platoons, and sections. [Vacancies, repealed by Act of 1843.]

9. Sec. VII. When any vacancy shall happen 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 Inferior Court [of the County] in which such company may be, 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 time of such election and receiving their commissions, such officers shall be fully authorized to act in all their functions, by brevet from the Colonel or commandant, (or in Counties containing but one battalion, from the Major or commandant,) upon the officers elected producing a certificate from the persons superintending said election, that he or they had the highest number of votes at said election: Provided, that such election is not protested against by any person having been a candidate; and when 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 it 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 Colonel or commandant of 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. †

10. Sec. VIII. When a vacancy shall happen by death, resigna-

*See sect. 17 and 70, and sect. 123, materially altering the provisions of this section.
†On failure to elect, Colonel may appoint; sect. 79. But see sect. 123.
MILITIA.—1818.

Staff—Oath—Privates.

Vacancies of any commanding officer of a regiment or battalion, such vacancy shall be filled by the election of the persons subject to do military duty, who shall become subject to the command of such field officer when elected.* under the following rules and restrictions, that is to say: any two or more Captains within such regimental or battalion district, not being themselves candidates, shall give twenty days' public notice, in every company district within the same, of the time and place for holding such elections; and they, with any two or more Justices who are not candidates, shall preside at the election, and the said presiding Captains and Justices shall, within thirty days thereafter, certify under their hands and seals the person or persons having the highest number of votes, and the state of the poll so taken shall be transmitted to the Commander in Chief, who shall, within ten days after the said transmission, commission the person or persons so elected; and in regimental districts, the Brigadier General shall appoint the time and place at which said elections shall be held; Provided nevertheless, that if two or more Counties compose a regiment, in that case the elections shall be held at the several battalion muster grounds on the same day, and the result of each election be sent to the Governor, who shall commission as aforesaid. [See sec. 47.]

11. Sec. IX. Each Major General, Brigadier General, and Colonel, shall have the appointment of their own respective Aids-de-camp, Division Inspectors, Division Quartermasters, Brigade Inspectors, Brigade Quartermasters, and the Regimental Staff.

12. Sec. X. Each and every officer appointed, or who may hereafter be appointed, and commissioned or brevetted, not having heretofore done the same, shall, previous to entering on the duties of his office, take the following oath, to be administered by a Justice of the Peace or the Regimental Court of Inquiry of the County in which such officer resides, to-wit: I, ———, do swear that I will support the Constitution of the United States, and faithfully discharge the duties —— in the —— of militia of the State of Georgia, to the best of my skill and judgment—so help me God. If the said oath be administered by a Justice of the Peace, the Justice of the Peace before whom such oath shall be taken, shall transmit the same, within a reasonable time, to the Clerk of the regiment to which such officer may belong, to be entered of record by said Clerk.

13. Sec. XI. The commanding officers of companies shall enrol every able-bodied white male citizen, as well as aliens,† between the age of eighteen and forty-five years, except such as are exempt by the laws of the United States and this present Act,‡ residing within his district; and in all cases of doubt respecting the age of any person enrolled, entitled to be enrolled, or pleading incapacity, to serve in any company, the party questioned shall prove his age or inability to the regimental (or battalion courts of inquiry, in

*Election held at precincts, sec. 92. On failure to elect, Brigadier General may appoint. See Act of 1842, sec. 195.
†But see Foreigners, sec. 10. See sec. 65 of this title.
‡Sec. 41.
Counties containing but one battalion) within whose bounds he may reside; and it shall at all times hereafter be the duty of every such Captain or commanding officer of a company, to enrol every such white male as aforesaid, as shall from time to time arrive at the age of eighteen years, and be under forty-five, except as before excepted, or who shall come to reside within his bounds, and shall without delay notify such person of the said enrolment by a proper non-commissioned officer, by whom such notice may be proved.

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

15. Sec. XIII. Until arms and equipments of the description required by the militia law of the United States, can be procured in this State, by any mode which the Legislature may hereafter point out, every non-commissioned officer or private in the militia of the line shall stand bound to appear at all musters or on all other necessary occasions, armed, equipped and provided with a fire-lock in good order, and a cartridge-box or shot-pouch; * but all volunteer companies of light infantry, grenadiers or riflemen, shall at all times be and appear at musters or on other necessary occasions, armed, equipped and provided, as the militia law of the United States prescribes, as well as any volunteer corps of cavalry or artillery; and that no volunteer company of any species of troops shall be received or acknowledged as a volunteer corps or company until such volunteer company or companies present themselves, armed and completely equipped, as in the regular army of the United States.

16. Sec. XIV. The uniform of the officers of the militia, shall correspond with that worn at present by the army of the United States; † and the uniform of all volunteer corps shall be blue, with such ornaments as may be added, according to the taste of the members thereof, excepting the uniform of riflemen, which shall be green, with the same privilege of adding any ornaments; and no person belonging to the militia of the line, shall, under color of enlisting into any company to be made up by volunteer enrolment, be excused from doing duty in the infantry of the line, until he shall have equipped himself for service in such volunteer company according to law, and

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*But see Act of 1839, as to paupers, sec. 94.
†But may be made of homespun. Sec sec. 68.
shall have produced a certificate thereof from the commanding officer of the volunteer company to the commanding officer of the district company to which he did properly belong, and no person having enlisted in any volunteer company, shall be permitted to withdraw himself from the same, under the penalty of ten dollars, unless in case of removal from his regimental or battalion district, to be recovered as other fines imposed by this Act, upon the evidence of the commanding officer of the company from which he shall so withdraw, without having given said commanding officer thirty days' previous notice of his intention so to withdraw; which commanding officer shall return all such cases to the first battalion court of inquiry that shall sit thereafter; and the commissions of such volunteer corps shall designate the number of the regiment or battalion to which they are attached, and the commanding officers of the regiment or battalion shall direct how they are to be posted on regimental or battalion parades, unless differently ordered by a superior officer; and the said companies shall perform the same routine of duty (under their respective officers) and be subject to the same rules and regulations, penalties and orders, as the rest of the militia, and the Commander in Chief may order them or any of them, out on duty, as occasion in his opinion may require, by entire companies; and when a district company shall not contain any greater number of effective men than what is required by the law of Congress, no volunteer corps shall enlist more than one-eleventh man out of said district, except in the City of Savannah, and no greater number of volunteer corps shall be commissioned henceforward (unless it is in cases of emergency) than what the militia law of the United States prescribes to be attached to regiments and battalions.

Sec. XV. [See a section substituted for this by the Act of 1831, Sec. 73 of this title.]

17. Sec. XVI. There shall be held in each regiment or County, once in every year, or as the Commander in Chief may order, a convention of the field, staff, company, and non-commissioned officers of regiments, for the purpose of being trained and instructed by the Adjutant General,* in the exercises and discipline prescribed by Congress, at which said conventions, all field officers shall appear in their uniform, armed with swords, and provided with their respective commissions; and all staff, company and non-commissioned officers, shall appear in their uniform, armed with firelocks and bayonets, accoutred with cartouch-boxes, bayonets, belts, and scabbards, and provided with their commissions, and six blank cartridges each; and all such officers so convened shall form a company, and be subject to such orders, regulations, and instructions as the Adjutant General may deem necessary, to teach and enforce the discipline prescribed by Congress, for a term not exceeding three days at any one meeting; that there shall be held in each County or regiment, once a year, or as often as the Commander in Chief may order, a regimental muster, (or battalion muster, in Counties holding but one battalion,) for the purpose of being trained and instructed by the

*But see secs. 61 and 62.
Adjutant General in the exercises and evolutions prescribed by Congress; and that a like convention of field and company officers and musters by regiments (or by battalions, where there is one battalion only in a County,) shall be held once a year, by order of the Brigade General, for the purpose of being trained and instructed by the Brigade Inspector,* in the exercises and evolutions prescribed by Congress, and that the Brigade Inspector shall attend all conventions of field and company officers, regimental and battalion musters, within their respective brigades, and shall make such returns as are prescribed by the militia law of the United States; and independent of the foregoing provisions, the commanding officers of regiments and battalions shall and are hereby ordered to have regimental and battalion musters, not exceeding once in every year; and the Majors of battalions, when there is but one battalion in any County, shall and are hereby required to have battalion musters not exceeding two in each year.

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

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

20. Sec. XIX. The following forfeitures, pains, and penalties, shall be incurred for delinquencies, to wit: Major General or commanding officer of a division, for failing to discharge the duties required by this Act, or disobeying any order legally issued by the Commander in Chief, shall for each and every such offence or neglect, forfeit and pay a sum not exceeding one thousand dollars; for

*But see secs. 61 and 62.
acting in contempt of any order given by the Commander in Chief, to him directed, for every such offence, forfeit and pay a sum not exceeding two thousand dollars, or be removed from office, according to the provisions of the third section and fourth article of the Constitution, or both at discretion;—by a Brigadier General or commanding officer of a brigade, for failing to discharge the duties imposed by this Act, or disobeying any order legally issued by a superior officer, shall for each and every such offence or neglect, forfeit and pay a sum not exceeding six hundred dollars; for acting in contempt of any order to him directed, legally issued by a superior officer, forfeit and pay for every such offence a sum not exceeding fourteen hundred dollars, or be removed from office, according to the provisions of the third section and fourth article of the Constitution, or both, at discretion;—that the following forfeitures and penalties shall be incurred for delinquencies, to wit:—by a Colonel or commanding officer of a regiment, failing to appear at musters, or on any other necessary occasion, armed and uniformed as the law directs; for failing to take an oath, to summon any Court or board, or failing to order a regimental or battalion muster; to report delinquent officers; to make returns of his regiment; shall for each and every such offence or neglect, forfeit and pay a sum not exceeding one hundred and forty dollars; for failing to call into service any militia legally detached from his regiment, six hundred dollars;—by Lieutenant Colonel or Major, for failing to appear at muster, or on any other necessary occasion, armed and uniformed as above; for failing to take an oath, to attend any Court or board; to give notice of any regiment or battalion muster, to report delinquencies or make any return, he shall forfeit and pay for each offence and neglect, a sum not exceeding sixty dollars; for failing to call forth his battalion with due despatch, or any detachment of men or officers that may be required from time to time by the commanding officer of his regiment, or the Commander in Chief of the State, three hundred dollars;—by a Captain for failing to appear at muster, or on any other necessary occasion, armed and uniformed as the law directs; for failing to take an oath, to attend any Court or board; to enrol his men and take an account of their arms, accoutrements, and ammunition; to appoint or draft non-commissioned officers, as directed by this Act; to give notice of regimental, battalion, and company musters; to cause his roll to be called, and his company to be exercised; to examine his company, and report delinquencies and defaulters; or make any return as directed by this Act, shall forfeit and pay for each and every such offence and neglect, a sum not exceeding forty dollars; for failing to call forth such officers and men as may from time to time be legally called for from his company, or failing on such occasion to repair to the place of rendezvous, when order-
ed upon any call from the Commander in Chief, he shall forfeit and pay a sum not exceeding one hundred dollars;—by a non-commissioned officer or musician, for refusing or neglecting to act as such, after having been legally drafted or taught, to give due notice to their respective squads of all musters, and to such of them as they are ordered to summon to Courts of Inquiry; for failing to attend any muster or Courts of Inquiry when ordered: for failing to appear properly armed and accoutered at aforesaid muster, he shall forfeit and pay a sum not exceeding twenty-five dollars, for each and every such offence, at the discretion of a Court of Inquiry; for failing to repair to his rendezvous when legally drafted and ordered upon any call from the Commander in Chief, a sum not exceeding one hundred dollars;—by a private soldier, for failing to attend any muster when legally warned thereto, or failing to attend by the time appointed, (which, for all musters to be held throughout the State, shall be by eleven o'clock in the morning,) armed and accoutered as this Act directs, shall forfeit and pay for each offence a sum not exceeding twenty dollars, at the discretion of the Court of Inquiry; for failing to repair to his rendezvous, properly armed, accoutered, and equipped when legally drafted and ordered upon any call from the Commander in Chief, a sum not exceeding one hundred dollars, at the discretion of a Court of Inquiry; Provided, that no officer of the militia shall be fined for not appearing in uniform until three months after he shall have been commissioned; and in addition to the foregoing, all non-commissioned officers and privates, who may be hereafter drafted, who shall refuse or neglect to appear, agreeably to such order as may be issued with such object, shall in every respect be considered as deserters, and be liable to the rules and articles of war, in such cases provided; excepting in the case of privates, where a good and sufficient substitute shall be furnished; and if any non-commissioned officer or private shall be returned as a delinquent for not appearing, armed and accoutered as the law directs, the Court of Inquiry before whom the same shall be tried, may, if it appears reasonable, and the delinquent shall make it appear that he was unable to procure the legal equipment, remit the fine incurred by him; and that the fines and penalties incurred by minors and apprentices for the breach and neglect of their duty, in any particular service by law required of them shall be paid by the parent, guardian, or master.

21. Sec. XX. All arms, ammunition and equipments, the trooper's horses and furniture, of the militia, shall be exempted from execution and distress at all times: and their persons from arrest and process in civil cases, while going to, continuing at, or returning from muster, and while in actual service.1

22. Sec. XXI. The distribution of orders, requiring any muster to be held, shall take place in such manner as that a Colonel or commanding officer of a regiment, shall have notice in writing from the Brigadier General, at least thirty days before such intended muster; of a battalion, from the Colonel or commanding officer of a regiment, A Major, 30 days.

(1.) A Lieutenant in a company raised under Act of Congress not entitled to this exemption. 3 Kelly, 397.
A Captain, at least twenty days; a Captain or commanding officer of a company, from the Major or commanding officer of a battalion, at least fifteen days, who shall distribute all orders to their Sergeants at least ten days, and the Sergeant to each person in his squad, at least three days before such musters respectively.* Nevertheless, All notices public- 

cily given by the commanding officers of companies, at their respective musters, of any subsequent muster, shall be held and deemed as legal notices, as to all persons present at such musters; and ten days' previous notice shall be served in writing, to any delinquent officer, non-commissioned officer or soldier, by the Adjutant to said officers, and by Sergeants to non-commissioned officers and privates, of the time and place the Court of Inquiry shall sit; and a written or verbal declaration before the Court of Inquiry by said Adjutant and Sergeants, or any other officer or soldier, shall be sufficient evidence to such Courts of such notices and services; and the commanding officers of regiments and battalions, shall, at their respective regimental and battalion musters, take notice of all delinquent officers, and shall lay the same, together with the returns of delinquencies of the commanding officers of companies, at company, battalion, and regimental musters, before the Court of Inquiry appointed under this Act, to take cognizance of, and determine on them; and to each of the said returns shall be annexed the following certificate, to wit: "I do certify that the return hereunto annexed, contains all the delinquencies which have occurred since my last return, having duly examined the same."

Sec. XXII. [Act of 1831 substitutes a section for this. See sec. 74 of this title.]

23. Sec. XXIII. The Majors of battalions, in Counties containing but one battalion, shall be allowed to nominate two fit and proper persons to act as Adjutant and Paymaster in his County, who shall be appointed by the Lieutenant Colonel commandant, and which shall be so construed as to supersede the necessity of having a regimental Adjutant and Paymaster in such cases.

Sec. XXIV. [See a substitution for this section in the Act of 1831. Sec. 75 of this title.]

24. Sec. XXV. The Paymaster of a regiment, previous to his entering on the duties herein required, shall give bond and security to the Court of Inquiry, for the faithful discharge of his duty, under such pecuniary penalty as they may think proper; he shall keep fair accounts of the receipts and disbursements of all moneys which may come into his hands by virtue of this Act, which accounts shall at all times be subject to the inspection and examination of said Court, or of any member thereof; and all accounts passed by said Court, or appropriations made by them, and certified by the presiding officer, shall be sufficient to authorize the Paymaster to pay the same; and should such Paymaster fail to render a true and just account of all money by him received, at any time when required so to do by the Court of Inquiry, he shall forfeit double the sum which he so fails to account for, to be recovered by motion in the name of the

* Which may be done verbally, see sec. 53.
commanding officer of the regiment, in any Court having jurisdiction of the same in the County where he may reside, giving such Paymaster ten days' previous notice of such motion; and he shall moreover be dismissed from the office of Paymaster of the regiment.

25. Sec. XXVI. The moneys arising from fines and forfeitures by virtue of this Act, shall be considered as a fund to defray the expenses arising under the same, to provide standards and colors for the battalions and regiments, musical instruments for companies, ammunition for field days, and every other kind of warlike arms, implements, or equipage, which in the opinion of the Court of Inquiry, may tend to the advancement of the militia service, and moreover the Court of Inquiry shall, from time to time, appropriate such sums as they shall think just and right, as a compensation to their Clerks and Paymasters, and any other person necessarily employed in carrying the militia law into effect within the bounds of their respective regiments.

26. Sec. XXVII. The Commander in Chief of the State, upon complaint of misconduct or neglect of duty, lodged in writing in the Executive office, by five or more of the commissioned officers, shall cause to be arrested any Major General, Brigadier General, the Adjutant or Quartermaster General, and order a Court Martial of all the other Generals, field officers, or 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 hereinafter provided for the trial of field officers; and any Major General, or Brigadier General, for misconduct within their own knowledge, or upon complaint lodged in writing by two commissioned officers, shall have power to arrest any Colonel, Lieutenant Colonel, Major of battalion, or any other officer attached to their respective staffs; and the commanding officer of the division shall order a Court Martial for such Colonel, Lieutenant Colonel, Major of battalion, Major of brigade, or inspector, to be composed of one Brigadier General, and of as many field officers and Captains as shall make up a number of not less than thirteen† and such Court Martial shall proceed to hear and determine on all offences against military order and decorum, and may censure, fine, or cashier such officer, which sentence shall be final when approved by the Commander in Chief of the State; and any Brigadier General, Colonel, 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 a 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 Court Martial shall proceed to hear and determine on all offences against military order and decorum, and may censure, fine, and cashier every officer so tried, which sentence shall be final when approved by the officer ordering such

*Seven by Act of 1843; sec. 114. †Five by Act of 1843; sec. 115.
In all cases, the court to be sworn.

The oath.

Witnesses may be summoned.

Punishment for non-attendance.

If any officer.

Witnesses to be sworn.

The oath.

The effect of being cashiered.

The non-appearance of an accused officer taken as evidence of guilt.

Governor authorized to call out the militia at his discretion, and organize such detachments.

Orders for such purpose shall be sent to certain officers.

Their duty.

Court; 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, according to the evidence and the opinion I entertain of the spirit and intention of the laws of this State, and of the United States, and that I will not divulge the vote or opinion of any member of this Court, unless required to give evidence thereof in a Court of Justice, in a due course of law, until the sentence shall be approved of by the proper authority—so help me God;" and for obtaining the necessary evidence for the trial 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 a Court of Inquiry of the regimental district, in whose bounds he shall reside, and be then subject to such fines and penalties as they may think proper to inflict, not exceeding twenty dollars; and all persons summoned or called to give evidence before any Court Martial, shall take the following oath, to be administered by the President, or Judge Advocate, to wit: "I ——, do solemnly 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.

27. Sec. XXVIII. If any officer arrested for trial, shall refuse or neglect to attend, such refusal or neglect shall be deemed ipso facto sufficient evidence of his guilt, so far as to authorize the Court to subject such offender or defaulter to such fines and penalties as might have been inflicted, had the individual appeared, and been regularly convicted of the charges preferred against him.

28. Sec. XXIX. That his Excellency the Governor be authorized and empowered, on an invasion or insurrection, or probable prospect thereof, to call forth such a number of the militia, and from such County or Counties, and in such manner, either by companies or by drafts, as he may deem proper; and for the accommodation, equipment and support of the militia so called forth, the Commander in Chief of the State, may appoint such Quartermasters, Commissaries and other staff officers, as to him shall seem proper; and shall also take such measures for procuring, transporting and issuing all orders which may be necessary—orders for the militia to be called forth as aforesaid, shall be sent to the commanding officer of the regiment, brigade or division, with a notification of the place or places of rendezvous, who shall immediately take measures for de-
taching the same, with the necessary number and rank of officers by regular details, drafts or volunteer enlistments, as he may be ordered. Whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the articles of war, which govern the troops and the militia, which are in the service of the United States; and courts martial shall be held as therein directed, to be composed of militia officers only, for the trial of any person in the militia; but to the cashiering of any officer or capital punishment of any person, the approbation of the Commander in Chief shall be necessary; and when any militia shall be in actual service, they shall be allowed the same pay and rations as are allowed by law to the militia of the United States.

If a sudden invasion should be made, or an insurrection should happen in any County in this State, the commanding officer of the militia in such County, is hereby authorized and required to order out the whole, or such part of the militia as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection, and shall call on the commanding officer of the adjacent County for such aid as he may think necessary, who shall forthwith and in like manner furnish the same; and in the event of any militia ordered out by the commanding officer of a County as aforesaid, such officer shall immediately give notice of the same and the cause thereof, to the commanding officer of the brigade or division, who shall forthwith report the same to the Commander in Chief.

29. Sec. XXX. That Major Generals, Brigadier Generals, and Colonels commandants of regiments, be and they are hereby vested with powers to employ such persons and contract with the same, at any rate not exceeding $4 per day, to ride express, for transmitting such orders as in their judgment may be for the good of the public service: Provided, that a day’s riding for any express be not less than 35 miles; during the necessary time they may be actually engaged in performing such duty, to be paid by the Governor out of the contingent fund, upon their producing a certificate of the General or officer so employing them; And provided also, that no express employed by the Colonel or commandant, shall be allowed pay unless in case of insurrection or invasion.

30. Sec. XXXI. The Adjutant General shall be allowed such pay, while in actual service, as shall be expressed in each annual appropriation law, and in case of omission in any of said laws of such allowance, the Commander-in-Chief is hereby authorized to pay the same out of the contingent fund, at the rate of the pay, subsistence and forage, which officers of equal rank are allowed, when in the service of the United States, the accounts of the Adjutant General for the same being first certified by a Major General or the Commander-in-Chief.*

31. Sec. XXXII. It shall be the duty of every Captain or commanding officer of a Company, to read or cause to be read in the hearing of his company, whilst on parade, at least such parts of the militia law of this State, and of the United States, as relate to discipline and the preservation of good order, once in every year.

*But see sec. 96.
32. Sec. XXXIII. Officers commanding volunteer companies shall not be permitted to vote at any election for a field officer, unless they should actually have forty men in uniform at the time of such election; nor shall any officer of any volunteer company of this State, be entitled to hold their commission with a less number of men.

33. Sec. XXXIV. After the passing of this Act, all laws or parts of laws organizing a brigade, regiment, or squadron of cavalry in this State, be, and the same are hereby repealed, and not more than one troop of cavalry shall be attached to the several regiments of infantry, to be commanded by the Colonel commanding the regiments respectively.*

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

35. Sec. XXXVI. 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 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 jailer shall detain such person or persons more than one day for his fees.

36. Sec. XXXVII. All officers whilst on duty, and any militia called to musters or parades, or to courts martial, or to courts of inquiry, having to pass over toll bridges, ferries or through turnpike gates, shall pass toll free, going to and returning from such muster, parade or court as aforesaid.

37. Sec. XXXVIII. It shall be the duty of each Major General to nominate and appoint one fit and proper person, who shall bear the title of Major, to act as Judge Advocate, whose duty it shall be to attend all courts martial held in said division.†

38. Sec. XXXIX. Division and brigade inspectors, or brigade Majors, shall receive $4 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 be certified by the commanding officers of the regiments or battalions in the brigade where such services are performed.

Sec. XL. [Repealed. Sec. 48.]

*But see Act of 1835, sec. 84. †See sec 71. ‡See sec. 37.
39. XLI. Officers and the Judge Advocate detailed on a court martial for the trial of an officer or officers under arrest, shall each be allowed the sum of $4 per day during the time of their actual session, and $4 for every 30 miles in going to and returning from such court martial, to be paid by the Executive, on such Judge Advocate or officer's producing the certificate of the president of such court martial.

40. Sec. XLII. Not more than one company of horse, one of artillery, and one company of riflemen, (each to consist of not less than forty nor more than one hundred, exclusive of officers,) shall be attached to each regiment, except in the cities of Savannah and Augusta, where there shall be no restrictions so as to prevent the existence of any number of volunteer corps, or any number of men in each company exceeding the number above mentioned.*

41. Sec. XLIII. All persons who now are or may hereafter be exempted by the laws of the United States,† and all clergymen regularly ordained, shall be exempted from militia duty.

42. Sec. XLIV. When any detachment of militia may be required of this State by the proper authority, for the service of this, or the United States, it shall be the duty of the Adjutant General to apportion the number required from the several divisions and brigades; and the Governor shall give orders to the commanders of divisions for carrying the same into effect.

43. Sec. XLV. It shall be the duty of the Colonel of the regiment or regiments, from which said militia are taken, to make out an alphabetical list of all the men so detached, and to transmit the same to the Executive office within ten days, and the Governor shall officer the same out of the line of officers, out of which such officers are required within the regiment or regiments from which said men are taken. And it shall be the duty of the Executive, when a Brigadier's command or a Major General's is called out, to appoint a Brigadier or Major General, out of the Brigadiers or Major Generals then in command in the State, to command the same.

44. Sec. XLVI. His Excellency the Governor is hereby authorized to cause a sufficient number of copies of this law, together with the Acts of Congress, more effectually to provide for the natural defence, by establishing an uniform militia throughout the United States, and the Act of Congress for calling forth the militia to execute the laws of the Union, suppress insurrections and rebel invasions, and the articles of war, to be printed and distributed throughout the State, so that every general and field officer therein, and every brigade Inspector, Adjutant and Captain, may be furnished with.

*Altered and amended; see sec. 56.
†Besides the officers of the General Government and the members and officers of Congress; all custom-house officers with their clerks; all post officers, and stage drivers, who are employed in the care and conveyance of the mail of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons who now are or who may hereafter be exempted by the laws of the respective States." 1 Graydon, 294. U. S. Statutes at Large, Vol. II. 133.

As to Aliens, see secs. 65 and 66.
As to Ferrymen, see "Roads," &c. sec. 50.
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Battalion District—Artillery companies.

one copy each; and his Excellency the Governor is moreover required to contract for a sufficient number of copies of the rules and discipline prescribed by Congress, or which may hereafter be prescribed for the troops of the United States, as will furnish the commanding officers of every company throughout the State with one copy, all of which shall be the property of the company; and descend to them in the succession of Captains as long as they last.* Provided, nothing in this Act shall be construed to prevent the company of Darien Volunteer Guard from continuing as a company, if they have not forty men in said company.

45. Sec. XLVII. All laws and parts of laws, heretofore enacted to regulate the militia of Georgia, be, and the same are hereby repealed.


46. Sec. I. Nothing in the fourth section of the above-recited Act shall prevent regimental and battalion districts from embracing parts of two or more Counties, where such arrangements cannot be conveniently avoided; and that at all elections authorized by said Act, Justices of the Peace may preside.

47. Sec. II. When a vacancy shall happen by death, resignation, or otherwise, of any officer of regiment, or Major of battalion, such vacancy shall be filled in the manner pointed out by the eighth section of said Act, except in the case of Lieutenant Colonel, whose vacancy shall be filled by the senior Major commanding, who shall take rank, and be commissioned accordingly.†

48. Sec. III. That the fortieth section of the Act aforesaid be, and the same is hereby repealed.

49. Sec. IV. Where there may be two or more regiments in any County, and but one artillery company, said company may be raised out of any or all of said regiments: Provided, that no company is reduced to less than sixty-four rank and file, or the number recruited does not exceed every eleventh man in each company; and said company shall be attached to the regiment where the Captain of said company resides.

50. Sec. V. In the Cities of Savannah and Augusta, no removal of any commissioned officer, except it be beyond the corporate limits of said Cities, shall vacate the commission of said officer.

51. Sec. VI. The "Independent Troop," in the County of Liberty, be permitted to continue under the like privileges granted in the before-recited Act of the Darien Volunteer Guards. [Sec. 44.]

52. Sec. VII. Where a regiment shall consist of three battalions, there shall be two Majors, and nothing in the before-recited Act shall be so construed as to prevent the existence of the two volunteer troops in the Counties of Jefferson and Wilkes.

†See sec. 70, and also sec. 112.
53. Sec. VIII. The twenty-first section of the aforesaid Act, (22) be amended, so far as to make it lawful for the Sergeant to distribute all orders verbally to each person in his squad, three days previous to any muster.

54. Sec. IX. So much of the militia law as gives the Briga
dier General, or officer ordering a court martial, the power of approv
ing, be, and the same is hereby repealed; and that all sentences, amounting to cashiering of any officer, passed by a brigade court, shall be laid before the Major General of the division for his final approval.

55. Sec. X. All officers arrested shall have at least twenty* days' notice in writing of the time and place of the sitting of the court for his or their trial, and be furnished with a list of the officers detailed to sit on said court; and it shall be the duty of the field of
icers issuing an arrest to give the Adjutant or officer serving, the same authority to summon all such witnesses on both sides as may be pointed out by the parties.

Sec. XI. [Relates to the Laurens troop of dragoons.]

An Act to alter and amend the 42d section of an Act to revise and consolidate the Militia Laws of this State, and to repeal the Cav

56. Sec. I. The forty-second section of the before-recited Act, which is in the following words, to wit: That not more than one company of horse, one of artillery, and one company of riflemen (each to consist of not less than forty, nor more than one hundred, exclusive of officers) shall be attached to each regiment, except in the Cities of Savannah and Augusta, where there shall be no re
strictions so as to prevent the existence of any number of volunteer corps, or any number of men in each company exceeding the number above mentioned, shall be [altered and] amended so as to read in the following words: That not more than one company of horse, one of artillery, and one company of riflemen, (each to consist of not less than forty nor more than one hundred, exclusive of officers,) shall be attached to each regiment, except in the Cities of Savannah and Augusta, Darien, and the Town of Louisville, and County of Liberty, where there shall be no restrictions so as to prevent the ex
istence of any number of volunteer corps, or any number of men in each company.†

Sec. II. [Repeals all conflicting laws.]


57. When any militia-company district shall contain more than

*See sec. 69.
†And several cavalry companies may be created in any one County. See Act of 1835, sec. of this title, 84 &c.
sixty-three effective men, it shall be lawful for any volunteer rifle corps established in the same County to enlist all above that number, together with one-fifth of that number; and when any militia-company district shall not contain more than sixty-three effective men, it shall be lawful for any volunteer rifle corps established in the same County to enlist one-fifth of the number which such militia-company district may contain; no volunteer rifle corps shall contain a larger proportion than the above-mentioned, and no other limits shall be affixed to their number: Provided nevertheless, that this law shall not be allowed so to operate as to reduce the number of effective men in any militia company below forty.

58. Sec. II. There shall not be more than one volunteer rifle corps in any County; in Counties containing more than one regiment, the volunteer rifle corps may enlist men from either or any of the regiments of the County, and shall be subject to the command of the oldest Colonel of the County.

59. Sec. III. When any volunteer rifle corps shall contain as many as one hundred and twenty-six privates, it shall be lawful for said volunteer rifle corps to elect a third and fourth Lieutenant, and a second Ensign, to be commissioned by the Governor; in this case the second Lieutenant shall rank as first Lieutenant, the third and fourth Lieutenants shall rank as second Lieutenant, and the second Ensign shall rank as an Ensign.

60. Sec. IV. When any volunteer rifle corps, containing the additional officers authorized by the third section, shall for six months together have fewer than one hundred and twenty-six privates, the commissions of such additional officers shall be deemed to be vacated, and it shall be the duty of the Colonel commanding to enforce this section of the law.

Sec. V. [Repealing clause.]

An Act more effectually to define the duties of the Adjutant General, Division and Brigade Inspectors, &c. Assented to Dec. 23, 1822. Vol. IV. 279.

61. Sec. I. From and after the passing of this Act, it shall and it is hereby required to be the duty of the brigade Inspectors of the several brigades of militia of this State respectively to attend at all reviews of inspections which may be lawfully ordered by the Brigadier Generals thereof, and to perform the duties of training and inspecting the militia as heretofore required of the Adjutant General, in conformity to the laws of this State; and it shall be the duty of the said brigade Inspectors to make out two complete brigade reports of inspection, one of which shall be transmitted with the least possible delay, to the Adjutant General's office, and the other to the division Inspectors, which division Inspectors respectively shall and

*This Act was repealed by Act of 1836. Pam. 163. (Prince, 603.) But that Act being repealed by Act of 1840, sec. 96, this Act was revived.
are hereby required to consolidate the same, and transmit them to the Major Generals of their divisions.

62. Sec. II. It shall be the duty of the Adjutant General to consolidate the said brigade reports transmitted to him, subject to the order and control of the Governor and Commander-in-Chief.

Sec. III. [Repealed by Act of 1839.]

Sec. IV. [Repealing clause.]

An Act to authorize, upon certain conditions, the organization of Squadrons of Cavalry in the first Military Division of this State, and for the encouragement of Volunteer Corps of Cavalry within the same.—Approved Dec. 28, 1822. Vol. IV. 280. Prince, 599.

[A general Act extending to the whole State, passed in 1835. See sec. 84. This Act being local, is omitted.]

An Act to alter and amend an Act more effectually to define the duties of the Adjutant General, Division and Brigade Inspectors, and to regulate their pay, &c. passed the 23d day of December, 1822. Approved Dec. 17, 1823. Vol. IV. 282.

63. From and after the passage of this Act, that division and brigade Inspectors shall receive, while in actual service, four dollars per day: Provided, that no division or brigade Inspector shall charge for more than twenty days in any one year.*

64. Sec. II. All accounts shall be made out according to the foregoing section, for the year 1823, and paid according to the provisions of the above-rectited Act.

Sec. III. [Repealing clause.]

An Act to exempt all aliens residing or at any time being within the State of Georgia, from the performance of ordinary militia or other military duty, except the duties hereinafter specified.—Approved Dec. 9, 1824. Vol. IV. 321.

65. From and after the passage of this Act, all aliens residing or at any time being within the State of Georgia, shall be exempt from the performance of all ordinary militia duty and other military duty, except patrol duty, alarm duty, and duties required for the suppression of insurrection, invasion, or conflagration.

66. Sec. II. Every alien claiming the exemption as aforesaid shall, before he is entitled to the same, make oath before a Judge of the Superior or Justice of the Inferior Court of this State, or Justice of the Peace, that he is an alien, and that it is not his intention to become a citizen of the United States; which oath he shall present

*Forty days, sec. 67. But see secs. 98, 99.
to the Clerk of the Superior Court of the County in which he resides or may be, who shall file in his office the said oath, and register the name of the said alien, in a book for that purpose, and shall furnish the said alien with a certificate under his hand and the seal of the said Court of such registry being made, for which certificate the said Clerk shall be entitled to receive the sum of three dollars.

Sec. III. [Repeals all repugnant laws.]

An Act to extend the time heretofore allowed by Law for Division and Brigade Inspectors to perform their military duties.—Approved Dec. 20, 1824. Vol. IV. 282.

67. From and after the passage of this Act, the several division and brigade Inspectors of Georgia militia shall be allowed to charge for any length of time not exceeding forty days in any one year, for the actual military services required of them by law.*

An Act to alter and amend a part of the fourteenth and twenty-first sections of the Militia Laws of this State, passed the 19th day of December, 1818, so as to permit the company officers of the militia to uniform in homespun; and to alter the present mode of notifying defaulting officers to courts of inquiry.—Approved Dec. 19, 1828. Vol. IV. 285.

68. From and immediately after the passage of this Act, the uniform of the company officers of the militia shall or may be composed of homespun, deep blue cotton and wool, and made to correspond with the uniform at present worn by the militia officers, with plated bullet buttons.

69. Sec. II. Ten days' previous notice shall be served in writing to any delinquent officer, non-commissioned officer or private, by the Adjutant or Sergeant-Major, to all field and staff officers, and to the commanding officers of the different companies, whose duty it shall be to issue orders to their respective Sergeants to serve a notification on all subaltern officers, non-commissioned officers, and privates, of the time and place the court of inquiry shall sit.

Sec. III. [Repeals all laws conflicting with this.]

An Act to amend the eighth section of an Act, entitled an Act to revise and consolidate the militia laws of this State, and to repeal the cavalry laws now in force, passed the 19th day of December, 1818.—Approved Dec. 22, 1829. Vol. IV. 285.

70. Whereas, the eighth section of the above recited Act requires two Captains and two Justices of the Peace, or two Justices of the Inferior Court, to superintend the elections of field officers; and

*But see secs. 98, 99.
whereas, it is many times found inconvenient to procure the attendance of said Captains, from their being themselves candidates, or non-attendance; for remedy whereof,

Be it enacted, That from and after the passage of this Act, it shall and may be lawful for any two Justices of the Inferior Court, or Justices of the Peace of the County, together with two freeholders, or a majority of them, to superintend said elections, and make return of the same, as pointed out in said section, any law to the contrary notwithstanding.*

An Act to alter and amend the 38th section of an Act entitled "an Act to revise and consolidate the militia laws of this State, and to repeal the cavalry laws now in force, passed Dec. 19th, 1818, so far as respects the appointment of Judge Advocates."—Approved Dec. 21, 1831. Pam. 163.

71. Whereas, by the aforesaid section there is but one Judge Advocate appointed for each division, who is required to attend all courts martial in the division for which he may be appointed; and whereas, that mode of appointment has failed to secure the attention of such officer on the courts martial aforesaid; for remedy whereof, Be it enacted, That from and after the passage of this Act, it is hereby made the duty of the Colonel commandant of each regiment of the militia to nominate and appoint one fit and proper person, who shall bear the title of Lieutenant, to act as Judge Advocate, whose duty it shall be to attend all courts martial held in the regiment for which he may be appointed, and to any other court martial in the division, on which he may be detailed, who shall be considered as part of the Colonel's staff.

An Act amendatory of the 15th, 23d, and 24th sections of an Act passed on the 19th day of Dec. 1818, entitled an Act to revise and consolidate the militia laws of this State, and to repeal the cavalry laws now in force, and to regulate the number of reviews.—Approved Dec. 23, 1831. Pam. 159.

72. Sec. I. From and after the passage of this Act, the 15th, 22d, and 24th sections of an Act, passed on the 19th day of December, 1818, entitled an Act to revise and consolidate the militia laws of this State, shall be in the words following, viz:

73. Sec. XV. The commanding officers of volunteer companies of every description, shall muster their companies at least four times in each year, at such times as may be ordered by the commanding officer of said company, and at such place as shall have been established by the members of said company, or a majority thereof, as the muster ground of said company,† and the commanding officers of companies of every description, shall, once in each

*See sec. 122.
†Amended, sec. 80.
MILITIA.—1831.

Courts of Inquiry.—Cost.

Annual return of the arms and men to be returned.

year, by order of the commanding officer of the regiment or of the battalion in Counties containing but one battalion, take an exact account of the arms and accoutrements in possession of his company, designating public from private, and also the number of each particular description of arms and accoutrements, and the number of effective men composing his command, as well those absent as they who are present, at the time of taking said enumeration, and shall make a true return thereof to the commanding officer of the regiment or battalion, as the case may be, in such form as they may receive from the commanding officer, or Adjutant, which returns shall be ready on the days of review and inspection, and handed to the Inspector, on his arriving at the head of each company, for his use, during the inspection, and then to be handed to the commanding officer of the battalion or regiment, or their Adjutant for consolidation, which consolidated return shall be handed or forwarded to the Brigade Inspector, to which the regiment or battalion belongs.

74. Sec. XXII. There shall be regimental, battalion, and volunteer company Courts of Inquiry, to be appointed and ordered by the commanding officers of regiments, battalions and companies, under the following rules and regulations: Regimental Courts of Inquiry, shall be held within sixty days after each review or regimental muster, to consist of at least seven and not more than eleven of the commissioned or brevetted officers of the regiment. Battalion Courts of Inquiry shall be held within thirty days after each battalion muster or review, in Counties containing but one battalion, to consist of at least five and not more than seven of the commissioned or brevetted officers of the battalion, which officers in both cases shall be regularly detailed by the commanding officer of the battalion or regiment, as the case may be, and notified thereof on the day of muster or review or by a citation under his hand, delivered by the Adjutant, or left at their place of abode, two days previous to the sitting of the Court, and designating the time and place of holding such Court, and the officer highest in rank shall preside; but in case of equality of rank, seniority shall give a preference; and the several regimental and battalion Courts of Inquiry, when convened at the time and place appointed, shall have power to assess fines on all delinquent officers and soldiers within their regimental or battalion districts; and all defaulters at regimental or battalion muster or reviews, shall be tried at the Courts which may next happen. Volunteer company Courts of Inquiry shall be held within twenty days after each muster, or on the next muster day, to be composed of at least three of the commissioned or brevetted officers of said company, and the officer highest in rank shall preside, and may have a Clerk, who shall keep a record of their proceedings, and receive the fines that any delinquent may voluntarily pay within ten days after each court, without cost, and after the expiration of ten days, he shall issue execution against all persons on whom fines may have been assessed, who have failed to pay the same, and shall be allowed to charge twenty-five cents cost for issuing the same, directed to any constable within the bounds of said company, to execute and return, signed by himself and countersigned by the presiding officer.
of said court, and the fund thereby created, shall by the direction of the officers be applied to the equipment of said company: and the Courts of Inquiry of regiments and battalions, in Counties containing but one battalion, shall also have power to order the issuing of execution against delinquent Provost Marshals or other officers charged with the collection the funds of the regiment or battalion, for such sum or sums as they may, when required, fail to account for, directed to the Sheriff (or his Deputy) of the County, whose duty it shall be to collect and pay over the same to the Paymaster of the regiment or battalion.*

75. Sec. XXIV. The commissioned officers of the respective regiments and of battalions, in Counties containing but one battalion, shall at their first convention, after the first day of March next, that may be occasioned by brigade, regimental, (or battalion as above provided,) orders, shall proceed under the superintendence of three or more of the officers of the battalion or regiment, to the election of a Clerk and Provost Marshal, and after ascertaining the persons elected, grant to each of them a certificate of the same, and the persons thus elected shall attend the regimental or battalion Court of Inquiry, which may next happen within their respective districts, and on producing the certificate hereinbefore directed to be given, the presiding officer shall administer, or cause to be administered, the following oath or affirmation, viz:

I, A B, do solemnly swear, (or affirm,) that I will faithfully discharge the duties of Clerk (or Provost-Marshal) of the (insert the number of the) regiment (or battalion) Georgia Militia, to the best of my understanding—so help me God. Which oath shall be entered on the minutes of said Court, and subscribed by the persons taking the same, and when thus qualified they may continue to discharge the duties assigned them during their residence within the regimental or battalion district for which they may have been elected, unless removed by the concurrence of two-thirds of the members of any regimental or battalion court of inquiry, on a charge and proof of mal-practice; and it shall be the duty of said Clerks to attend all the battalion and regimental Courts of Inquiry thereafter to be held in their respective districts, and to keep a fair record of the proceedings of said Courts, and within ten days after each Court make out a list of all fines assessed thereat, designating the districts in which each delinquent resides, and also of the appropriations made by said Court, and forward it to the Paymaster of the regiment or of the battalion, in Counties containing but one battalion, who is authorized to receive and receipt for the fines that any delinquent may voluntarily pay. And the commanding officer of regiments or battalions, upon the receiving the affidavit of any delinquent, (previous to the issuing of execution,) properly attested by any officer authorized to administer the same, and showing good cause why he should not have been fined, may direct the Clerk to stay the issuing of execution until the sitting of the succeeding Court, when said affidavit shall be laid before the Court, who may upon the mer-

*Amended 1832, sec. 81. 1845, sec. 120.
its thereof, remit or continue said fine, and direct that it be collected forthwith—and the Clerk shall immediately after the expiration of thirty days issue execution against each delinquent, who has failed to pay the fine assessed against him, or to file the affidavit herein before required; signed by himself and countersigned by the presiding officer of the Court, or in his absence by any other officer who was a member of the Court, and directed to the Provost-Marshal of the regiment or battalion, or any lawful Constable, within the said regiment or battalion, which execution shall be by the Clerk delivered to the Provost-Marshal (and take his receipt thereof, which shall be by the Clerk given to the Paymaster) who may distribute the same to the several Constables within the regimental or other district for collection, or proceed to collect the same under the same rules and regulations in regard to Constable's sales generally, and such executions shall have the same dignity as though they had been issued by a Justice of the Peace, and the same costs awarded the Clerks and Provost or Constable collecting, as in cases of equal dignity in Justice's Courts, and the Provost-Marshal shall be required, within six months from the time of receiving the executions from the Clerk, to pay all moneys which may have come into his hands, through the collection thereof, to the Paymaster of the regiment, and to return such executions as cannot be collected, with the truth of the case endorsed on the back thereof, and all such as have been collected by the Clerk.*

76. Nothing herein contained shall be so construed, as to authorize more than one annual review—any law, usage, or custom to the contrary notwithstanding.

77. In Counties having but one battalion, the Court of Inquiry in said battalion shall be authorized to lay out, form or alter company or Justices' districts in said County.

An Act to regulate the returns of Division and Brigade Inspectors. Approved Dec. 22, 1832. Pam. 135.

78. From and after the passage of this Act, his Excellency the Governor shall not issue his warrant to any division or Brigade Inspector for services performed by him at the annual review and inspection of the militia of the State, until such Inspector shall have made out a full return of the effective militia force of his division or brigade, and returned the same, or certified to the Governor according to law, or that the same has been impracticable, together with the reasons of his failure—any law to the contrary notwithstanding.

An Act to alter the seventh section of an Act, to revise and consolidate the Militia Laws of this State, and to repeal the Cavalry Laws now in force, passed December 19th, 1818, and to amend the fifteenth,

*Amended; see sec. 82.
MILITIA.—1833.

Appointment of officers—Musters—Courts of Inquiry.

twenty-second and twenty-fourth sections of an Act, passed the 23d day of December, 1831, amendatory of the above recited Act.—Approved Dec. 23, 1833. Pam. 132.

79. From and after the passage of this Act, the seventh section of the above recited Act. shall be altered as follows, to wit: That where it shall happen in any company district* that the privates neglect or refuse to elect any officer or officers to the command, it shall be the duty of the Colonel or commanding officer of the regiment to which they belong, or in Counties containing but one battalion, of the Major commanding, to nominate a fit and proper person or persons, as the case may require, to take command of said company district for the term of twelve months: Provided, an election cannot be had sooner, and the person or persons elected are commissioned by the Commander-in-Chief, or breveted agreeably to law: And be it further provided, that all such as have heretofore been nominated to said command, be, and they are hereby exonerated from the same, and that no person shall be compelled to serve again, who has served or may serve twelve mouths, under two years from the term of his appointment being vacated.

80. Sec. II. The fifteenth section of the before recited Act shall be amended as follows, to wit: That it shall be the duty of the commanding officers of companies of every description, to muster their respective companies four times in each year, as near the centre of their company district, as a majority in said company, liable to bear arms, may determine.

81. Sec. III. The twenty-second section of the before recited Act, shall be amended as follows, to wit: That there shall be company Courts of Inquiry of every description, ordered by the commanding officer of companies, within twenty days after each muster or on the next muster day, to be composed of at least three of the commissioned or breveted officers of said company, under the same rules and regulations as pointed out for volunteer companies in said section, and the commanding officer of said companies of every description, shall be allowed to stay the issuing of execution against any delinquent, upon his making affidavit stating the facts before any officer authorized to administer the same, within ten days after the sitting of said company Courts, and the commanding officer of said company shall lay the same before the next company Court of Inquiry, who may upon the merits of said affidavit, remit or confirm the same, and order it collected.†

82. Sec. IV. The twenty-fourth section of the before recited Act, be amended as follows, to wit: That when any vacancy shall happen, by death, resignation or otherwise, of any Provost Marshal or Clerk, it shall and may be lawful for the regimental Court of Inquiry and battalion Courts of Inquiry in Counties containing but one battalion, to elect a Clerk or Provost Marshal, as the case may be,

*The same event in regiment or battalion, Brigadier General may appoint; Act of 1842, sec. 105.
†Sec also Act of 1845, sec. 121.
to fill said vacancy, under the same requisitions as pointed out in the said recited section, and in case of either failing to attend any Court required of them, when ordered, he shall be fined at the discretion of the Court of Inquiry so ordered to attend, in a sum not exceeding ten dollars, to be appropriated as other fines under the Militia Laws of this State.

Sec. V. [Repealing clause.]

**Appropriation Act of 21st Dec. 1835. Pam. 17.**

83. Sec. IX. The sum of $10,000 be set apart out of the unex­pended moneys of the Treasury, for the purchase of pistols, swords, and holsters, for the equipment of cavalry companies of this State, to be procured by his Excellency the Governor, for that purpose.

An Act to authorize the formation of one or more companies of Cavalry in the several Counties of this State, and to authorize his Excellency the Governor to contract for a number of pistols, swords, &c., for the equipment of the same, and to provide for the payment of the same out of any moneys not otherwise appropriated, and that said appropriation be provided for in the appropriation bill of 1836.—Approved Dec. 22, 1835. Pam. 46.

84. Sec. I. From and immediately after the passage of this Act, it shall be lawful for the inhabitants of the several Counties of this State, liable to perform militia duty, to create one or more companies of cavalry, where the same can be done, Provided, not more than eight men shall be taken from any one company of militia, except such company shall be composed of more than sixty-four private; and except the Counties of Sumter and Lee, which shall be authorized to make up said company without regard to any number out of each militia district, and that no company of cavalry shall be composed of less than forty men.

85. Sec. II. Said company shall elect their officers from their body, and enter into such by-laws for their regulation as they may deem expedient for their government and equipment, which shall not be contrary to the militia laws of this State; the result of which election, with a copy of their by-laws shall, within thirty days from said election, be transmitted to his Excellency the Governor, whose duty it shall beforthwith to commission the several officers so elected, and that the said several commissioned, non-commissioned and privates of each of said companies so created, shall equip themselves within three months from the date of said commissions, in such uniform as they shall have agreed upon.

86. Sec. III. His Excellency the Governor be, and he is hereby authorized and required to contract for such number of pairs of pistols, with holsters complete; also, such number of swords suitable for the use of cavalry companies, of the best materials, as he may deem necessary to carry this Act into effect; and so soon as the same can
Organization of Cavalry companies—Election of Colonel at precincts.

be procured, cause the said several companies so organized, as well as those that have heretofore been organized and who have not been furnished, or that may hereafter be organized in pursuance of this Act, to be severally furnished with the number required by each company, so as aforesaid organized and equipped; and that he cause a bond and security from the said officers of each company so created in an amount sufficient, to cause the said pistols, swords, &c. to be kept in good order and returned when required, and made payable to his Excellency the Governor for the time being, and his successor in office, for the benefit of the State.

87. Sec. IV. Said companies of cavalry so organized, or heretofore organized, in the several Counties of this State, shall be known as the Georgia Guards; and shall be subject to the first call by the Commander-in-Chief of said State, on all emergencies.

88. Sec. V. Said companies of cavalry shall be subject to inspection, together with their arms and equipments, by order of the Commander-in-Chief of said State, by such Adjutants or other officer directed to that duty, and whose duty it shall be to report the situation, uniform and arms of said corps, with the reports of the militia, when made.

89. Sec. VI. Said companies when so organized and equipped, shall be exempt from the command or control of the regimental officers of the several Counties where such companies have been created, except when required to appear for inspection, or called out for immediate service by the Commander-in-Chief; [and they shall be exempt whilst acting as such troop of cavalry, from road duty.]*

90. Sec. VII. The sum of $10,000 be appropriated and set apart in the appropriation Act, to carry into effect the provisions of this Act.†

91. Sec. VIII. The militia of the first division is hereby excepted out of the provisions of this Act, and all other Acts, so far as it restrains the number of volunteer corps of cavalry to be formed within the limits of the same; and that it shall be lawful for any number of the militia of the first division, to form themselves into volunteer cavalry corps, under the provisions of this Act.

An Act to permit Elections for Colonels to be held at the various election precincts in the several Counties of this State.—Approved Dec. 22, 1835. Pam. 81.

92. From and immediately after the passage of this Act, it shall and may be lawful for all elections of Colonels to be held at the various election precincts in this State, any law, usage or custom to the contrary notwithstanding.

An Act to repeal the sixth section of an Act, passed Dec. 22, 1835, entitled "An Act to authorize the formation of one or more Companies of Caval-

*Clause in brackets repealed by Act of 1837; sec. 93.
†See sec. 83.
MILITIA.—1837-39.

Road duty.—Paupers.

ry, in the several Counties of this State, and to authorize his Excellency the Governor to contract for a number of Pistols, Swords, &c., for the equipment of the same, and to provide for the payment of the same, out of any moneys not otherwise appropriated, and that said appropriation be provided for in the appropriation bill of 1836, so far only as relates to such Companies of Cavalry being exempt from road duty.—Assented to 14th Dec. 1837. Pam. 170.

Whereas, it is provided by the latter part of the sixth section of the before recited Act, that the Companies of Cavalry therein specified, shall be exempt, whilst acting as such troop of Cavalry, from road duty:

93. Sec. I. Be it enacted, That from and immediately after the passing of this Act, so much of the sixth section of the above recited Act, as exempts the several Companies or Troops of Cavalry from the performance of road duty, be, and the same is hereby repealed.

An Act to define and establish the rank of Adjutant and Assistant Adjutant General of this State, and to grant them the privilege of alternating.—Assented to 25th Dec. 1837. Pam. 171.

[Adjutant to rank as Brigadier General; Assistant as full Colonel; balance of the Act superseded.]

An Act to sell and dispose of a portion of the public Arms and Military Stores, belonging to the State.—Assented to 28th Dec. 1838. Pam. 167.

[Gov. to sell such as he deemed unnecessary to be retained.]

An Act to repeal an Act entitled an Act to alter and amend an Act more effectually to define the duties of the Adjutant General, Division and Brigade Inspectors, and to regulate their pay, &c., passed the 23d of Dec. 1822, so far as relates to Division and Brigade Inspectors.—Assented to Dec. 21st, 1839. Pam. 156.

[Re-enacted by Act of 1840, sec. 96.]

An Act to amend the Militia Laws of this State, so as to exempt indigent persons in the militia of the line from fines for not being armed and equipped at the several musters, and on other occasions, with a fire lock, cartridge box, or shot pouch.—Assented to Dec. 21, 1839. Pam. 201.

94. Sec. I. Be it enacted, That from and after the passage of this Act, it shall not be lawful to fine any person being a private in the militia of the line, for not being armed and equipped with a fire-
lock, cartridge box, or shot pouch: Provided, each person is not able to own said equipage, without disposing of property actually necessary for the support of himself or his family.

95. Sec. II. The affidavit of any person being a private in the militia of the line in this State, stating that he is not able to own the equipage mentioned in the first section of this Act, without disposing of property actually necessary for the support of himself or family, shall be received as evidence in any court martial in this State; and shall be considered sufficient evidence to establish the fact, unless it be sufficiently rebutted by other testimony.

Sec. III. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act to repeal an Act entitled "an Act to organize the office of Adjutant General of the State of Georgia," passed on the 28th of December, 1836, * and for other purposes.—Assented to Dec. 22, 1840. Pam. 128.

96. Sec. I. Be it enacted, That from and after the passage of this Act, the above recited Act be and the same is hereby repealed.

Sec. II. So much of an Act passed on the twenty-third day of December, eighteen hundred and twenty-two, more effectually to define the duties of Adjutant General, division and Brigade Inspectors, and to regulate their pay, as relates to the pay of said officers, be, and the same is hereby repealed.

97. Sec. III. It shall be the duty of each Colonel, commanding a regiment, and Majors, in Counties where there is but one battalion, to take and make out a correct account of the number of men subject to perform military duty, within their respective commands, and the number and description of each company (as well volunteers as infantry) the number and grade of each officer, within such command, and take an exact account of the arms, accoutrements and ammunition in possession of each officer and private under his command and deliver the same to the brigade or division Inspector, at each annual review.

98. Sec. IV. It shall be the duty of each brigade Inspector, within five days after the completion of the annual review of his brigade, to make out an exact return, as delivered to him agreeable to the above section, to the division Inspector of his respective division; and shall receive for his services in making out and forwarding such return, the sum of twenty dollars, to be paid out of the military fund, by warrant from the Governor, on his presenting a certificate from the Brigadier General that he has done the same, agreeable to the provisions of this Act.

99. Sec. V. It shall be the duty of the several division Inspectors, within ten days after they have received the returns of the several brigades, agreeable to the provisions of the foregoing sections of this Act, to consolidate and forward the same to the Executive

*Printed 1830; evidently a mistake.
office, agreeable to existing laws; and shall be paid by warrant from the Governor, drawn upon the military fund, the sum of ten dollars for said services.

100. Sec. VI. Each Major General shall be allowed, at his discretion, to employ a suitable drummer and fifer to attend the reviews of his division: Provided, said drummer and fifer shall not be employed more than fifteen days in any one year, who shall receive two dollars and fifty cents each per day while in actual service; which shall be paid out of the military fund, when certified to by such Major General.

Court Mart'l 101. Sec. VII. The trial of all officers below the rank of Brigadier General, by court martial, shall be by a board of officers of a superior rank. Any person or persons who may be found counseling, advising, aiding orabetting any officer, soldier or private, in disobeying any orders emanating from the Commander-in-Chief, or any general officer, such person, on conviction, before the Superior Court, of such offence, shall be imprisoned in the common jail of the County, for a term not less than five days, and fined at discretion of the Court.

Sec. VIII. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act to compel officers commanding regiments (and where there is but one battalion in a County, the officers commanding battalions) to have one annual drill for the instruction of the officers of said regiments and battalions.—Assented to Dec. 10, 1841. Pam. 158.

102. Sec. I. Be it enacted, That from and immediately after the passage of this Act, it shall be the duty of all the officers commanding regiments in this State to have at least one day of drill in each and every year, immediately preceding their regimental musters, for the purpose of instructing the officers of their commands in the military tactics now in use in this State; and the Majors of battalions, where there is but one battalion in any County, shall, and are hereby required to have one drill of the officers of said battalion in each and every year, immediately preceding their battalion musters.

Sec. II. All laws or parts of laws militating against this Act, be, and the same are hereby repealed.

An Act to authorize and require the Governor to have suits commenced on all Bonds given for the forthcoming of Public Arms drawn by the Volunteer Companies of this State, which Companies have been dissolved.—Assented to Dec. 9, 1841. Pam. 208.

103. Sec. I. Be it enacted, That it shall be the duty of commanding officers of regiments in the several Counties in this State, where any volunteer companies have received arms belonging to this State, and which company have been dissolved, forthwith to
notify his Excellency of the dissolution of said company or companies.

104. Sec. II. Upon the reception of the information of the said commanding officer or officers of regiments, or other persons of respectability, that said company or companies have been dissolved, or the arms are squandered, to order suits forthwith to be commenced on their bonds.

Sec. V. All laws and parts of laws militating against this Act, be, and the same are hereby repealed.

An Act to amend the Militia Laws of this State.—Assented to Dec. 19, 1842. Pam. 128.

105. Sec. I. Be it enacted, That in case the persons liable to militia duty in any regiment or battalion, shall refuse or neglect to obey the order of the commandant of the brigade, to elect officers to the command; it shall be the duty of the commandant of the brigade in which such regiment or battalion may be, to appoint competent persons to the command thereof, who shall hold their appointments for twelve months, or until others shall be elected and commissioned; and if the person so appointed shall refuse to accept the appointment, or to qualify themselves for the command according to law, said commandant shall appoint others from time to time, for the term of time above limited.*

Sec. II. The person so appointed, shall have all the power and authority of officers duly elected and commissioned, to such commands, and shall be obeyed and respected as such.

An Act to provide for the election of the General Officers of this State, agreeable to the amended Constitution; and to consolidate the two regiments in the County of Hancock.—Assented to Dec. 27, 1843. Pam. 132.

106. Sec. I. Be it enacted, That from and after the passage of this Act, all vacancies which now are or may hereafter happen by death, resignation, or otherwise, for any Major General, or Brigadier General, of the militia of this State, it shall be the duty of the Commander-in-Chief forthwith to issue his proclamation ordering an election to fill such vacancy, setting forth the time for holding said election, directed to the Colonels or commandants of the regiments or Majors of battalions, in Counties where there are no regiments, in the division or brigade, as the case may be, where such vacancy may occur, giving sixty days notice of the same.

107. Sec. II. It shall be the duty of the Colonels or commandants of each regiment, or Majors in Counties containing less than a regiment, to give notice by advertisement in each Captain’s district, and at the place of holding company musters in their respective

*As to appointment of company officers, see sec. 79.
MILITIA.—1843.

Electors—Courts Martial.

20 days. commands, at least twenty days before said election, setting forth the time and place of holding the same; and when there is no Colonel or Major, then it shall be the duty of any two Captains to advertise as contemplated by this Act.

108. Sec. III. All elections held under the provisions of this Act, for any Major General, or Brigadier, shall be held at the place or places established by law, for holding elections for members to the General Assembly.

109. Sec. IV. All elections held for any general officer, under the provisions of this Act, shall be managed, held and conducted, by one or more Judges of the Inferior Court, or Justice of the Peace, together with two commissioned military officers, or two freeholders of the County in which such election is held.

110. Sec. V. It shall be the duty of one or more of the superintendents of the election held at the different precincts, to meet at the Court house in their respective Counties, and count up and consolidate the same, and forward said consolidated return to his Excellency the Governor, agreeably to the laws regulating the returns for members of the General Assembly.

111. Sec. VI. It shall be the duty of his Excellency, the Governor, to count up and consolidate the returns, when received, and to issue his proclamation declaring the person having the highest number of votes, to be duly elected, and issue, or cause to be issued, a commission accordingly to the person so elected; and in case of a tie between any two or more candidates, a new election shall be ordered as in case of a vacancy.

112. Sec. VII. All persons entitled under existing laws, to vote for officers of the militia, shall be entitled to vote for a Major General, or Brigadier General, as the case may be.

113. Sec. VIII. If any person shall vote or attempt to vote, at more than one place, or more than once at the same election, such person shall be punished agreeable to the laws of this State touching illegal voting for members of the Legislature.

Sec. IX. [Local.]
Sec. X. [Repealing clause.]

An Act to amend so much of an Act to revise and consolidate the Militia Laws of this State, &c. approved December 19th, 1818, as relates to the number of officers which shall constitute Courts Martial; to authorize the Executive to appoint supernumeraries, to provide for the pay of the same, and to reduce the pay of witnesses.—Assented to Dec. 27, 1843. Pam. 133.

114. Sec. I. Be it enacted, That from and after the passage of this Act, all future courts martial for the trial of general officers, shall be composed of the number of seven, instead of thirteen, as now provided by law.

115. Sec. II. All future courts martial, for the trial of officers below the grade of General, shall be composed of five, instead of thirteen members, as now provided by law.
116. Sec. III. The Governor be authorized to summon supernumerary for attendance upon courts martial; and that in all cases where such supernumeraries do not sit upon such courts martial, they shall receive pay for mileage only, at the rate which is now allowed by law.

Sec. IV. All witnesses attending upon court martial hereafter to be held, shall receive two dollars per day.

An Act to authorize his Excellency the Governor, to furnish arms and accoutrements to Volunteer Corps in the State.—Approved Dec. 8, 1845. Pam. 54.

117. Sec. I. Be it enacted, That his Excellency the Governor may furnish all volunteer companies with arms, accoutrements as may be necessary for the equipment of such volunteer corps, commanders of said corps furnishing such security as may be required.*

118. Sec. II. When such arms and accoutrements applied for, are not in the possession of the State, his Excellency be authorized and required to make requisition of the General Government for the same.

119. Sec. III. It shall be the duty of commanders of volunteer corps, to report annually, to the Governor, the number and state of the arms and accoutrements in their possession; and their failure so to do, shall be a forfeiture of their bonds.

An Act more effectually to provide for the collection and disbursement of Fines imposed by Courts of Inquiry.—Approved Dec. 27, 1845. Pam. 30.

120. Sec. I. Be it enacted, That from and after the passage of this Act, it shall be the duty of the clerks of the several regimental and battalion courts of inquiry in this State, to keep a book, in which all fines shall be regularly entered, which may be assessed upon defaulters by the several courts of inquiry.

Sec. II. [Repealed by Act of 1847, next Act.]

121. Sec. III. The clerks of the company courts of inquiry, shall issue execution against defaulters, which after being countersigned by the Captain or commanding officer of such company, shall be placed in the hands of a Constable of the district, whose duty it shall be to collect the same, as other executions.

122. Sec. IV. Executions issued by clerks of company courts of inquiry, shall be on the same footing as executions issued from Justices' Courts; and the Constable shall be made and held liable, by rule and attachment, with regard to these executions, the same as with

*Previously enacted, 1843. Pam. 83.
regard to Justices' executions: Provided, that nothing herein contained shall apply to the first regiment of the first brigade and first division.

Sec. V. [Repealing clause.]

An Act to alter and amend an Act more effectually to provide for the collection and disbursement of Fines imposed by Courts of Inquiry, assented to December 27th, 1847.—Assented to Dec. 30, 1847. Pam. 103.

[Repeals second section of above Act.]

An Act to change and define the mode of Electing Field and Company Officers under the Militia Laws of this State.—Approved Feb. 11, 1850. Pam. 313.

123. Sec. I. Be it enacted, That from and after the passage of this Act, whenever any vacancy shall happen by the death, resignation, or otherwise of any officer commanding in any regiment, battalion, or company district, or where any new created regiment, battalion, or company district shall require officers, such officers in either case shall be elected by the citizens liable to bear arms, who shall become subject to the command of such officer when elected, under the following rules and restrictions, to wit:

Whenever it shall become necessary in either case before stated to elect any commanding officer for a regiment, battalion, or company district, the same shall be ordered and advertised by the officer next higher in command to the officer to be elected; that is to say, elections for Colonel to command any regiment, shall be advertised by the Brigadier General; for a Major, by the Colonel commanding the regiment; for a Captain by the Major in command of the battalion; and for subaltern officers by the Captain commanding the company, and in default of such Captain, by the Major commanding the battalion; which said election shall be advertised in either case for the same time and be held in the same places as now established by law; and the said elections in either case shall be managed and superintended by one Justice of the Inferior Court, or Justice of the Peace, and two freeholders, or two of the aforesaid Justices and one freeholder; and the said elections shall be certified and returns thereof made by the superintendents provided by this Act, in the same manner as heretofore done by the former superintendents of such elections in this State.

Sec. II. All laws and parts of laws militating against the provisions of this Act, be and the same are hereby repealed.

An Act providing for the payment for services, losses and expenditures of Volunteers in the late Creek and Seminole Campaigns: including those who were not mustered into the service of the United States.—Acts of 1836, Pam. 20.
MILITIA.—1837-'39. 771

Volunteers in Creek and Seminole War.

An Act to amend the fifth section of an Act passed 1836, entitled an Act to provide for the payment of Volunteers in this State, in certain cases, for services, loss, and expenditures, during the late Creek and Seminole Campaigns, and to point out the manner of doing the same—Assented to Dec. 25, 1837. Pam. 24.

An Act to appropriate moneys, and to provide for the payment of services rendered in the prosecution of the war with the Creek Indians, and for Arms and Ordnance Stores lost, used and employed in said services, and for the payment of forage and subsistence furnished to said troops, and for the transportation of the same.—Assented to Dec. 26, 1837. Pam. 25.

An Act to provide for the payment of the Militia of this State, who were called into the public service by the proper authorities, and to provide for the payment of provisions and other necessaries furnished either by themselves or others, and other expenses legally incidental to such service, and also to provide for the payment of any unorganized body of men, who upon any sudden emergency acted with the troops regularly in service, in repelling the said Indians, and for the payment of supplies furnished them, and for the payment of men who acted independently of regular troops, and to appoint a Commissioner to audit the accounts thereof.—Assented to January 1, 1839. Pam. 247.

An Act to appropriate a sum of money to pay off the claims of certain Volunteer Companies, who were not compensated under the Act passed at the last session of the General Assembly, and to pay certain accounts.—Assented to Dec. 20, 1839. Pam. 24.

[The titles of the five foregoing Acts give a sufficient summary of their contents. They have ceased to be of general interest, and those wishing to examine them, can easily refer to the pamphlets.]

See also resolution of 1841, Pam. 232, as to protection of citizens on the line of Okefenokee swamp.]

TABLE OF ORGANIZATION OF DIVISIONS AND BRIGADES UP TO THE COMMENCEMENT OF 1851.

FIRST DIVISION.

1st Brigade.—Bryan, Camden, Chatham, Effingham, Glynn, Liberty, McIntosh, Wayne.

2d " Bulloch, Burke, Emanuel, Jefferson, Montgomery, Screven, Tatnall.

SECOND DIVISION.

1st Brigade.—Richmond, Columbia, Warren.

2d " Hancock, Washington, Talliaferro.
THIRD DIVISION.
1st Brigade.—Baldwin, Morgan, Putnam.
2d " Clarke, Greene, Oglethorpe.

FOURTH DIVISION.
1st Brigade.—Elbert, Lincoln, Wilkes.
2d " Franklin, Jackson, Madison.

FIFTH DIVISION.
1st Brigade.—Jasper, Jones.
2d " Henry, Fayette, Butts.

SIXTH DIVISION.
1st Brigade.—Laurens, Pulaski, Twiggs, Wilkinson.
2d " Appling, Clinch, Irwin, Lowndes, Telfair, Ware.

SEVENTH DIVISION.
1st Brigade.—Gwinnett, Habersham, Hall, Rabun.
2d " Forsyth, Lumpkin, Union.

EIGHTH DIVISION.
1st Brigade.—Bibb, Crawford, Dooly, Houston.
2d " Monroe, Pike, Upson.

NINTH DIVISION.
1st Brigade.—Heard, Meriwether, Troup.
2d " Coweta, Campbell, Carroll.

TENTH DIVISION.
1st Brigade.—Harris, Muscogee, Stewart.
2d " Macon, Marion, Sumter, Talbot.

ELEVENTH DIVISION.
1st Brigade.—Cobb, DeKalb, Paulding.
2d " Newton, Walton.

TWELFTH DIVISION.
1st Brigade.—Cass, Cherokee, Gilmer, Gordon.
2d " Floyd, Murray, Walker, Chattooga, Dade.

THIRTEENTH DIVISION.
1st Brigade.—Decatur, Early, Randolph.
2d " Baker, Lee, Thomas.
PEDDLERS.—1819.

CLAIMS AGAINST THE UNITED STATES.

For money and services paid and rendered, by the State.—From communication of Governor Towns to the Senate on Nov. 15, 1849, it appears that the original amount of claim was, $243,309 66

On which payments were made in the years 1842, 1843, and 1844, to the amount of, $113,203 35

And in 1847, 17,494 130,697

Leaving a balance of, 112,612 81

Besides interest claimed. Joseph Sturgis was appointed Agent, in December, 1849, to attend to the passing of these claims by Congress.

Statutes omitted as repealed, obsolete or superseded. Provincial Acts of 1755, 1758, 1760, 1761, 1765, 1773, 1787, 1792, 1798, 1795, 1796 and 1798, 1799, 1803, 1805, 1808, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1818, 1830, Pam. 153; 1836, Pam. 163; 1837, Pam. 169, 171.]

PEDDLERS.

An Act to alter and amend an Act, entitled "an Act to impose an additional Tax on Peddlers, &c., passed Dec. 10, 1817.—Approved Dec. 9, 1819. Vol. III. 537.

1. Sec. I. From and after the passing of this Act, it shall be the duty of every peddler or itinerant trader, who shall wish to vend any goods, wares, or merchandize, in this State, to apply to the Clerk of the Inferior Court of each County in which he may be disposed to vend goods, wares, or merchandize, and procure a license under the seal of the County Court,* with an annexed copy of the oath, which

*See more fully, Act of 1845, sec. 9.
And take

Oath—Production of license—Books, maps, &c.

shall be administered to him by the Clerk of the Inferior Court, as follows: "That I, A B, now applying for license to vend goods, wares, or merchandize, in the County (inserted in such license,) do solemnly swear or affirm, (as the case may be,) that I will use this license in no other County than the one for which it is granted, nor transfer or suffer any other person or persons, in mine or their name or names to use the same, so help me God." And that the Clerk shall record such oath and license in a book to be kept by him for that purpose; * * * * * * * Provided, nevertheless, that there shall be one license for every wagon, cart, or other vehicle, employed or used in vending such goods, wares, or merchandize, which they shall be bound to show to any Sheriff, deputy Sheriff, Constable, Justice of the Peace, and to any civil or military officer whatever, when demanding an exhibit of the same, and on failure or refusal thereof, shall forfeit and pay the sum of $1,200, one-half to the informant, the other half to be paid over to the Clerk of the Inferior Court, and applied to County purposes.—And that in all cases where the said peddlers shall take out such license, and pay over to the Clerk the amount of taxes, and the Clerk shall neglect to pay over to the Treasurer, agreeably to the provisions of this Act, he shall be subject to indictment, and if found guilty, shall be fined in a sum not less than double the amount received by him.

Sec. II. [Directing the peddler’s person to be described in the license; and Sec. III. detailing the proceedings against offenders, re-enacted in 1824. See sec. 5 and 6.]

Sec. IV. [Directs collection of fines—secures the powers of corporations—exempts State manufactures—all re-enacted in Secs. 7 and 8.]

An Act to authorize all free citizens of the United States to carry Books, Maps, Charts, and Mathematical Instruments from place to place, for the purpose of sale.—Approved Nov. 25, 1822. Vol. IV. 309.

2. Whereas, one of the best means of securing the permanence of our institutions, and promoting the virtue and happiness of the people, is the dissemination of useful knowledge; and whereas, the most certain method of effecting this dissemination is the carrying of books from place to place, for sale among us:

Be it therefore enacted, That from and after the first day of January next, it shall be lawful for all free citizens of the United States to carry from place to place, and to sell in this State, such number of books, maps, charts, and mathematical instruments as they may think proper, without procuring license for so doing, or being subject to taxation or interruption therefor; * Provided, that this Act shall in nowise contravene the provisions heretofore or hereafter enacted in

*Part omitted superseded.
†See further as to privileged articles; sec. 8.
relation to itinerant traders in, or vendors of other goods, wares, and merchandize.

An Act to alter and amend an Act entitled an Act to impose an additional tax on peddlers, and other itinerant traders, passed the 9th day of December, 1819.—Approved Dec. 9, 1824. Vol. IV. 320.

Sec. I. [Requiring license from Comptroller General; repealed by Act of 1845; sec. 9.]

34. Sec. II. It shall be the duty of the Comptroller General, issuing licenses as aforesaid, to prescribe as nearly as he can, in every license that he may issue, the age, size, complexion, &c. of the person to whom such license is granted.

4. Sec. III. On oath being made before any judicial officer of this State, Justice of the Inferior Court, or Justice of the Peace, that a violation of this law has been committed, it shall be his duty to issue a warrant from under his hand, directed to any Sheriff, deputy Sheriff, Constable, or Marshal of any Town or City, commanding them, or each of them, to arrest the offender or offenders, seize, bring him or them and the goods, wares, or merchandize which they may have in their immediate possession before any Judge of the Superior Court, in term time, or before any of the Justices of Inferior Court, or Justices of the Peace; and if, on trial before any of them, it shall appear from the evidence that the charge or charges are malicious or unfounded, he, she, or they shall be discharged without cost; otherwise, he, she, or they shall be bound with one or more sufficient securities in the sum of $500, in a joint and several bond, for his, her, or their appearance at the next Superior Court to be held in the County where such offence shall have been committed, and on failing to give such security as the Court shall deem good and sufficient, shall be committed to jail; at which Court the Attorney or Solicitor General shall prefer a bill of indictment against the party so offending, who shall, if convicted, be fined by the Court in the sum of not less than $200, nor more than $300, for each and every violation of this law, and the party so offending shall stand committed until such fine or fines be paid.

5. Sec. IV. The fine or fines which may be incurred for each and every violation of this law shall be collected as all other fines or penalties; and when so collected shall form a fund in the hands of the Clerks of the Inferior Court of the several Counties in this State; and be appropriated at the discretion of the Inferior Court, to the support and maintenance of the poor of the County where such offence is actually committed.

6. Sec. V. This Act shall not prevent the corporation of any Town or Village from exacting from such peddler, or other itinerant trader, a sum not exceeding $15 for every day for which he, she, or they are found offering their goods, wares, or merchandize for sale therein: Provided, that nothing herein contained shall be so con-

*See sec. 7. †See sec. 11. ‡See secs. 7 and 9.
strued as to compel any person to obtain a license for trading on the manufactures of this State.

7. Sec. VI. The revenue arising under this Act shall be added to, and become a part of the poor school fund.

An Act to alter and amend an Act to impose an additional Tax on Peddlers and other Itinerant Traders, passed 9th December, 1824, and to punish such traders for illegal trading with slaves.—Approved Dec. 22d, 1831. Pam. 229.

[Superseded by Act of 1845; sec. 9.]

TAX ACT of 1832. Pam. 182.

8. Sec. IV. Nothing contained in the first and second sections of an Act, assented to on the 22d December, 1831, entitled an Act to alter and amend an Act to impose an additional tax on peddlers, and other itinerant traders, passed 9th December, 1824, and to punish such traders for illegal trading with slaves, shall be so construed as to permit or prohibit any individual from selling without license, any article which may be actually manufactured within this State; or any books, maps, or charts, which may be made either in this State or elsewhere.

An Act to authorize all free white citizens of this State, of one year's residence or longer, to peddle, and as itinerant traders to vend goods, wares, and merchandize in this State, and to repeal the parts of the law heretofore passed regulating the tax imposed on peddlers and itinerant traders so far as respects the amount required to be paid to obtain a license.—Assented to Dec. 23, 1839. Pam. 186.

[Superseded by Act of 1845.]

An Act to alter and amend the several Acts in relation to Itinerant Traders, and to prescribe the mode of their obtaining license.—Approved Nov. 27th, 1845. Pam. 36.

9. Sec. I. Be it enacted, That from and after the passing of this Act, when any person shall wish to traffic in and vend wares, goods, and merchandize, as an itinerant trader, he shall apply to the Clerk of the Inferior Court in which such person may wish to trade and traffic, for a license. And said Clerk shall issue said license granting permission to such applicant to trade and traffic as an itinerant trader within the limits of the County where such application is made, for and during one year from the issuing of said license. Provided, That such Clerk shall immediately notify the Justices of the Inferior Court, and the said Justices or a majority of them shall,
and they are hereby authorized and empowered to impose such tax as may seem most advisable. Provided, also, that said tax shall not be less than fifty dollars for said license, to be used by the Inferior Court for County purposes, and shall pay to said Clerk one dollar as his fee for issuing said license, and shall produce to said Inferior Court evidence of their good character, and shall also take and subscribe an oath before said Clerk, who is hereby authorized to administer said oath, that such applicant has resided in said State at least twelve months previous to such application. Provided, That nothing herein contained, be so construed as to prevent persons from peddling on such articles as are exempt under the present law.

10. Sec. II. Such person so applying for and obtaining such license, shall be subject to all the penalties prescribed by law, now in force, in relation to trading with slaves, and other interferences with the property of the citizens of this State, and shall be subject to the same rules and restrictions as are of force respecting the issue of the license to peddlers.

11. Sec. III. If any person shall trade and traffic in goods, wares or merchandise, as an itinerant trader as aforesaid, without having first obtained the license prescribed in the first section of this Act, he shall be guilty of a misdemeanor, and liable to indictment in the Superior Court of the County where such trading and trafficking took place, and on conviction shall be fined and imprisoned, or either at the discretion of the Court.

12. Sec. IV. Nothing in this Act shall be construed to take from the corporate authorities of the City of Savannah, the power to regulate peddlers within the limits of the City.

Sec. V. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

An Act to authorize the Inferior Courts of the several Counties in this State to grant License to certain persons therein described upon certain conditions.—Approved Feb. 21, 1850. Pam. 333.

13. Sec. I. Be it enacted, That from and after the passage of this Act, the Inferior Courts of the several Counties in this State shall, upon the recommendation of the Grand Jury thereof, be empowered to grant license to peddle in their respective Counties, to indigent and infirm persons, upon such terms and restrictions as they may impose.

Sec. II. All laws and parts of laws militating against this Act, be and the same are hereby repealed.

[Statutes relating to this title, omitted as obsolete, repealed or superseded. Act of 1796, Vol. I. 383; 1812, Vol. III. 532; 1816, Ib. 533; 1817, Ib. 535.]

*See sec. 13.