

THE
COLONIAL RECORDS
OF THE
STATE OF GEORGIA

VOLUME XIX.

PART II.

STATUTES, COLONIAL AND REVOLUTIONARY
1774 TO 1805.

COMPILED AND PUBLISHED UNDER AUTHORITY
OF

THE LEGISLATURE

BY

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UNIVERSITY OF CALIFORNIA

Act Attainting Persons of High Treason.

after the passing of this act, the said in part recited clauses of the said act of attainder and confiscation be, and they are hereby repealed; and that, in lieu of the terms mentioned in the said clauses, the sheriffs of the several counties for the time being, are hereby directed to expose to public sale, to the highest bidder, the personal goods and chattels of such persons mentioned in the said act; and that all sums of two hundred pounds and under be cash; all above two hundred pounds to be half cash, the other half one year's credit, with interest from the delivery; land security to be taken for all sold on credit, and four per cent. to be allowed for prompt payment on the parts for credit, before the delivery of such goods and chattels.

All sales of personal estates under two hundred pounds to be for cash, above that sum half cash, one year's credit on the other half with interest.

One fourth to be paid down on the sales of real estates.

Credit for one two and three years with eight per cent. interest.

With mortgages on the premises, and other security.

2. AND BE IT FURTHER ENACTED BY THE AUTHORITY AFORESAID, That the said sheriffs be, and they are hereby directed to sell and dispose of the real estate directed to be sold as aforesaid, to the highest bidder, the one fourth part of the purchase money to be paid at the time of such sale, and the remainder in three equal payments, yearly, together with interest from the day of sale, at the rate of eight per cent. per annum, and the said sheriffs (under the inspection of a committee appointed by the house) are hereby directed to demand, and take of such buyer of real estate, so sold as aforesaid, good and sufficient security by mortgage on the premises, and other security as may be necessary for the safety of this State, for the faithful

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faithful payment of such remainder of purchase money so due and to be paid as directed by this act.

3. *And be it further enacted, by the authority* aforesaid, That the respective sheriffs in each county in the said state, be and they are hereby authorized and empowered to make and execute title or titles to such person or persons as may purchase any part or parts of the said confiscated estates, either real or personal, and that such title or titles be, and they are hereby declared to be, valid in law.

Titles, how to be executed.

By order of the House,

N. W. JONES, *Speaker.*

October 30, 1778.

(State Archives.)

AN ACT, *for the better ordering and regulating the Militia of this State.*

WHEREAS a well ordered and disciplined Militia, is essentially necessary, to the Safety, peace and prosperity, of this State, and a Militia Law, upon just principles hath ever been regarded, as the best Security of Liberty and the most effectual Means, of drawing forth and exerting

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exerting the Natural Strength of a State, BE IT ENACTED and it is hereby enacted by the Representatives of the People of the State of Georgia in general Assembly met, and by the authority of the same, That the Governor or Commander in Chief for the time being, with the advice and consent of the Executive Council, shall have power to assemble and call together all Male Persons, except as hereafter excepted, in this State, from the age of Fifteen to Sixty Years, within the Towns, divisions, Counties, Parishes or places within this State, at such times, and Arm and Array them, in such manner as is hereafter expressed and declared, and to form them into Companies, Troops and Regiments, and in case of Insurrection, Rebellion or Invasion them to lead, conduct, or employ, or cause to be led, conducted, and employed, as well within the said Towns, divisions, Counties, parishes or places, where such Persons reside, as into any other division, parish, County or place within this State, for suppressing all such insurrections, as may happen to be, AND BE IT FURTHER ENACTED by the authority aforesaid, that in every division within this State, there shall be formed, one or more Battalion or Battalions, as the case may happen and within every Parish, in the respective divisions, one or more, Company, or Companies, which said Battalions, and Companies, shall consist of such Number of Men, as follows: That is to say, each Battalion men, and each Company of not more than Sixty or less

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less than Twenty-five men (except the Grenadiers, Light Infantry and the Independent Artillery Companies one Captain two Lieutenants and not more than, four Sergeants, and the said Companies so formed, shall, and they are hereby required, to elect by Ballot, fit and discreet persons, within their respective divisions, to be Officers of the said Company, in the rank and degree of Captain, first and second Lieutenants, and the said Captain, of each Company, shall have a right to appoint such Persons, to be Sergeants, as to him shall seem right, and a Suitable Person for a Clerk in his Company-

AND BE IT FURTHER ENACTED by the authority aforesaid, that the Commissioned Officers, of each company, so elected and chosen as aforesaid, forming such Regiment or Battalion, ^{NWJ} of each division, in this State, shall as soon as may be, Elect by Ballot, fit, able and discreet men, to be Field Officers of the said Regiment or Battalion, consisting of one Colonel Lieutenant Colonel and one Major, and the Governor or Commanding Officer of this State, upon being properly certified of such Election of Field Officers of Regiments or Battalions and each Officer, directed, to be elected by this Act by the Persons forming themselves into Companies, is hereby required to give and grant such Officer and Officers, his and their Commissions, specifying the Nature of the Appointment, of such Officer or Officers and the duties required of him and them PROVIDED such Choice and Election be

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be made, within two Months, from the passing of this Act, in the several Counties of this State, and it is the intent and meaning of this Act, that there be a general Election thro' this State, and where the Companies now formed, shall not proceed within the aforesaid time, to the Election of Officers, it shall be considered that the Officers already chosen are approved of, and Commissions granted them as if they had been chosen anew. AND BE IT FURTHER ENACTED by the authority ads.^d. that in case of the death, or departure, from the State, or Resignation of any Officer, that hereafter may be appointed, and elected, such Vacancy shall be filled up, by some person, residing in the district, where such Company belongs, and vacancy so happening; and in Case it shall happen, that there be not twenty five men, in a district, they are forthwith, to be joined to some one or other of the Companies, nearest to such district or division

AND BE IT FURTHER ENACTED by the authority aforesaid, that it shall be and may be lawful to and for the Colonel or in his absence the next Field Officer of every Battalion formed, or to be formed in this State, to cause such Companies to assemble together, within the County or division, of such Battalion, to which such Companies, shall respectively belong, And there to train and exercise such Companies in Battalions in such manner and form, and in such mode and way of exercise as shall be fixed

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on by the Governor and Council of this State; and all companies now formed, or that hereafter may be formed upon any Islands along the Sea Co[a]st, in this State, shall not by this Act be obliged to appear at any General Muster, but at Musters within their districts, and Islands, as often as, is hereafter pointed out and directed

AND BE IT FURTHER ENACTED by the authority aforesaid, that the Captains of the several Companies, in each division or County, in this State, shall respectively enter, enlist and enroll, the names of all the Male Inhabitants, of this State, from the age of Fifteen, to Sixty Years, within their several and respective Counties, and divisions, and shall cause the several Persons so enlisted, to be duly summoned to appear, at the times and places appointed for ordinary Musters, in each respective County, and division, and the publishing the Muster days aforesaid shall be deemed a sufficient Summons, within the intent of this Act, to oblige the Persons liable to appear at such Musters and the Persons whose Names shall be so entered enlisted and enrolled shall be deemed and held to be enlisted in and to belong to the Company of that County or division in which they shall so be enlisted and enrolled and shall be obliged to appear at Musters and on all other occasions and to be subject to the directions of this Act without any further Notice whatsoever AND BE IT FURTHER ENACTED by the authority aforesaid

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aforesaid, that every person liable to appear and bear Arms at any Muster, exercise or training hereby appointed, pursuant to the directions of this Act, shall constantly keep and bring with him, to such training, exercising or Muster, one good Gun, Bayonet, hanger, sword or hatchet, a Cartouch Box, twelve Cartridges a powder horn and half pound of Powder, with at least twenty four rounds of Lead, a Worm, pricker and four Flints each, to be produced at Musters and at all other times retained in every Persons House, and it shall and may be lawful to and for the Officers of the respective Companies as many times as may be agreed upon by them to visit the Inhabitants belonging to their said Companies and to demand a sight of their Arms, Furnature Ammunition and Accoutrements aforesaid and in Case it appears any Person shall neglect or refuse to produce any of said Arms, Furnature Ammunition and Accoutrements or to suffer the same to be viewed and inspected, or if when produced the said Officers shall find the same defective, every Person offending shall forfeit a Sum not exceeding Five pounds to be recover'd and levied as other Fines are directed to be recovered by this Act and in Case any Person liable to appear and bear arms at Musters as aforesaid shall neglect or refuse to appear compleatly armed and furnished as aforesaid at any General Muster of the Battalion to which the Company in which he is entered and enlisted shall belong, every such person shall forfeit and pay a Sum not exceeding Ten pounds

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pounds and in case any such Person shall neglect or refuse to appear in manner aforesaid at any ordinary Muster, every such person shall forfeit and pay a Sum not exceeding five pounds, which said several penalties shall be recovered and disposed of as herein after directed.

AND BE IT FURTHER ENACTED by the authority aforesaid that in case any Person (not herein after exempted) liable to bear Arms shall remove from one division or County to the other, it shall be lawful for the Captain or Commanding Officer of the Company to which such persons last belonged, to levy the penalties inflicted by this Act for non Appearances at Musters and for not having or being provided with sufficient Arms and Furnature, in the same manner as if such Person had not removed from the division or County to which he belonged untill such time, the Person so remaining shall produce a Certificate from the Colonel or commanding officer of the Battalion or from the Captain or Commanding Officer of the Company of the division or County into which such person shall remove, that such person is entered, enlisted and enrolled in the company of such Captain or commanding Officer of the division or Battalion to which such person is removed.

AND WHEREAS it may very much contribute to the safety and welfair of this State, to have a Troop or Troops of Horse and a Company of Artillery for the first, second and third Battalion

Battalion in readiness on particular and extraordinary occasions, BE IT FURTHER ENACTED by the authority aforesaid that the Governor or Commander in Chief for the time being, be hereby authorized and empowered from amongst the Inhabitants of this State who have sufficient substance to undergo the Charge and will Voluntarily come and enlist, to form a troop or troops of Horse and companies of Artillery not exceeding fifty men of each Battalion and it shall and may be lawful for the Commissioned Officers, appointed to command such troop or troops of Horse and Companies of Artillery to Muster train and Exercise them, not less than once in two Months in times of peace, at such place or places as the Commanding Officer of each troop of Horse or Company of Artillery shall direct and appoint, the said troop or troops of Horse and Companies of Artillery, to be and remain and be subject to the same pains and penalties, as other Companies now or hereafter may be raised by virtue of this Act, are, or may be, subjected to.

AND BE IT FURTHER ENACTED by the authority aforesaid, that every Captain or other inferior Commissioned Officer of any company within this State who shall refuse or Neglect to conduct or lead his company or attend the same to the place of Rendezvous at any General Muster hereby appointed, or to the exercising the Company in Battalion, according to the directions of this Act, every such Captain or other inferior

inferior Commissioned Officer of any company, who shall so refuse or neglect as aforesaid, shall for every such offence forfeit and pay a sum not exceeding twenty pounds and the said Offences shall be heard and determined and the said fines levied in the same manner as other Offences of Captains or other commanding Officers of Companies by this Act, are directed to be tried, heard, determined and levied.

AND BE IT FURTHER ENACTED that it shall and may be lawful, for every Colonel, or in his absence the next Commanding Officer, in command, and they are hereby directed to order and appoint General Musters of their respective Battalions as well of Horse as foot, not exceeding four times, nor less than twice every Year in times of War and twice in every Year, in times of peace, at such times and places in the County or division to which they respectively belong, as shall be issued in Orders by the Commanding Officer of each Battalion (PROVIDED always, and it is hereby declared and enacted, that in Case of an Attack, Invasion or Insurrection made on any County in this State, it shall and may be lawfull for, and the said Colonel or other Commanding Officer, of the Battalion of such County, is hereby required to order out, lead forth and March with his said Battalion, or any part thereof, to repel such Attack, or invasion, in such way, as he may judge proper, giving immediate Notice thereof to the Governor, by express, under the penalty

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penalty of One hundred pounds, and also every Captain or other Commanding Officer, of the several Companies, in this State, are hereby directed, and required, to assemble, Muster, train and exercise, their respective Companies for ordinary Musters, Once in every Month in time of War and once in every two Months in time of peace, in such way, and at such times and places, as the said Captains or other Commissioned Officers of Companies shall or may think fit to appoint, giving Notice of such Muster by beat of drum, or in such other expeditious manner as such Colonel, Captain, or other Commanding Officer shall think fit PROVIDED also and it is hereby declared that no person or Persons whatsoever shall be compelled or obliged, at any General Muster, to go out of the County, where such Person resides, nor to remain at the place of such General or Ordinary Musters, above one day, except in time of Actual Rebellion, insurrection, or invasion, or State of Alarm, that may happen-

AND BE IT FURTHER ENACTED by the authority aforesaid, that the said Field Officers, hereby are declared to have a right, and are directed to appoint, proper Persons, to be Adjutant and Quarter Master, of their respective Battalions, AND BE IT FURTHER ENACTED by the authority aforesaid, that no Civil Officer whatsoever shall on any pretence execute any Process (unless for treason, Felony or Breach of the Peace) on any person whatso-

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ever at any Muster, or other time, when such Person, is obliged to bear Arms, in direction of this Act, nor in going to, or returning from, any Muster, or place of Rendezvous, or within twenty four Hours, after such Person shall be discharged, from appearing in the Battalion or Company, to which he shall belong, under the penalty of Twenty five pounds, and the service of any such process, on any such Person is hereby declared to be void, and all Arms and Furniture, which are by this Act required to be provided, shall not be liable to be seized, distrained or taken, in Execution for any cause whatsoever under the penalty of Fifty pounds, to be sued for and recovered against the Person or persons so offending, in such Manner as hereafter is directed- AND WHEREAS to repel the Invasion of any publick Enemy and to suppress any dangerous insurrection or Rebellion, it may be absolutely necessary to assemble and raise the greatest part of the Militia of this State BE IT THEREFORE ENACTED by the authority aforesaid, that if the Governor or Commander in Chief for the time being, shall receive information, that any Enemy, or armed force, shall suddenly intend to invade this State, or if any dangerous insurrection or Rebellion, shall be actually raised, which cannot be suppressed by one single Company, it shall and may be lawful for the said Governor and Commander in Chief for the time being, by and with the advice & consent of a Majority of the Executive Council then present, to raise and

Assemble

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Assemble so many of the Battalions, Troops, and Companies in this State, as the said Governor or Commander in Chief shall think sufficient and able to repel and suppress any such Invasion, insurrection or Rebellion and for the more effectual execution thereof, it shall and may be lawful for the said Governor or Commander in Chief, for the time being, with the consent aforesaid to make and publish, or cause to be made and published an Alarm throughout the whole State, by firing six Guns, two at a time, three Minutes distance, and by sending Orders and expresses to the Field Officers or other Officers of the Militia, to raise their several and respective Battalions, Troops or Companies, or such part of them as shall be ordered to march and rendezvous at such proper times and places within this State, as the said Governor or Commander in Chief shall think Fit, and the said Alarms shall be carried on thro' the whole State, by all the commissioned Officers of the militia in the most convenient and ready way from place to place and by speedy raising their several companies, and taking all effectual measures, to give notice of the Motion of the Enemy, and forwarding with the utmost expedition all necessary Information, to the Governor or Commander in Chief, and by putting in Execution all such orders as they shall receive from their Superior Officers, And in case any person liable to bear arms shall refuse or neglect, to communicate any alarm that may happen, or give notice according to his best endeavors

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endeavors, of the Enemies approach, every Person so offending shall Forfeit and pay the Sum of Fifty pounds, and in case any such person after he hath given notice of an Alarm, does not forthwith repair, compleatly Armed and accoutred as aforesaid, with all convenient speed, to the place where the Regiment, Troop or Company, to which he shall belong shall be appointed to Rendezvous, every such Person shall forfeit a Sum not exceeding one hundred pounds.

AND BE IT FURTHER ENACTED by the authority aforesaid, that when it shall so happen, that the Militia of this State, or any part thereof, are raised and embodied, and incamped or marching, with intent to oppose the Enemy, or otherwise to act in defence of this State, such Militia on duty as aforesaid, shall be subject to the Continental Articles of War, are hereby declared to be the rule of conduct of such Militia, and all officers and privates, so on duty aforesaid, are hereby directed to govern themselves in conformity thereto, except in cases, where, by the said Continental Articles of War, Corporal Punishment, of any nature is ordered to be inflicted, and instead of such Corporal Punishment, pecuniary Mulets and Fines shall be inflicted, levied and recovered from Offenders, not exceeding Fifty pounds, for any offence to be adjudged of by a Court Martial, in such manner as is hereafter directed, And in case the person so offending, shall think himself aggrieved

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grieved by such a Fine, he has authority thereby, to appeal from such sentence of a Regimental Court Martial, to a General Court Martial.

AND BE IT FURTHER ENACTED by the authority aforesaid, that in case of an Alarm, insurrection or invasion, all Field Officers, or Captains are hereby directed to make application to the nearest Magistrate where any Militia, on duty may be stationed, and make known to the said Magistrate, if need be, the necessity, of impressing provisions and other necessary Articles for the use of such Militia, or others encamped, or Marching to oppose the Enemy as aforesaid, and upon such Case being known, and the necessity appearing, the said Magistrate is hereby required, to issue a Warrant under his hand & seal, directed to any Constable of the County or Parish, Officer or Private of such Battalion, Troop or Company requiring them or either of them, to impress any provisions, Horses, Waggon Carriages, Boats or Vessels, with their Furniture and appurtenances, and whatever other things they shall want, or need of, and as are expressed in the warrant for that purpose, to and for the use of this State; And the said provisions or other things so impressed as aforesaid, by those empowered so to do, shall be brought to, and appraised and valued on Oath by three or more indifferent persons, being Freeholders and competent to judge of the things so impressed,

and

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and that when the same shall be so valued and appraised, the said officer shall give a receipt to the Owner thereof, and that he do cause the said valuation and appraisement, to be entered in a Book, for that purpose, and that the said appraisers, shall appraise & ascertain any loss or damage that may happen or befall to the said Effects, so impressed for the service aforesaid, or allow a competent hire for the same when returned to the said owners, as the case shall require, and the same to be given under the hands of the appraisers, certified by such commanding officer, to the Owner or Owners, directed to the Governor & Council who if they approve of the same, shall draw on the Treasurer for the Amount of such certificate, who are hereby ordered to pay the same, and also that such Commanding Officer of such Battalion or Company after such alarm shall be over, and before his men be discharged, shall order as many persons, under his command as may be necessary, to return such Horses, Boats, or other effects they shall have impressed, to the respective owners they giving receipt upon the delivery of the same, and the persons returning the Effects herein before mentioned shall be allowed a reasonable sum of Money for their trouble, upon producing a Certificate of such Service being performed, by the Commanding Officer, and of which the said officer shall judge, and draw on the Treasurers of this State, for and who are directed to pay the same sum of Money so allowed as aforesaid.

And

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AND BE IT FURTHER ENACTED by the authority aforesaid, that the Commanding Officer, or Captain of each Company do lodge and secure in some convenient place, for the public use all provision and ammunition impressed, by virtue of any Warrant for that purpose, and that shall remain unexpended after an Alarm, and that he transmit the same to the public Commissary within twenty days after such alarm is over, and the Commissary is hereby required to lay such accounts before the Governor or Commander in Chief for the time being, who is hereby authorised and empowered, by and with the advice and consent of the Executive Council, to order such remaining stores to be sold, and the Monies arising therefrom to be paid into the public Treasury, to be disposed of, as the General Assembly shall direct, AND WHEREAS in time of invasion, if the Militia of the whole State, were to be assembled, great danger might arise from Insurrections, or other wicked Attempts of Slaves, for the prevention thereof BE IT ENACTED by the authority aforesaid, that when it shall be found necessary, to march the several Battalions, Troops or Companies, or any of them, out of their proper divisions or Counties one third part at least of every Company in this State, shall stay and remain where they belong, and be formed into patrols under the command of such officers, as the Commissioned Officers of the Company shall appoint, and under whose command, they shall respectively continue, until

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till the rest of the Company shall return to their habitations, and be discharged from bearing arms, and the Patrols so formed shall be obliged to be on constant duty, and to ride patrol and guard the plantations, and keep the Slaves, in good order, and place proper Guards, Centinels and Watches, at proper places, to give notice of danger, and to take up all white Persons who cannot give a satisfactory account of themselves and carry them before a Justice of the Peace to be dealt with as is directed by the Vagrant Act, and the said Patrol hereby established, have full power and authority, to take up try and punish, all disorderly and mischievous Slaves by ordering such Slave or Slaves, a number of lashes not exceeding thirty nine and in case any person or persons whatsoever, who shall stay & remain as aforesaid shall neglect or refuse to ride patrol or to watch, stand Centinel or keep Guard, or do any other duty hereby enjoined, or shall refuse to obey the lawful Commands of any person who shall be appointed to command such Patrol, every person so offending shall forfeit and pay a sum not exceeding Ten pounds sterling.

AND BE IT FURTHER ENACTED by the authority aforesaid, that when any Company, shall receive Orders to march out of their County or division, the Captain or other Commanding Officer, present, shall cause the names of all the persons who are entered & enrolled in such Company to be wrote down on small pieces
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of paper, to be folded up and put into a Hat, shaken together, and the Clerk or Sergeant of the said Company shall draw out of the hat, the names of so many persons as will exceed two thirds of the said Company; and the persons whose names shall be drawn, shall march according to such orders as may be given for that purpose, by their Superior Officer, PROVIDED that after they are drafted, they shall continue in rotation untill the whole Company has done duty, and the rest of the Company so remaining in their several Counties or divisions, are directed and required to do the patrol duty as directed by this Act; PROVIDED always, that if any person whose name shall be drawn as aforesaid, and be thereby obliged to march, can procure an able man, to be approved by the majority of the Officers of the Company, to which such Persons belong, compleatly armed and Furnished, as this Act directs, every such person shall be permitted and have liberty to do so, and upon sending out such able man in his stead, shall be excused from marching in person PROVIDED also, that the person who procures and sends another, in his room, shall not withstanding be obliged to do patrol duty, as formed by this Act, and shall be subject to all the penalties and forfeitures by this Act inflicted, on such as shall be guilty of disobedience, or neglect or refuse to ride in such patrol.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if any officer of Militia

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tia, or any other Person whatsoever who by this Act, shall be obliged to bear arms, shall knowingly or wilfully, in time of Rebellion, insurrection or invasion, offend in anything against this Act, or shall neglect or refuse to do, execute or perform, any Act, matter or thing, which by this Act is required, directed prescribed or enjoined by him or them to be done, executed or performed, for which no particular penalty, is hereby inflicted, that every Person so offending neglecting or refusing, as aforesaid, shall incur, forfeit and pay the several mulcts penalties and forfeitures, following, that is to say, if such Person so offending, refusing or neglecting as aforesaid, shall be a commissioned officer of the Militia, above the degree of a Captain, the several persons hereby empowered to hear & determine offences committed against this Act, shall and may and they are hereby authorized & empowered to inflict on such person a pecuniary mulct or fine not exceeding the sum of one hundred and Fifty pounds, and in case the person offending, shall be a Captain, or any inferior commissioned officer under the degree of a Captain in the Militia, a pecuniary mulct or fine shall be inflicted as aforesaid, not exceeding the sum of one hundred pounds, and if any non-commissioned officer of the respective troops or Companies, or any private person that is obliged to bear arms as aforesaid, shall offend in anything against this Act, for which no particular penalty is inflicted, there shall be inflicted as aforesaid a

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Mulet or Fine not exceeding the sum of Fifty pounds, according to the nature of the offence but if any person so offending shall have no goods to be levied on, and shall neglect or refuse to pay the mulet, or fine which shall be inflicted as aforesaid, for the space of ten days, he shall be committed, to the next common Goal, or other place of confinement, and there to remain for a space of time not exceeding one month.

AND BE IT FURTHER ENACTED by the authority aforesaid, that all offences against this Act, shall be examined heard and tried, adjudged and determined, in manner following, that is to say all offences committed by any Field Officer shall be heard, tried and determined, by the Governor of this State, for the time being, and a Majority of the Council, and all offences committed by any Captain or inferior commissioned Officer shall be heard, tried and determined by a Court Martial to consist of not less than seven Commissioned officers of the Battallion, to which such Captain or inferior Officer shall belong; and all offences committed by any non commissioned officer, or private person, who by this Act is obliged to bear Arms, shall be heard, tried & determined before the Majority of the commissioned Officers of the troop or Company, to which such person shall belong, at such time or times place or places as the said Officers shall think fit, to assemble and meet together and the said Commissioned Officers of the said troop or Company or a Major-
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ity of them, shall proceed against such offender or offenders so summoned in the most expeditious and summary way without observing formalities of law, only examining into the truth of the Case, by the examination of witnesses upon oath and such other Evidence as can speedily be had, and upon conviction of any offender the said Governor & Council or field Officers, or Commissioned Officers respectively, are fully authorized and empowered to levy the mulets and penalties inflicted by warrant of distress and Sale of the offender's goods, returning the overplus if any there be, but in case the offenders shall refuse to produce Goods, then by warrant to commit the offenders to the next Common Goal, or other place of Confinement, and in case it shall so happen, that if any Person or Persons, against whose Body such Warrant shall be granted as aforesaid, shall be refractory and refuse to give obedience thereunto, the Marshals or Sergeants aforesaid or other person or persons, to whom such Warrant shall be directed, are hereby impowered and required to demand all necessary assistance to compel such offender to the common Goal or other place of Confinement and all the Charges and expence which shall attend the execution of the Warrant of Commitment aforesaid, shall be taxed and ascertained by any Justice of the Peace in this State, who is hereby required to do the same, without Fee or Reward, and such taxation shall be delivered to the keeper of the said Goal, together

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gether with the said Warrant, and such offender shall remain in prison for the space of one Month, untill the said fine or Mulet, and the charges and expences so taxed, shall be fully paid and satisfied.

AND BE IT FURTHER ENACTED By the Authority aforesaid, that all fines and penalties whatsoever except as hereafter excepted shall be applied in providing Drums Colours arms and other accoutrements for the use of the Battalion Troop or Company to which such Officer or private so fined respectively belongs.

AND BE IT FURTHER ENACTED by the authority aforesaid, that one half of all Fines incurred for non appearance at private and General Musters be given to the Sergeants of the respective Companies for their trouble in collecting the Fines which may be incurred under and by virtue of this Act.

AND BE IT FURTHER ENACTED by the authority aforesaid, that the Militia of this State when ordered out on scouting shall be entitled to the following pay for such time as they may be actual service viz. Officers and privates the sum of one shilling and three pence per diem, for pay, and two shillings and three pence in lieu of rations, and proper pay Rolls shall be produced of the names of the Persons doing such duty, the date of their entrance and discharge and by whose orders the same was done,

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done, which shall be certified by the Commanding Officer of the department, and attested by the Officer commanding the Scout.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that nothing in this Act, shall extend to oblige the following Persons from doing common Militia duty— Viz' the Members of the House of Assembly, Chief Justice, Attorney General, School Masters, Ministers of the Gospel, Collectors of the Customs, Printer, Auditor general, except in cases of Alarm and that the Persons herein after named, be exempt from all Militia duty, to-wit— the Governor and Executive Council, Physicians, Surgeons, Pilots, Ferrymen, Sheriffs, Treasurers, Lunaticks, Idiots and Madmen.

AND BE IT FURTHER ENACTED by the authority aforesaid, that in order that neither officer or men may plead Ignorance, it is further directed, that the Commanding Officer of each company shall cause this Act, to be read at the head of his Company at least three times in every Year & in case of neglect he shall be fined in a sum not exceeding twenty pounds.

AND BE IT FURTHER ENACTED by the authority aforesaid, that this Act shall continue and be of force, for and during the term of three years, and from thence to the end of the next session of Assembly, unless the same be altered,

 Estates of Non-Residents to be Confiscated.

tered, revised and amended by this or some future House of Assembly.

By order of the House

NW JONES Speaker.

November 15th: 1778

(State Archives.)

An act to compel non-residents to return within a certain time or in default thereof, that their estates be confiscated, and for confiscating the estate of William Knox, Esq. formerly provost marshal, of the then province, now state of Georgia.

Preamble.

1. WHEREAS great indulgence hath already been granted to persons residing in the dominions of the king of Great-Britain holding property within this state; AND WHEREAS it is necessary that such persons should share with the good people of this state, the expence and danger of defending the same: BE IT THEREFORE ENACTED BY THE REPRESENTATIVES OF THE FREEMEN OF THE STATE OF GEORGIA IN GENERAL ASSEMBLY MET, AND BY THE AUTHORITY OF THE SAME, That the estates of all persons above the age of twenty-one years residing in the dominions of the king of Great-Britain, situate and being within

Estates of persons residing in the British dominions, forfeited unless they return to the state and take certain oaths, within twelve months.

 Estates of Non-Residents to be Confiscated.

within this State, who shall not within twelve months next after the passing of this act come within the same and take and subscribe the oaths of the state as directed and required by the constitution and laws thereof, shall be forfeited, confiscated, and sold to the use of the state, and the monies arising therefrom applied to the like uses, as the monies arising from the sales of the estates under the act of attainder and confiscation, *Provided*, That nothing in this act shall be construed to extend to persons disabled by a former act of this house, entitled an act for attainting certain persons therein mentioned of high treason for confiscating their estates both real and personal to the use of this state.

2. AND WHEREAS William Knox hath by a long train of inimical acts forfeited all and every degree of right to protection of property within this state, and hath been very active in advising and continuing the miseries and calamities with which the good people of this state hath been afflicted: *Be it therefore enacted, by the authority aforesaid*, That the estate of the said William Knox, both real and personal, be sold under the regulations of the act of attainder, and the monies arising from the sales be applied to the uses directed by the said law.

William Knox.

His estate to be confiscated and sold.

By order of the House.

N. W. JONES, *Speaker*.

November 15th, 1778.

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